

# 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**

Friday, May 17, 1957

Senate called to order by the President.

Prayer by Rev. Dwain Evans, Augusta.

On motion by Mr. Farley of York, Journal of yesterday read and approved.

**Papers from the House**

Bill, "An Act to License and Regulate Operation of Trading Stamp Companies." (H. P. 895) (L. D. 1281)

In Senate on May 15, Ought not to pass report accepted in non-concurrence.

Comes from the House, that body insisting upon its former action whereby the bill was passed to be engrossed as amended by House Amendment A (Filing No. 297) as amended by House Amendment A (Filing No. 345) thereto, now asks for a Committee of Conference.

In the Senate, on motion by Mr. Lessard of Androscoggin, 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 Senators: Lessard of Androscoggin, Farley of York and Carpenter of Somerset.

Bill, "An Act Relating to Equipment of Rail Track Motorcars Used by Railroad Transport Employees." (S. P. 531) (L. D. 1498)

In Senate on May 15, passed to be engrossed.

Comes from the House, Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Curtis of Cumberland, the Senate voted to indefinitely postpone the bill in concurrence.

**House Committee Reports  
Leave to Withdraw**

The Committee on Judiciary on "Resolve Authorizing Board of Bar Examiners to Permit Albert N. Tardif of Portland, to take Bar Examination." (H. P. 371) (L. D. 501) reported that the same be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Establishing Minimum

Wages for Employees." (H. P. 879) (L. D. 1247) reported that the same be granted Leave to Withdraw. Covered by Other Legislation.

Which reports were read and accepted in concurrence.

**Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Repealing the Assessment of Towns for Aid to Dependent Children." (H. P. 259) (L. D. 357) reported that the same Ought not to pass.

The same Committee on Bill, "An Act to Provide a Uniform Allowance for National Guard Officers." (H. P. 498) (L. D. 710) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Forest Practices." (H. P. 966) (L. D. 1366) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to a Consultant to Aid Farmers' Cooperatives." (H. P. 1012) (L. D. 1442) reported that the same Ought not to pass.

The same Committee on "Resolve to Provide Funds for Matching Federal Funds for Training in Fisheries Trades." (H. P. 697) (L. D. 1004) reported that the same Ought not to pass.

The same Committee on "Resolve Appropriating Moneys for Educational Institute in Vocational School in Aroostook County." (H. P. 698) (L. D. 1005) reported that the same Ought not to pass.

The same Committee on "Resolve Appropriating Moneys for Vocational Educational Institute in Androscoggin County." (H. P. 1013) (L. D. 1443) reported that the same Ought not to pass.

The Committee on Business Legislation on Bill, "An Act Relating to Savings Bank Life Insurance." (H. P. 700) (L. D. 1007) reported that the same Ought not to pass.

The Committee on Judiciary on Bill, "An Act Creating Deputy Municipal Tax Collectors." (H. P. 73) (L. D. 100) reported that the same Ought not to pass, as Covered by Other Legislation.

The same Committee on Bill, "An Act Permitting Voluntary Admissions and Discharges at Pownal State School." (H. P. 1004) (L. D.

1441) reported that the same Ought not to pass, as Covered by Other Legislation.

The Committee on Legal Affairs on Bill, "An Act Relating to Disposition of Commissions on Pari Mutuel Pools." (H. P. 947) (L. D. 1340) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Welfare on Bill, "An Act Relating to Requisites for Old Age Assistance." (H. P. 83) (L. D. 109) reported that the same Ought not to pass.

Comes from the House, bill substituted for the report; subsequently, Indefinitely Postponed.

In the Senate, on motion by Mr. Reed of Aroostook, indefinitely postponed in concurrence.

The Committee on Liquor Control on Bill, "An Act Relating to Local Option for Sale of Liquor by Certain Part-time Hotels." (H. P. 665) (L. D. 946) reported that the same Ought not to pass.

Comes from the House, bill substituted for the report and passed to be engrossed as amended by House Amendment A (Filing No. 432)

In the Senate, on motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report.

#### Ought to Pass

The Committee on State Government on Bill, "An Act Relating to State Owned Cars for Supervising State Fire Inspectors." (H. P. 26) (L. D. 31) reported that the same Ought to pass

Comes from House, report accepted and the bill passed to be engrossed as amended by House Amendment A (Filing No. 404)

In the Senate, report was read and accepted and under suspension of the rules the bill was given its two several readings; House Amendment A was read and adopted and the bill as amended was passed to be engrossed in concurrence.

#### Ought to Pass—N.D.—New Title

The Committee on Highways on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Twenty-Six Million Six Hundred

Thousand Dollars on Behalf of the State of Maine for the Purpose of Building State Highways." (H. P. 968) (L. D. 1368) reported same in New Draft (H. P. 1056) (L. D. 1504) and Under a New Title: "An Act to Authorize the Issuance of Bonds in the Amount of Twenty-four Million Dollars on Behalf of the State of Maine for the Purpose of Building State Highways." and that it Ought to pass

Comes from the House passed to be engrossed.

In the Senate, on motion by Mr. Parker of Piscataquis, the report was read and accepted, and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

The Committee on Transportation on Bill, "An Act Increasing Registration Fees for Motor Vehicles." (H. P. 865) (L. D. 1227) reported same in New Draft (H. P. 1088) (L. D. 1572), Under New Title: "An Act Increasing Registration Fees for Motor Vehicles and Operators' Licenses."

On motion by Mr. Cole of Waldo, the report was read and accepted and the bill read once; on motion by Mr. Boucher of Androscoggin the rules were suspended, the bill read a second time and passed to be engrossed in concurrence.

On motion by Mr. Low of Knox, out of order and under suspension of the rules:

ORDERED: the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 20, 1957. (S. P. 599)

Which was read and passed.

Sent forthwith to the House for concurrence.

Subsequently, the foregoing Order was returned from the House, having been read and passed in concurrence.

#### Majority—ONT P

#### Minority—OT P

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Obstructions in Windows of Liquor Licensed Premises." (H. P.

430) (L. D. 606) reported that the same Ought not to pass.

(Signed)

Senators:

CARPENTER of Somerset  
BOUCHER of Androscoggin  
WILLEY of Hancock

Representatives:

CROCKETT of Freeport  
COUTURE of Lewiston  
DOSTIE of Winslow  
PIERCE of Bucksport

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

(Signed)

Representatives:

CHRISTIE of Presque Isle  
RICH of Charleston  
ANTHOINE of Windham

Comes from the House, Passed to be engrossed as amended by House Amendment A. (Filing No. 415)

In the Senate, Mr. Carpenter moved that the Senate accept the Majority ought not to pass report of the Committee.

Mr. REED of Aroostook: Mr. President and members of the Senate, I rise in opposition to the motion of the Senator from Somerset, Senator Carpenter and I would offer some information regarding L. D. 606 for your consideration. I find there are 342 active licensed restaurants, beer parlors so-called, and 7 part time restaurants according to a report issued yesterday from the State Liquor Commission. This bill would assist officers in checking on patrons of such licensed premises, minors and others who should not be so served on these premises. The act would not prohibit the posting of a menu or other reasonable matter in the window. It does not prohibit the use of venetian blinds. It does not mean there should be a clear view from the street. There is a rule now in the rules and regulations of the commission which says that signs or other advertising matter shall in no manner obstruct the interior premises from the street and shall be of reasonable dimensions.

If this rule is a good one, why not complete the picture by making the view clear as far as interior

obstructions are concerned. I might point out it does not apply to licensed lounges, merely for these restaurants or so-called beer parlors and it seems to be a reasonable bill and I would hope that you might give it consideration and oppose the pending question.

Mr. PIKE of Oxford: Mr. President, I simply want to concur with everything that the Senator from Aroostook Senator Reed, has said.

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table pending the motion of Senator Carpenter of Somerset to accept the ought not to pass report.

