

# 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

Tuesday, May 28, 1957

Senate called to order by the President.

Prayer by Rev. Alfred G. Hempstead.

On motion by Mr. Ferguson of Oxford, Journal of yesterday read and approved.

The PRESIDENT: The Chair would make one or two minor observations relating to our procedures in the next two legislative days. In the first place there are as of 9:30 this morning, seventeen matters in the hands of Conference Committees. I think fifteen of those matters were requested by the other branch and the bills are still in the Senate files. The Chair points out that a clean legislative record requires that those conference committees do meet and if unable to agree report that fact via conference committee report rather than having the bills die in the files without a conference committee report on the subject.

The other general comment is based on more than one or two years legislative experience and it is this: The final two or three days of any session are difficult and hectic. We have many guests and I think it fair to say that there have been final days that reflected little credit on either branch. I certainly hope and I am sure the leaders on both sides hope that at least two things will happen. First, that during these next two legislative days you will have the patience that will be reflected in good attendance and more important, I hope that you will do justice to the five months of work you have put in here by maintaining order and decorum that we may adjourn this legislature without day with the same dignity and care that have been reflected to our guests throughout the session.

### Papers from the House

Bill, An Act Relating to the Department of Finance and Administration." (S. P. 150) (L. D. 347)

In Senate on April 2, passed to be engrossed as amended by Committee Amendment A (Filing No. 144)

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

In the Senate, on motion by Mr. Low of Knox, tabled pending consideration.

Bill, "An Act Relating to Compensation for Total Incapacity Under Workmen's Compensation Act." (S. P. 319) (L. D. 815)

In Senate on May 22, passed to be engrossed as amended by Committee Amendment A (Filing No. 498) and as amended by Senate Amendment A (Filing No. 499).

Comes from the House, passed to be engrossed as amended by Committee Amendment A, Senate Amendment A, and House Amendment A (Filing No. 553) 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 Confidential Character of State Tax Assessor's Records Under Blueberry Tax Law." (S. P. 439) (L. D. 1236)

In Senate on May 27, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 557) in non-concurrence.

In the Senate, on motion by Mr. Wyman of Washington, the Senate voted to recede and concur.

Bill, "An Act Relating to the Unfair Sales Act." (S. P. 555) (L. D. 1551)

The Senate on May 22 receded and concurred with the House in passing bill to be engrossed as amended by House Amendment A (Filing No. 401)

Comes from the House, bill Indefinitely Postponed in non-concurrence on passage to be enacted.

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

"Resolve Authorizing the State of Maine to Convey Certain Land in Bangor." (S. P. 604) (L. D. 1606)

In Senate on May 24, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 559) in non-concurrence.

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

### House Committee Reports

#### Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Increasing Salary of Treasurer of State." (H. P. 696) (L. D. 1003) reported that the same Ought Not to Pass.

Comes from the House, report and bill indefinitely postponed.

In the Senate, indefinitely postponed in concurrence.

The Committee on Taxation on Bill, "An Act Exempting Children's Clothing of Cloth Material from Sales Tax." (H. P. 841) (L. D. 1195) reported that the same Ought Not to Pass.

Which report was read and accepted in concurrence.

#### Ought to Pass —as amended

The Committee on Appropriations and Financial Affairs on "Resolve Authorizing Aeronautics Commission to Conduct an Augusta-Waterville Airport Survey." (H. P. 1066) (L. D. 1524) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 441)

Mr. SILSBY of Hancock: Mr. President, I move that this resolve be indefinitely postponed.

Thereupon, on motion by Mr. Martin of Kennebec, the resolve was laid upon the table pending motion by Mr. Silsby to indefinitely postpone.

### Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, requested to study the laws relating to electricians and plumbers, particularly the phases of such laws which prohibit apprentice electricians and journeymen plumbers from performing their work except under the employment and supervision of master electricians and plumbers; and be it further

ORDERED, that the Legislative Research Committee be, and hereby is, requested to study the impact of such laws on small towns, the end result of such laws being that many small towns are without electricians and plumbers to the detriment of the health and safety of the inhabitants of such towns; and be it further

ORDERED, that the Legislative Research Committee report the results of its findings to the 99th Legislature. (H. P. 1102)

Comes from the House, read and passed.

In the Senate, on motion by Mr. Low of Knox, tabled pending passage.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys to Effectuate Salary Plan for State Employees." (H. P. 405) (L. D. 582) reported that the same Ought Not to Pass.

(Signed)

Senators:

SINCLAIR of Somerset

DAVIS of Cumberland

LESSARD of Androscoggin

Representatives:

BEAN of Winterport

DUQUETTE of Biddeford

WOOD of Webster

BRAGDON of Perham

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

(Signed)

Representatives:

EDWARDS of Raymond

STANLEY of Bangor

DAVIS of Calais

Comes from the House, Minority Report OTP Accepted and the Resolve Passed to be Engrossed, as Amended by House Amendment A. (Filing No. 491)

In the Senate, on motion by Mr. Curtis of Cumberland tabled pending consideration of the reports.

**Majority—ONTP**

**Minority—OTP**

The Majority of the Committee on Taxation on Bill, "An Act Establishing a Highway Use Tax." (H. P.

843) (L. D. 1197) reported that the same Ought not to pass.

(Signed)

Senators:

LOW of Knox  
BOUCHER of Androscoggin  
WYMAN of Washington

Representatives:

WALSH of Brunswick  
BROWN of Ellsworth  
HANSON of Gardiner  
BESSE of Clinton

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

(Signed)

Representatives:

FARMER of Wiscasset  
CYR of Augusta  
ROLLINS of Belfast

Comes from the House Majority Report ONTP Accepted.

In the Senate, on motion by Mr. Low of Knox, the Majority report ought not to pass was accepted in concurrence.

#### Communication

State of Maine

HOUSE OF REPRESENTATIVES  
Augusta

May 27, 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 Minimum Wages." (S. P. 583) (L. D. 1583)

Messrs. ROSS of Bath  
EMMONS of Kennebunk  
TOTMAN of Bangor

Bill, "An Act relating to Registration of Farm Trucks." (H. P. 404) (L. D. 534)

Messrs. STORM of Sherman  
EMMONS of Kennebunk  
HERSEY of Fort Fairfield

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

Mrs. BURNHAM of Kittery  
Messrs. PIERCE of Bucksport  
BRODERICK of Portland

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

Mr. HATHAWAY of Columbia Falls

Miss CORMIER of Rumford

Mr. QUINN of Bangor

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)

Messrs. CALL of Cumberland  
DENBOW of Lubec  
HIGGINS of Scarborough

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 27, 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 Repealing Law Prohibiting Riding with a Naked Scythe." H. P. 454 L. D. 629 on which the House Accepted Report "B" reporting "Ought not to Pass" of the Committee on Transportation on March 26.

Respectfully,

HARVEY R. PEASE  
Clerk of the House

Read and placed on file.

