

# 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**

Monday, May 20, 1957

Senate called to order by the President.

Prayer by Rev. Douglas H. Robins of Augusta.

On motion by Mr. Bailey of Sagadahoc,

Journal of Friday read and approved.

**Papers from the House**

Bill "An Act Relating to Services of State Police on Maine Turnpike." (H. P. 106) (L. D. 144)

The Senate on May 16 accepted Majority Report Ought not to pass from the Committee on Highways, in non-concurrence.

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

In the Senate, on motion by Mr. Cole of Waldo, the Senate voted to insist and join; and the President appointed as Senate conferees, Senators: Parker of Piscataquis, Cole of Waldo and Ferguson of Oxford.

"Resolve Authorizing Study of Proposed Road from Millinocket to Grindstone." (H. P. 768) (L. D. 1101)

The Senate on May 16 accepted Minority Report Ought not to pass from the Committee on Highways, in non-concurrence.

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

In the Senate, on motion by Mr. Cole of Waldo, the Senate voted to insist and join; and the President appointed as Senate conferees, Senators: Cole of Waldo, Ferguson of Oxford and Sinclair of Somerset.

Bill "An Act Relating to Powers of State Board of Education." (S. P. 479) (L. D. 1384)

The Senate on May 15 accepted Majority Report Ought not to pass from the Committee on State Government.

Comes from the House, Minority Report Ought to pass accepted and

the bill passed to be engrossed in non-concurrence.

In the Senate:

Mr. PIKE of Oxford: Mr. President, I move that the Senate insist on its former action and join in the Committee of Conference.

Mr. LESSARD of Androscoggin: Mr. President, I rise in opposition to the motion. This was a matter which was taken up by the citizens committee in the PAS survey. This committee spent quite some time studying this phase of the report. It was a sub committee which heard witnesses and which spend a great deal of time and then recommended to the general committee. The general committee recommended this piece of legislation to the end that the bill was drawn that the State Board of Education be reduced to an advisory capacity and that the education matters be placed in the education department where they rightfully belong. I feel very strongly that this is a fine piece of legislation. It is a step forward in the State of Maine and I feel that the motion of the Senator from Oxford, Senator Pike should be defeated at this time so that perhaps we will accomplish something toward better government in Maine.

Mr. DOW of Lincoln: Mr. President and members of the Senate, I feel that I must oppose the passage of this bill and go along with the motion because I feel that under the proposed plan there is too much chance of political favoritism. I think this bill will affect our chances of getting high caliber men in the future to fill the posts of Commissioner of Education because of the fact that such an appointment might change with each new governor. No real good men would want to have security jeopardized by a situation like this. I go along with the motion of the Senator from Oxford, Senator Pike.

Mr. LOW of Knox: Mr. President and members of the Senate, during the last two or three years we have seen a governor from a new party come into power in the State of Maine and as far as I know he has reappointed to office every single department head in the State of Maine regardless of politics. I do not believe for one minute that we are going to put education into pol-

itics if we leave the appointment of the Commissioner in the hands of the Governor. Rather do I think that we already have a high degree of politics when the Board of Education has supreme power. I move that the Senate recede and concur with the House.

Thereupon a division of the Senate was had.

Fourteen having voted in the affirmative and twelve opposed, the motion to recede and concur prevailed.

Bill, "An Act Prohibiting State Employees from Participating in State Politics." (S. P. 467) (L. D. 1347)

In Senate on May 16, Indefinitely Postponed, in non-concurrence.

Comes from the House, that body having Adhered to its former action whereby the bill was passed to be engrossed as amended by Committee Amendment A (Filing No. 225) and as amended by House Amendment A (Filing No. 256) in non-concurrence.

In the Senate, on motion by Mr. Low of Knox, the bill was returned to the legislative files.

Bill, "An Act Authorizing Towns to Control Shellfish Resources." (H. P. 670) (L. D. 951)

In Senate on May 15, Indefinitely Postponed, in non-concurrence.

Comes from the House, that body having Adhered to its former action whereby the bill was passed to be engrossed as amended by House Amendment A (Filing No. 325)

In the Senate, on motion by Mr. Low of Knox, the bill was returned to the legislative files.