The PRESIDENT: The Chair at this time notes the presence in the Senate Chamber of one of Maine's distinguished citizens, a citizen who has given freely, generously and intelligently of his services to the state and nation and I think it very fitting that the Senator from Kennebec, Senator Martin, escort to the rostrum former Congressman and my good friend, Charlie Nelson.

HON. CHARLES NELSON: Mr. President and members of the Senate, I am deeply appreciative of the honor of being called to the rostrum of this Senate. It was years and years ago that I use to frequent the Senate and I have always had in all my eight years of service in the Congress, the deepest admiration and respect for our Maine legislative bodies. It is wonderful to be back here, even though I am now serving in a dual capacity and it is extremely nice to be recognized by the President of this distinguished Body.

#### **Report A — OTP in Same New Draft Report B — ONTP**

Five Members of the Committee on Taxation on Recommended Bill, "An Act Relating to Property Tax Exemption for Benevolent and Charitable Institutions." (H. P. 400) (L. D. 530) reported (Report A) that the same Ought to pass in Same New Draft (H. P. 1036) (L. D. 1467)

(Signed)

Senator:

WYMAN of Washington

Representatives:

ROLLINS of Belfast

FARMER of Wiscasset  
 BESSE of Clinton  
 BROWN of Ellsworth

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

(Signed)

Senator:

BOUCHER of Androscoggin  
 LOW of Knox

Representatives:

HANSON of Gardiner  
 CYR of Augusta  
 WALSH of Brunswick

Comes from the House, Report A Accepted, and Passed to be engrossed As Amended by House Amendment A (Filing 279)

In the Senate:

Mr. LOW of Knox: Mr. President and members of the Senate, I was opposed to this bill in its original form. However, as amended by House Amendment A, I believe it is perfectly all right and I therefore move that we go along with the House.

Thereupon, Report A was read and accepted and the bill read once; House Amendment A was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

#### Communication

STATE OF MAINE  
 HOUSE OF REPRESENTATIVES  
 OFFICE OF CLERK  
 Augusta

May 16, 1957.

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

Sir:

The House today voted to Adhere to its former action on Bill, "An Act Authorizing Towns to Control Shellfish Resources." (H. P. 670) (L. D. 951) which the House had Passed to be engrossed as amended by House Amendment A in the House on May 14, and the Senate had Indefinitely postponed in non-concurrence.

Very truly yours,

HARVEY R. PEASE  
 Clerk of the House

Which was read and ordered  
 Placed on file.

#### Senate Committee Reports Ought Not to Pass

Mr. Davis from the Committee on Retirements and Pensions on "Resolve Relating to Investigating Special Resolve Pensions." (S. P. 498) (L. D. 1402) reported that the same Ought not to pass. Covered by Other Legislation.

Which report was read and accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Davis from the Committee on Retirements and Pensions, pursuant to Joint Order (S. P. 318) reported: "Resolve to Repeal Certain Special Resolve Pensions." and that the same Ought to pass.

Mr. DAVIS of Cumberland: Mr. President, I would like at this time to make a brief explanation of this resolve that you now have before you. This is a result of the Joint Order passed earlier in this session instructing the Committee on Retirements and Pensions to investigate all special resolve pensions being paid in the state. If you will examine this resolve you will note that it does not repeal any special resolve pensions that are presently being paid. In fact some of them go as far back as October 1941.

The purpose of the resolve was mostly to clear the records of the department. Of course they have authority to suspend these pensions and have done so from time to time due to mortality or when the need changes. Strange as it may seem to some of you, we found one or two cases where special resolve pensions had been passed by previous legislatures and the recipients had refused to accept them. But of course as long as it remains on the statutes, this is a black check against the state. Thank you.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Davis, to accept the ought to pass report of the committee.

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

**Ought to Pass—N.D.**

Mr. Davis from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Allocate Monies for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1958 and June 30, 1959. (S. P. 167) (L. D. 446) reported same in New Draft (S. P. 586) (L. D. 1587) Under the Same Title, and that it Ought to pass.

Which report was read and accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed Sent down for concurrence.

**Ought to Pass—as amended**

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on Bill, "An Act Directing Review of Election Laws." (S. P. 23) (L. D. 14) reported that the same Ought to pass as Amended by Committee Amendment A

The same Senator from the same Committee on recommitted "Resolve Establishing a Theodore Roosevelt Centennial Commission of Maine." (S. P. 62) (L. D. 112) reported that the same Ought to pass as Amended by Committee Amendment A

Which reports were read and accepted and the bill and resolve read once. Committee Amendments A were read and adopted, and under suspension of the rules, the bills were read a second time and passed to be engrossed as amended.

Sent down for concurrence.

**Majority — OTP****Minority — ONTP**

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Constructing a Fishway at Aroostook Falls." (S. P. 360) (L. D. 932) reported that the same Ought to pass

(Signed)

Senators:

CARPENTER of Somerset  
HALL of York  
BRIGGS of Aroostook

Representatives:

BARTLETT of Belgrade  
HARRIMAN of Lovell  
WHEATON of Princeton  
DUDLEY of Enfield

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

(Signed)

Representatives:

CARVILLE of Eustis  
HARRIS of Greenville  
ROSS of Brownville

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

**Majority—OTP as Amended (Com. "A")**

**Minority—OTP as Amended (Com. "B")**

The Majority of the Committee on Inland Fisheries and Game on re-committed Bill, "An Act to Revise the Inland Fish and Game Laws." (S. P. 565) (L. D. 1571) reported that the same Ought to pass as Amended with Committee Amendment A

(Signed)

Senators:

HALL of York  
BRIGGS of Aroostook

Representatives:

DUDLEY of Enfield  
WHEATON of Princeton  
BARTLETT of Belgrade  
HARRIMAN of Lovell

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass as Amended with Committee Amendment B

(Signed)

Representatives:

CARVILLE of Eustis  
HARRIS of Greenville  
ROSS of Brownville

On motion by Mr. Carpenter of Somerset, the majority ought to pass report was accepted and the bill read once. Committee Amendment A was read and adopted and on motion by Mr. Parker of Piscataquis, the bill and accompanying papers were laid upon the table pending assignment for second reading.

**Second Readers**

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

**House**

Bill, "An Act Relating to the Appointment of Clerks of the Judicial Courts by the Chief Justice of the Supreme Judicial Court." (H. P. 322) (L. D. 439)

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

**House—as Amended**

Bill, "An Act to Grant a Council-Manager Charter to the City of Augusta." (H. P. 425) (L. D. 632)

Which was read a second time and on motion by Mr. Martin of Kennebec, was laid upon the table pending passage to be engrossed.

**Senate**

Bill, "An Act Permitting Governor and Council to Purchase Real Estate Adjacent to State House." (S. P. 585) (L. D. 1584)

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

Sent down for concurrence.

**Senate—as Amended**

Bill, "An Act Reestablishing the State Museum." (S. P. 144) (L. D. 342)

Bill, "An Act Relating to Citizens Committee on Survey of State Government." (S. P. 321) (L. D. 817)

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

Sent down for concurrence.

"Resolve Proposing an Amendment to the Constitution Providing for Limited Even Year Budget Sessions of the Legislature." (S. P. 427) (L. D. 1210)

Which resolve was read a second time.

Mr. Curtis of Cumberland 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.

**Enactors**

The Committee on engrossed Bills reported as truly and strictly engrossed, the Following bills and resolves:

Bill, "An Act Relating to Taxation of Domestic Fowl." (H. P. 190) (L. D. 253)

Bill, "An Act to Reactivate a Maine Committee on problems of the Mentally Retarded." (H. P. 195) (L. D. 282)

(On motion by Mr. Sinclair of Somerset, tabled pending enactment.)

Bill, "An Act Relating to Teachers for Mentally Retarded Children." (H. P. 336) (L. D. 468)

(On motion by Mr. Sinclair of Somerset, tabled pending enactment.)

