

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME II

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 22, 1957

Senate called to order by the President.

Prayer by Rev. Alton E. Maxell of Augusta.

On motion by Mr. Briggs of Aroostook,

Journal of yesterday read and approved.

Orders

(Out of Order)

Mr. Low of Knox presented the following Orders and moved passage:

ORDERED, the House concurring, on this June like, bright morning, with the elm trees approaching their full green foliage, that the Senate be permitted to express to the House their sincere appreciation of the excellent Mock Session of last evening and that the Senate be furthermore privileged to express their congratulations to each of the legislators who participated in one of the outstanding entertainment sessions in many legislative years.

ORDERED, the House concurring, that there be recalled from the Office of the Governor to the Senate, House Paper 851, Legislative Document 1214, An Act Revising the Maine Milk Commission Law.

Which were read and passed.

Sent down for concurrence.

**Papers from the House
Joint Order**

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, requested to study the desirability of establishing State Vocational Educational Institutes in various locations in the State in order to promote specialized training for those who give evidence of special aptitudes or need and who desire specialized training designed specifically to train for service in trade, industry or commerce; and be it further

ORDERED, that the Legislative Research Committee report the results of its findings to the 99th Legislature. (H. P. 1096)

Which was read and passed in concurrence.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Visible Indication of Elapsed Time on Parking Meters." (H. P. 361) (L. D. 491) reported that they are Unable to agree

Which report was read and accepted in concurrence.

Bill, "An Act Relating to Portland University." (H. P. 1026) (L. D. 1458)

In Senate, May 20, Indefinitely Postponed in non-concurrence.

Comes from the House, that body having Insisted upon its former action whereby the bill was passed to be engrossed as amended by House Amendment A (Filing No. 204), now asks for a Committee of Conference.

In the Senate, the Senate voted to insist and join; and the President appointed as Senate conferees, Senators: Lord of Cumberland, Low of Knox and Carpenter of Somerset.

"Resolve in Favor of Mabelle K. Toole of Bangor." (H. P. 389) (L. D. 520)

The Senate on May 20 accepted the Ought not to pass Report of the Committee on Retirements and Pensions, in non-concurrence.

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

In the Senate, that Body voted to insist and join; and the President appointed as Senate conferees, Senators: Davis of Cumberland, Low of Knox and Dunn of Kennebec.

Bill, "An Act Relating to License Plates for Motor Vehicle Owners Who Operate Amateur Radio Stations." (S. P. 139) (L. D. 276)

In Senate on May 10, passed to be engrossed as amended by Committee Amendment A (Filing No. 388)

Comes from House, Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Reed of Aroostook, the Senate voted to insist and to ask for a Committee of Conference.

Bill, "An Act Relating to Board of Pupils Who Reside on a Coast Island Attending School Away from Home." (S. P. 297) (L. D. 794)

In Senate on May 17, passed to be engrossed as amended by Senate Amendment A (Filing No. 459)

Comes from the House, passed to be engrossed as amended by Senate Amendment A and as amended by House Amendment A (Filing No. 469) in non-concurrence.

In the Senate, on motion by Mr. Martin of Kennebec, the Senate voted to recede and concur.

Bill, "An Act Relating to Cost of Relocating Facilities in Federal-Aid Interstate Highway Projects." (H. P. 385) (L. D. 1081)

In Senate on May 17, passed to be engrossed as amended by Senate Amendment A (L. D. 1510) as amended by Senate Amendment A (L. D. 1593) thereto.

Comes from the House, passed to be engrossed as amended by Senate Amendment A, as amended by Senate Amendment A thereto and as amended by House Amendment A (Filing 474) thereto, in non-concurrence.

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

Bill, "An Act Relating to Examinations for Certain Persons to Practice Barbering." (S. P. 539) (L. D. 1511)

In Senate, passed to be engrossed.

Comes from House, Indefinitely Postponed on passage to be enacted (Motion to reconsider failed May 22, 1957)

In the Senate, indefinitely postponed in concurrence.

House Committee Report Leave to Withdraw

The Committee on Towns and Counties on Bill, "An Act to Authorize Washington County to Procure Loans and Issue Bonds to Construct an Airport." (H. P. 1030) (L. D. 1462) reported that same be granted Leave to Withdraw

The Committee on Retirements and Pensions on Resolve Providing for State Pension for Clarence Ramdell of Lubec." (H. P. 145) (L. D. 183) reported that the same be granted Leave to Withdraw.

Which reports were read and accepted in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Investments of Monies in State Special Revenue Fund." (H. P. 739) (L. D. 1053) reported that the same Ought not to pass

Which report was read and accepted in concurrence.

The Committee on Judiciary on Bill, "An Act Relating to Municipal Court and Trial Justice Court Costs and Fines." (H. P. 1000) (L. D. 1428) reported that the same Ought not to pass

Comes from the House, bill substituted for report and passed to be engrossed as amended by House Amendment A (Filing 435)

In the Senate, on motion by Mr. Silsby of Hancock, the bill was substituted for the report; House Amendment A was read and adopted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

Ought to Pass

The same Committee on Bill, "An Act Relating to Appeal on the Taking of Land for School Purposes." (H. P. 471) (L. D. 664) reported that the same 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—N.D.—New Title

The Committee on Legal Affairs on Bill, "An Act Relating to Death on Duty of Members of Portland Police Department." (H. P. 752) (L. D. 1066) reported same in New Draft (H. P. 1095) (L. D. 1592), New Title: "An Act to Provide Special Disability Compensation for Members of Police Departments." and that it Ought to pass

The PRESIDENT: The Chair would note that the original bill was a private and special bill amending the charter of the city of Portland. In effect the new draft amends

that bill into a public law. In accordance with Senate Rule 11, the Chair will rule the new draft out of order in that Senate Rule 11 specifically and directly provides that no public law by indraft shall be used to amend a private and special law.

The Chair would remind the Senate that the ruling of the Chair is debatable and the majority of the Senate may if it wishes upset the ruling of the Chair with respect to Item 14.

Mr. CHARLES OF Cumberland: Mr. President, relative to the committee report, Item 14 says that the Committee on Legal Affairs apparently had this bill. In my order of recent date, this bill was referred to the Committee on Labor for their consideration. I wonder now if that makes any difference in the Chair's ruling.

The PRESIDENT: The Chair notes that regardless of what committee had the bill or when they had it, an effort to bring out a public law under guise of an amendment of a private and special law would, so long as this Senator remains in the Chair, get exactly the same ruling. The Chair would again remind the Senator that he may have a division of the Senate with reference to the ruling of the Chair.

Mr. LOW of Knox: Mr. President, in order to keep the record clear, I move that this bill be indefinitely postponed in non-concurrence.

The motion to indefinitely postpone prevailed.

Sent down for concurrence.

Majority — ONTP
Minority — OTP

The Majority of the Committee on Judiciary on Bill, "An Act Creating the Maine Motor Vehicle Financial Security Act." (H. P. 987) (L. D. 1411) reported that the same Ought not to pass.

(Signed)

Senators:

SILSBY of Hancock
WOODCOCK of Penobscot
BUTLER of Franklin

Representatives:

BROWNE of Bangor
EARLES of South Portland

HANCOCK of York
WALKER of Auburn
NEEDHAM of Orono
BRODERICK of Portland

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

(Signed)

Representative

TEVANIAN of Portland

Comes from the House, Majority Report accepted.

In the Senate, on motion by Mr. Silsby of Hancock, the Ought not to pass, Majority Report was accepted in concurrence.

Majority — OTP — N. D.
Minority — ONTP

The Majority of the Committee on Retirements and Pensions on Bill, "An Act Amending the Law Permitting Municipal Employees to Receive Federal Social Security Benefits." (H. P. 924) (L. D. 1313) reported same in New Draft (H. P. 1086) (L. D. 1565) Under Same Title, and that it Ought to pass.

(Signed)

Senator

DUNN of Kennebec

Representatives:

JEWELL of Monticello
LINDSAY of Brewer
WARREN of Saco
SHAW of Bingham
CALL of Cumberland
DESMARAIS of Sanford

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

(Signed)

Senators:

LOW of Knox
DAVIS of Cumberland

Representatives:

FLYNN of South Berwick

Comes from the House, Majority Report accepted and the Bill in New Draft passed to be engrossed.

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

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA

May 21, 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:

Resolve Authorizing Study of Proposed Road from Millinocket to Grindstone, (H. P. 768) (L. D. 1101).
Messrs: EMERSON of Millinocket

TURNER of Auburn
BROCKWAY of Milo

Bill "An Act to Repeal the Westbrook Sewerage District." (H. P. 668) (L. D. 949)

Messrs. PORELL of Westbrook
COTE of Lewiston
RANKIN of Southport

Resolve in Favor of Mabelle K. Toole of Bangor, (H. P. 389) (L. D. 520)

Messrs. QUINN of Bangor
NEEDHAM of Orono
WALSH of Brunswick

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA

May 21, 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 Increasing the Bounty on Bobcat," (H. P. 108) (L. D. 146) on which the House accepted the Majority Ought not to pass Report on April 25.

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

**Senate Committee Reports
Ought to Pass—as amended**

Mr. Davis from the Committee on Appropriations and Financial Affairs on "Resolve Appropriating Money for Science Laboratories at Portland Junior College." (S. P. 275) (L. D. 734) reported that the same Ought to pass as Amended by Committee Amendment A

Which report was read and accepted and the resolve read once. Committee Amendment A was read and adopted, and the resolve as so amended was tomorrow assigned for second reading.

**Majority — OTP
Minority — ONTP**

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve Appropriating Additional Funds for Certain Construction at Portland Municipal Airport." (S. P. 168) (L. D. 447) reported that the same Ought to pass

(Signed)

Senators:

DAVIS of Cumberland
LESSARD of Androscoggin

Representatives:

EDWARDS of Raymond
STANLEY of Bangor
DUQUETTE of Biddeford
DAVIS of Calais

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

(Signed)

Senator:

SINCLAIR of Somerset

Representatives:

BEAN of Winterport
WOOD of Webster
BRAGDON of Perham

On motion by Mr. Davis of Cumberland, tabled pending consideration of the reports; and especially assigned for later in today's session.

Second Readers

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

House

Bill, "An Act Relating to Automobile Travel by State Employees." (H. P. 892) (L. D. 1278)

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

House — as amended

Bill, "An Act Relating to Gifts of Securities and Money to Minors." (H. P. 9) (L. D. 8)

Bill, "An Act Relating to Facilities Furnished by Public Utilities for Rate Fixing Purposes." (H. P. 186) (L. D. 249)

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

Sent down for concurrence.

Bill, "An Act to Eliminate Discrimination Between Purchasers." (H. P. 1070) (L. D. 1530)

Mr. LOW of Knox: Mr. President and members of the Senate, this bill is really a new bill covering an important matter, an important subject and I think it comes to us too late in this session for us to act on it intelligently. I therefore move that it be indefinitely postponed.

Mr. CHARLES of Cumberland: Mr. President, I move that the bill be laid upon the table.

The motion prevailed and the bill was laid upon the table pending motion by Senator Low of Knox to indefinitely postpone.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills and Resolve:

Bill, "An Act Relating to State Owned Cars for Supervising State Fire Inspectors." (H. P. 26) (L. D. 31)

(In the Senate on motion by Mr. Rogerson of Aroostook, tabled pending passage to be enacted.)

Bill, "An Act Relating to Property Tax Exemption for Benevolent and Charitable Institutions." (H. P. 1036) (L. D. 1467)

Bill, "An Act Relating to Lights on Rear of Trucks." (S. P. 546) (L. D. 1532)

Which Bills were Passed to be Enacted.

Emergency

Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 533) (L. D. 1503)

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

Emergency

Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958, and June 30, 1959." (S. P. 541) (L. D. 1520)

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

"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)

Mr. LOW of Knox: Mr. President, I move that this resolve now pass to be enacted.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I realize that it is futile for me to oppose the enactment of this resolve which will change the tenure of office of the Governor to four years.