#### **House Committee Reports Leave to Withdraw**

The Committee on Judiciary on Bill, "An Act Relating to the Taking of Certificates of Sureties by Bail Commissioners." (H. P. 468) (L. D. 661) reported that the same be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

#### **Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Automobile Travel by State Employees. (H. P. 892)

(L. D. 1278) reported that the same Ought not to pass.

On motion by Mr. Martin of Kennebec, tabled and especially assigned for Orders of the Day, today.

The same Committee on Bill, "An Act Relating to Travel Expenses of Members of Legislature." (H. P. 196) (L. D. 283) reported that the same Ought not to pass.

Comes from House Indefinitely Postponed.

In the Senate, indefinitely postponed in concurrence.

The same Committee on Bill, "An Act Relating to Travel Allowance for Members of the Legislature." (H. P. 85) (L. D. 122) reported that the same Ought not to pass.

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

In the Senate, indefinitely postponed in concurrence.

#### **Ought to Pass**

The Committee on Legal Affairs on Bill, "An Act Relating to Pari-Mutuel Horse Racing and the Stipend Fund." (H. P. 748) (L. D. 1062) reported that the same Ought to pass.

(On motion by Mr. Lessard of Androscooggin, tabled pending consideration of the report.)

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

The Committee on Judiciary on Bill, "An Act Relating to Cutting of Christmas Trees." (H. P. 921) (L. D. 1321) reported same in New Draft (H. P. 1091) (L. D. 1585) Under Same Title, and that it Ought to pass.

(On motion by Mr. Dow of Lincoln, tabled pending consideration of the report.)

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

#### **Ought to Pass — N. D. — New title**

The Committee on Public Health on recommitted Bill, "An Act Relating to Age of Applicants to Pownall State School." (H. P. 94) (L. D. 125) reported same in New Draft (H. P. 1092) (L. D. 1586) Under

New Title: "An Act Relating to Voluntary Admissions and Discharges at Pineland Hospital and Training Center." and that it Ought to pass.

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

#### Ought to Pass—as amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Calfhood Vaccination." (H. P. 579) (L. D. 828) reported that the same Ought to Pass as Amended by Committee Amendment A (Filing No. 419)

The same Committee on Bill, "An Act to Reactivate a State Committee on Aging." (H. P. 767) (L. D. 1100) reported that the same Ought to Pass as Amended by Committee Amendment A (Filing No. 418)

The same Committee on Bill, "An Act Directing Revision of Sea and Shore Fisheries Laws." (H. P. 830) (L. D. 1186) reported that the same Ought to Pass as Amended by Committee Amendment A (Filing No. 417)

The same Committee on "Resolve in Favor of Maple Grove Cemetery Association of Randolph." (H. P. 635) (L. D. 902) reported that the same Ought to Pass as Amended by Committee Amendment A (Filing No. 420)

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

The Committee on Public Utilities on Bill, "An Act to Incorporate the Rangeley and Eustis Light and Power District." (H. P. 907) (L. D. 1293) reported that the same Ought to Pass with Committee Amendment A (Filing No. 302)

Comes from the House, report accepted and the bill passed to be engrossed as amended by Committee Amendment A, and as amended by House Amendment A (Filing No. 382)

In the Senate, the report was read and accepted and the bill read once; House Amendment A and Committee Amendment A were read and adopted in concurrence; and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

#### Communications

State of Maine  
HOUSE OF REPRESENTATIVES  
Augusta

May 17, 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 to License and Regulate Operation of Trading Stamp Companies." (H. P. 895) (L. D. 1281)

Messrs. MORRILL of Harrison  
HAUGHN of Bridgton  
DUDLEY of Enfield

Bill, "An Act Relating to Services of State Police on Maine Turnpike." (H. P. 106) (L. D. 144)

Messrs. CROCKETT of Freeport  
HAUGHN of Bridgton  
JALBERT of Lewiston

Respectfully,

(Signed) HARVEY R. PEASE  
Clerk of the House

Which was read and ordered placed on file.