Bill, "An Act Relating to Expense of Members of State Liquor Commission." (H. P. 695) (L. D. 1002)

Bill, "An Act to Revise the Laws Relating to Vital Statistics." (H. P. 774) (L. D. 1107)

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

(On motion by Mr. Wyman of Washington, tabled pending passage to be enacted.)

Bill, "An Act Relating to Retirement of Members of Portland Police and Fire Department not under State Retirement System." (H. P. 1057) (L. D. 1512)

"Resolve, Authorizing Preparation and Sale of Index to Private and Special Laws." (H. P. 62) (L. D. 91)

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

"Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans." (H. P. 99) (L. D. 142)

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

"Resolve, Appropriating Moneys for Testing Tanks for State Sealer of Weights and Measures." (H. P. 586) (L. D. 835)

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

Bill, "An Act to Reactivate the State Committee on Educational Television." (S. P. 165) (L. D. 444)

(On motion by Mr. Sinclair of Somerset, tabled pending enactment.)

Bill, "An Act Relating to Reciprocal Provisions for Penalties on Insurance Companies." (S. P. 177) (L. D. 456)



Bill, "An Act Relating to Hydro-logic Surveys." (S. P. 291) (L. D. 790)

(On motion by Mr. Sinclair of Somerset, tabled pending enactment.)

Bill, "An Act Relating to Operation of Diesel or Diesel-electric Locomotives in Reverse." (S. P. 389) (L. D. 1085)

(On motion by Mr. Ferguson of Oxford, tabled pending enactment.)

Bill, "An Act Relating to Advance Educational Subside Payments." (S. P. 380) (L. D. 1070)

Bill, "An Act Relating to Beneficial Devises, Bequests, and Legacies to Subscribing Witnesses." (S. P. 566) (L. D. 1567)

"Resolve, for Purchase of Copies of 'Maine Province and Court Records, Volume IV.'" (S. P. 93) (L. D. 224)

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

"Resolve, Providing for Judicial Review of Certain Criminal Judgments." (S. P. 257) (L. D. 695)

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

"Resolve, to Reimburse Town of Whiting, Washington County." (S. P. 295) (L. D. 792)

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

"Resolve, Reimbursing Liquor Commission for Working Capital for Warehouse Construction." (S. P. 361) (L. D. 984)

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

"Resolve, Appropriating Money for Preparation of Court Rules." (S. P. 404) (L. D. 1137)

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

Which bills were passed to be enacted and Resolves finally passed.

### Emergency

"Resolve Relating to Construction of a Road and Terminal in City of Rockland." (H. P. 587) (L. D. 836)

Which resolve, being an emergency measure, and having received the affirmative vote of 31 mem-

bers of the Senate, was finally passed.

### Emergency

Bill, "An Act Authorizing a Motor Vehicle for Driver Education." (S. P. 434) (L. D. 1231)

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

### Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution Changing the Date of the General Elections" (H. P. 66) (L. D. 93)

(On motion by Mr. Low of Knox, tabled pending final passage.)

### Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms." (H. P. 157) (L. D. 204)

(On motion by Mr. Low of Knox, tabled pending final passage.)

On motion by Mr. Low of Knox Recessed for five minutes.

### After Recess

The Senate was called to order by the President.

The President laid before the Senate the first tabled and specially assigned matter being House Reports from the Committee on Public Utilities: Majority report, ought not to pass; Minority report, ought to pass, on Bill, "An Act to Repeal the Westbrook Sewerage District." (H. P. 668) (L. D. 949) tabled by the Senator from Androscoggin, Senator Lessard on May 15 pending motion by Senator Martin of Kennebec to indefinitely postpone.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I rise to oppose the motion of the Senator from Kennebec, Senator Martin.

First of all, this bill provides that the question of whether or not the sewer district which was created at the last session should be referred back to the people as a referendum question as to whether or not they want to continue in the city of West-

brook to have a sewer district. You will recall that some two or three weeks ago the same situation arose in the city of Saco and there the committee felt that the matter should go back to the people because they were dissatisfied with their sewer situation and this Body having allowed that bill to go through, it was signed by the Governor and is now a law and will be referred back to the people this summer.

Well, I feel the same way here for the people of the city of Westbrook, to give them an opportunity if they are dissatisfied with the situation that exists there to let them vote upon it to see whether or not it should be continued.

Perhaps it isn't quite right for cities and towns to come here and ask for the creation of a district of this nature at one session and say, "Let us vote on it again. We are not satisfied; we made a mistake. Please let us vote on it again."

However, I feel that that is the privilege of the people of the locality. I feel that is the privilege of the people of the towns and cities to vote on these questions because it is a local problem and I think it belongs to the people. They should have a right to say.

Now, the reason behind these things and perhaps it needs some correction,—I don't know where—but it seems as though in the creation of these sewer districts that people for some reason or other, perhaps from their own fault, are not sufficiently informed as to what it is going to mean. There is a need for them. However, the cost, or what they are going to be taxed, those things aren't sufficiently explained to them. They don't understand it. All they know is that they get a tax bill once a year, from their town or city, which is all inclusive and then they are told they need a sewer district to make it more efficient and they never seem to realize that it is going to cost them more dollars. So they come up here and without too much opposition, without opponents to the thing, they pass a bill which creates a sewer district. So what happens? The sewer district goes to work and under the law they have

a right to assess the users so the taxpayer now, instead of getting one bill from the city or town, he gets two bills. And he says, "Here, I paid a tax of so many dollars last year which included sewer service and here I'm getting the same bill, the tax bill and I also have another bill. Two bills to pay." And so he becomes disturbed and he says, "What are those people doing? Here I am paying all over again. Paying more money." And then he clinches it by saying, "We want to reconsider our action. We want to vote on it again."

Now as I understand it, in the city of Westbrook they haven't gone too far so it wouldn't involve too much money if they decided to bring the service back into the city and to do away with the district.

Some of the reasons why the cost to the user goes up are partly because of facilities. If the city constructs a sewer and has it within their own municipal affairs, they can use perhaps the same warehouse, the same foreman, the same workmen whereas a sewer district naturally, if they are created, have to go out and hire or rent or build a new warehouse and hire foremen and superintendents and all to the end that there is an added expense.

I am not stating that perhaps because of the situation in Westbrook they do need a clean up of their sewer system, but many cities do.

However, I do say that it should go back to the people. Give them the referendum. Refer it back and give them a chance to vote the same as we did in the city of Saco. I think they deserve the same treatment.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate, I am sure that my good friend and colleague, the Senator from Androscoggin, Senator Lessard did not mean to imply that simply because a bill has a referendum attached to it that the legislature must automatically refer it back to the people. I am sure that he doesn't mean to imply that simply because we refer one bill back to a committee that we should refer another one.

We felt on the committee that the sewer district in Saco presented an entirely different situation than the

sewer district in Westbrook. For that reason, the committee was unanimous in the case of Saco and the Majority of the committee in this case felt that this bill ought not to pass.

In 1950 the city of Westbrook spent about twenty thousand dollars and had a very exhaustive survey of the sewer situation. In 1955 they presented a sewer district bill to this legislature and when it went back to the people it passed by about two to one. Next Monday night as I understand it, bids are to be open for construction. I know it is a difficult question in refusing to let a bill go back to the people but I do think the committees in this legislature and the legislature itself has a duty to examine the facts in each particular case and judge them on the merits.

I therefore trust that you will let this district which is just beginning to operate, operate at least another two year period and then take a fresh look at it another time. I hope that my motion to indefinitely postpone will prevail.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I believe that this bill is a fair bill. Apparently the people of Westbrook two years ago thought they would improve their situation by having a sewer district. Now there is a doubt in their minds. They ask for reconsideration, a thing that the legislature does every day. We vote on something and then somebody wants to reconsider it. That is all they are asking for in a referendum. They are not asking for a bill to abolish the sewer district; they are asking to send it back to the people of Westbrook to see if they have really changed their minds. I have received a half dozen telegrams from the citizens of Westbrook who want a chance to vote on this matter again. They think they have made a mistake. I think they should have home rule and should decide whether they have made a mistake or not. It is not going to be decided by one man, but by the whole city, or at least all interested parties and I do not think it is the duty of this legislature to tell the city of Westbrook what it should do. I am very much interested in this because for six

years I fought for a bill for the city of Lewiston for a referendum and I was denied that privilege by the legislature. Finally one fine day it passed in this Senate and was sent back to the people of Lewiston in a referendum and that bill was approved three to one, showing that I was not asking just for the sake of asking. There was a demand for such a change.

