

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME II

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, May 27, 1957

Senate called to order by the President.

Prayer by Rev. Ernest B. Johnson of Hallowell.

On motion by Mr. Carpenter of Somerset, Journal of Friday last read and approved.

Papers from the House

Bill, "An Act Relating to Construction Reserve Fund in Department of Finance and Administration." (S. P. 442) (L. D. 1260)

In Senate on May 21, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing 516) in non-concurrence.

In the Senate, on motion by Mr. Lessard of Androscoggin, tabled pending further consideration.

Bill, "An Act Making supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 591) (L. D. 1594)

In Senate on May 21, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment N (Filing 539)

In the Senate, on motion by Mr. Sinclair of Somerset, tabled pending further consideration.

Conference Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Portland University." (H. P. 1026) (L. D. 1458) reported that they are unable to agree

Which report was read and accepted in concurrence.

Majority — ONTP
Minority — OTP

The Majority of the Committee on Agriculture on Bill, "An Act Relating to Premiums to Commercial Poultry Growers." (H. P. 1019) (L.

D. 1453) reported that the same Ought not to pass

(Signed)

Senators:

DOW of Lincoln
BAILEY of Sagadahoc
REED of Aroostook

Representatives:

BROCKWAY of Milo
FROST of Perry
CASWELL of New Sharon
EMERY of Palmyra
VIOLETTE of Van Buren
ROBERTS of Dexter

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

(Signed)

Representative

LANE of Waterville

Comes from the House, Minority Report accepted and the bill passed to be engrossed as amended by House Amendment A (Filing 545)

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

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA

May 24, 1957

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

Sir:

The Speaker today appointed the following Conferees on the part of the House on the disagreeing actions of the two branches of the Legislature on:

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

HAUGHN of Bridgton
FRAZIER of Lee
PLANTE of Old Orchard Beach

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

ROLLINS of Belfast
SANBORN of Baldwin
GRAVES of Mount Desert

Bill, "An Act Relating to Bounty on Bears." (H. P. 159) (L. D. 206)

STORM of Sherman
HARRINGTON of Patten
BROCKWAY of Milo

Bill, "An Act Relating to Hunting with Bow and Arrow." (H. P. 742) (L. D. 1056)

BARTLETT of Belgrade
HARRIMAN of Lovell
WHEATON of Princeton

Respectfully,

(Signed) HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

On motion by Mr. Butler of Franklin,

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources be, and hereby is, authorized to report forthwith on a bill amending Chapter 322 of the Public Laws of 1957; the bill to be limited to the Saco River, main stem, New Hampshire boundary to junction with Ossipee River. (S. P. 605)

Which was read and passed.
Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to Policy of the Milk Commission." (H. P. 304) (L. D. 421)

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

Bill, "An Act Relating to Coercive Practices in Trade or Commerce." (H. P. 1069) (L. D. 1529)

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

Enactors

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

Bill, "An Act Revising the General Laws Relating to Municipalities." (H. P. 320) (L. D. 437)

(On motion by Mr. Silsby of Hancock, tabled pending enactment.)

Bill, "An Act Relating to Acknowledgment and Validation of Certain Instruments." (H. P. 369) (L. D. 499)

Bill, "An Act Relating to Obstructions in Windows of Malt Liquor Licensed Restaurants." (H. P. 430) (L. D. 606)

(On motion by Mr. Boucher of Androscoggin, tabled pending enactment.)

Bill, "An Act Relating to Appeal on the Taking of Land for School Purposes." (H. P. 471) (L. D. 664)

Bill, "An Act Relating to Limitation of Financial Responsibility Law." (H. P. 647) (L. D. 916)

(On motion by Mr. Boucher of Androscoggin, tabled pending enactment.)

Bill, "An Act Relating to Municipal Court and Trial Justice Court Costs and Fines." (H. P. 1000) (L. D. 1428)

Bill, "An Act Relating to Negligently Operating a Motor Vehicle so as to Cause Death." (H. P. 1078) (L. D. 1548)

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

Bill, "An Act Relating to Employer Defenses in Logging Operations Under Workmen's Compensation Law." (S. P. 158) (L. D. 405)

Bill, "An Act Relating to Board of Pupils Attending School Away From Home." (S. P. 297) (L. D. 794)

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

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

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

(On motion by Mr. Sinclair of (S. P. 385) (L. D. 1081)

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

"Resolve Regulating Fishing in Rangeley River, Franklin County." (H. P. 112) (L. D. 150)

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

Which bills were severally passed to be enacted and the resolves finally passed.

Emergency

Bill, "An Act to Allocate Monies of the State Liquor Commission for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 586) (L. D. 1587)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

Orders of the Day

On motion by Mr. Low of Knox, the Senate voted to take from the table bill, "An act Relating to Coercive Practices in Trade or Commerce." (H. P. 1069) (L. D. 1529) tabled by that Senator earlier in today's session pending passage to be engrossed.

Mr. LOW of Knox: Mr. President and members of the Senate, I think this bill goes further than we should in the State of Maine in regulation and I therefore move that it be indefinitely postponed.

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

A division of the Senate was had.

Ten having voted in the affirmative and thirteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Charles of Cumberland, the bill was passed to be engrossed in concurrence.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 591) (L. D. 1594) tabled by that Senator earlier in today's session pending further consideration.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I will speak briefly on this bill, particularly the amendment which has been added to the bill in the other branch. I hope that we can discuss this thoroughly and calmly today without emotion. I have been

quite concerned at newspaper stories to the effect that certain programs of the state are being wrecked. I feel very sorry that political expediency has crept into this bill and I believe there is no reason for it. I honestly feel that the Appropriations Committee worked on this supplemental bill without thought of political expedience in any way shape or manner and I speak for all ten members of the Appropriations Committee when I say that. I feel I must speak to certain aspects of the supplemental budget particularly in regard to the welfare program. I think that there has been considerable misinformation circulated and misunderstanding.

There are very few minor differences between the supplemental bill as presented, and the recommendations of the Governor. The Committee felt definitely that the area that needed some enlarging was in the area of old age. After working with the Committee on Welfare we felt we would much prefer recommending to the legislature the program submitted by the Welfare Committee who worked this out with the Commissioner of Welfare. We felt that it was a better program than the straight five per cent across the board.

In regard to the Board and care of neglected children, we have been operating on approximately a \$30 a month allowance, the supplemental bill makes provisions for that to be increased to \$39 which is short of that recommended by the Governor. However, we did feel that there was no slashing of any particular funds, no slashing of any particular program. This amounted to about fifteen million dollars of additional services and I cannot see where there is any great slashing as has been intimated and indicated throughout the legislature and the state. Here again I feel that there has been a great deal of misinformation and I am sorry that certain individuals have seen fit to bring in items that are greatly magnified and enlarged.