State of Maine  
HOUSE OF REPRESENTATIVES  
Augusta

May 17, 1957

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

Sir:

The House today voted to adhere to its former actions whereby it indefinitely postponed the following Bills:

Bill, "An Act Relating to Trial Terms of Superior Court in Aroostook County." (H. P. 970) (L. D. 1370)

Bill, "An Act Relating to Application and Qualification for Real

Estate Brokers' License." (H. P. 740) (L. D. 1054)

Respectfully,

(Signed) HARVEY R. PEASE  
Clerk of the House

Which was read and ordered placed on file.

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

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Admittance of and Charges for Patients at State Sanatoriums." (S. P. 395) (L. D. 1091) reported that the same Ought Not to Pass.

Mr. Lessard from the same Committee on "Resolve Providing Funds for Operation of Educational Television." (S. P. 169) (L. D. 448) reported that the same Ought Not to Pass.

Which reports were read and accepted.

Sent down for concurrence.

#### **Ought to Pass**

Mr. Sinclair from the same Committee on Bill, "An Act Relating to Construction Reserve Fund in Department of Finance and Administration." (S. P. 442) (L. D. 1260) reported that the same Ought to Pass.

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

#### **Ought to Pass—N.D.**

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 64) (L. D. 119) reported same in New Draft (S. P. 591) (L. D. 1594) and that it Ought to Pass.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I am going to move that the Senate accept the ought to pass report on this bill at this time and prior to its second reading or tomorrow morning, I hope to be able to present to the Senate in detail, more complete explanation of this

supplemental act. If there are any questions, I hope you will avail yourselves of the services of the members of the committee between now and tomorrow morning. I move that the Senate accept the ought to pass report.

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

#### **Conference Committee Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "JOINT RESOLUTION Memorializing Congress to Enact Legislation Concerning Unjustified Price Increases of Crude Oil and Refined Petroleum Products." (S. P. 378) (L. D. 1001) reported that the House recede and concur with the Senate in the passage of the Joint Resolution.

On motion by Mr. Cole of Waldo, tabled pending consideration of the report of the Committee of Conference.

#### **Second Readers**

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

##### **House**

Bill, "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators." (H. P. 953) (L. D. 1354)

On motion by Mr. Cole of Waldo, tabled pending passage to be engrossed.

##### **Senate**

Bill, "An Act Relating to Constructing a Fishway at Aroostook Falls." (S. P. 360) (L. D. 932)

Resolve to Repeal Certain Special Resolve Pensions." (S. P. 589) (L. D. 1588)

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

Sent down for concurrence.

#### **Enactors**

The Committee on Engrossed Bills reported as truly and strictly Engrossed, the following bills and resolves:

Bill, "An Act Relating to Fees to Town Clerks or Certified Copies of

Election Check Lists." (H. P. 249) (L. D. 310)

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

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

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

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 Relating to Licensed Dog Training Areas and Permits Therefore." (H. P. 1082) (L. D. 1556)

Bill "An Act Relating to Weight of Commercial Vehicles." (S. P. 352) (L. D. 930)

Bill "An Act Relating to Tenure of office of Members of Highway Commission." (S. P. 540) (L. D. 1519)

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

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

"Resolve Authorizing Franklin T. Kurt of Huntington, New York to Sue the State of Maine. (S. P. 242) (L. D. 643)

"Resolve Authorizing the State Highway Commission to Make a Study of the Public Ways of the State." (S. P. 545) (L. D. 1531)

Which Bills were severally passed to be nacted and the Resolves finally passed.

#### Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter being Bill "An Act Relating to Automobile Travel by State Employees." (H. P. 892) (L. D. 1278) tabled by the Senator from Kennebec, Senator Martin earlier in today's session pending consideration of the report.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate, I think there are two questions before us today in connection with this bill. The first one is, can you and I operate a motor vehicle for a period of five thousand miles on seven cents a mile and six cents thereafter? And the second question is, can we expect state employees, many of whom have to have a car for their jobs, to operate their cars for the benefit of the state?

I think you will have to agree that the answers to both questions will have to be in the negative. There are some 2,441 state employees who operate their cars for the state. I do not wish to give any wrong figures, but I understand that all of these do not operate their cars for state business. However there are 1500 state employees who drive their cars less than 4000 miles per year. The proposed rates under the bill are nine cents for the first five thousand miles and seven cents thereafter. It might be interesting to the Senate to know that these rates under which they now drive, seven and six, were set back in 1950. We are all cognizant of the fact that costs have risen terrifically since that time. As a matter of fact, before 1950 for one period we did have eight cents a mile for the first five thousand.