Nevertheless I feel I have a duty to perform as representing some of the voters of this state and even though I probably will not make any motion at the end of my remarks, I do feel that I would like to have spread upon the records just how I feel about this amendment which proposes a four year term for Governor and then possibly another four years, making eight years.

Again, I do not enjoy opposing our most able Floor Leader, my good friend, Senator Low of Knox, but again I have to follow the dictates of my convictions.

In the first instance I am opposed to the amendment because it does not limit the Governor after the first four years, to succeed himself for another four years. I do not approve of the amendment because if we are going to give the governor four years, then to me it is just as logical that we give senators and rep-

representatives longer terms, also. And third, I believe that it is very important for the people of this state to get acquainted with the governor and I think that his term of office should be predicated upon his performance and whether or not the people can get acquainted with him. To be sure he campaigns for the nominations and the elections, and as the law is today he has two years and then he goes out and gets acquainted with the people again and they have the opportunity to register their protests or approval, and I say to each and every one of you that there isn't one of us in a campaign when we talk with our constituents but what we get some good ideas for the better government. And I don't like to see it taken away from the people to that extent and I still feel that the citizens of the State of Maine have a right to expect that they will have an opportunity to sit down and register their protest whether we are Senators or Representatives or Governors. We are public servants of the State of Maine and this is a large corporation and I for one, although I happen to be now perhaps a director of the corporation and also a stockholder, I believe that the people have a right to come to the polls and register their approval or rejection and were it I who happened to be the Governor of the State of Maine, I should welcome the idea of the people after two years, approving the administration and disapproving it if the criticism were constructive. I am always open to constructive criticism. I have no use for malicious criticism.

I feel that of all of the constitutional amendments that have been talked about so much by the people all over the state, that this is the least important of them all. I think it has no significance. I don't believe the people care whether they have this come to them or not, and I want to say to you again that when we pass a Constitutional Amendment out to the people, that we in substance have said that we as members of the legislature, we believe in it by a two-thirds vote and it is just the same thing as sending to the people a referendum

asking do they want war or peace. Everybody will vote for peace. Everyone is interested in it. And everybody who wants a four year term will vote for it but the people who are not interested will stay home and it isn't a fair test and I strenuously object to this amendment and I am going on record as voting against it.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, I too feel that this is legislation which we should look carefully into before we enact. As my good friend, the Senator from Hancock, Senator Silsby has stated, we are saying to the people, this is what we believe. At the hearing the people who should be interested in this particular item were not present. At that hearing the room was three-quarters empty. Now we have been criticized by the papers to the effect that we are barring the people. We are not barring the people from voting upon anything. If the people really want something they have another method in which they can request the legislature to act if the legislature does not see fit to take steps itself, and that other method has not been chosen.

This particular bit of legislation is not the original bill which came before the committee for hearing. The original bill which was heard was for a single four year term. The committee came out with several reports as you may recall. First the four year term. Second a proposal for two four year terms and third, an unlimited number of terms, and so what in effect did we do? We in effect are simply saying that the public bills that we had we don't like and we are going to give the governor two four-year terms; we are ignoring the people who might wish to change it for a single four-year term and if we are really going to give the people something I feel that we should give them a choice rather than simply stating that this is what we believe. Accordingly I shall vote against the resolve as I feel that the people are not being given an opportunity to intelligently express their opinion as to what they really wish, because we have not made it possible for them to do so.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I would like to call the attention of the Senate at this time that we are discussing this matter, that this was one of the first matters taken up by the citizens committee of the PAS. As you well know, this committee was comprised of some forty members, from every walk of life here in our great state, from labor, management, government, education, practically every phase and from every county and this matter was seriously considered by the subcommittee, was reported to the general committee and was unanimously recommended that at this legislature it should be introduced. I think that these people who perhaps are not directors, but are stockholders in our state, people who came here to give of their time without pay on many occasions gave serious thought to this matter and I think they do represent a cross section of our people. I believe that their recommendation should be sent to the people for their approval or disapproval.

Mr. PIKE of Oxford: Mr. President and members of the Senate, I know I am very old fashioned because there are lots of things in the PAS report that I don't agree with and I am greatly in the minority. I know I am in the minority here when I say that I sincerely and honestly believe that a good governor can be elected again for another two year term or perhaps three two year terms but if we have a poor Governor by chance, two years is long enough. I am glad for once this session to be able to agree with the Senator from Franklin, Senator Butler.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low, that the resolve be finally passed.

This being a Constitutional Amendment

A division of the Senate was had.

The PRESIDENT: The Chair votes in the affirmative.

Twenty-two having voted in the affirmative and nine opposed, the resolve was finally passed.

Bill "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." (H. P. 1056) (L. D. 1504)

On motion by Mr. Parker of Piscataquis, tabled pending passage to be enacted.

Mr. Low of Knox was granted unanimous consent to remove from the table, out of order and under suspension of the rules, the 56th tabled matter being, "Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election." (H. P. 66) (L. D. 93) tabled by that Senator on May 17 pending final passage; and the same Senator moved the pending question.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, again I rise in opposition to the motion of my good friend, Senator Low of Knox. When we look at this bit of legislation and the arguments which you have heard for it many times, we are ignoring the fact that when we tie our state election into our federal election sooner or later, we are going to so interweave these two that the elements of one will overcome the elements of the other and that our state policy will go along with our federal policy. We have seen this happen in the past and we have been thankful that we have a September election.

We have had argument that it is costing us more. Is it costing more for us to stand up and properly handle our own affairs in deference to what may be handed to us. Are we attempting to ride in on the coattails of the popular party of the time? I am not having reference either to a Republican administration or a Democratic administration because those terms are merely words. I do have a feeling that if we are going to keep a sound government here in Maine we should not permit arguments relative to what is being done on a national scale involve what we do on a state scale and for that reason I feel that it is not good legislation and I shall vote against it.

Mr. SILSBY of Hancock: Mr. President, again it appears that perhaps I am barking up the wrong tree so to speak but somehow I want to go on record that this old chest-

nut that has been here for the past six terms that I know of and I think it is seven terms, or fourteen years I can recall a few terms back when it was the number one bill. Again I am opposed to the change of the election date. I am standing on my own convictions in that particular. I think the fundamental reason for not changing it is by reason of the advertising we get from our election throughout the length and breadth of this nation. I think that in itself offsets perhaps some of the inconvenience, perhaps some of the expense that you will hear argued in behalf of this resolve.

And somehow I am still old fashioned. I hope I am progressive but not to the end that I want to change our election date because I believe that the date we have was the good judgment of our forefathers, at a time when voters could get to the polls and go out in the state of Maine and not be subject to severe weather conditions and I think, too, that perhaps there are still many who are old fashioned, and then too I cannot see why we should confuse the issue. I don't believe we want to vote upon all the state matters and the affairs of the federal government in the same election and there are many other reasons I can enumerate but I am not going to take your time because I just want to go on record as one of the persons who is still old fashioned.

I also want to say that by the legislature sending the referendum to the people we have simply substituted the opportunity of their voting if they so desire in lieu of their petition to the legislature. I cannot believe that if these issues we are discussing are so important as many would have you believe, that the people of this state would not a long time ago have petitioned the legislature for an opportunity to vote upon it and in view of those facts and for those reasons I again will vote against this resolve.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I rise to state again that this was also a matter considered by the citizens committee, and here again, unanimously they recommended that this legislation be taken up by the referendum. There were no objections to it and I might

say that that day perhaps will mark a day in our state when progress finally comes to us and we may go forward and take our proper place in this great nation.

The PRESIDENT: The question is on the motion of the Senator from Knox, Senator Low, that the resolve be finally passed.

This being a constitutional amendment

A division of the Senate was had.

Twenty-eight having voted in the affirmative and four opposed, the resolve was finally passed.

Orders of the Day

The President laid before the Senate the first tabled and especially assigned matter being bill, "An Act Relating to Bounty on Bears" (H. P. 159) (L. D. 206); tabled by the Senator from Piscataquis, Senator Parker on May 21 pending motion by Senator Carpenter of Somerset to indefinitely postpone.

Mr. PARKER of Piscataquis: Mr. President, may I inquire the status of the bill?

The PRESIDENT: So far as the Senate is concerned, the next affirmative motion would be to accept the Majority report ought to pass as amended with Committee Amendment B, the bill having been tabled pending motion by the Senator from Somerset, Senator Carpenter to indefinitely postpone.

Mr. PARKER: Mr. President, I understand there is an amendment that puts this bounty on in the four northern and eastern counties of the state. Are we voting on the bill with that amendment?

The PRESIDENT: The Chair will note that the affirmative motion could be made only after the motion of the Senator from Somerset, Senator Carpenter, has been defeated. Then any member of the Senate may make the affirmative motion to accept the ought to pass as amended report of the committee, the bill will have its first reading and then the consideration of such amendments as are on the bill would be in order.

Thereupon, Committee Amendment A and Committee Amendment B were read.

Mr. PARKER of Piscataquis: Mr. President, I did want to hear those amendments because the remarks

that I shall make on bear bounties this morning I shall make with the thought in mind of adopting Committee Amendment B which will provide that the bounty shall only be on in the four eastern and northern counties plus a small portion of Franklin County.

I wanted to bring that out because I certainly believe that in the counties where we are suffering the damage, a tremendous damage from bears, we are entitled to protection of the bear bounty in those counties. First I want to bring out the point of the value of the sheep industry in the State of Maine. There are now approximately 40 thousand sheep in our state and I might mention that that is nearly double the population of our sheep industry over the past four or five years. The value of this number of sheep at a fair valuation of twenty dollars each is \$800,000, the value of the wool crop for this year only—I am not projecting this over fourteen years previous or fourteen years ahead, I am just stating what it is for this year—the value of the wool from this 40,000 sheep at 60 cents a pound, which is very conservative, brings in the sum of \$150,000 a total of nearly a million dollar value for the State of Maine for this year in the sheep industry.

Now, why do I mention that? Anyone that is at all familiar with the habits of bear realizes, I am sure, that those are the animals that do the greatest damage to our sheep industry in the state. I want to read a short statement.

“Two years ago an incentive price of 62 cents per pound was made available to the sheep producers of this country to step up the wool production which has been the lowest in history. We are dependent on 75 to 80% of our wool from foreign trade. This is not a sound economical situation especially during the present world conditions. The incentive payments to sheep producers have been a stimulus to our sheep business here in Maine. The incentive payments plus an excellent outlet for market lambs have doubled our sheep numbers in the period from '51 to '56. This increase has taken place during the period of the bear bounty system. Livestock men in the areas where bear

are a threat have faith in the bear bounty control.”

And may I say right here that within the last 24 hours—and I have them here on my desk—I have received in the neighborhood of a hundred letters from not only farmers and livestock owners. Many of them are sportsmen and from fish and game association members.

“The biologists estimate that the bear population in our state is five to seven thousand. 2,108 were taken out of circulation by the bear bounty payment in the last two years. By the process of simple arithmetic, this may not eradicate the bear but certainly will prevent them from getting too numerous and causing even more damage than at present. Statistics show that during the five year period the sheep number doubled. Bear killed annually an average of 244 sheep and 18 head of livestock. Compare the average of these five year figures against the total of ten years ago when sheep numbers were a little over half what they are today. For the five year period of 1942-46, the bear killed 752 sheep and 20 head of livestock.

Opponents feel that as long as farmers are paying for their livestock losses, the state can save the taxpayer an average of fifteen thousand dollars a year by not paying the bear bounty. First, many farmers are not paid in full for their losses because of failure to produce sufficient evidence of bear killing, due to their cunning methods. Also bounties are paid out of general fund appropriation in the amount of the dog license revenue and not by other means of taxation.

The proponents of this bill feel that it has a definite economic value of dollars and cents. 110 livestock farmers who have suffered losses due to bear killing in the past two years also have the same attitude.”

Mr. President and members of the Senate, the northern and eastern counties of our state are very serious in wanting some protection from the menace of a larger number of bear. They honestly believe according to these letters I have gotten, and phone calls, that the only possible way of controlling the menace to our livestock, our sheep, is through a bounty system. It has worked. We believe it is the only

way these animals can be controlled.