#### Senate Committee Reports

##### Ought Not to Pass

The Committee on Appropriations and Financial Affairs on

Bill, "An Act Appropriating Money to Construct a Fishway at Aroostook Falls." (S. P. 320) (L. D. 1479) reported that the same Ought not to pass

On motion by Mr. Briggs of Aroostook, the report was read and

accepted. Sent down for 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 Closed Time on Deer in Certain Counties." (S. P. 280) (L. D. 739) reported that they are unable to agree

Which report was read and accepted.

Sent down for concurrence.

#### Final Reports

Mr. Butler from the Joint Select Committee on Constitutional Amendments submitted its Final Report.

The following Chairmen of Joint Standing Committees submitted their Final Reports:

Mr. Willey from the Committee on Correctional Institutions

Mr. Carpenter from the Committee on Inland Fisheries and Game

Mr. Silsby from the Committee on Judiciary

Mr. Curtis from the Committee on Labor

Mr. Martin from the Committee on Legal Affairs

Mr. Butler from the Committee on Natural Resources

Mrs. Lord from the Committee on Public Health

Mr. Brown from the Committee on Veterans and Military Affairs

Mr. Reed from the Committee on Welfare

Which reports were severally read and accepted.

Sent down for concurrence.

#### Enactors

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

Bill "An Act Relating to Quinellas at Harness Race Meets." (H. P. 818) (L. D. 1161)

Bill "An Act to Incorporate the Town of Medford." (H. P. 844) (L. D. 1198)

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

Bill "An Increasing Registration Fees for Motor Vehicles and Operators' Licenses." (H. P. 1088) (L. D. 1572)

(On motion by Mr. Cole of Waldo, tabled pending passage to be enacted.)

Bill "An Act Relating to the Department of Finance and Administration." (S. P. 221) (L. D. 576)

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

Bill "An Act Relating to Expending Aroostook County Funds for Ricker College." (S. P. 224) (L. D. 567)

Which bills were severally passed to be enacted.

#### Orders of the Day

The PRESIDENT: The Chair lays before the Senate the first tabled and specially assigned matter, (H. P. 19) (L. D. 24) 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," which was tabled on May 27th by the Senator from Waldo, Senator Cole, pending consideration.

Mr. COLE of Waldo: Mr. President and members of the Senate: It seems to me that this bill has been very well-covered and very well-debated, so I will not go into details as we did in the debate before.

I would like to add a little piece of information here that I have on my committee book which I did not convey to the Senate in the last debate, and that is the number of registered cars on the island. Now this is a small island, as you know, two and a half miles wide and four and a half miles long. There are about 150 cars registered on the island. Now the toll has been stated as \$1.25 one way and \$2.50 a round trip. I wish that the Senators would take into consideration that we have 127 cars registered on the island. In order to make this bridge self-sustaining we must have 276,000 cars per year using this causeway and bridge. That alone, to me, justifies my stand that it can never pay off.

I have had several calls from the island itself, one was last night, congratulating me on my stand, which I was very surprised to hear. As most of us realize, when we do

get back to our homes and when the telephone rings we can look for some criticism from one source or another, but, to my surprise this gentleman congratulated me on my stand and he said to me, "No survey has ever been made among the people of the island. We have 100 families on the island, less than 300 people."

Now to me it is good sound business principle that we go along with our decision of several days ago, just keeping in mind that it will require 276,000 cars to make this bridge self-sustaining.

I ask your serious consideration on this bill, and when the vote is taken I request a division.

The PRESIDENT: The Chair would note that the bill comes from the House with that body having insisted on its former action and asking for a committee of conference.

Mr. COLE of Waldo: Mr. President, I move that we insist.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Senate insist.

Mr. CURTIS of Cumberland: Mr. President, I rise to object to the motion and to say that obviously the proposed bridge and causeway is to develop the island and to develop the area. I wonder where the good Senator from Waldo, Senator Cole, got his figures on automobiles. The estimate, according to the engineers' report, was made on the basis of the number of trips made now by the Casco Bay Lines to the island, and they broke that down into estimated vehicular traffic between the island and the mainland if the boat was replaced by the bridge and causeway. And this engineering firm—I point again to the only authority I have—which is certainly nationally-known, and I do not know but what world-renowned as an engineering firm, as against the opinions of one or two people. I am not competent to give my own opinion on whether or not this would pay, but I certainly feel that this very fine engineering firm, conducting a very exhaustive study, Fay, Spofford and Thorndike, know what they are talking about.

Now we all take some risks, I suppose, in assuming what the future will hold, but they have come

up with a very sound engineering survey which says that this bridge will pay for itself, and that with the estimated 300 all-year residents and the anticipated increase in population because of the ease of access to the island, that naturally the economic situation will change some; but they have been very conservative and they base most of their estimates on the actual population of the island and what they have observed in years past, projecting a very normal increase. So I urge you again to consider this problem in the light of the aspects of it and in the light of the very fine engineering survey which pointed out conclusively that this is one project that we can enter into to boost the economy of the State of Maine, and which will pay for itself—a perfect bill in a pay-as-you-go plan. I do not know how we could ask for any more, and I do hope that you will see fit to consider the engineering advice we have as opposed to some of the philosophies and theories of amateurs.

Therefore I would make the motion, Mr. President, that we recede and concur with the House.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Curtis, that the Senate recede and concur.

Mr. PARKER of Piscataquis: Do I understand, Mr. President, that the motion that we are now considering is to recede and concur with the House?

The PRESIDENT: The Chair will state that the motion to recede and concur has precedence over the motion to insist.

Mr. PARKER of Piscataquis: Mr. President, I rise in opposition to the motion of the Senator from Cumberland, Senator Curtis.

I am sure that we gave this bill careful consideration last Friday. I am sure the Highway Committee gave it careful consideration before it made this report. I have seen nothing in the way of new evidence that would indicate to me that we have any less danger of having just another bridge that the State will eventually have to take the bonds from the banks and pay them with taxpayers' dollars. If I felt for a moment that this was a safe

proposition, probably my sympathy would outweigh my judgment and I would vote for this bridge; but I find that when you are dealing with dollars and cents that are raised by taxpayers—and we all know that there are times in these days—that we should give careful consideration as to where those taxpayers' dollars go.

We have seen many evidences of misplaced sympathy in construction of bridges in the State of Maine, and I for one certainly believe that this is another one. Everything that was presented to us on the committee and that has been brought out since that time when we made our report in no way changes my thinking that this is a bill that if it is passed eventually the State of Maine taxpayers will have to pick up the tab. For that reason, Mr. President and members of the Senate, I shall vote against the motion.

Mr. CHARLES of Cumberland: Mr. President, I would just like to add a few words in my own behalf relative to this proposition because I sincerely believe that by going along with this bridge that we are really going to do something for the benefit of our State and the development of our coastal areas.

Just recently we debated an issue in regard to another area of our State in improving certain conditions in those areas because it would develop those areas of our State. I hope that you will give the same consideration to the Chebeague Island bridge.