I have received many many telegrams and telephone calls and letters indicating that the welfare program was going to be cut to the

breaking point. I do not feel that this is true and in defense of the committee, I would like to say that the committee analyzed every one of these bills carefully.

Now to speak to the matter of the amendment that was passed in the other branch. I will say that the Committee analyzed the requests very carefully. We went through item for item the employees at Pownal, or Pineland Hospital as it is now called, the number of employees in each and every position at present, the number of employees requested in varying categories, everything from a cook, a baker, a beautician, nurses, attendants, domestic workers and so forth and we felt that by adding approximately 70 new employees at the Pineland Hospital that it would be a very progressive step and enable the institution to take on quite a bit of additional help.

In view of the fact that the other branch has approved in Amendment N, the restoration of the difference between the amount recommended by the Governor and the amount recommended by the Appropriations Committee, after thorough discussion in that branch, I am going to move that the Senate concur in adopting House Amendment N.

Thereupon, the Senate voted to recede and concur.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to Obstructions in Windows of Malt Liquor Licensed Restaurants". (H. P. 430) (L. D. 606) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to Limitation of Financial Responsibility Law." (H. P. 647) (L. D. 916) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

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

Mr. LOW: Mr. President and members of the Senate, as of now there are thirty-six items on the table against six in the House. Of those thirty-six on the Senate table, eight are research orders which are traditionally disposed of in the last few hours of the session so we really have twenty-eight items to dispose of. There was some talk that we would like to adjourn before Memorial Day if we could, but each of these items that are passed, have got to go to the House for concurrence. They have got to be engrossed and then have got to come up for enactment and we are simply going to have to get started on this list if we are going to get out of here before June 1st.

On motion by Mr. Curtis of Cumberland, the Senate voted to take from the table House Reports from the Committee on Judiciary: Majority ought to pass in new draft; Minority ought to pass as amended by Committee Amendment A, on Bill "An Act Relating to Aid from Federal Government Under Maine Housing Authorities Law." (H. P. 8) (L. D. 7) tabled by that Senator on May 24 pending consideration of the reports.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate, this is a bill which would enable communities in the state to enter into an arrangement with the federal government for federal housing. As many of you know, the city of Portland is currently in the midst of a slum clearance program and it is very possible that sometime in the next year or two it will be necessary for Portland to secure more housing for the people who will be forced to move because of the program, and although the city is currently studying the situation, in order to determine if it will be necessary to have public housing or whether private housing can do the job, it is felt by the authorities in the city as well as most of us that it will be necessary for us to have enabling legislation for the next year, if the citizens of the city of Portland decide to enter into the program. This bill carries a provi-

sion incidentally, which would allow each community to vote on whether or not they would have public housing. It is only permissive legislation because we feel it is so necessary in Portland particularly, I move that the majority report, ought to pass in new draft be accepted.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I rise only to defend the legal position of the Judiciary Committee. I am not going into the merits or the proven needs, or not proven needs of this bill. If you will note that the item we are working on is L. D. 7 and we had it early in the session, and the Judiciary Committee had a long hearing. The matter that troubled us mostly in Judiciary, at least some of us, was the fact that L. D. 7, the original draft, amended Chapter 93, Section 17 and there is a great question in my mind as to whether or not you can amend Chapter 93, Section 17, due to the fact that the Maine Housing Authority was enacted in 1949 and under Section 17 there was a provision which in substance stated that the chapter would expire on April 3, 1951. Now some of us felt that you could not amend a chapter that had automatically repealed itself. I have not changed my mind. However, I did go along with the ought to pass report on L. D. 7 providing that it would repeal itself on April 1, 1959.

The new draft which came in after the hearing troubles me a great deal from a legal standpoint. And I have no personal matter involved here. If the members of the Senate feel it is a good law and applicable to the circumstances, that I have no objection, but for the protection of the Judiciary Committee which has to take the responsibility of approving certain laws that are enacted,—I do not want the law court at a later date to say "Was Judiciary asleep, or what were they doing?"

So taking the new draft it is not the re-enactment of Chapter 93 again, it is an amendment of Chapter 93 and I am troubled again and I have conferred with some of the sponsors of the bill while it was in committee and I made a sugges-

tion that it probably should be re-written and re-enacted rather than amended and I stand here only for the purpose of defending the Judiciary Committee from a legal standpoint and I am very fearful that neither L. D. 7 in the original draft or L. D. 7 in the new draft is within our jurisdiction, due to the fact that it was a law which automatically repealed itself April 1, 1951 and therefore in order to be consistent and try to demonstrate that we did give this matter careful consideration, I shall be obliged to oppose the motion.

The President: The question before the Senate is on the motion of the Senator from Cumberland, Senator Curtis, that the Senate adopt the Majority report ought to pass in new draft under new title.

A viva voce vote being had

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

Sent forthwith to the engrossing department.

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table House Reports from the Committee on Judiciary: Majority report, ought to pass; Minority report ought not to pass, on bill, "An Act Relating to Definition of Redevelopment Project Under Slum Clearance and Redevelopment Authority Law." (H. P. 136) (L. D. 174) tabled by that Senator on May 24 pending motion by Mr. Silsby of Hancock for acceptance of the ought not to pass report.

Mr. CHARLES of Cumberland: Mr. President, and members of the Senate, this is a companion bill to the housing authority bill which was just debated by the Senator from Cumberland, Senator Curtis. This bill is absolutely necessary in order that we may have the tools to work with in the city. It is strictly a Portland bill. It was voted by referendum a few years ago by vote of approximately three to one. It has been endorsed right now by nearly four thousand residents in the areas where slum clearance is in the process of development. If this ought not to pass report is accepted it will completely damage the slum clear-

ance and housing development program in our city. I therefore hope that the Senate will not go along with the Senator from Hancock, Senator Silsby.

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

A division of the Senate was had. Three having voted in the affirmative and twenty-seven opposed, the motion did not prevail.

Thereupon, on motion by Mr. Charles of Cumberland, the ought to pass report was accepted in concurrence; and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table Senate Reports from the Committee on State Government: Majority report ought not to pass; Minority report, ought to pass on Bill, "An Act Relating to Appointment of Commissioner of Agriculture by the Governor with Consent of Council" (S. P. 437) (L. D. 1234) tabled by that Senator on April 16 pending consideration of the reports.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I now move that the Senate accept the minority ought to pass report. In support of that motion I would like to point out that this also was a matter recommended by the PAS, submitted to the citizens committee and a majority recommended that the Commissioner of Agriculture be appointed by the Governor with the consent of the council, with the term to coincide with that of the governor.