I assume that the committee will bring out the cost of this bill which is \$186,000. However, I don't think that we should be concerned with that figure when we realize that most of that is coming in because of the fact that we are asking state employees to drive their cars at a loss. I think this is manifestly unfair. We should not expect people who have to have cars for business such as wardens, social workers, etc., to operate their cars at a loss to themselves, or to put it the other way, to the benefit of the State of Maine. So actually the price tag on this bill is coming from those same people for operating their cars on an unjust mileage scale.

There may be others who wish to speak on the bill, Mr. President, but at this time I would like to move that the bill be substituted for the Ought not to pass report of the committee.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, in support of the report of the committee which was a unanimous ought not to pass report, I would like to say that the committee did give serious consideration to this bill when it came before us. We had a number of bills concerned with travel of state employees as well as travel of the legislators, and as the Senator from Kennebec, Senator Martin, has stated, it would mean \$186,000 per year cost to the state.

We have received a number of figures from various groups as to the cost of operating an automobile. They have ranged anywhere from 3½ cents to 10 cents a mile. I have a report here from one company, a big transportation company that pays 5 cents straight per mile. I have another report from a wholesale grocery concern which pays 7 cents. Another concern pays 6 cents up to 300 miles and then it drops to 4 cents. I have one from one of the larger oil companies which pays their salesmen 3¼ cents a mile plus a monthly allowance which is very difficult to figure out. Another oil company pays 8 cents but over a thousand miles it drops back to 3½ cents.

Recognizing that the costs have gone up considerably in every line of endeavor throughout the state, and recognizing the fact that there are a number of different prices being paid, the committee felt that the 7 cents per mile would be a fair price to maintain. There is an extra consideration given to certain types of state employees.

I would hope that the motion of the Senator from Kennebec, Senator Martin does not prevail and that the Senate will go along with the unanimous report of the committee, the ought not to pass report.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Martin, that the bill be substituted for the ought not to pass report of the committee in non-concurrence.

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

A division of the Senate was had.

Thirteen having voted in the affirmative and fifteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Carpenter of Somerset, the ought not to pass report was accepted in concurrence.

The PRESIDENT: The Chair at this time notes in the Senate Chamber a distinguished Maine legislator, a legislator who in my time at least, has within my hearing and vision swayed more votes than any three legislators that I can recall and it would give the Chair great pleasure if the Assistant Sergeant at arms would escort to the rostrum one of those distinguished citizens of Portland, Mr. McGlaulin.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to Sales Financing of Motor Vehicles." (H. P. 993) (L. D. 1421) tabled by that Senator on May 16 pending passage to be engrossed, as amended; and that Senator yielded to the Senator from Cumberland, Senator Charles.

Mr. Charles of Cumberland presented Senate Amendment A and moved its adoption; Senate Amendment A was adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table "Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Industrial Purposes." (S. P. 580) (L. D. 1581) tabled by that Senator on May 16 pending passage to be engrossed and that Senator presented Senate Amendment A and moved its adoption; Senate Amendment A was read and adopted and the bill as amended was passed to be engrossed. Sent down for concurrence.

Mr. LESSARD of Androscoggin: Mr. President, I rise to inquire if L.D. 427 is in the possession of the Senate.

The PRESIDENT: The Chair will state that bill, An Act to Increase Salaries of Justices of the Supreme Judicial Court and Superior Court (L.D. 427) is in the possession of the Senate having been recalled by Joint Order.



Thereupon, on motion by Mr. Lessard of Androscoggin, the bill was recommitted to the Committee on Appropriations and Financial Affairs.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table bill, "An Act Relating to Portland University." (H. P. 1026) (L. D. 1458) tabled by that Senator on April 18 pending passage to be engrossed.

Mrs. LORD of Cumberland: The 1953 Legislature, Chapter 44, P & S, Page 541, accepted from Governor Baxter \$675,000 to pay the entire cost of a bridge connecting Mackworth Island with the mainland (\$175,000) and the remaining \$500,000 toward the establishment of a new school for the deaf.