Mr. COLE of Waldo: Mr. President and members of the Senate: In going over their brochure, I see that the operating expenses, the engineering firm of Fay, Spofford and Thorndike has estimated that the operating expense is \$20,000. Now they have used in their projection of income the basis of 2¾ per cent of interest. I ask you: is that realistic in today's money market? I believe that it would be impossible at this time to hire money at that rate of interest.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the bill and accom-

panying papers be indefinitely postponed.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate? I would just like to call to your attention that the engineering firm of Fay, Spofford and Thorndike, who made this survey is a firm that is used extensively by our own Highway Commission. It is my understanding that they place great reliance upon their estimates and information, and I think that you can safely do so in this instance.

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

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I think to judge the thing fairly you have to be pretty close to it. Now I have lived there all my life and I have traveled to this island many times. Of course the population has been decreasing for some time, because of lack of transportation, but I think that the number of people who will take the trip just for the trip and picnics and so forth will increase the number of cars that will be using this bridge.

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 Waldo, Senator Cole, that the bill and accompanying papers be indefinitely postponed, and the Senator from Cumberland, Senator Lord, has asked for a division.

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

A division was had.

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

The PRESIDENT: The Chair lays before the Senate the second tabled and especially assigned matter (S. P. 580) (L. D. 1581) "Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Industrial



Purposes," which was tabled by the Senator from Somerset, Senator Sinclair, pending final passage.

On motion by Mr. Sinclair of Somerset, the resolve and accompanying papers were retabled pending final passage.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table House Committee Report of the Committee on Appropriations and Financial Affairs on "Resolve Authorizing Aeronautics Commission to Conduct an Augusta-Waterville Airport Survey," (H. P. 1066) (L. D. 1524) reporting that the same Ought to pass as amended by Committee Amendment A, which was tabled by that Senator earlier in today's session pending motion of Mr. Silsby of Hancock that the resolve and accompanying papers be indefinitely postponed.

Mr. SILSBY of Hancock: Mr. President, since I made my motion to indefinitely postpone I have conferred with the Senator from Kennebec, Senator Martin, and I believe that he should have the opportunity to amend the resolve to take out my objections, and there I request that I be permitted to withdraw my motion.

The PRESIDENT: The Senator from Hancock, Senator Silsby, requests permission of the Senate to withdraw his motion. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mr. Martin of Kennebec, the "Ought to pass as amended" report of the committee was accepted in concurrence and the resolve was given its first reading. Committee Amendment A was read and adopted.

Mr. Martin then presented Senate Amendment A and moved its adoption. Senate Amendment A was read and adopted, and under suspension of the rules the resolve was given its second reading and passed to be engrossed as amended by Committee Amendment A and by Senate Amendment A in non-concurrence and sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table Bill, "An Act Increasing Regis-

tration Fees for Motor Vehicles and Operators' Licenses," (H. P. 1088) (L. D. 1572) which was tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. COLE of Waldo: Mr. President, I now move that the bill be passed to be enacted.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I think this is one of the most serious matters we have to decide in this 98th session of the Legislature. I say it is most serious because it is a matter that is going to reach at least 420,000 people, most of whom are citizens of this State.

I would like you to know that if this increase in drivers' licenses and increase in registration is enacted that we are endeavoring to raise approximately \$420,000 from increase on drivers' licenses in each year of the biennium, and approximately \$466,000 on the seven percent increase of registration, making a total of \$886,000 per year.

Now you will recall that a few days ago, or a week or so, I presented to this honorable body an amendment, by which amendment it was my purpose — and I think I had the approval of a good many citizens of this State — that all of the State Police should be paid out of the general fund rather than the highway fund. Somehow it seems to me and others that if we can go part way we might just as well go all the way.

My purpose in offering that amendment was to be consistent in my philosophy of State finance, that we have no right to have a bond issue such as the highway bond issue of \$24,000,000, unless we provide some way to pay for it; and with the State Police being paid entirely from the general fund we would have provided that way to pay for the bond issue.

Now it seems to me that it is not too late at this time to go all the way and pay the State Police in their entirety from the general fund; and I say again, if we can go half way let's go all the way. So there must be some of you that believe in tapping the general fund at this time.

There has been a great deal of talk in and about the corridors of this State House since we first convened as to the additional sales tax, and many have said and I think many believe that perhaps to finance our program for the next biennium that we only needed half a cent increase in the sales tax. The argument against it was the administration, that it would be too difficult to administer. Now if we only needed the half cent, then tell me how in commonsense can we say today that when we have got a cent more money, which is at least nine million dollars a year, that in addition to that we still have got to pick away at the peoples' pocket-books to get another \$866,000 a year? Somehow I may be old fashioned; I am progressive, I hope, I am not a liberal, but I do think we can get along without this money for the next biennium.

I well recall, back in 1951, when the sales tax was enacted and I happened to be sort of in the middle of that battle, the argument of the opposition was that we would soon be increasing it, and we are. I went along with the increase with the thought in mind and with the knowledge that we are acquiring more money than we need at this time for our next biennium. I do believe that under the high cost of construction and the high costs of today with the low value of the dollar, that perhaps it is better policy for us to go along and just leave the 420,000 operators alone for a time at least.

I do not know where we are going. We have not endeavored to broaden the base of the sales tax; as a matter of fact we have narrowed the base. I did not find any fault with giving the farmer what he got because I think he has had a tough break, but I do object to giving him some money with one hand and taking it away with the other. I do object to us having a handful of money in this hand which is all for the common purpose of operating this great sovereignty of the State of Maine, and having a surplus in the hand way beyond what would be safe for operating, and in this one having none, and asking the people to put something into that.

Now I cannot go along with the argument that drivers' licenses are at the same price as they were many years ago when the dollar had a value, because on the other hand what is the automobile driver paying as of today? What have we done to the automobile owner this year? If he trades his automobile, under the sales tax and he pays a two thousand dollar trade-in price he would pay under the 2 per cent \$40, and under our newly-enacted sales tax when it does become law, he is paying \$60. Isn't he paying enough. Haven't we tapped the automobile driver enough, haven't we tapped the owner enough? And isn't he paying in proportion the additional tax on gasoline? Whether he is an owner or a driver he has to buy gasoline. Sometimes I borrow a car, and usually I borrow my wife's car and her gas tank is usually empty and I am paying for the operation of the car.

So I say to you: I just can't go along with this increase in drivers' licenses and in the increase across the board. I still believe that we can go part way, we can finance this bond issue out of the general fund for the next two years and let the next legislature do what they want to do then. Probably this is a futile attempt on my part, but I am going to stand up and vote against the enactment of this increase in drivers' licenses.

Mr. COLE of Waldo: Mr. President and members of the Senate: I hesitate to debate this issue with my good friend, the Senator from Hancock, Senator Silsby, but I think we are all agreed that if a twenty-four million dollar bond issue is necessary — and I think we are agreed that it is — that we should have intestinal fortitude enough to stand up here and set up enough debt service to retire that issue.