Now for some reason or other the committee felt after some study that this was a rather peculiar procedure, that most of our heads of departments are appointed by the governor but two or three are elected. Every two years the Commissioner of Agriculture has to go out and campaign and I understand that he makes the rounds of the state after the September election to make sure that he is reappointed. I think it is a waste of time to force him to do this, to make sure that

the members of the legislature will appoint him to a job. I think that the Commissioner of Agriculture is of such importance that his job should not be placed up for election every two years by the members of the legislature. I think that like other heads of departments he should be appointed by the Governor for a longer term than two years, to coincide with the term of the Governor, and subject to the approval of the Council. I think that his duties require him to be here, and it takes considerable time to go out and travel and see all the different members of the legislature in order to assure himself that he will be elected. I don't see why he should be any different from any other department head and I hope that the minority ought to pass report will be accepted.

Mr. BAILEY of Sagadahoc: Mr. President, this matter of being elected by the legislature as it has been for many years, has proven to be very satisfactory. Looking back at our Commissioners we have had: Commissioner Washburn was one who was elected by the legislature, and he served under both parties. We have had others who have too, and it is felt by those interested in agriculture that this present system is perfectly satisfactory.

Mr. LESSARD of Androscoggin: Mr. President, it is not my purpose to debate whether or not the Commissioner of Agriculture is qualified or not qualified. I assume that he is qualified and there is nothing here that would say that the Governor and Council would put in someone who was not qualified to hold the office. It is merely an attempt to go forward in our state, to streamline our government and to get it uniform and to do things which are according to PAS good government. As I said before, the committee felt very strongly about it. We have nothing to fear that the Governor is going to put anyone out of office. You have seen that our present Governor has in the last three years, reappointed many of our heads of departments and I am not afraid that anyone who is not competent will be given the job. But I do think it is very poor procedure when every two or three years a few heads of depart-

ments have to come before this legislature in order to retain their positions. I think they should be rewarded by giving them a longer term of office at least.

Mr. ROGERSON of Aroostook: Mr. President, as a member of the committee and one who signed the ought not to pass report, I think I was more impressed with the information which a spokesman for agriculture brought to us, to the effect that they preferred to continue with the old democratic process which they have been using in the past for selecting a Commissioner of Agriculture, rather than turning to the new philosophy which PAS has outlined of having such ones named by the Governor. That, I am sure, was the deciding factor in my case and I believe in the case of some of the other signers.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that the Senate accept the minority ought to pass report of the committee.

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

A division of the Senate was had.

Eight having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, the Majority report ought not to pass was accepted.

Sent down for concurrence.

On motion by Mr. Farley of York, the Senate voted to take from the table Senate Reports from the Committee on Constitutional Amendments: Majority report, ought not to pass; Minority report, ought to pass with Committee Amendment A, on "Resolve Proposing an Amendment to the Constitution for Appointment of Secretary of State by the Governor with the Consent of the Council." (S. P. 417) (L. D. 1176) tabled by that Senator on April 30 pending consideration of the reports; and that Senator yielded to the Senator from Androscoggin, Senator Lessard.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, it seems rather futile for me to repeat the arguments I used just a few minutes ago but here again is the same proposition. There is nothing more I can say that I didn't

say a few minutes ago except that maybe I can repeat what was said in the last citizen's committee meeting. One of the members pointed his finger and said, "Remember, I am going to vote Republican just once more and then if we don't have some changes, I will change my mind."

Mr. President, I move that the Senate accept the Minority report ought to pass with Committee Amendment A.

Mr. BUTLER of Franklin: Mr. President as a member of the Committee on Constitutional Amendments who signed the ought not to pass report I can only add to what has been stated, that in this particular instance this calls for a Constitutional Amendment, whereas the appointment of the Commissioner of Agriculture was entirely within the discretion of the legislature. Here again I feel that under our system of checks and balances that we will have a more equitable form of government if we have the right of voting and of putting into office these various heads of departments rather than to have them at the will and pleasure of the governor whether it be for the last time that a Republican could vote. I hope that the motion of the Senator from Androscoggin, Senator Lessard, will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that the Senate accept the minority ought to pass report.

A division of the Senate was had.

Seven having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, on motion by Mr. Butler of Franklin, the ought not to pass report was accepted.

Sent down for concurrence.

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

After Recess

The Senate was called to order by the President.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table House reports from the

Committee on Agriculture: Majority report, ought not to pass; Minority report, ought to pass on bill, "An Act Relating to Premiums to Commercial Poultry Growers." (H. P. 1019) (L. D. 1453) tabled by that Senator earlier in today's session pending consideration of the reports; and on further motion by the same Senator, the Minority report, ought to pass was accepted and the bill read once; House 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 House Amendment A in concurrence.

Sent forthwith to the engrossing department.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table bill, "An Act Relating to Cutting of Christmas Trees." (H. P. 1091) (L. D. 1585) tabled by that Senator on May 23 pending consideration; and on further motion by the same Senator, House Amendment A was indefinitely postponed, 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. Silsby of Hancock, the Senate voted to take from the table Bill, "An Act Revising the General Laws Relating to Municipalities." (H. P. 320) (L. D. 437) tabled by that Senator earlier in today's session pending passage 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 and that Senator presented Senate Amendment A and moved its adoption.

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

On motion by Mr. Wyman of Washington, the Senate voted to take from the table House report from the Committee on Towns and Counties: Ought not to pass, on Bill, "An Act to Increase the Salary of Judge of Western Somerset Municipal Court." (H. P. 22) (L. D. 27) tabled by that Senator on May 9 pending consideration of the re-

port; and that Senator yielded to the Senator from Somerset, Senator Carpenter.

On motion by Mr. Carpenter of Somerset, the bill was substituted for the ought not to pass report and given its first reading; House Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

On motion by Mr. Carpenter of Somerset, and at the request of Mr. Lessard of Androscoggin, the Senate voted to take from the table Bill, "An Act Relating to Construction Reserve Fund in Department of Finance and Administration." (S. P. 442) (L. D. 1260) tabled earlier in today's session by the Senator from Androscoggin, Senator Lessard, pending further consideration.

On behalf of Mr. Lessard of Androscoggin, Mr. Carpenter of Somerset presented Senate Amendment A and moved its adoption.

Senate Amendment A was read and adopted.

On motion by Mr. Boucher of Androscoggin, House Amendment A was indefinitely postponed; and the bill, as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Report A—OTP—as Amended, Com. A & B

Report B—OTP—as Amended, Com. B

Five members of the Committee on Taxation on Bill, "An Act Increasing Sales Tax with Exemptions on Water, Fuel and Electricity for Domestic Use." (H. P. 986) (L. D. 1410) reported (Report A) that the same Ought to pass as Amended by Committee Amendments A (Filing No. 532) and B (Filing No. 533) (Signed)

Senators:

LOW of Knox

Representatives:

BROWN of Ellsworth

BESSE of Clinton

Four members of the same Committee on the same subject matter, reported (Report B) that the bill

Ought to pass as amended by Committee Amendment B

(Signed)

Senator:

BOUCHER of Androscoggin

Representatives:

WALSH of Brunswick
FARMER of Wiscasset
CYR of Augusta

One member of the same Committee on the same subject matter, reported (Report C) that the bill Ought not to pass

(Signed)

Representative:

ROLLINS of Belfast

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I move that the Senate accept Report B.