I do not know the situation in Westbrook. I have received telegrams all on one side asking for this legislation. It may be that the Westbrook population is opposed to such a bill but at least let's give them a chance to say no. They can decide their own matters at home however they want. They say that a lady has the privilege of changing her mind. It is her privilege. At least we should give the citizens of Westbrook the privilege of changing their minds.

Mr. ROGERSON of Aroostook: Mr. President, as a signer of the majority ought not to pass report of the committee, I want to support the motion of the Senator from Kennebec, Senator Martin. Reference has been made to the case of Saco which came before our committee and in that case, the committee did feel that there was overwhelming evidence that the majority of the people in the city of Saco did favor an opportunity to reconsider this district which had been set up. I think it should be pointed out here that all of the people in Westbrook are not interested in doing away with the sewer district. Some of the people are interested in it and I suppose that there has never been a community which has gone through this sort of change where some of the people have not felt that perhaps they had made a mistake during the period of readjustment and there were costs which they hadn't seen and hardships which they had not foreseen.

It has not been pointed out that there are many people in Westbrook who appeared in favor of the sewer district and I think this is important. People of substance, one a former mayor of the city, appeared in favor of continuing this sewer district. I am sure there never has been a sewer district through the period of readjustment without some

hardship. This one is experiencing it and I think that the group which came up here as proponents of the measure failed to convince the committee that there was an overwhelming majority that want the change and therefore the committee, unlike the case of Saco, did go against the measure.

Mr. LESSARD of Androscoggin: Mr. President, I had on my desk a letter which I had not opened and did so just a minute after I spoke. It was addressed to me here at the state house and was signed by a former President of this Body, Nathaniel Haskell.

"Dear Al,

I understand you have tabled the Westbrook sewer bill until Friday pending the motion of Senator Martin to indefinitely postpone. A very good friend of mine who is a business man in Westbrook employing approximately forty people, is most anxious that this bill receive favorable consideration of the Senate, the House having approved the measure by a vote of seventy-seven to seven at his request."

Then there are some other personal matters. That is signed by Nat Haskell, a former Senate President who has friends in Westbrook. There are people interested in this. I have in my possession here a petition containing some 200 names which was sent to the city government of the city of Westbrook on May 6, 1956, three days after the first sewer bill came out. These people were pretty disturbed by the fact that there were these bills that they didn't know too much about. They petitioned the city government in the hope they would get some relief. However the city government informed them they had nothing to do with the matter; it was a sewer district which had been created by the legislature.

I think in all fairness to these people who have signed this petition, some 200 names, that they should be allowed to again vote on this question. If we wait two years and they are still dissatisfied, then the problem may be a lot greater than it is today, because by that time the sewer district will have started its construction which will mean the issuance of bonds and could very

well pose a legal question as to whether or not they could shift over to the city. I might say that at the present time the city of Westbrook has a borrowing capacity of over two million dollars and the city could very well within its own financial structure take care of their sewer problems. I strongly urge you to oppose the motion of Senator Martin of Kennebec.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I am not too familiar with the conditions in Westbrook at the present time but I have received telegrams and telephone calls from the "paper" city, having been born and raised in Westbrook. I have not been there for a good many years but I received telegrams and calls from parties on both sides of this issue and I am afraid that the balance of the calls have been in this vein: Please do not do anything to destroy or interrupt the program going on in Westbrook at the present time. Please give us a chance to continue this program so that we can see just what is going to happen.

Weighing these calls and telegrams very carefully, I am afraid I will have to go along with the Senator from Kennebec, Senator Martin.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, may I remind you after the remarks of Senator Sinclair of Somerset, that we are not interrupting anything. We are not stopping anything. We are not destroying anything. We are just asking you to give a referendum to the people of Westbrook to decide whether or not they made a mistake two years ago, then they can proceed with their work. Once the electorate of Westbrook has spoken then things will be decided and they can proceed if they wish. I do not appreciate the remarks that we are going to do this or that to Westbrook. It is not true. The legislature is not doing anything to Westbrook under this bill except to give them the free expression of their will in a referendum on local matters.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate, I would just like to point out in addition to what has already been said, that this is primarily a local

matter for Westbrook, true; however we do have in our hands the power to hurt or help a program which is currently being carried on by the citizens of Westbrook.

Now the Senators from Cumberland County have very carefully analyzed this picture and of course as all of you know, we live very close to Westbrook and many of us have businesses in Westbrook and I think we are quite familiar with the conditions existing there. And it is the unanimous opinion of the four Senators from Cumberland County that this project should be given enough time to prove itself. It is sort of like the parent who has the first difficulty with his child and I'm afraid we'd think very little of him if he said, "Well let's do away with the child right now," and not give him a chance to grow up so as to find out what he would become. The sewer district in Westbrook is a baby. It is just starting out. It is beginning to get under way and it looks as though it will do quite a job.

I might point out that there are some long range facets to this, which appeal to some of us. The problem in Westbrook of pollution is of some concern to many and it is understood that the S. D. Warren mill there will be able to tie in with this district very neatly in future plans for sewerage disposal. At the same time there is a new approach in taxation and the city is now being taxed by this district and the major industries are contributing their share. So we feel that this is not the time to entertain this kind of a measure and I would like to urge that we go along with the Senator from Kennebec, Senator Martin and indefinitely postpone the bill.

Mr. FOURNIER of York: Mr. President, I have here a petition of nearly a thousand signers asking for a referendum on the Westbrook Sewer District bill. All they ask is that this referendum be given to the voters of Westbrook for their own decision. Westbrook would appreciate the same treatment given to Saco.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Martin, to indefinitely postpone the bill in non-concurrence.

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

A division of the Senate was had. Twenty-two having voted in the affirmative and nine opposed, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. DOW of Lincoln: Mr. President, I should like to inquire if H. P. 112, L. D. 150 is in the possession of the Senate?

The PRESIDENT: The Chair will state that H. P. 112, L. D. 150, "Resolve Regulating Fishing in Rangeley River, Franklin County," is in the possession of the Senate, having been held at the request of the Senator from Lincoln, Senator Dow.

Mr. DOW: Mr. President, I move that we reconsider our action whereby we accepted the minority "Ought not to pass" report of the committee.

The PRESIDENT: The Senator will state that he voted on the prevailing side on the last legislative day?

Mr. DOW: I did, Mr. President.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln Senator Dow that the Senate consider its action of the last legislative day whereby it accepted the minority "Ought not to pass" report of the committee. Is this the pleasure of the Senate?

The motion prevailed and reconsideration was voted.

On further motion by Mr. Dow, the bill and accompanying papers were tabled pending consideration of the committee reports.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table Bill, "An Act Revising Law Relating to Pharmacists," (H. P. 951) (L. D. 1352) which was tabled by that Senator earlier in today's session pending passage to be enacted.

The same senator then moved that the bill be passed to be enacted.

On motion by Mr. Silsby of Hancock, the bill and accompanying papers were retabled pending passage to be enacted.

Mr. BRIGGS of Aroostook: Mr. President, I would like to inquire if H. P. 9, L. D. 8, Bill, "An Act Relating to Gifts of Securities and Money to Minors," is in the possession of the Senate?

The PRESIDENT: The Chair will state that H. P. 9, L. D. 8, Bill "An Act Relating to Gifts of Securities and Money to Minors," is in the possession of the Senate, having been held at the request of the Senator from Aroostook, Senator Briggs.