I am not going to bore you with reading any more of these letters. I could read some that would bear out every statement I have made. I do hope that you will allow me by defeating this motion of the Senator from Somerset, Senator Carpenter—that you will then allow me to move the adoption of Committee Amendment B which will allow Aroostook, Washington, Penobscot and Piscataquis and a small portion of Franklin County to still have a bear bounty.

Mr. WYMAN of Washington: Mr. President, I rise in opposition to the motion of my good friend, Senator Carpenter of Somerset. I don't know much about sheep raising but I do know what bear do to blueberries. Blueberry farmers are confronted with all the perils of frost, pollination difficulties, drouth and plant diseases, as are all farmers, but in addition to this due to the geographical location of many blueberry fields, the blueberry crops must to a greater extent than most crops face the ravages of foxes, porcupines, sea gulls, deer and bear. While deer will eat blueberries, they are very dainty and do not trample it. Instead they nibble almost one blueberry at a time. Not so with the bears. They bed down and wallow in the blueberries. They then spread their front paws to drag together as many blueberries as possible to get a good bite of blueberries. They even roll on the blueberry bushes. As a result for every quart of blueberries that a bear eats, he destroys several bushels. This is a great loss to the blueberry farmer whose land is not located nearby his home where he can watch them. And I think in Washington County, blueberries are very much a public interest.

Mr. BRIGGS of Aroostook: Mr. President, I rise in support of the motion of the Senator from Somerset, Senator Carpenter and in defense of one of our finest wildlife creatures, the Maine Black Bear, renowned as a symbol of the fine things, I think, that this state has been endowed with by our Creator, celebrated and approved by many of us through a great many years.

This is a problem relating to wild life which I am most interested in as all of you folks know. I hope it is all right for me to say that apparently the kind of wildlife some of my colleagues are interested in are not pertinent to the same question. I think it is most significant to say that tests have proven very extensively all over the world that bounties are not a satisfactory method of predator control. Down through the years we have tried bounties on a great many of the creatures that seem to interfere with man's progress, and now that a good deal of enlightened study has been given to the subject, we have finally established to my satisfaction and to that of a great many authorities that bounties are not effective at all as a means of controlling predators.

The reason that they are not is due to the fact that as an example in trapping for bear, more often than not, bounties are paid on hundred of bear who have never seen or eaten a sheep or a blueberry or anything else that man is interested in. I know that folks who are still anxious in retaining this nonsensical expense are persons who still believe that bounties are effective. All of us on each side of the point I think seriously respect the rights of each other to have our own opinion in the matter. We do as you can see, also, seriously question each others judgment.

Now, in state after state, in this whole United States there is only one other state besides Maine which places a bounty upon the head of the bear, I'm sure you won't be led to believe here that these other states do not also have large numbers of sheep and cattle and apples and perhaps blueberries but only one other state in all the forty-eight, and that being our neighbor New Hampshire, sees fit to keep a bounty on the head of this animal. Some of the other states have bear populations much larger than that of Maine. They also have grizzly bears which are thought by some people to be a great deal more dangerous to man and perhaps also to sheep and cattle.

In my experience in the woods I have had occasion to spend a good deal of time on the Tobique River in New Brunswick. In the fertile

valley at the headwaters there is a good deal of grazing on small farm operations and they all run up into the gulches there which come down in the hills onto the flat river valley. And at no time that I have ever known even with the superabundance of bear that there are there, have I ever known or heard tell of a sheep or cow being disturbed. I am not making that as a point for you to believe that bear will not kill sheep or dogs or take blueberries or disturb apples because I am sure they will. But I do know that the bear are extremely abundant in that area. You can go anywhere in the woods there and see trees that have been stripped down from about five feet from the base of the tree for a matter of five or six inches in width of the tree, where bear have raked the tree. Neither have I noticed any great disturbance to the growth of the tree. That has been raised several times in debate.

Now I feel sure that in my county and a good deal of the other counties, if the people knew the circumstances and the facts of both sides of this matter and had an opportunity to declare their wishes that they would overwhelmingly seek the abolition of this bounty. We are not seeking to remove the damages that can legitimately be paid due to the results of the bears actions. We are not asking you to place the bear in the class of the game animal although that might be a worthy objective in our state. We are not asking you to give us a closed season on the bear to protect him so that he cannot be taken by farmers or trappers or others. We are not asking you to keep the trappers and others who take them from selling them to the frozen food lockers in amounts ranging from \$25 to \$100 per sale to non-resident sportsmen in the fall of the year. We are willing to allow all those things to remain, and for the damage payments to continue. But this nonsensical substitute that is being paid to trappers for taking this valuable animal which doesn't do anywhere near the damage that is inferred, I believe, and from which often times the claims are fraudulent. It is no secret, it is common knowledge everywhere that the bounties are only paid in organized

territory. I am sure that many of you recognize that it is not much of a trick to take a bear in a territory that is unorganized and collect the bounty on him as having been taken in an organized area.

If I were convinced that this bounty did the job for the farmers that some of them seem to think it does, I am sure I would not so enthusiastically recommend the removing of this bounty. I want to say again that of all the 48 states, only one other sees fit to pay a bounty on this fine animal and I certainly hope that the motion of the Senator from Somerset, Senator Carpenter, will prevail

Mr. BAILEY of Sagadahoc: Mr. President and members of the Senate, geographically it happens that I am not in the locality where we either have the benefit of seeing the bear or having the effects of his depredation. But as a member of the agricultural committee, I heard many reports about their work here in the state and the matter has been brought up about the effectiveness of the bounty. I know from personal experience in regard to the bounty on porcupines which we have had some years past, is quite a help in keeping the number and depredations of the animals down and I don't know as there is any reason why it wouldn't work the same with the bear. I have had communications from the different ones who were in this locality and they are strongly in support of the bounty. I will read you one communication which I happen to have here on my desk. "I am taking this opportunity to urge you to do everything possible to retain the bounty on bears, especially as it applies to the northern portion of the state. The removal of the bounty would tend to increase the bear population which is too large as far as the livestock industry is concerned. We realize that it costs the state considerable to pay a bounty but we also know that this is peanuts compared to the cost of the sheep and cattle if the bear is allowed to increase. I am convinced that bears kill many young deer also."

That is signed Harold L. Gray. I am in opposition to the motion to indefinitely postpone this bill.

Mr. REED of Aroostook: Mr. President and members of the Senate, I rise in opposition to the pending motion. I hesitate of course to speak in opposition to my good friend and colleague, Senator Briggs; and also my friend and colleague, Senator Carpenter of Somerset. However, I feel that I should bring to the attention of the Senate, the feelings of many of my constituents and other folks that I have heard from in regard to this problem. Many of the livestock farmers are definitely concerned with it. From a practical standpoint they feel that the damage is considerable and that this bounty is still the best way to try to control the problem.

Now I think that we should bear in mind the fact that even though claims are paid on the damage done to livestock, sheep owners particularly say the sheep being a very temperamental creature by nature, that much of the damage done is residual because of the fact that the sheep are so disturbed, the ones that are not damaged always seem to remember and it seems to be in their nature to continue to be disturbed a long while after an attack by bears. So that is something no claim can be paid on but there is a definite reason why we should favor this bounty. I have heard from quite a few sheep owners of sheep herds in Aroostook County and they are in favor of it. I have a couple of letters here and they are very short and I might just read them for you consideration.

"Regarding the proposed bill to discontinue bear bounty we hope the legislature will vote to continue to pay the bear bounty in this area. We have talked with many people on this question and feel safe in saying that the majority of people in this town and surrounding vicinity want the bear bounty on." This is signed by the Town Manager, and chairman of the board of selectmen.

And here is one from the office of selectmen of Morrill Plantation:

"As an owner of a flock of sheep I am firmly opposed to repealing the bounty on bears."

You see that those who are concerned from a practical standpoint on this, feel that the bounty should remain on and that is why I rise

in defense of the bounty at this time.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, hold on to your chairs because I am really in accord with the Inland Fish and Game Committee. For many years I have been opposed to the State of Maine paying a bounty on bears. I consider the bear one of our game animals and I believe that anyone in this room that ever indulges in hunting would consider it the delight of his life to "kill a b'ar". I know it would be mine. I think undoubtedly there are a good many here who have probably never seen a bear in the woods and to me to have a bounty on bear because of the damage they do is simply ridiculous because I don't believe in dollars and cents that a bear during any season would do the damage to the blueberry crops or the apple orchards that is done by deer. We all know how everyone feels about the deer. Our hearts are pretty small when they ruin bean patches and automobiles and I think it is very inconsistent legislation because bear are going to be killed regardless of the bounty and why turn fifteen thousand dollars a year down the sinkspout. That is just what we are doing. And many of our non-resident hunters come up here and they would rather have a bear to take back to New York or Philadelphia or wherever it may be than twenty-five deer. Why not let the non-residents come in here and pay up for the privilege of killing our bear instead of we paying our neighbors a premium when we know that I, you, or anyone else who has a gun in his hands and sees a bear, he will certainly do everything he can to eliminate that particular animal and I am not in favor of any premium.

Mr. PIKE of Oxford: Mr. President I would simply like to state that I am not in favor of bear bounty the state over, but up in those four counties where these folks seem to feel that it is serious, then I feel that we ought to go along with it.

Mr. FARLEY of York: Mr. President, in 1949 I first learned about bounties on bobcat and bear and so forth. I am going along with the

Senator from Piscataquis, Senator Parker, for the simple reason that I don't think we have any in my county and I would like to keep them at the other end of the state.

The PRESIDENT: The question before the Senate is the motion of the Senator from Somerset, Senator Carpenter, that the bill be indefinitely postponed and that Senator has asked for a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and thirteen opposed, the motion prevailed and the bill was indefinitely postponed.

The President laid before the Senate bill, An Act Amending the Law Permitting Municipal Employees to Receive Federal Social Security Benefits (H. P. 924) (L. D. 1313) tabled by the Senator from Cumberland, Senator Davis, earlier in today's session pending consideration of the committee reports.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate I would like to point out to you briefly what the effect of this bill is if you pass it. In effect it is saying that it is the policy of this legislature to provide two pension systems for our employees. This particular bill it is true limits it to municipal employees and of course if it were so limited there would be no additional cost to the state, but I can predict that if this bill passes then the next legislature will be confronted with a request for an amendment to include our state employees, an additional expense of something like a million dollars or so a year and I would like to point out to you that the Maine State Retirement System is considered to be one of the best in the state and in the country. All employees, municipal and state are eligible to participate. We have a bill on the table waiting to be enacted now to add survivor benefits to the state retirement system and I feel that this is all the state can afford to furnish. Mr. President I move that we accept the minority ought not to pass report.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I think we are getting this confused with the State Retirement System. This act will permit munic-

ipalities who now have a small pension plan, not sufficient to take care of some of the part time employees that they must have for two or three months during the busy season, to participate in. To be sure if there is no pension plan at all they can participate in the federal social security program. There is no attempt being made to integrate with the state retirement system at this time and I don't think there ever will be in the future. I recognize the fact that we have a very, very good retirement system in the state and I should certainly oppose any tie in with the social security program now or at any time in the future.

The Maine Municipal Association recognizes the fact through information from the various municipalities throughout the state that here is need of such legislation and I must say that it had the backing of that association. I think this bill if enacted will be a saving to the state of Maine and a benefit to the municipalities. I hope that the motion of the Senator from Cumberland, Senator Davis does not prevail.

Mr. LOW of Knox: Mr. President and members of the Senate, I can well understand the arguments of my good friend from Oxford, Senator Ferguson. However, I think it is of paramount importance that we maintain the integrity of the retirement system and that we do not start things now which in the future might hurt us very badly. I shall go along with the motion of the Senator from Cumberland, Senator Davis.