Mr. LOW of Knox: Mr. President and members of the Senate, I move that Report B be indefinitely postponed.

Mr. BOUCHER: Mr. President and members of the Senate, I move to adopt Report B because that is the program of the Governor. It is an increase in the sales tax to 3 per cent but with exemptions for heat, fuel, water and electricity in the homes.

I honestly believe that that exemption would not harm our economy in this state and that we will still have enough money under that tax, to operate the business of the state for the next two years. I believe that the people have been requesting ever since the sales tax went into effect in 1951, that their homes should be exempt so far as fuel, lights and such are concerned and it will be only fair, if we are going to ask them to pay a fifty per cent increase in the sales tax, that we give them some exemptions. I know that my county has been and still is against a sales tax. If it were sent back to them to vote on they would turn it down, but I could reconcile myself and, I think I could sell the idea to the people of Androscoggin County that with those exemptions they should go along with the governor's program of extra benefits for the state and improvements. Therefore, I hope that the motion for indefinite postponement of Report B, as made by

Senator Low of Knox, will not prevail.

The PRESIDENT: The question is on the motion of the Senator from Knox, Senator Low, that Report B be indefinitely postponed.

Mr. ST. PIERRE of Androscoggin: Mr. President, I move that when the vote is taken, that it be by roll call.

The PRESIDENT: To order the roll call requires the affirmative vote of one-fifth the members present.

A division of the Senate was had. Obviously more than one-fifth having risen, the roll call was ordered.

The Secretary called the roll:

YEAS: Senators: Bailey of Sagadahoc, Briggs of Aroostook, Brown of Washington, Butler of Franklin, Carpenter of Somerset, Charles of Cumberland, Cole of Waldo, Curtis of Cumberland, Davis of Cumberland, Dow of Lincoln, Ferguson of Oxford, Hillman of Penobscot, Lord of Cumberland, Low of Knox, Martin of Kennebec, Pike of Oxford, Reed of Aroostook, Rogerson of Aroostook, Silsby of Hancock, Sinclair of Somerset, Woodcock of Penobscot, Wyman of Washington — 22.

NAY: Senators: Boucher of Androscoggin, Dunn of Kennebec, Farley of York, Fournier of York, Hurley of Kennebec, Lessard of Androscoggin, St. Pierre of Androscoggin, Willey of Hancock — 8.

ABSENT: Senators: Hall of York, Parker of Piscataquis — 2.

Twenty-two having voted in the affirmative and eight opposed, Report B was indefinitely postponed.

Thereupon, on motion by Mr. Low of Knox, Report A was accepted and the bill read once.

Mr. LOW of Knox: Mr. President, I move that House Amendment A be indefinitely postponed in non-concurrence.

Mr. LESSARD of Androscoggin: Mr. President, I rise to oppose the motion of the Senator from Knox, Senator Low. I believe that some exemptions could very well be given. I think that the agricultural people are entitled to the same thing as industry and I think we should recognize that fact. When the vote is taken, I ask for a division.

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

of the Senator from Knox, Senator Low, that House Amendment A be indefinitely postponed, and the Senator from Androscoggin, Senator Lessard has asked for a division.

A division of the Senate was had.

Twenty having voted in the affirmative and ten opposed, the motion prevailed.

Mr. LOW of Knox: Mr. President and members of the Senate, this amendment which has just been voted down was in such broad terms that our tax assessors think that even the work clothes worn by a farmer might well be exempt. I believe that none of the people who want this amendment would want anything so extreme as that to be passed. I have spent a lot of time in four sessions fighting off amendments to the sales tax bill and one of the things you learn here in the legislature is that you can't be right all the time. Sometime you are going to be wrong. So, I am going to give in and offer for your consideration an amendment to this bill, Senate Amendment A.

A viva voce vote being had Senate Amendment A was adopted; Committee Amendment A and Committee Amendment B were adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Committee Amendment A and Committee Amendment B and Senate Amendment A, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Reed of Aroostook, the Senate voted to take from the table bill, "An Act Relating to the Policy of the Milk Commission." (H. P. 304) (L. D. 421) tabled by that Senator earlier in today's session pending passage to be engrossed; and that Senator yielded to the Senator from Sagadahoc, Senator Bailey.

Mr. BAILEY of Sagadahoc: Mr. President, this is an act relating to the policy of the milk commission. This bill has very little value. It simply relates that the milk commission shall have as their policies an object leading to abandonment of the milk commission. That is something which the industry in the state would be glad to get along without, if it could. The expenses of the milk commission are fully paid

by the industry. Some have the impression that it is paid by the state, but that is not so. It is paid from a tax on the producers and dealers to maintain their objectives and as you can see by that they would only be too pleased if they could see that their industry would be maintained in a form of free trade, but milk is something that is essential and there should be an ample supply at a reasonable price and of an excellent quality at all times. It is different from any other commodity that we have. Take dry goods or most any other thing you might name that you'd have on the shelf, and if they aren't sold this week, maybe they'll be sold next week. But milk is something that must be in ample supply and that under a trade which some might call cut-throat competition, cannot be carried out. That is one of the principle reasons why we felt that it should be under control, but in this matter of control, it is different from federal control. The law states that any change to be made in the price, the commission must call a hearing and get evidence at that hearing and that gives everyone a chance to appear and plead their case. If they feel that the price is too high, they have the chance to go and give their evidence and if they can show evidence that the price is too high, it would be changed or any other rule which might be asked. And another thing. The Commission only goes in to those districts where they are asked to go in. It is not fully a state-wide proposition. About fifty percent of the state is under control at this time, of the area of the state, but between eighty and ninety percent of the milk handlers in the state are under control. And that is why I feel we should not be asked in any such way that the public may feel that these connected with the industry are not capable of running their own business as would be the case if this bill passed. It would give an impression that the legislature has to come and tell us what to do. I hope that the report and bill are indefinitely postponed.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate my face is a little red on this bill. During the early part of the session some people who were in-