On motion by Mr. Briggs the Senate voted to reconsider its action of the last legislative day whereby it accepted the "Ought not to pass" report of the committee.

The same Senator then moved to substitute the bill for the "Ought not to pass" report of the committee.

On motion by Mr. Silsby of Hancock, the bill and accompanying papers were tabled pending the motion of Mr. Briggs of Aroostook that the bill be substituted for the "Ought not to pass" report of the committee.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 83rd tabled and unassigned matter, (S. P. 285) (L. D. 744) Bill, "An Act Relating to Authority of Public Utilities Commission over Construction of Water Supply Systems, which was tabled by that Senator on May 16th pending enactment; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table the 55th tabled and unassigned matter, (S. P. 66) (L. D. 113) Bill, "An Act to Correct Inconsistencies in State Highway Laws," which was tabled by that Senator on May 13th, pending passage to be engrossed.

On motion by Mr. Silsby of Hancock, the bill was passed to be engrossed and sent down for concurrence.

On motion by Mr. Davis of Cumberland, the Senate voted to take from the table the 60th tabled and unassigned matter, (H. P. 953) (L. D. 1354) House Reports: Majority

"Ought not to pass"; Minority "Ought to pass," from the Committee on Taxation on Bill, "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators," which was tabled on May 13th by that Senator pending consideration of reports.

Mr. DAVIS of Cumberland: Mr. President, I now move that we accept the minority "Ought to pass" report of the committee.

The PRESIDENT: The Senator from Cumberland, Senator Davis, moves that the Senate accept the minority "Ought to pass" report of the committee.

Mr. LOW of Knox: Mr. President and members of the Senate: I hate to get up to oppose this bill because I have so much sympathy with the bus operators in the State. We have one in Rockland that is in very bad shape, and as far as I can find out practically all the bus companies are in bad shape. But in the first place I simply cannot bring myself to believe that it is a State problem to save bus companies any more than it is to save any other kind of business. I believe it is a local problem; I think if a rescue party is to be made up it ought to be done by local people, especially by the merchants, who, in my opinion, benefit more from the busses perhaps than anyone else. If we are going to take all people who are in trouble financially as State problems there is practically no end to the distance we can go. Furthermore, this bill, if it should be passed, will be the first exemption from the gas tax which we have made in thirty years. We would lay ourselves open to all kinds of other requests for exemptions; charitable groups of all kinds, ambulances, taxicabs, Boy Scouts, Red Cross, Civil Defense, and all municipally-owned trucks and cars. If you once start exempting items from any tax there is practically no end to the road. In four years on the Taxation Committee I have seen that occur time after time: you make one exemption and immediately along come a dozen others, saying, "You have made this one, why won't you make mine?" The committee was full of sympathy for the bus companies, as I have said. We

gave them the excise tax from the towns on a permissive basis; we rebated almost all of the registration fees, but we did not think that we could go to the extent of dipping into the gas tax.

I move, Mr. President, that the bill and accompanying papers be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low, that the bill and accompanying papers be indefinitely postponed, and the Chair recognizes the Senator from Androscoggin, Senator Boucher.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I quite agree with the Senator from Knox, Senator Low, when he says we should not subsidize private business, but I feel a little different than he does on this matter. I figure that the bus company is not a private business but a public business; it is for the use of the public. I know that under the present conditions the bus company in Lewiston will have to cease operating. They have already stopped operation on Sundays, and that has worked a hardship on all people who want to go to church: they have to get a taxi or some other conveyance to take them to church, and where the churches are at certain hours it creates a demand more than the taxis can take care of.

I also anticipate that if the bus companies go out of existence it is going to create a terrible hardship on industry. Now we are fighting for industry in Lewiston. Our Maine industries are slowly disappearing, our textiles, and we must replace them by some other industry if we are to survive. The first inquiry which will be made by any industries that want to come in to Lewiston and Auburn is, "What are the transportation facilities?" If we have none they certainly will lose their interest in Lewiston and Auburn.

I know the opposition is going to offer the fact that the city can operate the buses. That has been proved to be a very poor proposition, because where the cities have to operate buses in order for them

to survive it has been a financial loss in all cities.

We are asking this temporary relief to buses in order to keep them going. I imagine that in time they will disappear like the horse and buggy did years ago. The automobile is replacing them. I imagine it will be only a question of years before they disappear entirely, just like the trolleys did; but at least we should help them for a few more years until we can find ways and means of transportation for the public of the State of Maine.

I have referred to Lewiston, but it is not a local matter; it concerns all the citizens of the State of Maine. If the buses disappear from the cities and towns of Maine the whole population of Maine will suffer by it. People living in the small towns do come to the larger centers for shopping and they do require transportation in buses and they will greatly miss them if they disappear.

I do not feel we are in this case trying to help private industry or private business; I think it is a public utility and part of the way of living of the citizens of Maine to keep these buses in operation.

Mr. DAVIS of Cumberland: Mr. President, I hesitate to oppose my good friend on the Taxation Committee, the Senator from Knox, Senator Low, but in this instance I can not agree with him. In the first place, I think the basic theory of the gasoline tax is for the maintenance and improvement of State Highways, and I think you all realize very few of these buses are used on State Highways; in other words I question in my own mind whether they should ever pay the tax anyway.

Some of you may wonder why I am interested in it, coming from a small town in which we are not involved in this question, but I am interested in getting new industries in this State and in maintaining those that we have here, and I think that this is one way in which we can accomplish much, at least, for the next two years. I hope you will go along with me on that basis.

Mr. BAILEY of Sagadahoc: Mr. President and members of the Senate: This is something, as my friend, the Senator from Cumberland, Sen-

ator Davis said, that personally does not affect me, but from the City of Bath, which is one of my towns, I have had quite a number of calls in regard to the bus lines. It is not the bus lines or the operators in which I am interested; it is the service which the people in the cities need. We have seen the electric car come and prove that it could not be operated profitably and it has gone out of existence. Then came to take its place the bus. For quite a number of years the buses operated and paid their way and got along. Now the time has come when they can not operate very much longer under the present situation, and we know that the situation in other cities is the same as it is in the City of Bath. With the Iron Works in the City of Bath a great many of the employees there in the Iron Works depend on the bus service for going back and forth to work. Also they need them in the suburbs of Bath, because the parking areas are congested and if it were not for the bus it would make it much worse with all the cars being parked.

I therefore hope that the motion of the Senator from Cumberland, Senator Davis, will prevail.

Mr. WYMAN of Washington: Mr. President, I rise in support of the motion of the good Senator from Knox, Senator Low.

The Taxation Committee heard this bill and considered it very carefully and eight members signed the "Ought not to pass" report on it.

It seems to me that there are a great many industries in the State that are providing bus transportation and conveyance for their employees, and if we open this up I do not see why they should not have a refund on their gasoline tax as well as the bus operators. I hope that the motion of the Senator from Knox, Senator Low, will prevail.

Mr. COLE of Waldo: Mr. President and members of the Senate: I too have a lot of sympathy for the buses in the State of Maine, but I want to agree with the Taxation Committee and its Chairman, Senator Low. This bill does reflect in my department to quite an extent, and I cannot believe that this sum, which is quite substantial, will really make a difference in whether

these buses survive or not. It is true that the buses are having a hard time, but will this be the answer? In my opinion it will not.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: I rise to oppose the motion of the Senator from Knox, Senator Low. He has raised several interesting questions, I think, and I would like to answer a couple of them before I give you a little background on this matter. I presume most of you are familiar with it so I will be very sketchy, but I would like to fill in some of the details in case you are not.

In the first place, the question has been raised as to whether this was a State problem, whether this is something which should be of concern to members of the Legislature. May I point out that any matter which is of concern and interest to our citizens is of concern to us. We have already demonstrated our concern for other areas, milk control, for example. We decided that the milk industry had a problem and we went to work on it. There are many who are not sure that we did the right thing but we have apparently saved the industry.