Chapter 135 of the Resolves of 1953, Page 949 of the Laws of 1953, appropriated an additional \$440,000 to augment the generous gifts of Governor Baxter. The Resolve furthermore provided that the Governor and Council are authorized to sell such property as is now owned by the state and used for the existing State School for the Deaf, with the proceeds from such sale to augment the \$40,000 Resolve and "shall be used exactly as though it had been a part of the above said appropriation."

It seems to me that in accepting these generous gifts from Governor Baxter, the legislature entered into a contract which provided that the school shall be sold and the proceeds used to augment the Governor's gift.

Therefore, Mr. President, I move that the bill be indefinitely postponed in non-concurrence.

The motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table House Report from the Committee on Retirements and Pensions: ought not to pass on "Resolve in Favor of Mabelle K. Toole of Bangor." (H. P. 289) (L. D. 520) tabled by that Senator on May 3 pending motion by Senator Davis of Cumberland for acceptance of the ought not to pass report.

Mr. HILLMAN of Penobscot: Mr. President, I move the pending question.

The motion prevailed and the ought not to pass report of the committee was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table bill, "An Act Revising Law Relating to Pharmacists." (H. P. 951) (L. D. 1352) tabled by that Senator on May 17 pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The PRESIDENT: The Chair will read a note that just came up from the Senator from Androscoggin, Senator Lessard which says: "I spoke to Chester Winslow's doctor yesterday and he told me that he was going to allow Chet to go home in a few days and that Chet is getting along fine."

The Chair thanks the Senator and I am sure we are all very pleased that Chester is coming along so well.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table bill, "An Act Relating to Salaries and Clerk Hire of Certain County Officers." (S. P. 574) (L. D. 1577) tabled by that Senator on May 13 pending assignment for second reading.

Mr. WYMAN of Washington: Mr. President and members of the Senate, two years ago the members of the Committee on Towns and Counties felt that the salaries of the various county officials in the several counties of the state were far from being proportionate. As a result a joint order was introduced by the House Chairman of this committee requesting the legislative research committee to study county salaries and to report to the next legislature. This order was passed, the study made and you have all received a copy of this report, which report the committee found very helpful during this session.

It has been argued that the committee should set the county salaries as requested by the county commissioner of each county. That

view may be right, but if it is right then this bill should be amended to repeal all the statutes, which fix the salaries of county officers and to substitute in its place thereof a new section which would place all authority for fixing county salaries in the hands of the county commissioners. Otherwise this committee is nothing more than a rubber stamp and any time spent hearing salary bills is wasted.

Your committee has, however, proceeded on the theory that its duty was to hear these various salary bills and then report them out, on as equitable a basis as possible considering one county with another. After spending much time in hearings and executive sessions the committee has reported a consolidated bill which it believes to be as fair as possible.

However, the county officers in Lincoln and Knox counties are not happy with the conclusions reached by the committee. The complaint in Lincoln County is on the salary increase for the Judge of Probate, the Register of Probate and the Register of Deeds.

Now I would like to take a little of your time to tell you how your committee reached its conclusions in regard to these salary increases.

The Register of Probate in Lincoln County is now getting \$2250 per year and requests an increase to \$2600. If the whole increase is granted it certainly would not be a large amount, but it would entirely disregard the principles of trying to keep these increases as nearly fair as possible.

The six smallest counties in the state have less than 30,000 inhabitants each and Lincoln is the smallest of these six, while Knox is the largest. The Knox County Register of Probate is receiving \$1920 and asks for no increase. Yet the population of Knox County is about one third larger than that of Lincoln while the state valuation of Knox County is about 70 percent greater than that of Lincoln.

Another comparison can be made with the salary of the Register of Probate in York County. York County has five times the population of Lincoln County and also has more than five times the valuation of Lincoln County. In fact the City of

Biddeford alone has more population and more valuation than the entire county of Lincoln. Yet the Register of Probate for York County is receiving \$2759 and requests no increase as compared with the request from Lincoln County for \$2600. It is true that York County is spending twice as much as Lincoln County for clerk hire in the probate office, but with a county five times as large isn't this reasonable?