Now, as the good Senator from Hancock, Senator Silsby says, the drivers' licenses are the main bone of his contention, that it is unfair that a driver should pay an increase of one dollar. Now shouldn't we make a comparison between the driver and the registered owner? There are drivers without cars who earn their living operating motor vehicles. Would it be fair and just to let the driver who is earning his

living by operating one of these vehicles to go scot-free and still increase the registration fee of the automobile and truck owner? To me that seems most unfair.

It is true, as the good Senator from Hancock, Senator Silsby, said, that the cost of drivers' licenses have not been increased for many years, since 1912 to be exact. That was in the days when two dollars really was two dollars. Now they ask: Why should we increase drivers' licenses by a dollar, because many other states have less fees? I would like to bring out this fact: that the State of Connecticut, which we all agree is probably without doubt one of the richest in New England in industry as well as in numbers, and they have a three-dollar driver's license fee. I am sure they are in a much better position than we are. Here we are up in Maine with more miles of highway than any other state in New England, and only 930,000 people to support our highways.

Let me make another comparison, with the State of New Jersey, which I think you will all agree is more financially-able than the State of Maine in many ways. They do have a three-dollar driver's license fee.

Now when we speak of the general fund, the sales tax and the surplus that it may bring—and I hope it does—because through these surpluses we have the only opportunity to make capital improvements for our institution, our colleges, teachers colleges and the University of Maine—and it seems to me that the policy we adopted in the past has been very sound, due to the fact that the general fund has no debt as of today. Wouldn't it be good, sound financing if we do build up a surplus and let it take care of our capital improvements? It seems sound to me. I think you will all agree that we should take advantage of our new federal program, the one that the Highway Department and the Highway Committee has set up, one of the largest and the best, I think, that this State has ever offered. I am certainly very much in favor of it, and I hope that this bill has final enactment.

Mr. HILLMAN of Penobscot: Mr. President, I rise in opposition to this bill for the reasons that the

good Senator from Hancock, Senator Silsby has presented. I have not changed my mind from the beginning of the session. I do not feel that we can continuously increase taxes, and as he has said, I think that the people back home have had enough of these increases. In order to bring this to a close, I will not continue to debate it, but I am certainly in opposition to the bill as presented by the Senator from Waldo, Senator Cole, and I ask for a division when the vote is taken.

Mr. FARLEY of York: Mr. President and members of the Senate: Since the first of January in my community I have sold the program of the increase in operators' licenses plus that on cars. My main reason for doing that is this, and I have never seen anyone yet bring the issue to the front: We have now, from a national standpoint, been paying a tax into this program that we are going along with. I notice that in New Hampshire they have passed a one-cent gas tax increase to complete their twenty-five million dollar bond issue. In the State of Vermont they have raised operators' licenses two dollars and their cars four dollars. If we are going to participate in this program for which we have paid for years into the federal government it is about time for us to take some action and go along.

The Senator from Hancock, Senator Silsby, has referred to the general fund. I do not believe in taking money for these purposes out of the general fund, any more than I did yesterday for the causeway, but I do believe that the State Police do an awful lot of work for the public that should come out of the general fund and not out of highway funds.

This is a proposition forced upon us by the federal government and something we have got to look at square in the face if we are to proceed to go along. I hope that the motion of the Senator from Waldo, Senator Cole, prevails.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I rise in support of the Senator from Waldo, Senator Cole, because I cannot help but believe that the majority of the people of the State of Maine, in thinking of our high-

way problem, believe as I do, that we should first set up a well-rounded program that will take care of our different categories of roads and that we should give them proper financing, and that means the issuance at this time, I am sure, of highway bonds, and also that those bonds must be retired in a sound, business-like way. This, to my mind is the soundest method of approaching that problem. Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the bill be passed to be enacted.

As many as are in favor of the enactment of this bill will rise and stand until counted.

A division was had.

Twenty-two having voted in the affirmative and eight in the negative, the motion prevailed and the bill was passed to be enacted.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 19th tabled and unassigned matter, (H. P. 1056) (L. D. 1504) 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," which was tabled by that Senator on May 22nd, pending enactment.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I do not propose to deliver any kind of a prolonged, extended talk on this bond issue. We have gone over it for weeks; it has received favorable consideration in both this branch and the one at the further end of the hall. I would just like to emphasize possibly a few points.

Because of the Federal Highway Act, we have found that we in the State of Maine, in order to participate, must of necessity increase our highway spending over the next thirteen years. It seemed to the majority in both branches, and I believe to the majority of the highway users in the State of Maine, that this is the soundest method of approach to construction of our interstate highway as well as to take care of the other necessary state road categories.

When we visualize being in a car in Houlton and driving to the west coast or to the winter climes of Florida without a single traffic light, without any intersections or bridges, it means to me that we are certainly looking at our highway problems and our highway program in a way that is very worth while.

Mr. President, I move the pending question.

The PRESIDENT: The pending question is the enactment of the bill. Under the Constitution this bill requires for its passage the affirmative vote of two-thirds of the Senate members present.

As many as are in favor of the enactment of the bill will rise and stand until counted.

A division was had.

Thirty having voted in the affirmative and none in the negative, and thirty being more than two-thirds of the members present, the bill was passed to be enacted.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 18th tabled and unassigned matter, (S. P. 533) (L. D. 1503) Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years ending June 30, 1958 and June 30, 1959", which was tabled by that Senator on May 22nd, pending enactment.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: If you will turn to L. D. 1503 in your legislative documents you will note the different expenditures that the bill calls for. It is, I believe, one of the soundest investments that we make in the State of Maine when we set up a program such as L. D. 1503. It calls for sound financing and calls for construction and reconstruction of our most important roads. It also calls for the Public Administration wage plan, as you will notice at the top of Page 3. I believe it has had serious consideration by all of us. I move at this time, Mr. President, its enactment.

The PRESIDENT: This being an emergency measure, it requires under the Constitution the affirmative vote of two-thirds of the entire elected membership of the Senate.

As many as are in favor of the enactment of the bill as an emer-

agency measure will rise and stand until counted.

A division was had.

Thirty having voted in the affirmative and none in the negative, the bill was passed to be enacted.

On motion by Mr. Low of Knox, under suspension of the rules, it was voted that all bills passed to be enacted at this morning's session be sent forthwith to the Governor.

Mr. HILLMAN of Penobscot: Mr. President, I would like to inquire if H. P. 309, L. D. 426, "An Act Relating to Purchase of Milk for Redistribution in Maine," is in the possession of the Senate?

The PRESIDENT: The chair will state to the Senator from Penobscot, Senator Hillman, that the Senate is in possession of L. D. 426, it having been held at the request of that Senator.