The farmers, of course, have long had a problem, and we have been concerned with the farmers when perhaps we should not be concerned with farmers if we use the line of reasoning which says this is free enterprise and therefore it is none of our concern.

We have already demonstrated it very well this year, I think, with our concern for education where our Constitution is very firm in saying matters of education shall be of primary concern to towns and cities. But we have seen fit to move into an area which previously the State has never engaged in, namely subsidies for school buildings.

I just point those out to show that we are concerned with many things relative to our citizens and the voters of this State, and that any time anything comes to us which points to a grave problem in any segment of our State life or economy, then we should make it our prime concern.

Now this bill very simply offers a refund of six cents of the State



gas tax back to the local bus companies, called local transit companies. I do not know as I need to pressure the point that there is a very critical situation existing with bus companies today, and I might point out to you that this situation has become so critical, not only in Maine but in the nation, that the New England Governors Conference, for example, decided that this was important enough in the New England States to make it a specific area of study. That gives you some indication of how important it is considered. And so they set up a committee on transportation, and the committee worked long and diligently on this problem and came up with some very interesting data and conclusions which I think ought to be of concern to us today.

In the first place, they found that this was a national problem, that bus companies all over the United States are finding themselves in grave difficulty. Increased costs and decreased patronage seem to be the two problems.

Now their conclusion was that the need was just as great as ever for bus companies to operate in many of the cities and towns that needed them; that it was an essential service. I think that is important too, because this cannot be labeled along with taxicab companies and other forms of business: this is a public service; it provides transportation for workmen and that is awfully important to the towns and cities that have large labor forces that need to be moved from their homes to their places of work. In Lewiston, for example, they move some fifteen hundred or two thousand workers a day; in Portland it runs between five and six thousand a day. It is also very necessary in some communities with the school program, for in lieu of school buses many times the local bus company is used for transportation of school children. It is of major concern in the cities of Portland and South Portland, for example. Also it is of grave interest to business men because it is used as a vehicle for moving shoppers into the business districts, and without this there could be a very serious problem, for as you know, many of our towns and cities are struggling now with

the parking problem. Many are finding it is impossible to use the family car and go into town and do the shopping they want to do, so they use the buses. Also it has served as a second car for a lot of families. In families where there is only one car the wage-earner need to use it and so the rest of the family have to resort to the bus companies.

Now it was recommended by this New England Governor's Conference, the committee on transportation and accepted by the conference that relief from the gas tax and reduction in registration fees was the logical approach. I think that is interesting because that is exactly what this bill proposes. They state: "The current economic conditions affecting the privately-owned transit industry render imperative an immediate revaluation of the applicable tax structure."

Now this is primarily the reason that this bill is in, as I understand it, to carry out their recommendations. Now the federal government has led the way. Last year the highway bill carried an exemption for the local transit companies from the one-cent gas tax and the weight tax; and I quote here in the committee report: "The exemption for local mass transportation is provided because many such transportation systems already are operating near or below the break-even point." State legislatures are moving rapidly all through out the United States to take care of this problem. In Iowa the House very recently passed the same kind of measure with exemptions for the motor fuel tax and reduction in registration 97 to 0. In Washington the House, 77 to 16, exempted the local transit companies from the gas tax.

My good friend, the Senator from Androscoggin, Senator Boucher, has already mentioned industrial development, and so has the Senator from Cumberland, Senator Davis. We are looking for more industry. Well, it is pretty good common sense to realize that most of our large industries particularly will be very much concerned about the mass movement of their workers, and any city or town that cannot provide a good transportation system will certainly lose out in the competitive market for new industries. And so it

seems only logical that if we are to have good industrial development that the bus companies are an essential factor in strengthening our position.

Also I might point out that we are currently in the process of passing a law to provide for relief for industrial buildings so that we can attract new industry. We must take care of our old industry too. I think this is much too important for us to disregard the very serious plight of this industry which has come to our attention. The only alternative to it is to let them die and the municipalities will have to pick them up. I for one would be against that, because I feel that municipal operation in most cases of a private enterprise such as this would be inefficient and very costly.

I might point out that the Governor has seen fit to endorse this proposal; members of the Maine Public Utilities Commission have endorsed this proposal; the press—and I hesitate to use the word—has seen fit to widely endorse it, as indicated by their editorial policies. The cities of Auburn, Lewiston, Portland, South Portland and Westbrook have all unanimously gone on record as completely favoring this kind of legislation, and so I hope that the motion for indefinite postponement does not prevail.

Mr. LOW of Knox: Mr. President and members of the Senate: If we are going to pass this bill we should immediately give serious consideration to raising the fees, the fee bill, so that the increase in license fees will be \$1.25 instead of \$1.00; if we are going to take revenue out of highway then we should replace it.

Mr. President, I ask that the report of the committee be read.

The report of the committee was read by the Secretary.

Mr. FARLEY of York: Mr. President, I rise to support the motion of the Senator from Knox, Senator Low. I do not think it would be consistent with me to vote any other way after having voted against measures that would take money away from the highway and the general fund. I have very good friends on both sides of this thing who are attempting to put this across, but I just cannot bring myself to do it.

In my own locality we have a bus situation and they run as they want to turn. You can ride around the loop, but if you live anywhere say three to four hundred yards from the bus you have to walk that distance; they do not seem to want to go into any other streets to pick up any revenue.

There is another situation that bothers me in regard to our local bus. The matter of school transportation has been brought up here. In the community of Saco where the headquarters of this bus company are there are three young fellows who run a fine business and during the winter time they use their men in transporting the children back and forth to school. The bus company underbid these three same gentlemen and practically put them out of business, and now they come and tell you that they are losing money. If that bus company cannot run its business and make a dollar than I do not see why I should go along to give them any revenue.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I feel that I must speak in behalf of the motion of the Senator from Knox, Senator Low, because I cannot make myself believe that this is the way to provide additional income for the bus lines, which is exactly what is contemplated: if they spend less they will have more. I do not question but what the bus lines are essential, neither do I question the fact that they are in hard financial circumstances. However, I am very sure that the Senator from Knox, Senator Low, has given us something that we should consider very carefully before we attempt to bail them out of their difficulties by subsidizing them to the extent of removing their gas tax.

This amounts, I understand, to something like \$75,000 per year and if we are going to do that in this case where are we going to stop? Where are we going to find this amount of money to take the place of what we will be allocating to the bus lines. I think we should consider this very carefully before we vote, and I will say that I shall vote with the Senator from Knox, Senator Low.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Knox, Senator Low, and I do so because I feel we are entering into class legislation; we are giving to a particular type of transportation a benefit which we are not giving to another type of transportation. We are arguing to ourselves that unless we do that this particular transportation will not be continued. At the same time we have in this state railroads. Railroads offer transportation, they maintain their own way, they pay taxes, and if we are going to give benefits to special classes then we certainly should consider this. I do not feel that we should go into this class distinction, and I therefore shall support the motion of the Senator from Knox, Senator Low.

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

As many as are in favor of the motion of the Senator from Knox, Senator Low, that the bill be indefinitely postponed will rise and stand until counted.

A division was had.

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

On motion by Mr. Boucher of Androscoggin, the minority "Ought to pass" report of the committee was accepted and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Low of Knox, the Senate voted to take from the table "Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms," (H. P. 157) (L. D. 204) which was tabled by that Senator earlier in today's session pending passage to be enacted.

On motion of Mr. Low, the Senate voted to reconsider its action whereby the resolve was passed to be engrossed.

Mr. Butler of Franklin then offered Senate Amendment "B" and moved its adoption.

Senate Amendment "B" was read by the secretary.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate adopt Senate Amendment "B."