terested in the dairy industry here in the Senate approached me and asked me whether the research committee was doing any good. This is one that I said was good. I cannot see any harm in this bill in any way, shape or manner. I don't say that I am in favor of control, but if ninety-five per cent of the farmers in the State of Maine want it, then I don't see that there is much we can do about it. I can't see a thing wrong with this and I oppose the motion to indefinitely postpone.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I hate to reiterate what I have already told you last Friday but since a motion has been made to indefinitely postpone this bill, I have to. The good Senator from Sagadahoc, Senator Bailey, says that expenses are paid by the industry. That is true enough. But John Q. Public pays the industry. It all comes out of your pocket. The expenses of that milk commission are paid by those who buy the milk. He claims that milk will lose its value in a short time. That is also true of groceries, and they are not protected by a commission. If groceries are kept in a store too long they lose their value and so do meats and other foods. Milk is no more subject to loss than are other foods sold in grocery stores. He has talked about hearings. We have heard about those hearings in the research committee. We have held hearings and who appears at the hearings? The producers and the dealers. John Q. Public is not there. And the decision of the commission is final. If they say that milk must be sold at 25 cents a quart then it must be sold at 25 cents a quart. If they say 30 cents a quart then it must be sold at thirty. The public doesn't decide. The public may appear at the hearing but they have no voice when the matter is settled. It is the commission, and the public is represented by one person only. The milk consumers of this state have one voice in that commission. There are two producers, a producer-dealer and a dealer and one representative of the public.

I do hope that you will go along with me on this bill and pass it so that we may remind the milk commission that they have got to do something about this. They have been proposing this for twenty-two years and have done nothing yet. It is about time they went to work or maybe two years hence the whole deal will be called off. The milk commission may be voted out and that is how it should be. There is no other industry in Maine that has a set up like the milk commission. They want everything their way. We have heard that in Research Committee I don't know how many times. We have held meetings where the public was invited and all who came were the producers, the milk dealers and others who were interested in it. The public was not present. I think they are entitled to a voice. They pay all the bills all the way through. The Senator from Sagadahoc, Senator Bailey has said that industry pays the bill. Well, they get it from the consumer and I think that the consumer should be heard. I hope that you do not go along with indefinite postponement.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, I want to go on record as saying that I feel definitely that under this present system, the consumer is paying less for his milk than he would otherwise. I have no question in my mind about that. However, I don't think that has any bearing on this bill. This bill is to make a study as to what time the Maine Milk Commission could be abolished.

Mr. REED of Aroostook: Mr. President and members of the Senate, I rise in support of the motion of the Senator from Sagadahoc, Senator Bailey and also in defense of my position as a member of the Agricultural Committee. On the whole I would not subscribe to agricultural supports and control. However, at the present time at least it is more or less beyond our control as so many segments of agriculture all over the country are under control. It seems to me it is rather unwise to try to take off control on the milk industry here in the state. It seems to me that the

consumer public in Maine is getting a good product at a reasonable price. In addition to that the dairy farmers seem to be getting a fairly reasonable return on their investment and their time. I think it is wise to note that other segments of agriculture here in our state, particularly the potato industry and the poultry industry are not enjoying too good an economic condition at the present time, and I think we should be thankful that we have at least one agricultural industry; namely, the dairy industry that is more or less stable. I hesitate to support anything that might change that status. Granted that in the future we hope that industry can exist and make a reasonable profit without controls but at the present time it doesn't seem to me to be wise to consider that sort of legislation. Therefore I go on record as favoring the pending motion.

Mr. FARLEY of York: Mr. President and members of the Senate, I rise in defense of the research committee. It doesn't seem to me that if we are going to appropriate money for the research committee that we should then come to the legislature and have them by-pass it. I feel that the research committee has done a good job and I certainly would oppose the motion of the Senator from Sagadahoc, Senator Bailey.

The PRESIDENT: The question is on the motion of the Senator from Sagadahoc, Senator Bailey that the bill be indefinitely postponed in concurrence.

A division of the Senate was had.

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

Thereupon, the bill was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

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

After Recess

The Senate was called to order by the President.

Additional House Papers

Bill, "An Act Increasing Pensions of Elderly Teachers." (H. P. 258) (L. D. 356)

In Senate on May 24, passed to be engrossed as amended by Committee Amendment A (Filing No. 437), House Amendment A (Filing No. 448) and Senate Amendment A (Filing No. 551), 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, now asks for a Committee of Conference.

In the Senate, on motion by Mr. Sinclair of Somerset, the Senate voted to insist and join in the Committee of Conference; the President appointed as Senate conferees, Senators: Sinclair of Somerset, Davis of Cumberland and Lessard of Androscoggin.

Bill, "An Act Relating to Sale of Certain Beverages to Minors." (H. P. 381) (L. D. 510)

The Senate on May 23, accepted the Majority Report, Ought not to pass, from the Committee on Liquor Control.

Comes from the House, that body having insisted upon its former action whereby it accepted the Minority Report, Ought to pass, and passed the bill to be engrossed as amended by House Amendment B (Filing No. 512), now asks for a Committee of Conference.

In the Senate, on motion by Mr. Boucher of Androscoggin, the Senate voted to insist and join in the Committee of Conference; and the President appointed as Senate conferees, Senators: Boucher of Androscoggin, Willey of Hancock and Carpenter of Somerset.

Bill, "An Act to Authorize the Construction of a Causeway, Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island." (H. P. 19) (L. D. 24)

In Senate on May 24, 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, now asks for a Committee of Conference.

In the Senate, on motion by Mr. Cole of Waldo, tabled pending con-

sideration and especially assigned for tomorrow.

Bill, "An Act Repealing the Prohibition Against Use of Trawls in Waters of Washington County." (H. P. 514) (L. D. 724)

The Senate on May 24 accepted the Majority Report ONTP from the Committee on Sea and Shore Fisheries, in non-concurrence.

Comes from the House, that body having adhered to its former action whereby the Minority Report OTP was accepted and the bill passed to be engrossed as amended by House Amendment A (Filing No. 453).

In the Senate, that Body voted that the bill be placed in the legislative files.

Majority — OTP
 Minority — ONTP

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys for Construction of Eastport-Perry Causeway." (H. P. 807) (L. D. 1151) reported Ought to pass

(Signed)

Senator:

LESSARD
 of Androscoggin

Representatives:

DAVIS of Calais
 EDWARDS of Raymond
 DUQUETTE of Biddeford
 BRAGDON of Perham
 STANLEY of Bangor
 BEAN of Winterport

The Minority of the same Committee on the same subject matter report Ought not to pass:

(Signed)

Sensors:

SINCLAIR of Somerset
 DAVIS of Cumberland

Representative:

WOOD of Webster

Comes from the House, Majority Report OTP accepted, and the bill Passed to be engrossed.

In the Senate:

Mr. BROWN of Washington: Mr. President and members of the Senate, I have not had much to say here this winter, but this is a matter that is close to my heart and I have been trying to do something about it in that area for a long time.

I wish to speak briefly, but completely, in support of this resolve in favor of the Eastport-Perry Causeway, which has received an ought to pass report by the Appropriations Committee.