On motion by Mr. Hillman of Penobscot, the Senate voted to reconsider its action whereby the bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence on the last legislative day.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: This matter has been discussed and rediscussed in the halls of the State House building here, and there will be a further explanation given to you in a moment by the Senator from Aroostook, Senator Reed. I now move the indefinite postponement of this bill.

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

Mr. REED of Aroostook: Mr. President and members of the Senate: This is a bill that was filed to correct what seemed to be irregular practices in milk purchasing in Aroostook County. Since that time, as the Senator from Penobscot, Senator Hillman, has mentioned, there have been various attempts made to draw a bill. They felt that the original bill was unworkable, as well as three or four amendments since then. There seems to be no final solution to the matter through

legislation, and I think that all parties, including the original sponsors of the bill, now feel that it is a matter than can be better handled by arbitration under the present Milk Control Law, and therefore I go along with the motion of the Senator from Penobscot, Senator Hillman.

The PRESIDENT: Is it the pleasure of the Senate that the bill and accompanying papers be indefinitely postponed?

The motion prevailed and the bill was indefinitely postponed in non-concurrence and sent down for 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 Superintending School Committee of City of Portland." (H. P. 835) (L. D. 1191) reported that same are unable to agree.

Which report was read and accepted.

Sent down for 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 Fortnightly Payment of Salaries and Wages to State Officers and Employees." (S. P. 562) (L. D. 1317) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Minimum Wages." (S. P. 583) (L. D. 1583) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Establish Columbus Day as a Legal Holiday." (S. P. 411) (L. D. 1144) reported that they are unable to agree.

Which reports were severally read and accepted.

Sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table bill, "An Act Relating to Registration Fees on Certain Commercial Vehicles." (S. P. 544) (L. D.

1526) tabled by that Senator on May 9 pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table House Report from the Committee on Transportation: Leave to Withdraw, on bill, "An Act Increasing the Fee for Operators' Licenses." (H. P. 735) (L. D. 1039) tabled by that Senator on April 30 pending consideration of the report; and on further motion by the same Senator, the report was accepted in concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table House Report from the Committee on Transportation: Leave to Withdraw, on bill, "An Act Relating to Registration Fees for Passenger Vehicles." (H. P. 866) (L. D. 1228) tabled by that Senator on April 30 pending consideration of the report; and on further motion by the same Senator, the report was accepted in concurrence.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table bill, "An Act Relating to State Owned Cars for Supervising State Fire Inspectors." (H. P. 26) (L. D. 31) tabled by that Senator on May 22 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Low of Knox, the Senate voted to take from the table bill, "An Act Relating to the Department of Finance and Administration." (S. P. 221) (L. D. 567) 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. Low of Knox, the Senate voted to take from the table bill, "An Act Relating to the Department of Finance and Administration." (S. P. 150) (L. D. 347) tabled by that Senator earlier in today's session pending consideration; and on motion by the same

Senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Low of Knox

Recessed until this afternoon at one-thirty.

#### After Recess

The Senate was called to order by the President.

#### Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Services of State Police on Maine Turnpike." (H. P. 106) (L. D. 144) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Bounty on Bears." (H. P. 159) (L. D. 206) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act relating to Salaries of Superintendents of Schools." (H. P. 639) (L. D. 906) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on: Resolve, Authorizing Attorney General to Investigate Title to Certain Island in B Pond in Piscataquis County. (H. P. 614) (L. D. 861)

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Local Option for Sale of Liquor by Certain Part-time Hotels." (H. P. 665) (L. D. 946) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to License and Regulate Operation of Trading Stamp Companies." (H. P. 895) (L. D. 1281) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Initial Motor Vehicle Number Plates." (H. P. 957) (L. D. 1358) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act relating to Apprentice Lobster Fishing Licenses." (S. P. 137) (L. D. 274) reported that they are unable to agree.

Which were severally read and accepted in concurrence.

#### Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, requested to study the laws, rulings, policies and practices of the State Liquor Commission with regard to evaluating the adequacy and effectiveness of the enforcement of the liquor code and of the disposition of violations thereof, and to recommend measures to be taken, if need therefor be shown, to implement and make more effective the administration of the enforcement activities of the Liquor Commission and be it further

ORDERED, that the Legislative Research Committee report the results of its findings and recommendations to the 99th Legislature. (H. P. 1105)

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

#### Additional Papers from the House

Bill "An Act Creating Office of Hearing Examiner under Liquor Law." (S. P. 558) (L. D. 1553)

In Senate on May 24, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 550) in non-concurrence.

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

Bill "An Act Relating to Arbitration Pursuant to Collective Bargaining Contracts." (H. P. 1099) (L. D. 1599)

In Senate on May 24, passed to be engrossed as amended by House Amendment A (Filing No. 522) in concurrence.

Comes from the House, passed to be engrossed as amended by House Amendment A and B (Filing No. 561) in non-concurrence.

In the Senate, on motion by Mr. Silsby of Hancock, the Senate voted to recede and concur.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 8th tabled and unassigned matter, (S. P. 484) (L. D. 1392) Senate Reports: Majority "Ought not to pass"; Minority "Ought to pass in new draft" (S. P. 570) from the Committee on Highways on Bill "An Act Relating to Outdoor Advertising Near Controlled Access Roads," which was tabled by that Senator on May 10th pending consideration of reports.

Mr. COLE of Waldo: Mr. President and members of the Senate: This new draft of L. D. 1574 is strictly for the interstate system and the interstate system only, not meaning to cover any controlled-access as some of the previous bills did. This bill is designed to control signs strictly on the interstate system. It means that all we are asking for controlled signs is on merely 250 miles out of 20,000 miles in the State. This bill conforms with the present statute in regard to the turnpike: "The terms as used in this section shall mean 'State Turnpike System,' which shall be deemed to mean all highways on the Interstate and including highways constructed by the Maine Turnpike Authority. The provisions of this section shall not apply to outdoor advertising structures, devices and displays upon property whereon the goods are so advertised or are manufactured or sold, or the business or profession advertised is carried on or practice, or which advertises real property on which the same may be for sale or for rent."

I believe we have an amendment that will be presented to this bill if it is given favorable passage that will satisfy all areas of the State. Mr. President, I move that we accept the minority "Ought to pass" report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Senate accept the minority "Ought to pass in new draft" report of the Committee on Highways.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I signed the majority "Ought not to pass" report, and I feel that I was justified in doing so; but at this time I understand that in Congress they are working on such a bill which would cover the State of Maine regarding outdoor advertising on this interstate system. I think it is a little bit soon for this piece of legislation, and much as I hate to take the opposite view from my good friends on the Highway Committee, the Senator from Waldo, Senator Cole, and the Senator from Piscataquis, Senator Parker, I do not agree with them, and I hope the motion does not prevail.

Mr. PARKER of Piscataquis. Mr. President and members of the Senate: I had no intention of speaking at this time on this bill because I believe the motion to accept the minority report of the committee—if that is accepted, at that time I have an amendment that I believe will straighten out the thinking of anyone who objects to this bill as far as the advertising of our eight important areas in the State by directional signs. I certainly hope that the motion will prevail, and if it does I will offer this amendment and speak on it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Senate do now accept the minority "Ought to pass in new draft" 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.