Mr. REED of Aroostook: Mr. President and members of the Senate, I rise in favor of this bill. I have a particular instance in the town of Fort Fairfield in connection with the school lunch employees who are elderly ladies who haven't been on too long. They work part time and they are ineligible for any plan that would do them any good. I am sure that many of the members of the Senate probably know of similar cases in their own communities and it seems to me that this would take care of them and still not jeopardize any future invasion of the state retirement system. Therefore, I certainly favor this bill.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, I rise in support of the Senator from Cumberland, Senator Davis. I do so not with the fear of endangering our Maine State Retirement System. When we read the bill we find that it really accomplishes nothing. That could include the Maine State Retirement System, but if it should include the Maine State Retirement System, still under provisions of the federal act it is not in accordance with it and if it doesn't include the state retirement system then there is nothing we need to consider. I feel, that the same can be handled entirely on a local level. And there is not a thing to prevent the municipality from suspending their retirement system if they have it and substitute the same in accordance with the regulations of social security and for that reason I am in support of the ought not to pass report.

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

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator from Cumberland, Senator Davis, to accept the minority ought not to pass report.

A division of the senate was had.

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

Thereupon, on motion by Mr. Ferguson of Oxford, the ought to pass in new draft report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

The President laid before the Senate, "Resolve Appropriating Additional Funds for Certain Construction at Portland Municipal Airport." (S. P. 168) (L. D. 447) tabled by the Senator from Cumberland, Senator Davis earlier in today's session pending consideration of the reports; and on motion by the same Senator, the resolve was retabled pending consideration of the reports.

The President laid before the Senate, bill, "An Act to Eliminate Discrimination Between Purchasers." (H. P. 1070) (L. D. 1530) tabled by

the Senator from Cumberland, Senator Davis, earlier in today's session pending motion by Senator Low of Knox to indefinitely postpone; and on motion by the same Senator, the bill was retabled pending Senator Low's motion to indefinitely postpone.

On motion by Mr. Reed of Aroostook, the Senate voted to take from the table bill, "An Act Relating to Repossession of Property Subject to Conditional Sales Agreement." (H. P. 418) (L. D. 595) tabled by that Senator on May 15 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

Sent forthwith to the engrossing department.

On motion by Mr. Bailey of Sagadahoc, the Senate voted to take from the table House Report from the Committee on Agriculture: ought not to pass, on bill, "An Act Relating to Purchase of Milk for Redistribution in Maine." (H. P. 309) (L. D. 426) tabled by that Senator on May 24 pending consideration of the report.

Mr. BAILEY of Sagadahoc: Mr. President and members of the Senate, I wish to make a slight explanation of this bill on which the committee voted ought not to pass. When the bill first came out we as a committee, at the hearing and afterwards could readily see that the bill as it was stated at that time was not workable and we gave the proponents of that bill an ample opportunity to change the bill in such a way that we could see that it was workable. But after waiting for some time, we finally deliberated on the situation and brought it out, ought not to pass. After the bill came out, then there was an amendment placed on it which caused the committee to feel quite satisfied that it may be of benefit to the people of the state. This time I wish to yield to the Senator from Aroostook, Senator Reed, as this bill largely applies to industry in Aroostook County.

Thereupon, on motion by Mr. Reed of Aroostook, the bill was substituted for the ought not to pass report of the Committee and read

once; House Amendment B was indefinitely postponed and Senate Amendment was read.

Thereupon, on further motion by the same Senator, the bill was laid upon the table pending that Senator's motion to adopt Senate Amendment A.

Mr. SILSBY of Hancock: Mr. President, I would like to inquire if L. D. 595 is in the possession of the Senate.

The PRESIDENT: The Chair will state that bill, "An Act Relating to Repossession of Property Subject to Conditional Sales Agreement." (H. P. 418) (L. D. 595) is in the possession of the Senate, having been held at the request of the Senator from Hancock, Senator Silsby.

Thereupon, on motion by Mr. Silsby of Hancock, the Senate voted to reconsider its action whereby it passed the bill to be engrossed; and to further reconsider its action whereby it adopted House Amendment A and Committee Amendment A; House Amendment A and Committee Amendment A were indefinitely postponed in non-concurrence.

Mr. Silsby of Hancock presented Senate Amendment A which was read and adopted, and the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, Recessed until this afternoon at one-thirty.

Afternoon Session

1:30 P. M.

Called to order by the President.

Communication

State of Maine
SUPREME JUDICIAL COURT
Augusta

Honorable Waldo H. Clark,
Assistant Secretary of the Senate
State House, Augusta, Maine.

Dear Mr. Clark:

There is enclosed the Answer of the Justices to the Question of

May 16, 1957 relative to "An Act Relating to the Unfair Sales Act."

Respectfully yours,

(Signed)

ROBERT B. WILLIAMSON
Chief Justice

Enclosure
as stated.

The PRESIDENT: The Chair will read the Advisory Opinion.

On motion by Mr. Silsby of Hancock, the communication was received and placed on file and ordered printed in pamphlet form.

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table the 51st tabled and unassigned matter (S. P. 555) (L. D. 1551) Bill, "An Act Relating to the Unfair Sales Act," which was tabled on May 16th by that Senator pending consideration.

Mr. CHARLES of Cumberland: Mr. President, will you please inform me as to the condition of the bill at the present time?

The PRESIDENT: The Chair will state that the bill was passed to be engrossed in the House as amended by House Amendment "A" in non-concurrence, and the Senate action since its passage to be engrossed on May 7th is a tabling by the Senator from Cumberland, Senator Charles, on May 16th, pending further consideration.

On motion by Mr. Charles of Cumberland, the Senate voted to recede and concur.

By unanimous consent the bill was ordered sent forthwith to the engrossing department to be engrossed in concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 35th tabled and unassigned matter, (S. P. 319) (L. D. 815) Bill, "An Act Relating to Compensation for Total Incapacity Under Workmen's Compensation Act," which was tabled by that Senator on May 10th pending passage to be engrossed.

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

Senate Amendment "A" was read 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. Boucher of Androscoggin, the Senate voted to take from the table the 7th tabled and unassigned matter, (H. P. 647) (L. D. 916) House Report "Ought to pass as amended by Committee Amendment A," from the Committee on Judiciary, on Bill, "An Act Relating to Limitation of Financial Responsibility Law," which was tabled on April 16th by that Senator pending consideration of report.

On motion by Mr. Boucher the "Ought to pass as amended by Committee Amendment A" report of the committee was accepted in concurrence and the bill was given its first reading. Committee Amendment "A" was read and adopted in concurrence, and, under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

By unanimous consent the bill was ordered sent forthwith to the engrossing department.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 36th tabled and unassigned matter (S. P. 355) (L. D. 961) Bill, "An Act Relating to Compensation for Specified Injuries under Workmen's Compensation Act," which was tabled by that Senator on May 10th pending passage to be engrossed.

On further motion by the same Senator, under suspension of the rules the Senate voted to reconsider its action whereby it adopted Committee Amendment "A" in concurrence, and Committee Amendment "A" was indefinitely postponed in concurrence.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby it adopted Senate Amendment "A", and Senate Amendment "A" was indefinitely postponed.

The same Senator then offered Senate Amendment "B" and moved its adoption.

Senate Amendment "B" was read and adopted and the bill was passed to be engrossed as amended by

Senate Amendment "B" and sent down for concurrence.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table the 57th tabled and unassigned matter (H. P. 921) (L. D. 1321) House Report "Ought to pass in New Draft under Same Title" (H. P. 1091) (L. D. 1585) from the Committee on Judiciary on Bill, "An Act Relating to Cutting of Christmas Trees," which was tabled by that Senator on May 20th pending consideration of report.

Mr. DOW of Lincoln: Mr. President, although I do not like this bill as redrafted because of the fact it puts a restriction on a land-owner whereby he can cut his Christmas trees and haul them to the roadside but he cannot haul them into the city or sell them at retail without having to have a license and make a report at the end of the year. To me it is the same as putting a restriction on a farmer requiring him to have a license to market his eggs or his milk and say he can only take them as far as the roadside but he cannot go any farther with them. However, I understand there are some amendments being prepared in the other branch, and to expedite things I will now move that the "Ought to pass" report of the committee be accepted.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Senator Dow, that the Senate accept the "Ought to pass in New Draft under same title" report of the committee in concurrence. Is this the pleasure of the Senate?

The motion prevailed and the "Ought to pass in New Draft under same title" report of the committee was accepted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Davis of Cumberland, the Senate voted to take from the table Senate Committee Reports from the Committee on Appropriations and Financial Affairs, Majority "Ought to pass," Minority "Ought not to pass" on "Resolve Appropriating Additional Funds for Certain Construction at Portland Municipal Airport" (S. P. 168) (L.

D. 447) which was tabled by that Senator earlier in today's session pending consideration of reports.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: I am sure you are all aware of the importance of this airport to the economy of the State of Maine. In order that you may be fully aware of the purposes of this resolve, I should like to review briefly just what has happened at this airport.

In 1953, a resolve was adopted by the 96th Legislature appropriating \$250,000 for the construction of a new runway at the Portland Airport. The Legislature established a limit of 25 per cent on the State's contribution in anticipation of the usual formula for airport projects of 50 per cent federal funds, 25 per cent state, and 25 per cent local.

At that time the Maine Aeronautics Commission was actively trying to persuade the City of Portland to go forward with the project. Rough preliminary estimates indicated a cost of \$1,000,000 for the runway and this was the figure that was used by the officers of the Civil Aeronautics Administration and the Maine Aeronautics Commission. Using this figure as a base, the Legislature also set a dollar limit on the 25 per cent contribution by saying that it could not exceed \$250,000.

After many meetings between the City Council and the officers of the MAC and CAA and other interested parties, the City Government finally agreed in the fall of 1954 to undertake the project. An attempt was made to secure participation in the 25 per cent local share of the project costs by other communities in the area which benefit proportionately, just as much as Portland does. These other communities refused to accept any financial responsibility, however, so Portland proceeded on its own.

Engineers were hired, surveys made, plans and specifications completed and advertised, and the construction contracts were signed by July 1, 1955. When bids were received, the low bids, together with other costs, added up to \$1,109,000. The City proceeded to eliminate certain items of taxiway paving and succeeded in reducing contract amounts so that the total cost of

the project then stood at \$992,000, or just under the \$1,000,000 amount in which the State and the City had agreed to participate on the basis of 25 per cent from each.

The course of the contract was not smooth. The contractor walked off the job and attempted on December 1, 1955, to rescind his contract. The City brought suit against the contractor and his bonding company to require the bonding company to complete the work. Trial was held in the suit in the summer of 1956 and briefs have only recently been filed with the judge. We do not know when we can hope for a final ruling.

In the meantime, the City has proceeded to complete the job. This was essential. About half a million dollars had been spent on grading and drainage. All of this would have been wasted unless the job was finished. It now appears that the runway will be ready for use in June of this year.

The City's estimate of the total cost of construction at the present time is in excess of \$1,400,000. There are several possibilities, it seems, as to the final cost of the project. It should be understood that the Federal funds are available to pay half the cost of the runway in any event.

In the first place, we hope and believe that the City will win in the present litigation. If we do, and the bonding company is required to pay all of the added cost of the project, the cost in which the City, State, and Federal Government will share should be very close to \$1,000,000.

If the city should lose the case, we then would have to face the question of total amount due the contractor. We feel that an unfavorable judgment on damages might run the cost of the project as high as \$1,600,000. It is possible, of course, that some intermediate figure might be the final result.

It is my feeling that the State of Maine should participate in the cost, whatever it may be, to the extent of 25 per cent. Certainly that is the premise on which the project was undertaken by the City and the only premise on which it would have been undertaken. Had we known that the City's share might go as high as 25 per cent of \$1,600,000, it is doubtful that the Maine Aeronau-

tics Commission could have sold us on doing the job at all. If the present limitation of \$250,000 is not removed, the cost to the City could go as high as \$550,000 or 34 per cent. I feel confident that the State will be willing to honor its original intent to pay 25 per cent of the cost of this project.