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I will say that in offering this amendment it is done for the purpose of clarification in carrying out the intent of the act. When we read Section 14, from which we have under the amendment eliminated the word "exercise" we find that at this particular point in case a vacancy of the Governor should occur the President of the Senate assumes that office. Under the terminology and under the report of the opinion of the justices at the time when the action was first presented to the court for its consideration in 1829, the court there ruled that the President of the Senate does not "assume" the office, he "exercises" the office. So to eliminate any question of doubt the word "assume" has been substituted in place of the word "exercise."

As we move down into the proposed amendment, "In a case a vacancy should follow, to have occurred less than 90 days preceding the date of such primary," that provides that if a vacancy should occur within that 90-day period, but nothing is set forth as to what should happen after the 90-day period, and consequently the words, together with the punctuation, "or after" have been inserted. To eliminate any further possibility of confusion of the act the President of the Senate by the act is intended to assume the office of the Governor, as we inserted the word "then." As the law now stands, in my humble belief, without this amendment in we could arrive at the possibility of the Governor vacating the office within this 90-day period or after and the President of the Senate would assume that office, as it is now written, only until the end of his term as President of the Senate. That is not the intent of the bill. It is the intent of the bill that the then President of the Senate should assume and exercise the office of Governor for the remaining term of the

Governor. For that reason I offer the amendment and move its adoption.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate adopt Senate Amendment "B" in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed and Senate Amendment "B" was adopted in non-concurrence.

On motion by Mr. Low of Knox, the bill was passed to be engrossed as amended by Senate Amendment B, Senate Amendment A, House Amendment A, Committee Amendment A and Committee Amendment B in non-concurrence and was sent forthwith to the House in concurrence.

On motion by Mr. Charles of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed bill, "An Act Reestablishing the State Museum," (S. P. 144) (L. D. 342) and that Senator presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted, and the bill was passed to be engrossed as amended by Senate Amendment A and Committee Amendment A.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table bill, "An Act Relating to Cost of Relocating Facilities in Federal Aid Interstate Highway Projects," (S. P. 385) (L. D. 1081) tabled by that Senator on April 19 pending passage to be engrossed; and Mr. Sinclair of Somerset presented Senate Amendment A to Senate Amendment A.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, in presenting this amendment I am taking into consideration the decision of the courts relative to the cost of relocating facilities in federal aid interstate highway projects. The Senate has already indicated its preference for the money being taken from the general fund for this particular purpose in order to save the people of the State of Maine or the rate payers additional cost of handling this particular charge. This amendment

sets in motion, or authorizes the reimbursable costs to the extent of \$225,000 shall be paid from the general fund operating capital under the direction of the State Highway Commission, said general fund operating capital shall be repaid in full from any part so paid from reimbursements received by the State Highway Commission from the federal government on account thereof.

I would point out also that the limitation provided in this amendment is limited to contracts signed prior to June 30, 1959 and the amount paid from the general fund operating capital for the purposes of this act will not exceed the amount of ninety per cent of the federal funds to be available for projects in the interstate system under the federal highway act of 1956 to match state appropriations of \$12,500.

Now I think we are very familiar with this particular reason for this amendment. It is making available the \$225,000 or ninety per cent of the cost of the relocating of these utilities to the State of Maine. I would like to go on record at this particular time as saying that I am opposed in general to the principle of extending the policy of taking from either the general highway fund or the general fund for such relocations other than takes place in this particular act. I think there is a very good reason why we should apply this principle to this particular ninety-ten basis of federal funds which are available on interstate highways. There is an appropriation of \$12,500 from the general fund for the fiscal year ending June 30, 1958 and \$12,500 for the fiscal year ending June 30, 1959. Mr. President, I move the adoption of Senate Amendment A.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair that the Senate adopt Senate Amendment A to Senate Amendment A. Is the Senate ready for the question?

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

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

Thereupon, Senate Amendment A to Senate Amendment A was adopted.

ed, Senate Amendment A as amended by Senate Amendment A thereto was adopted, and the bill was passed to be engrossed as amended by Senate Amendment A as amended by Senate Amendment A thereto, and ordered printed in document form.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table Senate Report from the Committee on Taxation: ought to pass on Bill, "An Act Relating to Confidential Character of State Tax Assessor's Records Under Blueberry Tax Law." (S. P. 439) (L. D. 1236) tabled by that Senator on April 16 pending consideration of the report; and on motion by Mr. Wyman of Washington, the ought to pass report of the committee was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Mr. SILSBY of Hancock: Mr. President, may I inquire if Legislative Document 1210 is still in the possession of the Senate?

The PRESIDENT: The Chair would state that "Resolve Proposing an Amendment to the Constitution Providing for Limited Even-Year Budget Sessions of the Legislature." (S. P. 427) (L. D. 1210) is in the possession of the Senate having been passed to be engrossed on this legislative day.

Thereupon, on motion by Mr. Silsby of Hancock, the Senate voted to reconsider its action whereby it passed the resolve to be engrossed.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I took no part in the debate on this bill a few days ago when we accepted the report of the committee. I have since that time examined the resolve carefully. I cannot see how we could operate under the resolve because for instance, it does not provide for any payment of the Budget Committee if they convene although they are limited in their time of session, I am curious to know whether or not there would be public hearings. I understand from what I have read that in some states which do operate this way, they have eliminated public hearings and there

are other reasons which I will not take your time to enumerate but I realize the session is getting near to its closing hours and the engrossing department has a tremendous amount of work to do, and therefore I will move that the bill and accompanying papers be indefinitely postponed.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate, I rise in opposition to the motion of the Senator from Cumberland Senator Silsby for indefinite postponement. The bill is purposely broad so that details can be worked out for making sure that if this is passed in referendum by the people we will be able to work out the procedures to make it work.

As to compensation, if it seems that this bill is to be passed by the legislature, we could very well pass an order that would allow us to receive some kind of remuneration or we could, in fact, set it up so that something would be provided for.

At the present time it seems to me that we are still discussing the bill and whether or not it will be passed and that any attempt to tie in some salary provision would be premature. However, that is not a very difficult problem; it can very easily be overcome. Many states who now have this and I have already gone through all of the arguments for it, I don't believe I need to repeat them,—many states who now have it operate very easily with it. They operate with open and closed sessions, many of them with open sessions and of course we would be able to too. I feel this is just a delaying action, that here again we have a problem which has been facing us for some years. It is time we let the people of the state speak out on this problem and I feel that it is something that very definitely should be decided by those most concerned. How long are we to operate in some sort of rarified atmosphere of closed door policy whereby we feel that the people do not have a right to speak on such measures.

As far as I am concerned, I think it has long since past when we can refuse to allow the people to determine how we shall operate our government, and this to me is a very important matter. Budget and fi-

nance matters must be of grave concern to all of us and the need for annual budget sessions has asserted itself in many different ways and so I would urge you to defeat this motion and pass this measure along as we have the other measures so that we can allow the citizens of the state of Maine to speak their minds on this particular issue.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I rise in support of the motion of the Senator from Hancock Senator Silsby. I don't feel that there is any great need for this type of legislation at this time. I have heard no great demand for it. I recognize that there are states in the union which operate with this method. However, I don't know just how and under what conditions they operate in the annual sessions. There are many things to be considered in operating annual sessions, such things were mentioned previously in regard to public hearings, appropriations, etc. I recognize that what other states do may be of interest and could very well affect operation in the State of Maine, but because other states do certain things, it is not necessarily the basis on which we should judge what should be done in Maine. I feel that the greatest argument for continuing the way we are doing now is based on the fact that the State of Maine is one of the very few states in the union that does not have any general fund indebtedness. I do not think that that can be said of all of these other states in the union; I don't know, but I do feel that the fact that the State of Maine does not have any general fund indebtedness indicates pretty well that we are going along on a pretty even keel and I shall support the motion of the Senator from Hancock, Senator Silsby.