Eighteen having voted in the affirmative and twelve in the negative, the motion prevailed and the "Ought to pass in new draft" report of the committee was accepted and the bill was given its first reading.

Mr. PARKER of Piscataquis: Mr. President, at the conclusion of my remarks I shall offer an amendment to this bill, but first I would like to describe what this amendment will do.

Let me say that I have received numerous letters from different regions of the State from people who

believe that we must have some control over our billboards on our interstate and turnpike systems. I have also received from the garden clubs in various parts of the State petitions signed by a great many of their members, and, in one case, a great many non-members, that are wholly in accord with the original bill without the amendment.

This amendment does this: It states that on the interstate and turnpike systems under this amendment there will be erected eight major recreational area signboards, directional signs, and these directional signs will be so constructed and of such size that each sign will be conspicuous and readable when traveling at the maximum lawful speed. This amendment directs the Highway Commission to erect and maintain those signs on both the interstate highway and the turnpike systems.

It has been called to my attention that the Maine Turnpike Authority will take care of the maintenance of those that are on the turnpike and the Highway Commission will take care of all of those on the interstate system.

There will be one erected to take care of the Kittery to Portland beaches; the number two sign will be the Sebago Lake-Bridgton area; No. 3 will be Coastal Route 1, erected at the Falmouth exit; No. 4 will be the Belgrade and Rangeley Lakes region; No. 5 will be the Midcoastal Area, Route 3, Augusta to Belfast; No. 6 will be Moosehead Lake Region; No. 7 will be the Katahdin Park Area and Aroostook County, and No. 8 will be Hancock and Washington County Coastal Areas, including Bar Harbor and Passamaquoddy.

Mr. President, I offer Senate Amendment "A" and move its adoption.

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

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table bill, "An Act



Creating the Office of Hearing Examiner under the Liquor Law"; and on further motion by the same Senator, the Senate voted to recede and concur.

Sent forthwith to the engrossing department.

### House Committee Reports Ought Not to Pass

The Committee on Labor on Bill, "An Act Relating to Employment of Certain Persons." (H. P. 782) (L. D. 1115) reported that the same Ought not to pass.

Comes from the House, bill substituted for the report and passed to be engrossed as amended by House Amendment A (Filing No. 556)

In the Senate, on motion by Mr. Davis of Cumberland, tabled pending consideration.

### Ought to Pass

The Committee on Appropriations and Financial Affairs on "Resolve Providing Funds for the Training of Firemen." (H. P. 636) (L. D. 903) reported that the same Ought to pass.

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

### Majority—ONTP Minority—OTP

The Majority of the Committee on Liquor Control on Recommitted

Bill, "An Act Relating to Hours of Selling Liquor." (H. P. 429) (L. D. 605) reported Ought not to pass.

(Signed)

Senators:

CARPENTER of Somerset  
BOUCHER of Androscoggin

Representatives:

WILLEY of Hancock  
DOSTIE of Winslow  
COUTURE of Lewiston  
PIERCE of Bucksport

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

(Signed)

Representatives:

RICH of Charleston  
CROCKETT of Freeport

CHRISTIE of Presque Isle  
ANTHOINE of Windham

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

In the Senate,

Mr. Carpenter of Somerset: Mr. President, I move that the Senate accept the Majority report, ought to pass.

Thereupon, on motion by Mr. Curtis of Cumberland, the bill and reports were tabled pending motion by Mr. Carpenter of Somerset.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table (H. P. 646) (L. D. 913) House Reports: Majority "Ought to pass" from the Committee on Towns and Counties on Bill, "An Act Relating to Expending Penobscot County Funds for Higgins Classical Institute," which was tabled on May 20th by that Senator pending motion by Senator Wyman of Washington to accept majority report.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I rise in opposition to the motion before the Senate for these reasons:

Here is a little school up in Penobscot County that has served its purpose in the county and in the State of Maine since 1937. It's enrollment includes a lot of young folk of secondary school age from many cities and towns in the State of Maine, particularly the islands along our coast. This school has had a disastrous fire; it has had them in the past, but it had a bad one this year. Although this school is not wealthy, it has done a tremendous job in rebuilding the buildings that have been burned and in trying to replace the dormitory which was recently burned.

The tuition in this school has been very small, and that is why its enrollment is heavy. I believe the present tuition of the school, including board and room, is eight hundred dollars. Naturally they have not any assets to put into a building like this. I would like to read a line or two from the paper that was put on your desks by Representative Rich yesterday in regard to this academy.

"After the fire the trustees immediately made plans for a new dormitory, this time to be built of cement, brick and steel. \$50,000 was available from insurance. Some \$25,000 was subscribed by members of the Board of Trustees and a like amount by alumni and friends. Before the end of September two floors with a temporary roof were ready for occupancy. The building is 120 feet long and 42 feet wide. The ground floor now has a dining room and store rooms occupy the rest of this floor. The second floor provides sixteen rooms for boys and teachers and reception room."

This is the building they are building; they need more money to complete it. Now I am a citizen of Penobscot County and a citizen of the City of Bangor, and the only opposition we had at the hearing was from one of the officials of the City of Bangor. I do not think that the citizens of Bangor would object to taking a small fraction of their money to be used for such a good cause as this. Therefore I testified at the hearing in favor of the bill, and I would be remiss if I did not speak my views on this floor. I hope that the motion of the Senator from Washington, Senator Wyman, does not prevail.

Mr. WYMAN of Washington: Mr. President and members of the Senate: This is one more of those cases where, if we do not stop to think our sympathy will outweigh our judgment. It would seem to me that there is a principle involved in this bill which reaches far beyond Higgins Classical Institute in Penobscot County. If we are going to accept the principle that local real estate taxes be levied on cities and towns by the counties and are going to be used to finance private academy construction, then all sixteen counties may look forward to the requests of some forty odd academies. In Penobscot County the academies at East Corinth, Corinna and Lee are deserving and are almost certain to ask for help. In my own county of Washington there are two more academies similarly situated. It is interesting to note, though, that the only member of the Committee on Towns and Counties from Penobscot County voted against this proposal. Every one of

our cities and towns, not only in Penobscot County but in the whole State have their own school construction problems, and to ask them to assume also the burden of these private schools is a cause for alarm.

If Higgins should see fit to join the school district under the terms of the Sinclair bill this problem could be solved, as the State would contribute toward the capital construction desired.

If we are going to tax local real estate at the county level for private school construction, then why not for airports, for Civil Defense, for Chambers of Commerce, and for any other conceivable number of purposes, and, in such case, we will soon have added a tax burden to real estate far in excess of the State assessment which was removed by the passage of the sales tax.