That is the purpose of this resolve: to retain the 25 per cent formula for sharing the costs but to increase the dollar limit from \$250,000 to \$400,000 if it should develop that the final cost of the project is in excess of the original estimate of \$1,000,000.

It should be emphasized that this is a contingent item. If Portland successfully maintains its position in court there will be no additional cost to the City or to the State. I am not asking for more dollars nor to reduce Portland's share of this project, but ask only that the 25 per cent share be maintained so that the cost to the City and the State will remain on an equal-sharing basis.

Mr. President, I move the acceptance of the majority "Ought to pass" report of the committee.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate: I dislike very much to rise in opposition to my good friend and colleague, the Senator from Cumberland, Senator Davis, but as a signer of the minority "Ought not to pass" report I feel that I should state my position and my reason for signing the "Ought not to pass" report in regard to this bill.

I appreciate very much the importance of the airport, not only to Portland but to the entire southern end of the State of Maine, and what the Senator has stated in regard to the history of the original appropriation is very, very accurate. I was on the committee when it recommended the appropriation of the original \$250,000 for this project.

My reason for signing the "Ought not to pass" report is this: If the City of Portland should win this present litigation with the bonding company there will be no need of any appropriation to complete the job; if the City of Portland loses the case, then I maintain it is not an error on the part of the State

but on the part of the City of Portland. An amount of money was appropriated for a certain project; the State appropriated its share; bids were asked by the City of Portland, received by the City of Portland and awarded by the City of Portland.

I have no personal interest in this at all. I am certainly desirous of seeing the airport at Portland continue and I recognize the importance of the airport, but I do not feel that the error, if there is an error, was made by the State, I feel it was made by the City of Portland, so I would vote against the motion of the good Senator from Cumberland, Senator Davis.

Mr. LESSARD of Auburn: Mr. President and members of the Senate: I hate to disagree with the Chairman of the Committee on Appropriations and Financial Affairs, however, I signed the majority "Ought to pass" report and I would like to give my reasons why I did so.

First of all, the City of Portland Airport is not simply for their benefit; if it was perhaps I would feel a little differently and perhaps go along with some of the reasoning of the good Senator from Somerset, Senator Sinclair. However, this airport is an airport which serves all of the State of Maine, not only the southern part.

We have an airport in my city called the Auburn-Lewiston Airport and we have some twenty thousand passengers that come to our city. In doing so, I would say that perhaps fifty per cent of them have to go into the Portland Airport. The Portland Airport is considered the major airport of the State of Maine. Other trips come into the Portland Airport and there the passengers change planes or take larger planes, and I understand that this construction was for that purpose, so that larger and faster planes such as are being used today could land. These larger planes could not land at an airport such as the Lewiston-Auburn Airport or some of the other airports in the State, so the other airports really become feeder lines to the Portland Municipal Airport. So not only is it a Portland affair but it has become a State affair.

I am not here to discuss the merits or demerits of the case. Un-

fortunately the case has not been decided. However, if there was any error made — and I do not know whose fault it was — nevertheless I hate to lay it to the City of Portland, because after all they enlarged this airport at the recommendation of the Maine Aeronautics Commission, and they were merely acting perhaps as agents for all the airports in the State of Maine. I hate to say to them, "You made a mistake on our behalf so we are going to let you go high and dry." The work has been done, and I feel that we ought to fulfill our obligation and the promise we made. If the court decides in favor of the city we have lost nothing; on the other hand, should the decision be adverse we still have got to have that airport and I do not think we should punish the City of Portland for paying for something that we all have some service from.

Mr. LOW of Knox: Mr. President and members of the Senate: I think that the last legislature would have been just as glad to go along with an airport costing \$1,600,000 as it would for an airport costing \$1,000,000. Regardless of who made the mistake or whose fault it was, I think we should go along now with the request for additional money.

Mr. FARLEY of York: Mr. President and members of the Senate: I want to agree with the Chairman of the Appropriations Committee. I have followed the case in the newspapers only, but I believe that the Chairman of the Appropriations Committee is correct in saying there has been an error made and I do not think it is an error made by anybody in the State, I think it is an error made by the Portland people themselves. When the vote is taken I am going to vote along with the Chairman of the Appropriations Committee.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: I think we might do well to clear up a couple of things that have been brought up in this debate. Perhaps I can shed some light on them.

In the first place, mention has been made that there was an error on Portland's part, or it would seem that such is the case if the case now in the courts is decided

against Portland. I might ask a question and then try to answer it: What error on Portland's part? What are we talking about? In the first case, this was a joint enterprise between the federal government, the State of Maine and the City of Portland, and we indicated in the legislature that it was such when the last legislature saw fit to pass the act allowing up to \$250,000.

When we join in an enterprise such as this where we say we will construct any construction regardless of what it might be, I would assume that we are perfectly willing to stand up to the risks involved and to the problems involved as joint participants.

In this particular case, the problem centered around the contractor, who decided that he wanted to leave the job. I think it is fair to put it that simply. How an error could be charged against the City of Portland for the contractor deciding he does not want to carry on, is beyond my comprehension.

In this particular case, one of the finest engineering firms in the world was brought in to do the survey work on this airport and set up specifications, contracts were let and construction companies all over the east bid on this particular job. I could cite court testimony to prove that some of our local concerns did bid on the job and they decided that the specifications were clear, they understood what they were talking about and what they were bidding on. This particular contractor's bid was bonded by a reputable bonding company and the city entered into negotiations with him and finally signed a contract. Work was started, and somewhere along the line the contractor ran into some difficulty and he pulled out. Now that is something that could not have been foreseen by anyone.

I go back to my original statement, that when we enter a joint enterprise such as this we assume the responsibilities as well as the benefits. The City of Portland entered into this in perfectly good faith, hoping that the million dollar figure was good and that they would have to put up twenty-five per cent of it along with the State, and Federal government would share fifty per cent of it. Now they are having

some difficulties, and it may be that if this decision of the court, saying that the contractor should not have walked out on the job, holds and the bonding company has to pay, that the increased cost will be taken care of; but if somehow it is found that the contractor can walk out on the job — and of course we hope that does not happen—but if it does happen, then there will be additional costs, but it certainly was not an error that was committed by any human being that we know of or anything on the part of the City of Portland. Therefore we feel very strongly that this joint enterprise should be carried out to the fullest, and that if the costs increase then the people of Portland should not be required to stand the extra expense. The people of Portland entered into this agreement only because they felt that it was worthwhile and because the airport did have implications for the rest of the State and did serve the rest of the State, and because the State was willing to enter into this and to share its part of the cost, and the city went ahead with its share. I think that the comments of my good friend, the Senator from Cumberland, Senator Davis, to the effect that Portland might not have entered this if it had been that costly, are true, and that it would probably have resulted in this not being done.

I might just point out, in case it needs to be said, that this runway is extremely necessary and will enable almost any plane that we now have to land there. It is as large as the largest runway at LaGuardia field in New York, and it is the only runway of its size contemplated and is fully important to the entire State, the State of Maine, and it means that we are able to link up with the rest of the country in air travel. It is awfully important to the entire State, because once our passengers get in here they can transfer to other planes and go on to the rest of the airports of the State. So I hope that the motion of the Senator from Cumberland, Senator Davis, will prevail, and that we will honor our part as a State.

Mr. SINCLAIR of Somerset: Mr. President, I rise again only to clear up any misinterpretation in regard

to any statement I have made in regard to an error by the City of Portland. I do not intend to intimate in any way that any one individual or that the City of Portland made an error in judgment or intent at all. I would point out again that the contractor walked off the job, apparently. He walked off the job for some reason. What the reason was I do not know, and I do not know as it has been determined as yet. But the reason he walked off the job just have been something in connection with the contract he had with the City of Portland and not with the State of Maine; and when I refer to an error I refer to an error or a mistake or something else that must have caused the contractor to walk off the job. I do not figure that the contractor entered into a joint agreement with the State in regard to the construction of this airport.

I would commend the City of Portland for their decision in continuing the construction of the airport after the contractor did walk off. My point is merely this: that if the decision is won by the City of Portland there will be no need for additional money; if the decision is lost by the City of Portland, I claim it must be for some reason, and the reason, I feel, belongs to the City of Portland and not to the State of Maine.

Mr. COLE of Waldo: Mr. President and members of the Senate: I do not know as I should get mixed into this argument, but having served on the Appropriations Committee with both the Chairman and the Senator from Cumberland, Senator Davis, I feel that had the request been granted at the time and had that request been of sufficient amount, we would not have had this resolve before us. I feel that the State is morally bound because of this fact. Had the City of Portland had more money, they would, I am sure, have had a more reliable contractor, a State of Maine contractor, who would have carried out the duties; so I feel that the State is morally bound to go along with the present resolve, and I want to go along with the motion of the Senator from Cumberland, Senator Davis.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I rise to support the motion of

the Senator from Cumberland, Senator Davis. The Portland Airport is very important to us in Oxford County; we use it very extensively, not only for the people who live in Oxford County and surrounding areas all the year round, but we have a great many summer people who fly into the Portland Airport and then drive up to various sections of Oxford County during the summer months. I hope that the motion of the good senator from Cumberland, Senator Davis, prevails.

Mr. BUTLER of Franklin: Mr. President, I rise to inquire through the Chair of the Senator from Cumberland, Senator Davis, if with this pending legislation it appears questionable whether or not we do need it, if the resolve is necessary, whether the amount of the resolve can properly be determined at this time, and also as to the possibility of waiting until we know what the outcome is before we assume such responsibility.

Mr. DAVIS of Cumberland: Mr. President, this case is now, as I have told you, before the court and I do not know how long it will be before it is decided. This is a maximum amount. It may be that we will need \$30,000 for our 25 per cent share, it may be that we will need a hundred thousand. Rather than prolong it for two more years, I think the City of Portland is entitled to have our support in the matter and that we should go along and assure them that we are willing to pay our 25 per cent share.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Davis, that the Senate accept the majority "Ought to pass" report of the committee. As many as are in favor of the motion will say aye; those opposed no.

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

Twenty-four having voted in the affirmative and seven in the negative, the motion prevailed.

Thereupon the resolve was given its first reading.

On motion by Mr. Davis of Cumberland, the resolve was tabled pending assignment for second reading.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 45th tabled and unassigned matter (H. P. 779) (L. D. 112) Bill, "An Act Amending Employment Security Law as to Disqualification for Benefits," which was tabled by that Senator on May 14th, pending passage to be engrossed as amended.

On motion by Mr. Low, under suspension of the rules, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A" in concurrence.

On further motion by the same Senator, Committee Amendment "A" was indefinitely postponed in non-concurrence.

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

Senate Amendment "A" was read and adopted, 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 Mr. Charles of Cumberland, the Senate voted to take from the table the 62nd tabled and unassigned matter, (S. P. 457) (L. D. 1305) Bill, "An Act Relating to Powers and Duties of State Board of Barbers and Hairdressers", which was tabled by that Senator on May 21st pending motion to indefinitely postpone.

Mr. CHARLES: Mr. President, I move the pending question.

Mr. WYMAN of Washington: Mr. President and members of the Senate: This bill as amended incorporates all of the suggestions made by the legislative agents of these professions involved, with one exception, namely whether the board shall be the final word or whether it shall be advisory to the Department of Health & Welfare. The PAS report deplored the fact that so much administrative authority was outside of the State House and was vested in various boards. It seems to me the question in this case is the same as in the case of the State Board of Education: do we want authority for making rules and regulations with the force of law centered here in the capital or elsewhere?

It has been stated that many barbers came to the hearing to oppose the bill. They came as a result of urging by the head of their Association.

I would oppose the motion of the Senator from Cumberland, Senator Charles.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: Again I regret that I have to oppose my good friend, the Senator from Washington, Senator Wyman. I spoke to him previously and we agreed together that we are not fighting each other but we are going to discuss the principles of the bill.