Mr. COLE of Waldo: Mr. President and members of the Senate, as Chairman of the interstate cooperation commission I receive every two years a booklet of the states which has all the date of all the states in the union in it, and it has a complete list of the make-up of the legislature of each state, the procedures, in fact, it has all the details that anyone could want to

find. I received this booklet last July and I cannot vouch for what has been done since, but as of last July when I received this book, I find it is true that fourteen states do have annual sessions but of those fourteen states that have annual sessions, there are seven states that still budget on a biennial basis, so it seems to me that we must be in line in the State of Maine and as a former member of the appropriations committee, I feel that we are doing a splendid job and I want to go on record as favoring the motion of Senator Silsby of Hancock.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the bill be indefinitely postponed.

A division of the Senate was had.

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

Sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table Bill, "An Act Relating to Registration of Dealers in Trailers and Temporary Registration Plates," (S. P. 391) (L. D. 1087) tabled by that Senator on April 12 pending passage to be engrossed; and Mr. Carpenter of Somerset presented Senate Amendment A.

Which amendment was read and adopted, and the bill as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Low of Knox  
Recessed until 1:30 this afternoon.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: The Senator from Kennebec, Senator Martin has requested whether L. D. 1437 is in the possession of the Senate. The Chair would state that the bill is in the possession of the Senate having been recalled from the office of Governor by Joint Order.

Thereupon, on motion by Mr. Martin of Kennebec, under suspension of the rules, the Senate voted to reconsider its former action whereby it passed to be enacted, Bill, "An Act to Create a Public Body in the City of Bangor to be Known as the Urban Renewal Authority" (H. P. 1003) (L. D. 1437) and to further reconsider its action whereby the bill was passed to be engrossed; and the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: This is simply a technical limit to make the bill conform with the decision of the Law Court, so I hope that the amendment will be adopted.

Senate Amendment "A" was then adopted in non-concurrence and the bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence and sent down for concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the 20th tabled and unassigned matter, (S. P. 297) (L. D. 794) Bill, "An Act Relating to Board of Pupils Who Reside on a Coast Island Attending School Away from Home," which was tabled on April 27th by that Senator pending passage to be engrossed.

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

Senate Amendment "A" was read by the Secretary and adopted, and the bill was passed to be engrossed as amended by Senate Amendment "A" and sent down for concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table Bill, "An Act to Grant a Council-Manager Charter to the City of Augusta," (H. P. 425) (L. D. 632) which was tabled by that Senator earlier in today's session.

On motion by Mr. Martin, House Amendment "A" was indefinitely postponed in nonconcurrence.

The same Senator then presented Senate Amendment "A" to Commit-

tee Amendment "A" and moved its adoption.

Senate Amendment "A" to Committee Amendment "A" was read by the secretary and adopted in non-concurrence, and the bill was passed to be engrossed as amended by Committee Amendment "A" as ment A thereto in non-concurrence and sent down for concurrence.

On motion by Mr. Ferguson of Oxford, the Senate voted to take from the table the 34th tabled and unassigned matter, (S. P. 153) (L. D. 400) Senate Report: "Ought to pass," from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Amend the Amount of Supplement Loans by Maine School Building Authority," which was tabled on May 8th by that Senator pending consideration of report; and on further motion by the same Senator the "Ought to pass" report of the committee was accepted, the bill was given its first reading, and under suspension of the rules was given its second reading, passed to be engrossed and sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 24th tabled and unassigned matter, (S. P. 317) (L. D. 814) Senate Report "Ought not to pass from the Committee on Towns and Counties on Bill, "An Act Relating to Fees of Deputy Sheriffs in Attendance at Court," which was tabled by that Senator on April 30th pending consideration of report; and on further motion by the same Senator the "Ought not to pass" report of the committee was accepted. Sent down for concurrence.

#### Recess

Senate called to order by the President.

The PRESIDENT: The Chair notes the presence in the Senate chamber of our number one administrator of State government. Will the Senator from Somerset, Senator Sinclair, escort that distinguished gentleman to the rostrum?

Commissioner of Finance Raymond C. Mudge was then escorted to the rostrum by the Senator from Somerset, Senator Sinclair, amid the

applause of the Senate, the members rising.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table the 2nd tabled and unassigned matter, (S. P. 149) (L. D. 349) Senate Report from the Committee on State Government on Bill, "An Act Relating to Fortnightly Payment of Salaries and Wages to State Officers and Employees," Report A "Ought to pass in New Draft (S. P. 462) (L. D. 1317) Report B "Ought not to pass" which was tabled on March 20th by that Senator pending the motion of the Senator from Oxford, Senator Pike that the Senate accept Report B, "Ought not to pass."

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate: L. D. 1317 is a redraft of L. D. 349. The act provides for the fortnightly payment of salaries to state employees. Originally L. D. 349 provided for fortnightly payment of salaries to all state employees. The subsequent redraft, L. D. 1317, provides for payment of salaries fortnightly to salaried employees only. The bill in its redraft form has lost some of its merit but is still a good bill. I think it is refreshing to talk, at this time of year particularly, about an opportunity to save some money. The saving here is not a large one but it is one which is perhaps worth considering.

This bill came out of committee with a 5 to 5 report, 5 "Ought not to pass" and 5 "Ought to pass in redraft." I think the feeling of some members of the committee was influenced by the fact that in the hearing someone asked what the saving would be if we enacted this measure, and someone volunteered the information that five to six thousand dollars would be the saving. I checked that figure later and I found the saving would be \$20,929, some \$21,000. I think the fact that the saving had been stated as much smaller than that might have influenced some of the members, as we had several members who were sort of on the fence, perhaps, because since that time two of the members who signed the "Ought not to pass" report have come to me and said they feel differently about the matter. One of the members in the oth-

er branch has said he will reverse his position and speak for the bill when it comes to the other branch.

In addition to the saving of money which will result from enacting this bill there will be a saving of time. Every department of State government spends a good deal of time each week in making up payrolls, and in addition to that the Department of Finance spends a good deal of time each week on the same task. If they did it only every other week, the saving in time is of course obvious.

I happened to talk to the Governor about this bill and he favors it, and he favors it particularly because it gives the departments a better opportunity to look over the payrolls before the payments are made. As it is now, the payrolls are made out and by the time they finish them it is about time to start on the next one and there is not any opportunity to check them as carefully as they would like to do. In this connection it must be noted that information on payrolls comes in from such places as Fort Kent and Kittery, telephoned in very often, and not a very good opportunity to verify it.

I do not believe that the Senate needs any more information than this. I can assure you that a majority of the committee at this time does favor this measure. I hope that the Senate will vote against the pending motion in order that I may move to accept the "Ought to pass" report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Pike, that the Senate accept Report "B," "Ought to pass."

As many as are in favor of the motion of the Senator from Oxford, Senator Pike, that the Senate accept Report "B", "Ought not to pass," will say aye; those opposed no.

A viva Voce vote being taken, the motion did not prevail.

On motion by Mr. Rogerson of Aroostook, the Senate then voted to accept Report "A", "Ought to pass in new draft," the bill was given its first reading, and, under suspension of the rules, its second reading, passed to be engrossed and sent down for concurrence.



On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the 65th tabled and unassigned matter, (H. P. 546) (L. D. 773) "An Act Relating to Employment of Minors," which was tabled on May 15th by that Senator pending passage to be engrossed as amended; and on further motion by the same Senator the bill was passed to be engrossed as amended in non-concurrence and sent down for concurrence.

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On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Reports from the Committee on Taxation: Majority ought not to pass; Minority ought to pass; on bill, "An Act to Provide Additional Revenue by Severance Taxes on Severer of Timber

of Producer of Timber Products." (H. P. 875) (L. D. 1377) tabled by that Senator on May 16 pending motion by Senator Low of Knox to indefinitely postpone.

Mr. BOUCHER of Androscoggin: Mr. President having signed the minority on this bill because I thought we might gain some money and understanding that we have all the money that we need, I move the pending question.

Thereupon the motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

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On motion by Mr. Low of Knox

Adjourned until Monday next at two o'clock in the afternoon.