Salaries for the Register of Probate in the six smallest counties range from \$1920 to \$2600, with Lincoln receiving \$2500 if this bill is passed as written. If it is amended to conform with the original request of the Lincoln County Register of Probate for a salary of \$2600, then it would seem that such salary would be definitely out of line with those for the same office in the remaining five small counties. It would be only \$150 below York and \$400 below Aroostook, two of our largest counties.

The situation for the increase requested by the Lincoln County Register of Deeds is much the same. As the bill is now written this Lincoln County official will be getting the top salary paid in the smaller counties for this office, a salary of \$3000. From this figure of \$3000 the salaries in the smaller counties for Registers of Deeds ranges down to \$2200, paid in Franklin County. Again, if we compare Lincoln with Knox which has a third larger population and 70 percent more valuation we find that even as the bill is written, Lincoln will be paying the Register of Deeds more than Knox. In fairness it should be stated that Knox is paying more for clerk hire but when the figures for register and clerk hire are added together for each county and when valuations and population are considered, any raise above \$3000 for the Register of Deeds in Lincoln County would seem out of proportion.

Much the same situation exists with respect to the increase for the Judge of Probate in Lincoln County. Your committee has recommended a 25 percent increase in salary, not the 40 percent requested. Although Lincoln is the smallest county in the state, the increase as now proposed in the bill would place the salary for this office on an even basis with

the Sagadahoc judge and at the top of the list for the six smaller counties. It would also be equal to the salary in Washington County, a county which has approximately twice the population and a greater valuation.

If I were to take your time I could show you that a like situation exists with respect to an increase in the salary for the Knox County Sheriff. If all of the increases requested should be granted his salary would be \$100 greater than that paid in Hancock and Oxford and \$100 less than that proposed in the consolidated bill for Washington and Somerset. Each of these four counties is considerably larger than Knox in both population and area.

It seems to me, members of the Senate, that this matter boils down to the question as to whether you want to work toward getting these county salaries on an equitable basis, one with another, or whether you want to rubber stamp the requests as made. If the latter, you should amend the bill to give this salary fixing authority to the county commissioner. If the former then we should have the courage to leave the bill as written. The Committee has given my own Washington County Sheriff \$300 less than he asked. It has given my County Attorney \$600 less than he asked and I am willing to stand with the committee on these changes.

Legislators from other counties have questioned changes in this bill but were satisfied with these changes when they were explained and providing the bill is allowed to stand as written. However, if one amendment is added then others will be sure to follow and finally many legislators will be obliged to add amendments in self protection. In such a case it would seem that the bill should be amended to let the county commissioners fix all the salaries. Thank you for your patience in listening to the explanation of why the Committee on Towns and Counties did what it did and I certainly hope you will support the committee by passing the bill without amendments.

Mr. DOW of Lincoln: Mr. President, may I inquire as to the motion.

The PRESIDENT: The question is on the motion of the Senator from Washington, Senator Wyman, that the bill be assigned for second reading.

Thereupon, the rules were suspended and the bill was given its second reading.

Mr. DOW of Lincoln: Mr. President and members of the Senate, it looks as though I may have to come to the defense of Lincoln County and the figures that were arrived in our county budget estimates. I do want to bring these facts before you.

Our Clerk of Courts has been cut back by this bill from \$3500 to \$3240. Now we justified this raise because of the fact that our clerk of courts is not only clerk of the superior courts but also the municipal court, the supreme court of equity and the clerk for the joint commissioners and the clerk for the county commissioners. Now there are just two counties in the state where the clerk of courts handles all the work for the municipal court along with the superior court work, and Lincoln is one of those two counties.

As for the Register of Probate at the time the consolidation report was set up, one fourth of the year was omitted; that is the figures were omitted. It should have been \$1102 instead of the \$740 which appeared in the report. As for the Register of Deeds, the cut was from \$3135 to \$3000. This slight raise that was given we felt was justified because of the big increase in the amount of business that Lincoln County has been doing the last two or three years.

I tell you, gentlemen, Lincoln County is on the move and there will be continued increases in the work of this office. Our Judge of Probate has more dollar value of business going through his office that is, it is a fifth in dollar value in the state which goes through the office of Judge of Probate.