The principle behind this particular legislation is who is going to run whom. To go back to a little bit of history: the barbers and hairdressers together decided they needed something to regulate their own trade, and it was through their initiative and request that a Board of Barbers and Hairdressers was established in the State. The Board of Barbers and Hairdressers, incidentally, is appointed by the Governor and confirmed by the Governor's Council, so that if anybody is appointed to this board they are supposed to be responsible people confirmed by responsible people. We also have a situation where similar types of boards are incorporated for the pharmacists, the plumbers, the electricians, nurses and so forth. In each of these instances we find that the industry themselves are members of their own board and they regulate the industry in a fair and equitable manner. The barbers themselves desire to remain in this category and they do not desire to be regulated by a department who will tell them what to do or how to run their business. They object to the amendment as proposed because of that one point left in the amendment, and that is that they would only be required to serve in an advisory capacity. They feel that they are entitled to more than that and they desire more consideration. It is for this reason that I must insist on the motion for indefinite postponement.

Mr. WYMAN of Washington: Mr. President, this is just another one of these special-interest deals where the public and many members of

the profession have no voice. To show you the pressure that has been brought on some of these barber bills, I want to read from a letter that was sent to one of the members of the legislature:

"As a result of my proposing this bill"—it was not the one we are talking about but it was a barber bill, and it shows the pressure they bring—"I was relieved of my barbering job. Evidently a man who works for anyone today has no freedom of speech or thought. If he does not think and talk like his boss he is out. I had a feeling this would happen but I am sure glad I did it just the same. Life is too short today to sell your body and soul to your employer, therefore I would do this again no matter who I worked for even if this was my only source of income."

This man lost his job because he was told not to come down here and favor a bill and he did.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I rise to oppose the motion of the Senator from Cumberland, Senator Charles.

I was at the hearing on this bill, I expressed my opinion at that time and I still feel the same. I think without any question the points that have been brought out by the Senator from Washington, Senator Wyman are well worth considering. It is my honest opinion that if this bill passes, the Commissioner of Health and Welfare is someone that we will be able to contact at any time if we have questions on rules and regulations to barbers and hairdressers, and we will know where to find him. I am thoroughly in accord with the bill and I certainly hope the motion for indefinite postponement does not prevail.

Mr. CARPENTER of Somerset: Mr. President, I rise against the motion of my good friend, the Senator from Cumberland, Senator Charles.

I attended this hearing when it was held on this particular bill, and my reason for appearing there in favor of Senator Wyman's bill was on account of the fact that in my small town of Skowhegan many of our so-called beauty shops were being disturbed by inspectors who came around recommending certain

requirements that they should follow and then leaving and the shop having no recourse or any place where they could go and find out the actual facts of the case. I believe to have the head here in Augusta with the Health Department is the proper thing, and I sincerely hope that the motion of the Senator from Cumberland, Senator Charles, does not prevail.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: The only reason I rise in support of my good friend, the Senator from Cumberland, Senator Charles, is that I have been contacted by many barbers in Cumberland County and they are very much insistent on leaving the system as it is, and I have not had one single call or letter from any barber who has advocated a change. Now there might be some, but I am inclined to feel that the men in the industry should speak for themselves. I might point out that it seems rather unjust to me that we would select a group and choose to treat them differently than we do many of the other groups; and being a strong advocate of private enterprise and free enterprise wherever we can, I think it is much sounder for us to leave the problems of special groups in the hands of those who know how best to administer them. We have plenty of things for the Health and Welfare Department to do, and it seems to me this is just another burden, and I am not sure that it is placing within their hands something which they are trained and specially equipped to handle. Therefore I very much feel from everything I have gotten that the board has been acting properly and well, that the barbers should have a right to govern themselves until such excesses arise that we feel that something should be done.

We had the barbers appear before the Labor Committee, and I must say that they conducted themselves very well, and I did not get any indication of pressure or being forced into line; in fact I got the idea that many barbers appeared because they were sincerely interested in their own profession. They showed a very wide-awake approach to it.

I hope that the motion for indefinite postponement does not prevail.

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

Mr. CHARLES of Cumberland: Mr. President, I ask for a division.

The PRESIDENT: As many as are in favor of the motion will rise and stand until counted.

A division was had.

Eighteen having voted in the affirmative and twelve in the negative, the motion prevailed and the bill was indefinitely postponed.

The PRESIDENT: The Senator from Sagadahoc, Senator Bailey, inquires if L. D. 1214, "An Act Revising the Maine Milk Commission Law" is in the possession of the Senate. The Chair will state that the bill is in the possession of the Senate, having been recalled by joint order passed by both branches earlier in this legislative day.

On motion by Mr. Bailey of Sagadahoc, under suspension of the rules, the Senate voted to reconsider its action whereby the bill was passed to be enacted, and on further motion by the same Senator the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

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

Senate Amendment "A" was read and 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 Mr. Low of Knox, the Senate voted to take from the table the 21st tabled and unassigned matter, (S. P. 450) (L. D. 919) Senate Report "Ought not to pass" from the Committee on Highways on Bill, "An Act Relating to Area Directional Signs on Turnpikes," which was tabled by that Senator on May 3rd pending consideration of report.

Mr. LOW of Knox: Mr. President, for the purpose of offering an amendment, I now move that we substitute the bill for the "Ought not to pass" report of the committee.

The motion prevailed and the bill was substituted for the "Ought not to pass" report of the committee and the bill was given its first reading.

Mr. Low then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A" was read by the Secretary.

On motion by Mr. Parker of Piscataquis, the bill and accompanying papers were tabled, pending motion of Mr. Low of Knox that the Senate adopt Senate Amendment "A".

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

Mr. LOW: Mr. President, I would like to point out to the Senator from Piscataquis, Senator Parker, that this amendment, with the exception of one item, was presented to the committee as a new draft, but that was not brought out by the committee.

Mr. Sinclair of Somerset presented the following order and moved its passage:

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is requested to study the problems of municipal sewage disposal with the end in view to creating municipal sewage districts under model charters provided by law; and be it further

ORDERED, that the Legislative Research Committee report the results of its findings to the 99th Legislature.

On motion by Mr. Low of Knox, the order was tabled pending passage.

Mr. LOW of Knox: Mr. President, I rise to inquire if H. P. 1091, note that the bill is in the possession the Senate, Bill "An Act relating to Cutting Christmas Trees."

The PRESIDENT: The Chair will note that the bill is in the possession of the Senate, having been tabled by the Senator from Lincoln, Senator Dow, earlier in this day's session pending assignment for second reading.

Mr. Dow then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A" was read and adopted, and under suspension of the rules the bill was given its second reading, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence and sent down for concurrence.

On motion by Mr. St. Pierre of Androscoggin, the Senate then recessed for five minutes.

Recess

Called to order by the President.

On motion by Mr. Davis of Cumberland, the Senate voted to take from the table S. P. 168, L. D. 447, "Resolve, Appropriating Additional Funds for Certain Construction at Portland Municipal Airport," which was tabled by that senator earlier in today's session pending assignment for second reading.

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

Senate Amendment "A" was read and adopted, and under suspension of the rules the bill was given its second reading, passed to be engrossed as amended by Senate Amendment "A" and sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 34th tabled and unassigned matter, (S. P. 162) (L. D. 409) Bill, "An Act Relating to Petition for Review of Incapacity Under Workmen's Compensation Act," which was tabled by that Senator on May 10th, pending passage to be engrossed; and on further motion by the same senator the bill and accompanying papers were indefinitely postponed.

The PRESIDENT: The Chair will make this on-the-record comment: that the Chair has been advised that there are two relative minor bills that should be enacted in this legislature. The first one relates to an amendment to a private and special bill signed earlier in the session by the Governor and relates to the Millbridge School District. It is a very minor and completely technical amendment. The second one reflects the desires and the assent of former Governor Baxter, transmitted to

this legislature through the department head, and would be entitled "An Act Changing Name of the Maine School for the Deaf to The Governor Baxter State School for the Deaf." It would be the desire of the Chair to have each of these matters pre-engrossed, and as soon as they are pre-engrossed, presumably this evening, to have them presented to the Senate in pre-engrossed form on the next legislative day.

Such procedure calls for unanimous consent for the introduction of the bills. The Chair would not suggest that if there is anyone who has any objection to either of them. This is, certainly, so far as the Senate is concerned, an out of order question and the question must be put in proper form on the next legislative day. Before pre-engrossing either or both of these bills, the Chair would inquire if there is anyone in the Senate who thinks he might object to unanimous consent to this procedure on the next legislative day? The Chair hears no objection and the engrossing department will be requested to pre-engross each of these matters.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 18th tabled and unassigned matter, (H. P. 881) (L. D. 1249) House Reports: Majority "Ought not to pass," Minority "Ought to pass," from the Committee on State Government on Bill "An Act Relating to Term of Office of Departmental Heads Appointed by Governor with Consent of the Senate," which was tabled on May 2nd by that Senator pending motion to indefinitely postpone by Senator Rogerson of Aroostook.

Mr. Lessard of Androscoggin then moved the pending question, and on motion by Mr. Rogerson of Aroostook the bill and accompanying papers were indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Pike of Oxford, the Senate voted to take from the table the 20th tabled and unassigned matter, (S. P. 480) (L. D. 1385) Senate Reports: Majority "Ought to pass"; Minority "Ought not to pass," from the Committee on State Government on Bill "An Act Relating to Appointment of Commissioner

of Education," which was tabled by the Senator on May 3rd pending motion by Senator Lessard of Androscoggin for acceptance of report.

Mr. PIKE of Oxford: Mr. President, this is another bill exactly like the one just passed. I would like to move indefinite postponement of this bill.

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

Mr. LOW of Knox: Mr. President and members of the Senate: This bill is covered by another bill which is in the hands of the House at the present time, and therefore I go along with the motion of the Senator from Oxford, Senator Pike.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Pike, that the bill and accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and the bill and accompanying papers were indefinitely postponed.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 22nd tabled and unassigned matter, (H. P. 995) (L. D. 1423) House Report: Ought not to pass, from the Committee on Highways, on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Twenty Million One Hundred and Fifty Thousand Dollars on Behalf of the State of Maine for the Purpose of Building State Highways," which was tabled on May 7th by that Senator pending consideration of report; and on further motion by the same senator the bill and accompanying papers were indefinitely postponed in concurrence.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table the 60th tabled and unassigned matter (S. P. 574) (L. D. 1577) Bill "An Act Relating to Salaries and Clerk Hire of Certain County Officers," which was tabled on May 20th by that Senator pending motion by Senator Dow of Lincoln to Adopt Senate Amendment "A".

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Lincoln, Senator Dow, that the Senate adopt Senate Amendment "A".

Mr. WYMAN of Washington: Mr. President and members of the Senate: As was explained earlier in the week, the salary increases requested by Lincoln County officials are out of proportion to those granted to other counties by this bill; they are out of proportion both as to population, valuation, and, in most, geographical size. If the Lincoln County Clerk of Courts is performing duties other than those which pertain to his office, such as, for instance, Clerk of the County Commissioners, then the County Commissioners should pay him for such work and not confuse the issue by paying him as Clerk of Courts for work not required by that office.

Once more, members of the Senate, if in your judgment your committee on Towns and Counties should rubber-stamp these requests, then let us amend this bill to have the County Commissioners fix salaries for all county officials. On the other hand, if it is your judgment that the authority should be with the legislature and if you believe the recommendations of the committee are right, then let us vote against amending this bill and support the principle of fairness toward which the committee has worked so hard and to which all but two or three counties have agreed.

I hope that the motion of the Senator from Lincoln, Senator Dow, to adopt Senate Amendment "A" does not prevail.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I appreciate what the Towns and Counties Committee have tried to do with this, but I do not think it is possible to try to standardize salaries of county officers in every county because of the different situation in every county. I have no speech prepared in rebuttal to this thing; all I say is that we set these salaries by agreement between the County Commissioners and our legislative delegation. Having had the public hearing advertised in three papers in the county, everyone knew about it, and there was no opposition to it.

If these salary proposals were way out of line I would certainly agree that an adjustment should be made, but in this case of Lincoln County one adjustment is \$125 and the other is \$260; they are minor adjustments. I feel that we know what we are doing down in our county, and I do not feel it is right for any party or committee to go tampering with a situation that is purely local. After all, we are the ones that are paying the bill down in Lincoln County.