The purpose of this causeway is to provide a substantial "warm salt water pool" to promote the recreational attractions of the area. The Causeway will include conduit devised to refreshen the water in the pool as it may be desired. The causeway would make available a facility of great attraction to recreation in an area of this state where economic development is of the utmost importance.

The 96th legislature, of which many of us were members in either body, recognized the value of the pool development by creating the Washington County Recreational Authority, specifically designed to develop the "pool" area, which would be created by the causeway construction. There would be no public funds required under the terms of the Authority Act and private capital is ready and anxious to proceed in this development once the essential Causeway is built.

Washington County's declining economy, and its need for a boost, have been recognized nationally as well as here in Augusta. Since 1950 the United States Department of Commerce has listed it as a "distressed Area" and the Department of Labor has it listed as a "labor surplus" area. The United States Department of Agriculture has also included Washington County as one of the so-called "pilot" Counties in the nation where special assistance will be given to the failing agricultural pursuits here.

Back in 1952 the Agnew Foundation of Boston, a non-profit organization which studies municipal problems, made a survey of Eastport and the surrounding area. After conferring with Governor Payne they suggested the idea of a recreational area based on the warm salt water pool which could be formed by building the causeway. Shortly after that the Washington County Recreational Authority was enacted as I stated. This group would supervise the beaches and lands near the water so that a well organized park like program could be devel-

oped systematically over a period of years.

Many of you will recall that in the last session I introduced a resolve for a Causeway and Road. At that time the highway department was much opposed to having the road to Eastport go over this causeway and desired another route which they felt was cheaper. They did not oppose the development of the recreational area. Since then the road has been built over the highway commission route.

The present legislation calls for \$275,000 which is based on an estimate of the Highway Commission engineers for the construction of a suitable causeway-dam without a road or bridge in it. The Causeway will, however, as you may note from the resolve, be constructed under the supervision of the Department of Public Improvements. Officials from the department have been to Eastport, and have looked into the project. I would like to quote from the report of Fay, Spofford and Thorndike who made the 1955 survey for the causeway and road as follows: "From our studies, we are convinced that a dam can be built in this location, that there is more than one reasonable construction method, and that there is a great deal of opportunity for contractors interested in the same to exercise their ingenuity in developing a construction scheme."

It is interesting that the Province of New Brunswick has already two such salt water swimming pools—one at St. Andrews and one at Oak Bay. The Oak Bay set-up was constructed as a causeway-road and dam project at a cost of over \$100,000 and is much smaller than the Eastport-Perry Project. It attracted thousands of persons last year even when the beaches, bath-houses and picnic area were only partially completed.

I feel Washington County needs this recreational area to help ease our economic pains. The thousands of tourists which would be attracted here during the summer months would give us a big life with their dollars. According to authorities at the Canadian Customs in St. Stephen, N. B., there are some 500,000 persons crossing to and from Can-

ada at this port of entry about 22 miles from the site of the Causeway. Almost all of these people are coming along Route No. 1. At present Washington County does not have developed areas which would attract these tourists. They zoom right along and spend very little money or time in Washington County. Our area does not have a State Park. Mr. Dyer of the State Park Department in talking with me recently stated that such a development would help tie in with the State Parks in the Western and Central Parks of the State. A development at Eastport and Perry would tend to help the entire state. Tourists coming here would follow the Route No. 1 highway and pass through the coastal counties which today so much need additional summer tourists.

I should like to say a little more about our state parks. They are presently unable to accommodate the number of people from out of state that want to patronize them. Although \$100,000 has been spent for capital improvements at Mt. Blue, Sebago, Camden, Reid and Bradbury State Parks in the last biennium, they cannot cope with the flood of tourists. Now that the Turnpikes and Thru-ways are built down to Ohio and Pennsylvania, many of these folks will be coming to Maine, and without too much travel time could reach the Eastport Area. Mr. Dyer pointed out that many of these people like to visit all the state parks and want to see all sections of the State. In Washington County they have no supervised area to go to. One of the features of our development, of course, is that when the Causeway is built, it will be developed by private capital and thus the State will not be called upon to maintain it.

I know that when other sections of the state have come to this legislature with development plans for their areas, Washington County has always gladly supported them. I feel, and I believe our whole delegation feels, that a development at Reid State Park in Bath or at Presque Isle or at Eastport, is good for the whole state. The Maine Port Authority and the Bar Harbor Ferry got the support of our members. Just the other day we were glad to

stand with the supporters of the Island Ferries and the Portland Municipal Airport. I think on this Causeway project, it is probably the only time in the history of this state that we have ever asked for anything. We feel that eventually a development area here will pay for itself. The added people brought to the area, the new business developed and the capital poured into it will all be reflected in more taxable property, increased sales taxes, and gasoline taxes. After all the state saw fit to loan \$1,000,000 interest free to the Bar Harbor Ferry for 30 years. The State Treasurer says that amount put out at interest would bring the state \$450,000. Surely the amount for which we request is much more modest than that.

Those of us who have been working for this project have been at it for three sessions now. We have worked long and hard and believe we merit your support. Our total budget for the biennium is running to over 100 million so I hope you will see fit to pass this bill and give to Washington County and the whole state in fact, the message that the legislature is 100 per cent behind the Economic Development Program which we need so much.

I have been in the legislature for six terms and have never asked for any money for that area except minor bills.

Eastport and Lubec are hit very hard the last three years on account of the sardines being caught up state, and our area only gets about four months work for those years, and outside of roads, we have had no money spent to help the economy of these places.

Lubec has already received the assurance from the Highway Commission that one half of the bridge costs to Campbello Island in Canada is ready for same as soon as Canada passes that bill which would have been done already except that the federal government over there, which does most of the work for the Canadians and the Provincial Government in New Brunswick, are in the throes of a national election on June 10th and Lubec will get the gravy, — I have no doubt about that.

This Causeway will give us over the next ten years an opportunity

to cater to the tourists as it is directly on the new road now being finished next month on No. 1. We advertise Vacationland all over the east and we should have attractions that will cause the tourists to stop along the way to and from Canada. I have gone along on all matters to help all parts of the State of Maine.

Our president has read the report of the Committee, seven to three in favor of this bill and I ask the legislature to pass this bill.

Mr. SINCLAIR of Somerset: Mr. President, as a signer of the ought not to pass report I am reluctant to rise in opposition to my good friend, the Senator from Washington, Senator Brown. The bill, as he stated, came before the Appropriations Committee before and I opposed it. I would like to say that I recognize the serious economic condition in Washington County, but I opposed this bill before on the grounds, partially, that I thought it was a development for a special interest group, a special enterprise. A few days ago we had a bill in this legislature that requested permission to build a bridge. The bridge was being financed by the promoter of the development on the island, on which he planned to spend a considerable amount of money, building cottages and developing the area, and in this particular case I felt the same way. If they build this Causeway over that body of water down there, as the Senator from Washington, Senator Brown has said, they can develop a recreational area, but I question seriously the advantages that might accrue from it because it is built by private and special interests. I opposed the bill and I still oppose the motion of the Senator from Washington, Senator Brown.