I certainly hope that this bill may be indefinitely postponed.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I find that being a resident of a town that is very close to the town of Charleston, one of my children having graduated from Higgins, and having two grand-daughters there at the present time, I feel that I would be very remiss in my duty if I failed to lend my very feeble efforts to a resolve that will allow the County of Penobscot to make a contribution toward the addition of two floors, as I understand it, to the present dormitory that is now being constructed in place of the one that burned in April of 1956. The school at that time, took every available dollar from their insurance plus the proceeds of a drive to obtain funds from the alumni, and that has been exhausted with the present construction of the basement and one floor.

In order to handle the students that have been attending and who will be back again if there is room to house them, it is necessary for two additional floors to be constructed.

I understand that the County Commissioners attended the hearing that was held on this bill and that they spoke for the bill, each one of them. I happen to know that this school is doing a wonderful job for young people. It is situated in a town where the young people have an

opportunity to develop, in my estimation, much better than in some of our larger cities. They have a wonderful faculty. The students have a study hour at night; and the scholastic reports from the students at Higgins are second to none in the State. I believe that it is a very worthy case. If this bill passes, I have an amendment which will remove the emergency clause from the bill.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I only want to quote the words of the good Senator from Piscataquis, Senator Parker, when he uttered this morning that we should not let sympathy outweigh our judgment. This is what we are doing if we pass this bill.

I have a great deal of sympathy for Higgins Classical Institute; I think it is most deserving, but I think there is a principle involved here which goes far beyond sympathy. It is an entirely new principle of taxation whereby the counties are going to assess taxes not only for academies but for many other causes. I certainly hope we will go along with the expression which the good Senator from Piscataquis, Senator Parker, made here this morning: that we should not let sympathy outweigh our judgment, and that we will indefinitely postpone this bill.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I have a great deal of respect for the Senator from Washington, Senator Wyman, but I think in this instance it is not a matter of principle; it a matter of getting the money. Are we going to deny forty or fifty children an opportunity to go to school? I say again: I do not want to use county funds as a grab-bag, but I have yet to find any citizen who would object to contributing a few pennies to a school such as Higgins.

Mr. BUTLER of Franklin: Mr. President, I rise in support of the motion of the Senator from Washington, Senator Wyman. I do so reluctantly because there are many worthy things; but we have already this morning enacted the right of Aroostook County to spend money, and now we are confronted with the question of Penobscot County, to do

the same thing. We have on the table the right of extending our credit to the tune of twenty million dollars. Actually, we are most likely to pass the bill and then leave it to the counties to see whether or not there is any individual who would wish to object to the expenditure of those funds. If they do, it is a simple matter: all they have got to do is go and petition the County Commissioners and keep them from spending that money.

I cited the case yesterday of Allen vs. Jay, and we have the same principle which the little town of Jay had. We now have it before us on the County of Lincoln. The principle is clear: it is not right but most likely we will do it, because we have done it for one to give them a break, but the expenditure of those funds by the county commissioners under our Constitution at the present time is an unlawful use of taxation.

Mr. WYMAN of Washington: Mr. President and members of the Senate: My good friend, the Senator from Penobscot, Senator Hillman, mentioned the fact that it is a question of money. The money for this is available, as I understand it, under the Sinclair bill, if Higgins chooses to go into a school district and take advantage of this bill. I think that is the way out. If they do not choose to go into a school district and take advantage of this bill, then I do not see why the citizens of Penobscot County, with all their school building problems, should be obligated to pay for rebuilding Higgins.

Mr. FARLEY of York: Mr. President and members of the Senate: As one of the signers of the majority "Ought not to pass" report along with the Chairman of the committee, I think the thing that influenced me more than anything else was that the City Manager of Bangor strenuously objected to it in principle, and the City of Bangor was one of the largest taxpayers in Penobscot County.

The Senator from Franklin, Senator Butler, has referred to another matter that has gone through here. That matter, in my estimation, had a little different aspect to it. The majority of the delegation supported it, as well as the County Commis-

sioners of that county in previous years, and on this one here the county was split. The opinion of the City Manager of Bangor made quite an impression on me relative to it; I signed along with the Chairman of the committee the "Ought not to pass" report, and I am going along with the Chairman of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, 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 doubted, a division was had.

Seventeen having voted in the affirmative and thirteen in the negative, the motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 20th tabled and unassigned matter, (H. P. 656) (L. D. 937) House Reports: Majority "Ought to pass as Amended by Committee Amendment A;" Minority "Ought not to pass," from the Committee on Judiciary on Bill, "An Act Relating to Determination of Damages Caused by Taking of Land for Highway Purposes," which was tabled by that Senator on May 23rd pending motion of Mr. Silsby of Hancock for acceptance of minority report.

Mr. LESSARD: Mr. President, I yield at this time to the Senator from Penobscot, Senator Woodcock.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate: I rise in opposition to the pending motion, which is for the acceptance of the minority report.

This bill would drop from the Joint Board the three Highway Commissioners. Under our law now, private property for highway purposes may be taken by eminent domain. The situation now is something like this: If, for highway purposes, the commission wishes to take your land, an agent of that body comes around, stakes out the land and makes you an offer as to what the commission, through him as their agent, thinks it is worth.

If the amount offered appeals to you as being a just figure you accept it and that is all there is to it; but if you do not think it is enough you take an appeal. And where do you take this appeal? You take it to the joint board, and on the joint board you have three county commissioners, which is all right, I think; but, lo and behold, the other parties on the joint board are the three Highway Commissioners, one of whose agents already has taken a stand as to the worth of your property. If you do not like what the joint board does, then you can take an appeal to the Superior Court.

Now Article I of the Constitution of the State of Maine says that private property shall not be taken without just compensation, and "compensation" has been determined to be, by our Law Court, such compensation as would be allowed for damages awarded by an impartial tribunal; and the Law Court has in turn interpreted "an impartial tribunal" as being a disinterested tribunal; and it is my belief that it is impossible for a tribunal, one of whose parties has already taken a stand as to the worth of a property, to be thereafter impartial or disinterested. You see that actually what they are doing: they are sitting as a judge and jury, which is repugnant to our fundamental concept of justice in the State of Maine.

Just as soon as the Highway Commission, through their agent, stands up and says, "This is what we will give you for condemning and taking your property," at that moment are they interested, and they never can clear themselves of that prejudice, in my opinion.

Now, as I say, this bill would take away the three Highway Commissioners and leave the determination up to the County Commissions, and all the county commissioners I have ever known I think could handle this in a very impartial way, and they certainly would not be prejudiced and interested from the word "go."

I think we have a fundamental issue we are going to debate here, and I hope each one of you appreciates what has been done. If you want to get into the principle of the thing, there it is, and I do not

see how you can avoid it, because it is right there before you. Do you want land of citizens of the State of Maine taken away from them by one party who already has said, "That is what it is worth"? I do not care how individually or collectively intelligent any commission in the future may be, their opinion is still colored by the stand they have taken. To that extent I think it is a poor procedure, and I think this bill would correct it in large measure.