My amendment merely restores the amount of money that was agreed upon at our budget committee hearing last December. I certainly hope that you will vote for what I call home rule.

Mr. WYMAN of Washington: Mr. President and members of the Senate: It seems to me that if a committee of the legislature must be bound by the recommendations of the county commissioners then we should change our statutes and let the county commissioners fix these salaries and not come to the legislature with them.

Mr. FARLEY of York: Mr. President and members of the Senate: I rise in defense of the Chairman of the Towns and Counties Committee. I really understand the situation that the senator is talking about. As you understand, in towns and counties all politicians meet together on common grounds. I for one on the committee tried to establish the principle of the county commissioners, but as we went along I saw I was becoming weaker. In fairness to the Chairman of the Committee on Towns and Counties, in regard to the sheriff in his own county, he was opposed to the raise. I will go along with him because I think he has been fair. We had the book before us from the Research Committee and we tried to stay within the bounds of it. Besides, if I am correct, we had a bill outside of the fold of the County Commissioners relative to the sheriff, increasing him about \$600. Following the line of the chairman of the committee, if I remember correctly we increased the sheriff \$300. It is true that the chairman of the committee has spent an awful lot of time and an awful lot of study with the book, and I think we had two or three meetings before we finally resolved

that we were in duty bound to follow the Chairman of the Committee on Towns and Counties.

Much reference was made yesterday by the chairman and others with reference to York County. We seem to have a rule in York County that fits and should fit when the legislature meets: that when a party has secured the nomination and election to a county job he really knows what the salary of that job is, and he should not be coming in before Towns and Counties and asking us to raise his salary. I stand up and say I am going to support the Chairman of the Committee on Towns and Counties. I think he has been fair, I think he has been honest, and, above all, I do not think he has got anything personal in the matter but only wishes to see that each and every one of the counties are brought up to a proper proportion and respected by the rest of the counties.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I want to go along with my good friend, the Senator from Lincoln, Senator Dow, because I too believe in home rule, and undoubtedly the law should be changed to permit the county commissioners to make the decision on the salaries. On the other hand there could be abuses. This amendment is a small matter, and I do feel that the county commissioners, after having their meeting, which I did personally attend in my own county of Hancock—many of the selectmen were invited, and other citizens, and they made up what they called a salary schedule of what they would recommend. Somehow I feel that their recommendation should be accepted unless there is some glaring abuse, and I do not see any in the amendment that the Senator from Lincoln, Senator Dow, is offering. I do hope that we will permit home rule in this particular instance and allow the county commissioners' good judgment as to what a person's duties are and how much time they spend and what it involves, to have our first consideration, because I believe they know. And even though some of them did not attend the hearing, I think they had a right to presume that the legislature would accept their recommendation.

I shall go along with the Senator from Lincoln, Senator Dow.

Mr. BUTLER of Franklin: Mr. President, I rise in support of the Senator from Lincoln, Senator Dow. I feel that we should adhere to the principle of home rule. The principle that we have here is to ratify what the county commissioners have done and to assure the county officers that the salaries which have thus been established by the county commissioners have been confirmed by ourselves and are not subject to the whims of others. I feel that here is a vital part of our form of government on the state and local level, and I trust that the form which we have seen fit thus far to abide by will continue in the future.

Mr. FARLEY of York: Mr. President and members of the Senate: I too believe in home rule and I try very hard to follow it. Not only do the county commissioners come in, but they come in and simply recommend two or three, and you have members of the legislature who also come in for county officers which sometimes seems to be outside of the border. The county commissioners make no recommendation for them, and naturally they feel we should try to do something. We have done it and we did it all in good faith; no member of your Towns and Counties Committee had any personal interest all the way through. When they came before us I think there was only one group of county commissioners that came from Cumberland County and submitted anything to us that we could go on in the interests of those who wanted a raise, and in the rest of the counties members had to come in from outside of the fold and leave it to our best judgment to try and give them something too to go along with those recommended by the county commissioners. I say again: I believe in home rule, but you can't get it all; let's give some to the other fellow too. I still think the chairman is correct.

Mr. DOW of Lincoln: Mr. President and members of the Senate: The reason that the county commissioners never appeared at the hearing, although I thought they did, but if they did not the reason has been that for years and years it has

been customary to accept the proposals of the county commissioners and they felt that there was no reason to appear. After all, why should the salaries of our Clerk of Courts and Judge of Probate and our Sheriff and so forth be discussed and determined and adjusted by someone in three or four counties away after we in our own county have all agreed upon the amounts? It is a matter of home rule purely, I believe.

When the vote is taken I ask for a division.

Mr. WYMAN of Washington: Mr. President, I was not arguing against the home rule feature. If that is what the legislature wants I would be very happy to vote for an amendment to have the county commissioners fix these salaries; but I still feel that if the legislature is going to be told what to do and is not going to be allowed any discretion, then such an amendment should be added to the bill.

Mr. DOW of Lincoln: Mr. President, I do not understand just what kind of an amendment the Senator from Washington, Senator Wyman, is asking for. The county commissioners already do fix the salaries, that is they propose them and submit them to the legislature for approval. I would like to ask if the Senator from Washington, Senator Wyman, could explain a little more in detail just what amendment he would like to have.

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

Mr. WYMAN: Mr. President, I am not too much of a parliamentarian and maybe I am wrong, but I would think that all of these salaries as they stand on the statutes could be repealed and another statute passed giving the county commissioners authority to fix their own salaries. Maybe that cannot be done.

The PRESIDENT: The procedure suggested by the Senator from Washington, Senator Wyman would be very simple. It would be a case of going into Chapter 89 of the Revised Statutes of 1954 and repealing all references to salaries of all the county officers and adding a new section to Chapter 89 which would provide that the county commission-

ers of the various counties shall establish the salaries for such of the county officers as the legislature wants the county commissioners to control salaries on.

Mr. DOW of Lincoln: Mr. President, I think that is probably a good idea, and I suggest we do something along that line two years from now.

Mr. FARLEY of York: Mr. President and members of the Senate: I just want to give you an example of some things that come before Towns and Counties. When the county estimates were received by the Committee on County Estimates Committee one was from Sagadahoc County. Within two weeks after we had a bill come in on the side for \$1000 to increase the salary of the Clerk of Courts and we were pressured a lot to do it. Then another outfit came before us. I didn't think it was any of our affair or any of our business; it should be something taken care of by the county commissioners. What does Towns and Counties know about what the rental should be for the South Portland court house or the Westbrook court house in regard to leases or rent, or whether it is a two by two room or a four by four room? We went along with the amendment for the simple reason we had letters from the county commissioners, signed by them. There are a lot of other things like that. We are trying to do the best job we can all the way around. In Penobscot county in the county estimates it sent the county tax up almost to \$13,000, and still we had a few bills in there for Penobscot County. We tried to be fair and square and cut those down.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I do want you to know that the shoe pinched on me too, because in Washington County we gave our sheriff three hundred dollars less than he asked for and our county attorney six hundred dollars less than he asked for as this bill is written.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I can really give you some information. Our county budget provided for no raises. We are on a line budget in Androscoggin County. Now this report raises every salary in

the County of Androscoggin. I don't know what the answer is.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I can tell you why we did that in Androscoggin County. Some good member of the delegation handed us a suggested raise, I think it was \$200 for each office, and the salaries in Androscoggin County are now very modest as compared with some counties and none of these increases looked unreasonable so we went along with them.

Mr. BOUCHER of Androscoggin: Mr. President, I move the previous question.

The PRESIDENT: The Chair will rule that the previous question will never be used in this body. This is a body of unlimited debate.

The question before the Senate is on the motion of the Senator from Lincoln, Senator Dow, that the Senate adopt Senate Amendment "A". As many as are in favor of the motion of the Senator from Lincoln, Senator Dow, will rise and stand until counted.

A division was had.

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

The PRESIDENT: The pending question is assignment for second reading. Is there objection to the suspension of the rules that the bill may be given its second reading? The Chair hears no objection.

The bill was thereupon given its second reading.

On motion by Mr. Low of Knox, the bill and accompanying papers were tabled pending passage to be engrossed.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 30th tabled and unassigned matter, (H. P. 614) (L. D. 861) House Report "Ought not to pass" from the committee on Natural Resources, on "Resolve, Authorizing Attorney General to Investigate Title to Certain Island in B. Pond, Piscataquis County," tabled by that Senator on May 9th pending motion by Mr. Butler of Franklin for acceptance of report.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: My reason for tabling this re-

solve was that I was not too familiar with it. I have since investigated it through the Attorney General's Department and in other ways. I now move the pending question.

On motion by Mr. Butler of Franklin, the "Ought not to pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 9th tabled and unassigned matter, (S. P. 145) (L. D. 343) Bill "An Act Relating to Joint Bank Accounts and Joint Building and Loan Shares," which was tabled on April 19th by that senator pending passage to be engrossed.

Mr. COLE of Waldo: Mr. President, I now yield to the Senator from Hancock, Senator Silsby.

Mr. SILSBY: Mr. President and members of the Senate: Back in the law school days when I was listening to Professor York on Pleadings and Practice, he mentioned quite frequently the plea of confession and avoidance, but I didn't suppose that I would ever be a party who had to offer that plea to the Senate, but I find that I must.

In this particular bill, L. D. 343, "An Act Relating to Joint Bank Accounts and Joint Building and Loan Shares," the Judiciary Committee, in my opinion and I believe in the opinion of the majority of the committee now if at all, we were in error when we passed this bill out, if I remember, as "Ought to pass with Committee Amendment "A". Would it be in order to inquire if that is what we did, Mr. President?

The PRESIDENT: The Chair would state this was a unanimous "Ought to pass if amended" report of that distinguished Committee.

Mr. SILSBY: Thank you, Mr. President, and I plead confession and avoidance.

We were so concerned with the second paragraph of the amendment, which is "H," that if this bill was passed it might be an opportunity for a joint bank account owner to eliminate and dodge the creditors, because they took all regardless of any testamentary requirements; and in our enthusiasm in amending that particular fault as to the fact that the survivor

would not take all of the bank account until after payment of the just debts and funeral expenses of the deceased, we overlooked the first two words in paragraph G; "All accounts open to shares at the death of any such person would become the sole and absolute property of the survivor even though the intention of all or either one of the parties be in whole or in part testamentary and through a technical joint tenancy has not in law or fact been created."

Now those words in this act mean exactly what they say. They mean that any person who had a bank account under this bill could have someone else's name put on that account, and if that person deceased then the survivor would own the entire account, because the survivor would take all.

In the first instance, as I say, we overlooked "all accounts," we thought it applied to shares in loan or building associations, but again we were wrong.

Now a joint account, technically speaking, is an account to which two are owners, and it is an elementary rule of law that in order to establish an account that you must comply with four unities: the unity of time, unity of possession, the unity of interest and the unity of amount. Now I say to you that there are many joint accounts, in the matter of personal bank accounts, that fall far short of the four unities, because, in the first instance, if you have an account in the bank and you have your wife's or your daughter's name put on that account with you and you deposit all the money in the first instance, you haven't got the unity of time, you haven't got the unity of amount, you haven't got the unity of possession, and so you have not complied with the law in the matter of joint accounts. But under the banking law the banks are protected in that they can pay up to five thousand dollars and be protected to that amount, so if you have any grievance against someone who has got away with the entire account you must look to them. In my humble opinion I am sure that joint accounts and joint ownerships are abused more or less, and as a practicing attorney I have said many times, and I will say it

again and again, that if anyone put a bill in the legislature of which I am privileged to be a member abolishing joint ownership and joint accounts I would stand up and vote for it, because I know from experience it has been abused many times.

But be that as it may, we have before us this particular bill, which is permitting a person who might be in their dotage, who might have a housekeeper of some sort who would put their name on the bank account or have it put on, of the person who owned the money, and maybe that elderly person has close relatives, maybe sons or daughters, and that person is going to have the money and that is all there is to it. You are just simply legalizing an opportunity to circumvent the law in the case of ownership, and that I cannot go along with.