Mr. WYMAN of Washington: Mr. President and members of the Senate I rise in support of my colleague from Washington County, Senator Brown, I think he has covered just about everything on this matter of a recreational pool at Eastport but there are one or two points I would like to bring to your attention.

First, we are in Washington County just about at the end of the road. We have an active Chamber

of Commerce which is trying to bring in new industry but without too much success because we have such high freight rates. We do have the possibility of recreational facilities and with the coming of turn-pikes and better roads there is a chance that these people could come to our county much easier than formerly but in order to take advantage of this business we do need to develop the facilities and at this time we just don't have the financial ability to do it.

This recreational pool is similar to pools across the bay in New Brunswick, and last summer I observed the pools and they had a good number of visitors and they seem to be working on a very profitable basis. I think this is a practical proposal and it is one that would do a lot of good for Washington County and I hope that the motion of Senator Brown of Washington, will prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Brown, that the Senate accept the ought to pass report of the committee in concurrence.

A division of the Senate was had.

Twenty-two having voted in the affirmative and eight in the negative, the motion prevailed and the bill was read once, and under suspension of the rules was read a second time and passed to be engrossed in concurrence.

Enactors

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

Bill, "An Act Creating the Maine Commercial Feed Law." (H. P. 254) (L. D. 352)

Bill, "An Act Amending Employment Security Law as to Disqualification for Benefits." (H. P. 779) (L. D. 112)

Bill, "An Act Relating to Benefit Eligibility and Definition of Unemployment Under Employment Security Law." (H. P. 780) (L. D. 1113)

Bill, "An Act Amending the Law Permitting Municipal Employees to Receive Federal Social Security Benefits." (H. P. 1086) (L. D. 1565)

Bill, "An Act Directing Review of Election Laws." (S. P. 23) (L. D. 14)

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

Bill, "An Act Relating to Salary of Official Court Reporters." (S. P. 40) (L. D. 55)

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

Bill, "An Act to Correct Inconsistencies in State Highway Laws." (S. P. 66) (L. D. 113)

Bill, "An Act Increasing Compensation of Clerks of the Law Court." (S. P. 290) (L. D. 789)

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

Bill, "An Act Increasing Certain Fees of Sheriffs and Their Deputies." (S. P. 226) (L. D. 569)

Bill, "An Act Relating to Registration of Dealers in Boat Trailers and Temporary Registration Plates." (S. P. 391) (L. D. 1087)

Bill, "An Act Changing Name of Maine School for the Deaf to Governor Baxter State School for the Deaf." (S. P. 597) (L. D. 1601)

Resolve, Providing for State Pension for Beverly Ann Archer of Rumford." (H. P. 56) (L. D. 68)

(On motion by Mr. Hillman of Penobscot, tabled pending enactment.)

Resolve, Creating an Advisory Committee on Education." (H. P. 727) (L. D. 1031)

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

Which bills were passed to be enacted and the resolves finally passed.

Emergency

Bill, "An Act Amending the Town of Milbridge School District." (S. P. 594) (L. D. 1600) Which bill, being an emergency measure and having received the affirmative vote of 30 members of the Senate was Passed to be enacted.

Constitutional Amendment

Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Industrial Purposes." (S. P. 580) (L. D. 1581)

Mr. BUTLER of Franklin: Mr. President and members of the Sen-

ate, on this bill, I feel that we are, by enacting it, changing the entire philosophy of our state government. The bill itself is asking for an extension of credit. We are amending Article 9 of the Constitution by adding thereto a new section, and I will quote that section:

“For the purpose of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises of the state, the legislature by proper enactment may insure the payment of mortgage loans on real estate within the state of such industrial and manufacturing enterprises not exceeding in the aggregate \$20,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the state at such times and in such amounts as it may determine to make payments insured as aforesaid.”

Now this is nothing new except on the principle that the king can do no wrong. Back in 1872 the little County of Franklin in the town of Jay was having financial problems and they wanted to induce a concern in Livermore Falls to move to North Jay and accordingly they came down to the legislature and procured a special act, Chapter 716 which was approved on February 25, 1871.

“Whereas upon due investigation and consideration, we deem it for the benefit of the town of Jay and the people of the state, said town is hereby authorized to loan the sum of \$10,000 to Hutchinson and Lane in accordance with a vote taken by said town on the 21st day of April, 1870 for the encouragement of manufacturing in said town.”

And as a result of that vote and of that legislature's act, people in the town objected and they raised the issue and the issue was whether the act of the legislature was valid and whether the people should take private funds for that purpose. In reviewing the case which went to the Supreme Court in 16 Maine, Allen vs the inhabitants of Jay, the Court comes up with some very interesting language which speaks in a general manner of the sacredness of property and the sacredness of taxation and it also speaks of what

we now term as progress by borrowing on reserve, and it also speaks in a general way as to the need of that and the fallacy that once we extend credit we are not making progress, we are not extending but we are sacking and it also speaks in a very important way, I feel “No authority or even dictum can be found which asserts that there can be any legitimate taxation when the money to be raised does not go into the public treasury or is not destined for the use of the governmental divisions of the state.”

When we pass this we are changing our philosophy and we are invalidating I feel the right of equal protection of the law. We have at the same time before us, similar bills on a smaller scale in which counties are asking for the privilege of extending credit or making loans to schools or institutions which are yet to be considered by us.

We go on further, the courts states: “If this is to be loaned at all then it is practically a division of property under the name of the law. It is Communism incipient if not perfected”. And so I feel that if we are not at the parting of the ways are we going to change a philosophy which has made this state what it is? Are we going down the paths, because once we open this path, there are other paths of a similar nature which can likewise be formed. At the same time and at about a corresponding period of time, the little town of Farmington decided it wanted a railroad to come from West Farmington to Farmington and accordingly the town, through an act of the Legislature, received permission to extend its credit up to \$20,000 to induce the then Androscoggin Railroad to extend its line from West Farmington to Farmington so that the merchants there were able to take their merchandise from the yard and distribute it, and that case was contested, and that case went to the Supreme Court of the United States and there it was likewise said that the municipality did not have the authority and so I feel that this is more than just the passing of another bit of legislation.

We are on the threshold of deciding whether we are going to delve into and destroy the sacred-

ness of equal protection of the law and the protection of property. It makes no difference whether we are going to be loaning this money by extending credit or whether the state should reach out and say this or that should be taken for the benefit of others. We are distributing or redistributing our natural assets, our natural wealth. Is this really what we want to do? Personally I feel that it is not a measure which can be taken lightly.