I feel this way. We held our county budget estimate meeting last December. County commissioners and the legislative delegation, the public and all concerned were present and all agreed that these figures were fair and equitable and justifiable. All three of our county papers carried notices of public hearings

on this budget matter and on the proposed county salaries. No objection appeared to this bill. Everyone was agreed and satisfied that these salary increases were justified in view of the amount of work done by these offices.

It is impossible for me to go along with the motion on this bill unless it is amended to restore the figures that were arrived at our county budget meeting. Mr. President at this time I present Senate Amendment A and move its adoption.

Mr. WYMAN of Washington: Mr. President, it seems to me that if Lincoln County officials are performing other duties as clerk of the jury commissioners and certain other duties that don't ordinarily come under the titles, then they should be paid and the county commissioners should pay them for that and it should not be thrown into this salary to confuse the salary picture. I still feel that if we are going to rubber stamp these recommendations, then the bill should be amended to pass all authority for fixing salaries back to the county commissioners.

Mr. SINCLAIR of Somerset: Mr. President, I can appreciate the work and the long hours of the Committee on Towns and Counties that have been put into this particular study in order to arrive at a fair and equitable salary range for our county officers. The salaries involved in Somerset County are not the ones that were requested or agreed on by a delegation of county commissioners but I am not going to attempt to amend that. I would speak to one item in regard to the entire bill and that is that you will note that about half the counties carry a clause that says Sections 1 to 8 inclusive shall be retroactive to January 1, 1957. About half the counties do not—

The PRESIDENT: The Chair would note that the question before the Senate is on the motion of the Senator from Lincoln, Senator Dow to adopt Senate Amendment A.

Mr. SINCLAIR of Somerset: Thank you, Mr. President. I now move that the bill lie on the table.

The motion prevailed and the bill was laid upon the table pending motion by Senator Dow of Lincoln to adopt Senate Amendment A.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 57th tabled and unassigned matter, (H. P. 646) (L. D. 913) House Reports: Majority "Ought not to pass;" "Minority "Ought to pass," from the Committee on Towns and Counties, on Bill, "An Act Relating to Expending Penobscot County Funds for Higgins Classical Institute," which was tabled by that Senator on May 15th pending consideration of report.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I move that the Senate accept the majority "Ought not to pass" report of the Committee on Towns and Counties.

In support of this motion, I want to say that Higgins Classical Institute is one of some 45 private academies in the State, and it, along with the other academies, does excellent work in serving an area of Penobscot County. However, about a year ago Higgins was unfortunate enough to lose their boys' dormitory by fire, and insurance money plus donations appears to leave them short of rebuilding funds, so they have asked for an appropriation both from the General Fund and from the County.

There is no question about the need, but, to a majority of the committee, there is a great question as to whether we should establish the principle of local real estate tax levies to build dormitories for private academies.

The recent trend in the Maine Legislature has been to pass laws which seek to relieve local real estate tax burdens. With the passing of the sales tax the municipalities were relieved of a real estate tax burden of something like \$7,000,000 per year. Further, year after year we have passed highway laws to place more burden on the State and less on the cities and towns. Also in a short time we have increased State Aid for education to from \$3,000,000 of \$4,000,000 per year to a figure of \$10,000,000 or \$11,000,000.

If we are now going to accept the principle that local real estate taxes—in this case real estate taxes in the cities and towns of Penobscot County—are to be used to support private institution, then this should

certainly give cause for alarm throughout the State.

This is another one of those bills which when taken by itself would seem most deserving of support, but when considered in the overall picture of the State means the beginning of a whole new system of taxation upon the real estate of the cities and towns, and a direct reversal of the policy of easing the financial burden in the municipalities, which policy the Legislature has been following in recent years.

I therefore hope that you will agree that the majority "Ought not to pass" report of the committee is a sound one and that you will support my motion that the Senate accept this report.

Mr. HILLMAN of Penobscot: Mr. President, I move that the bill and accompanying paper lie on the table.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that the bill and accompanying papers be laid on the table, pending the motion of the Senator from Washington, Senator Wyman, that the Senate accept the majority "Ought not to pass" report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the bill was so tabled.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 60th tabled and unassigned matter, (H. P. 1078) (L. D. 1548) Bill "An Act Relating to Negligently Operating a Motor Vehicle so as to Cause Death," which was tabled on May 16th by that Senator pending passage to be engrossed.