Now there are many things that can happen. I have named one but there are others. The opposition will probably tell you that if an elderly person who has a joint account with some other person who might not be entitled to that money who deceased, and they rushed down to the bank and drew the money out at the eleventh hour before that person passed on, they probably could keep it. I suspect they could. But if this law is passed they haven't even got to rush down and get the money; they are going to be entitled to it and there is nothing that anybody can do about it.

Now what will this accomplish? The only thing it will accomplish if it passes, it may eliminate a little might of trouble with the Inheritance Tax department to collect inheritance taxes, because that joint account under this bill passes to the survivor and the survivor can be assessed the inheritance tax if this bill passes, whereas now the department can not recognize that that money passed to that survivor in its entirety, and many times they have to hunt up the heirs and say, "This money belongs to you and you should have cleared with our department and paid the inheritance tax."

I can tell you of a case which I have had in my office very recently. There was a lady who deceased and left some eighteen or twenty thousand dollars in bank accounts and in some stocks jointly

with a person who was younger but who had sort of been a mother to that person all the days of her life; and this particular person expected and understood and assumed that they owned that money and owned the bonds. She liquidated the bonds and the stock, she drew the money from the bank and they purchased a store. In approximately five years the Inheritance Tax Department said, "We want the inheritance tax on this money. Certainly they were dismayed, they didn't understand it, and there was an inheritance tax of fifteen or sixteen hundred dollars and they did not have the money. Well, it opened the door to the heirs, and so after quite a bit of searching among the papers of the deceased, who was the joint owner, they found a will. I will not undertake to tell you how long it took to prove the will and find the witnesses, but they got out.

This is a bad bill for the protection of persons who might be elderly or who might be a little bit incompetent, to give the unscrupulous an opportunity to get all the money; and in the last analysis the only thing we have accomplished is that we have saved a little effort for the inheritance Tax Department in order to collect inheritance taxes.

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

Mr. BAILEY of Sagadahoc: Mr. President and members of the Senate: I hesitate to debate with the Senator from Hancock, Senator Silsby, as I feel he is very competent in his profession, but at the same time I notice in the record this most important committee came out with a unanimous "Ought to pass" Report on this bill. He has explained how they were so enthusiastic, and it seems that they were enthusiastic in this amendment which they prepared, which very clearly states that the undertaker and the legal advisors, or words to that effect, were to be well taken care of, so it seems that they must have given it some consideration. But at the present time things have changed. The purpose of this bill as it was prepared was to take care of the poorer class of people, to see that they were cared for without having to go to the expense which in many

cases they have to go to for legal advice.

The bill, approved by the Judiciary Committee, has two objectives:

- (1) The prevention of deception and confusion respecting joint bank accounts and loan and building shares.
- (2) The inheritance taxation of this type of joint holdings in the same manner as all other joint holdings, there being no reason for differentiation.

Two or more persons, usually just two, go to a bank and open a joint account. Unless the two are business partners, the bank will entitle the account "A and B, pay to either or survivor." The persons concerned believe that when either of them dies the survivor is going to receive the whole account. And they order their affairs accordingly.

The two persons are frequently man and wife. Often they are brother and sister, aunt and niece. Or perhaps a single aged person will make such an arrangement with a housekeeper. Generally, the two persons live together and use the joint account as a means of pooling their resources. Or an older person may put his assets in joint ownership as part of a contract whereby the younger person agrees to supply care and other attention. In that way, the older person feels protected if the younger person dies first and the younger person thinks he will receive compensation if he survives.

The joint account and other forms of joint ownership are "the poor man's will." They are disapproved by most attorneys familiar with the federal tax consequences of joint ownership when assets are of any substantial size. They are most frequently found in small estates and they are usually created without legal advice.

Because of the casual way in which joint bank accounts are created, among other reasons, the Law Court in 1927 (Matter of Garland, 126 Me. 84) held that the surviving co-depositor received nothing by way of survivorship. The bank account was intended to operate as a will but could not, the Court held, because it lacked the three witnesses and other formalities required by the law of wills. (The Garland case is not law in most states.)

There are sound reasons why anyone's final disposition of property should be deliberate, formal and well considered.

Actually the words are simply a direction to the bank. When the person putting in the money dies, the survivor is paid the whole amount but he is never allowed to keep more than \$5,000 of the total of Maine joint bank accounts, joint with the same parties, and he is not allowed to keep anything unless the parties were parent and child, or spouses, or brother(s) and sister(s).

In the 30 years following the Garland case there has been a great increase of joint holdings. Homes are bought in joint tenancy as often as not. War savings bonds, as everyone knows, can be bought either in joint or "p.o.d." (payable on death) form, in either event short-circuiting all probate proceedings. Transfer agents report that corporate securities are more and more frequently in joint names. There was very little joint ownership in 1927.

In short, the sensible requirements of the Statute of Wills, requiring that the final disposition of a many's property be carefully and formally considered, are presently avoidable, and frequently are avoided, by joint ownership of all manner of assets except joint accounts in Maine banks and joint loan and building shares in Maine institutions. When the horse is so far out of the barn, there is little point in slamming the door.

The situation is made worse by the fact that, as most people understand English, "Pay to either or survivor" means that the survivor can keep the money. Not only is the door being slammed too late but there is an element of deception in the present law which frequently involves brutal hardship.

Today, I have a letter typical of many. An elderly woman lived with her stepdaughter 65 years. The stepdaughter writes that the bank account, a little over \$3,000, was intended by her stepmother to be hers. The stepmother has no known heirs. Nothing, of course, passed to the stepdaughter by survivorship. The bank paid her, but she can't keep it. By law, the money must be paid to heirs if any can be found; if none can be found, it escheats to

the State. "Mama" believed the daughter would receive the money because the account read, "Pay to either or survivor."

The stepmother's intent would have been legally implemented if she had put her money into any kind of an asset except a joint Maine bank account, including a joint bank account in almost any other state. Or, of course, she could have made a will.

In another case the woman and her husband worked a small farm together, starting at scratch. She had been a chambermaid before they married. They were frugal and saved about \$7,000 which was in a joint bank account at his death. She was advised by the tax office, correctly, that the bank account was taxed by contributions; that where the wife and husband worked together and accumulated joint savings, her contribution was valued at zero (Gould, Administrator, 146 Me. 366); she had to pay her tax on the entire bank account. (On any other sort of joint holding created after August 20, 1955, she would have had to pay a tax on only half of the value.)

The intent of L. D. 343 is to make a joint bank account and a joint building and loan share behave like any other joint holding. And the further intent is to make the death tax the same as on any other joint holding.

The reason for the bill is the avoidance of deception as respects property rights and the avoidance of inequality in the tax impact. Deception and tax inequality are particularly unjust in this type of situation because the people affected are of small means acting without legal advice.

Mr. President, I hope that the motion to indefinitely postpone will not prevail.

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

As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 17th tabled and unassigned matter, (H. P. 344) (L. D. 1198) House Reports: Majority "Ought not to pass," Minority "Ought to pass" from the Committee on Towns and Counties on Bill, "An Act to Incorporate the Town of Medford," which was tabled by that senator on May 2nd, pending motion by Senator Wyman of Washington for acceptance of "Ought not to pass report."

Mr. HILLMAN of Penobscot: Mr. President, I now yield to the Senator from Piscataquis, Senator Parker.

Mr. PARKER of Piscataquis: Mr. President, I now yield to the Senator from Washington, Senator Wyman.

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

Mr. PARKER of Piscataquis: Mr. President: This is the small town of Medford, lying in the very southern tip of Piscataquis County near the Penobscot border, and being in my county I find there are some facts that I think should be brought to the attention of the Senate. I will say that I expect before we get all the facts brought out in this case we will probably learn why the town of Medford would like to be incorporated. I expected that might be what would be brought out before I had to speak.

My reason for speaking on this bill is the fact that from memory I know this town has been both de-organized and incorporated, within my memory at least. It is bisected by a branch of the Penobscot River, which leads to most of the confusion in the town. The majority of the population live on one side of the river and the majority of the taxable property, the wild land, lies on the other side of the river. In this particular instance, the people on one side where the larger population is would like to become a town. I am sure the Committee on Towns and Counties heard all the testimony and I am sure that they acted in their judgment, thinking what

was best for those that pay taxes in town as well as, let us say, people that own property there that also have to pay taxes and reside in some other town.

My whole purpose in discussing this boils down to the fact that we have a group of people that are asking to be self-governed, to run their own schools, build their own roads, in other words be citizens of the State of Maine rather than an un-organized township where the different departments of the State build their roads, educate their children, tell them if they want to vote they either have to go to the adjoining town below them or the adjoining town above them.

There is a group of younger people that have grown up in this area that are well-educated. They are sound-thinking men and women; they come down here to the legislature asking that they be allowed to incorporate into a town and attend to their own affairs. My thinking is: Can we as a legislature say to such a group, "No, you can't do it; we do not think you are capable."

This bill calls, under Section 5, for a referendum, the effective date, certificate by the Secretary of State, stating that this act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its submission to the legal voters within the unorganized township of Medford at an election to be called and held within said territory on the third Monday of September of 1957. In other words they are simply asking in this bill that they be allowed to vote in September on whether they should be organized or whether they should not and I would certainly think I was not doing my duty if I did not attempt to explain to this Senate what this bill calls for, what in my estimation they are entitled to and I certainly hope that the members will not support the "Ought not to pass" report of the Committee.

Mr. WYMAN of Washington: Mr. President and members of the Senate, when the committee heard this bill there were a number of reasons that influenced them in their report. I don't think any one reason was sufficient but I think put together as a whole, they were. As

the good Senator from Piscataquis, Senator Parker has told you, the town is divided. It is divided by the Piscataquis River. They have no bridge across it. The fact was mentioned that to vote they have to go to another town and half of them still will have to go to another town because the only way they can get across the river is to go to Milo or Enfield but in any event they have no place to cross the river.

Another fact that influenced the committee was the fact that this town was deorganized in 1939. In 1942 it changed its form of organization again and became an organized plantation and in 1945 it deorganized again and it seemed to a majority of the committee that after three changes in six years, the town should stay as it is for a while. It is a very small town and only has a population of 191 and while some small towns are run very well, I find in some cases it is difficult to get good town officers in these small towns. If this bill should pass and government is again established one half of the inhabitants or part of them will be on the wrong side of the river all the time. They came down here divided as a people. I have a petition here with 31 names of people who object to having the town divided and I have another petition of 21 names of people who favor having the town divided and it was for these reasons that your committee voted eight to two to leave the town as it is at present and I hope that the motion to accept the ought not to pass report will prevail.

Mr. BUTLER of Franklin: I rise in support of the motion of Senator Parker of Piscataquis. I feel that this is not a question of the size of a town. It is not a question of the number of inhabitants. There are only a few inhabitants, less than fifty and those fifty wanted to have

the privilege of incorporating, and it is not for us to say that they don't know how to run their own business or to give them the self sufficiency of maintaining a home form of government if they want to.

Now it has been suggested because of the fact that they became deorganized in 1939, became a plantation in 1942, deorganized in 1945 that they have shown such elasticity of spirit that they don't know what they want. We must not forget that during that same period of time we were going through a depression and many towns were hit and so they have tried to climb up to a plantation and they couldn't make it and they went back to an unorganized town and now they have the desire and the spirit to form a town themselves exactly the same way as Maine did in 1820 when it decided to break away from the Commonwealth of Massachusetts. And then we were told we didn't have enough brains to do it; but we did it. And if these people want to establish their own form of government and with a referendum placing it before the people, I feel that we are amiss in our duties in trying to legislate on a state level what is a local problem. I feel it is our duty to give them that opportunity. This is only giving the right to organize if they so desire.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, that the Senate accept the ought not to pass report.

A viva voce vote being had

The motion prevailed.

Thereupon, on motion by the same Senator, the ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Low of Knox

Adjourned until tomorrow morning at ten o'clock.