At the hearing as this measure came before the Judiciary Committee there was only one man who spoke against the bill and then he, Mr. Baxter, only spoke in respect to the philosophy, wondering as to whether it was the thing to do. Now it is true that we cannot pick up a newspaper today especially the New York Times without noticing the ad which the Commonwealth of Pennsylvania have in there as a method of inducing business to come to that state. To me the little town of Jay is a symbolism on a small scale. We believe, by making it on a state scale and having declared, as we have declared it, to be a public necessity, without having incorporated the safeguards which the forefathers inserted for our protection, I hope that we will think carefully before dropping these safeguards in the fleeting hope of extending our credit and mortgaging our things for the benefit of these institutions, which of their own have not the means or the wherewithal to come within our state to meet the requirements.

By passing this on to you so that we may have, as we have not had a discussion of this on the floor, a record to show the philosophy which we have had and the philosophy which by passing this legislation we perhaps will be following in the future. When the vote is taken, Mr. President, I ask that it be by a division.

Mr. LOW of Knox: Mr. President and members of the Senate, the advertisement which I am holding in my hand, comes from the Wall Street Journal and it reads as follows: "The Pennsylvania Plan. One hundred per cent financing is available for your new plant." And that is an official advertisement of the

Pennsylvania Department of Commerce. It is a good illustration of what we in Maine are up against in our efforts to get new business. Pennsylvania is not one of the southern states about which we have heard so much; but rather, one of the solid, conservative, northern states like ourselves. Obviously if they are going to provide buildings for industry, and since many other northern states do so too, Maine must fight fire with fire or else face a bleak economic future. We can't stand still and watch the procession go by. Anyone who works for getting new business for Maine, will tell you that the greatest handicap that we have is the fact that we have no modern buildings available and they will tell you of case after case where we could have had good industries if we had had the buildings to house them.

What Maine needs most and must have is jobs. Jobs not only for the present working force, but jobs for our children so that we won't continue to export our most precious asset. Unfortunately most of our communities are comparatively poor and it is almost impossible for them to raise enough capital to build enough factories to provide enough jobs for the people who need them. Maine is one of the few states which is losing in population and it seems obvious that we must be falling behind in providing opportunities for work. The building authority is designed to supply this capital which singly our communities do not have, through the state guarantee of building loans. This may seem a radical way of financing for such a conservative state as the State of Maine, but I can assure you that out of hundreds of people with whom I have discussed this proposition, all except a small handful have thought that our great need justified our going ahead.

It reminds me of the story about the severe banking panic in 1907 in New York City, when every bank was pressed to keep solvent. J. P. Morgan summoned the bankers to his famous library and made them a proposition which he thought would take care of the troubled conditions in which they found themselves.

"But, Mr. Morgan," said one of the bankers, "that would mean using some of our reserve."

Mr. Morgan yelled back, "What in tarnation do you think you have reserves for?"

Maine has fine credit and when the end justifies the means we should use it and not just sit looking at it. It has been feared by some that the state would find itself with many empty buildings on hand and heavily in the real estate business. I believe that trouble of this nature will occur only rarely because above all things, I believe in the ability of Maine people to manage such an enterprise so that such losses would be kept at a minimum. I do not doubt for one minute that our best business men will be proud to serve upon the Board of the Authority which would be formed to administer the guarantee which will be made possible by this amendment and I know that our best brains will see to it that the Authority does the job it is supposed to do without doing things which are unsound or unlawful. Mr. President, I move final passage.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I would like to say a few words on this subject since in my community and the county which I represent and come from we have a development commission made up of our leading citizens. We also have one in the city of Auburn and we have been fairly successful in bringing a few new industries to our area. These have been provided for by private capital by means of loans from banks, mortgage loans and many private individuals have bought bonds to be redeemed over a period of twenty years.

However, I now find, I am told, so far as private capital is concerned, it is about all gone. They still have concerns who have been to see them and who require construction and they doubt very much that they will be able to get these financed by private capital. So it means they must go somewhere else. Someone must help to bring industry here. It is true, perhaps that we are changing the philosophy which prevailed back in 1872. However, I do want to bring to your attention that we are perhaps on the threshold of

whether or not we will have economic advancement in this state or economic disaster and if we are to take our place in the sun, if we are to attempt to continue as an industrial state, which we are partly, then we must do something. If the philosophy that we have now does not allow us to do that, then I say that it is time to change our philosophy. We have got to take these chances. We have got to try to help bring industry here. So I am in favor of the passage of this act for the industrial development of the State of Maine.

Mr. SINCLAIR of Somerset: Mr. President, I would like to ask that the bill be placed on the table and especially assigned for tomorrow.

The motion prevailed and the bill was tabled pending enactment.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table Bill, "An Act Repealing Law prohibiting Riding with a Naked Scythe." (H. P. 454) (L. D. 629) tabled by that Senator on May 9 pending passage to be engrossed.

Mr. COLE of Waldo: Mr. President and members of the Senate, I think many of you possibly saw the article in this morning's paper where an old-timer wages a relentless battle with the scythe against nature. It seems to me that this bill should receive perhaps more justice than it has. It seems to have been lying here on the table pretty much all of the session and now it is getting along towards Memorial Day and I certainly hope that we adjourn this legislature before Memorial Day, and in rural areas the scythe is now still used to a great extent. Many of our cemeteries do require, according to this article, immediate attention of the fast disappearing scythe and snath. Many of you, I know, know that the snath is the so called handle of the scythe. To my surprise in talking with the good Senator from York, Senator Farley, he did not realize what a snath was. I certainly would like to invite him up to my place and show him some of these that are hanging now in the famous old apple tree. Mr. President, I present Senate Amendment A and move its adoption.

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

Sent down for concurrence.

On motion by Mr. Reed of Aroostook, the Senate voted to take from the table Bill, "An Act Relating to Purchase of Milk for Redistribution in Maine." (H. P. 309) (L. D. 426) tabled by that Senator on May 22 pending adoption of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was indefinitely postponed; Senate Amendment B was read and adopted, and under suspension of the rules, the bill was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table Bill, "An Act Relating to Automobile Travel by State Employ-

ees." (H. P. 892) (L. D. 1278) tabled by that Senator on May 22 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

On motion by Mr. Martin of Kennebec, the bill and accompanying papers were laid upon the table pending motion by Mr. Low of Knox that the Senate adopt Senate Amendment A.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table Bill, "An Act Relating to Compensation of Medical Examiners for View and Autopsy." (H. P. 954) (L. D. 1355) tabled by that Senator on May 24 pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

On motion by Mr. Low of Knox
Adjourned until tomorrow morning at nine-thirty.