Mr. BUTLER of Franklin: Mr. President, may I inquire the status of the bill?

The PRESIDENT: The pending question is passage to be engrossed.

Mr. BUTLER: Mr. President, I present Senate Amendment "A" to the bill to provide for what has been felt was an injustice upon the people. If I may, I would read the amendment.

The PRESIDENT: The Senator will read his amendment.

Senate Amendment "A" was then read by Mr. Butler.

Mr. BUTLER: Mr. President, this amendment, I feel, protects the public in the prosecution of this crime which has now been set up as a new crime and is only a misdemeanor. As such, the amendment does provide that the County Attorney or his Assistant must in all instances be present in the conduct of the hearing. I 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 "A" in non-concurrence. Is this the pleasure of the Senate?

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

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table the 9th tabled and unassigned matter, (H. P. 435) (L. D. 611) House Reports: Report "A", "Ought to pass,"; Report "B", "Ought not to pass," from the Committee on Retirements and Pensions on Resolve, Providing for an Increase in State Pension for Leeman Grant of Columbia Falls," which was tabled on April 18th by that Senator pending consideration of reports.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I think this is altogether different from any of the other requests for pensions. In the first place, it is different because five members of the committee brought out an "Ought to pass" report, and in the second place the State has already acknowledged its indebtedness to this man who was injured on State road construction and who has been unable to work since. The man subsequently was obliged to sell the woodlot that he had, and the illness of his wife and the subsequent funeral expenses took every cent he got from it, so that I feel the State is obligated to this man. The amount asked for is so small that I do not think any person in this Senate would feel that it is asking too much. So I move that we concur with the

House in adopting Report "A", "Ought to pass."

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: I rise to oppose the motion of the Senator from Cumberland, Mrs. Lord. I regret to be obliged to oppose her in this instance but I feel I would be remiss if I did not state the position of those on the committee who signed the "Ought not to pass" report.

This case was presented to us more in the nature of a claim than as a case of need. It seems that twenty-five years ago this man was injured while working for the Highway Department. I would call to your attention that at that time he was covered under our Workmen's Compensation Act, and, in addition to the medical benefits of something over \$1000, he received following that accident Workmen's Compensation for 500 weeks. I would like to emphasize that. That is nearly ten years. I do not feel it is within the province of or any part of the duties of your Claims Committee to raise or lower the standards of the Workmen's Compensation Act. In addition to that, this man has been receiving a special resolve pension for the past thirteen years.

I think perhaps the main reason why I signed the "Ought not to pass" report on this resolve is that this man while eligible to apply for Old Age Assistance has consistently refused to do so. I do not believe I need to point out to you that special pension resolves are paid entirely from State funds while old age assistance pensions are paid on a matching basis with Federal funds. There is considerable doubt in my mind whether there is actual need in this case, and, Mr. President, I move the indefinite postponement of the resolve.

Mrs. LORD of Cumberland: Mr. President, I would just like to say the man is now receiving about \$25 a month. I think that is little enough to live on and I think he needs it.

When the vote is taken I ask for a division.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I feel it is my duty to rise in support of the lady Senator from Cumberland, Senator Lord.

Undoubtedly this person must have received quite serious injuries to require 500 weeks of compensation. Somehow I cannot subscribe to the theory that a person who has been employed by the State and has been injured through some neglect or some accident should be penalized because his Workmens Compensation benefits have expired. Somehow I cannot seem to subscribe to the fact that this citizen should be obliged to accept old age assistance. It seems to me there is some duty on the part of the State to these unfortunate persons. In view of the fact this was a five to five decision, I feel it bothered quite a few of the committee, and I for one feel we are justified in granting this one pension even if there have been some others disappointed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Davis, that the resolve and accompanying papers be indefinitely postponed.

As many as are in favor of the motion of the Senator from Cumberland, Senator Davis, that the resolve be indefinitely postponed will rise and remain standing until counted.

A division was had.

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

On motion by Mrs. Lord of Cumberland, the Report "A" "Ought to pass," was accepted in concurrence, and under suspension of the rules the resolve was given its two several readings and passed to be engrossed in concurrence.

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On motion by Mr. St. Pierre of Androscoggin,

Adjourned until ten o'clock tomorrow morning.