There is one amendment which the committee put on which is not quite so fundamental as this but it would allow a party to an appeal to have an allotment made by the board to help him prosecute his appeal if he takes one, or to help defend on an appeal if the State takes one against him under this new bill.

When the vote is taken I ask for a division.

Mr. SILSBY of Hancock. Mr. President and members of the Senate: I think the real issue in the matter we are considering is the route that we are going to follow in order to obtain, as the good Senator from Penobscot, Senator Woodcock, has stated, just compensation.

This is purely a question of mechanics, because I can say this without fear of contradiction: that the ultimate result of the procedure in taking land for highway purposes is the result that we do have our right to be heard by twelve peers in court.

Now the procedure to me, and I think to many others, is sort of a statutory permission to negotiate. I think the joint board, so-called, of the County Commissioners and the Highway Commission is purely a board to negotiate and nothing more, and if anyone who is aggrieved is not satisfied then they may appeal to the court and be heard before the jury.

Now there are some dangers on the way if we change this procedure, and it could be very expensive to the person whose land is being taken from him.

Today, under our procedure, if Mr. A has a piece of land and it becomes necessary to take it for highway purposes, in the first instance, as the good Senator from Penobscot,

Senator Woodcock, has already said, the right of way man from the Highway Department would contact him and they would sit down and talk over what they would consider the fair market value of the land today, and probably without a doubt the department would make an offer to this man. Now if Mr. A is not satisfied with that offer and he does not think it is fair and just compensation, he is fully protected; he simply appeals to the joint board. Now the joint board consists of the county commissioners and the highway commissioners, and they meet on the premises, and there is still negotiation, and the highway commission and the joint board try to get together, and they usually do—there are a few exceptions—and they tell Mr. A what they think his property is worth and he tells them what he thinks he ought to have. Now if they do not agree, Mr. A has an opportunity to appeal to the court, and there he receives his constitutional right as to just compensation under the strict rules of evidence.

Now it is not expensive for Mr. A to follow this procedure. I practice law for a livelihood, and usually there isn't any long and lengthy hearing and evidence presented on the one hand by Mr. A as to the experts' opinion of value, and neither is the evidence presented by the joint board on the other hand as to their experts. He may take an appeal and go to the court, and there the case is heard under the rules of evidence and with the experts testifying as to the fair market value of the property taken.

Now mind you this: there is no appeal for the Highway Department; there is no appeal for the County Commissions. But if you change this procedure and have the Highway Commission eliminated, then by the same token you must give the Highway Department the right of appeal; that is a constitutional right they have also.

What is going to happen? Mr. A has a piece of property, and if he cannot negotiate successfully with the State Highway Department and he takes an appeal to the joint board—you are there setting up another court; you are setting up a Court of County Commissioners to

try that case. And how is it going to be heard? Naturally the Highway Department has the plans, they have evidence and they will submit it, although they don't have to, because they could say, "We will take an appeal to the court; we are not going to let this be heard by a separate court of county commissioners."

Now believe me, these cases can be expensive. You have heard a great many times about the little fellow — and I am speaking of the little fellow now — he has got to hire himself an attorney, or at least someone who calls himself an attorney, like myself — and I will plead guilty that we don't work for the fun of it — and it is going to be expensive for him, and he does not know where he stands. And any lawyer who takes the case is certainly going to be prepared to go before the County Commissioners and defend whatever the Highway Commission presents. And what have you gained? You have not gained a thing; you have simply made it possible for more expense and you have a good job for we fellows. I like that part of it. But somehow I think we should preserve the rights of the person who has the land.

They will tell you that in other states the Highway Commission are not allowed to participate; but I am still a good Down-East Yankee and I like our procedure and I like the way we do it. I think it should be left just as it is and not set up any other court and not make any more expense, because I say to you: whatever the results are from the hearing under this new law before the County Commissioners, either party has a right of appeal, and when they appeal it goes up, as we speak of it in law, in toto: you start from the beginning and try it all over again. Under those circumstances I am perfectly satisfied to leave the law as it is. And let's be kind and say that the law now permits negotiation, and if you don't like the negotiation you go to the court and from the court you will obtain your just compensation for your damages by twelve of your peers.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I have no doubt that the

Senator from Hancock, Senator Silsby, has had quite a bit of experience along this line, and I too have had a little bit of experience in these land condemnation cases.

My experience has been a little different, perhaps, from that of the good Senator from Hancock, Senator Silsby. I recall quite a few cases where hearings were held out on the highway, and I recall that the three county commissioners were there and one highway commissioner; the other two were not there, but the one who was there reported back to the other two, in the cases I was involved in. They have a stenographer there who takes down the hearing as best he can as he is running around the land, and both sides do present evidence. The State Highway Commission present their appraisers, their men who are qualified to testify to the value of the land, and the owner presents his appraisers, and then somewhere along the line when the commissioner has gone back and reported to the other two commissioners—there are some cases, I assume, where the whole three commissioners are there, but on the ones I was involved in there was only one—and somewhere along the line they get together, and a decision is given to the person whose land is being taken. Of course if he is not satisfied he can take an appeal.

Now in the cases I have been involved in I have not seen too much negotiation on the site when the hearing is being held, except that the Highway Commission keeps offering to the man the price they offered to him before. That is when they went down and first took the land they made up their minds what it was worth and told what they were going to give him for it. That is the same price they keep talking about, and that is what he hits up against when he goes before this court.

The good Senator from Hancock, Senator Silsby, has said this will be a new court. This is not going to be any new court. It is the same court; the only thing is you are taking off three members of the Highway Commission and taking off one of the litigants.

It would be just like any one of us present here if we had a case

against somebody, if you were a party plaintiff or a party defendant and you showed up in court and found out that the fellow who you were suing or who was suing you was sitting on the jury. The Highway Commission says, "We are going to give you five thousand dollars for this piece of land," and when their agent comes down to see you, you say, "I do not want it, I do not think it is enough, my appraiser tells me it is worth more," and then you go to the place of hearing and there they are sitting on the board. It is a pretty ironical situation.

The federal government has a little different procedure.

I think perhaps we are approaching this from the wrong angle. First of all, we are taking away people's property rights which are guaranteed to them by due process of law and they must be justly compensated. I think perhaps the theory in the past has been to see how cheaply they could buy the land, not really thinking it out to give the party actually what the land was worth. If the County Commissioners are allowed to sit on these hearings I trust their good judgment; they are just as interested in keeping the tax rate down; they are not interested in giving away the State's money; I think then the State Highway Commission would have its right of appeal, which they do not have now—of course they don't need it because they are sitting there anyway; but it will give them a right of appeal the same as the party whose land is being taken. I think that it is a true concept of justice and that that is the way it should be. I think if any one of you here have ever been involved, or some person in your neighborhood has been involved in having their land taken away from them and they were not satisfied, they will tell you of the expensive procedure they had to go to in order to get their case tried.

Now under this law they can still go to the Superior Court in toto, or however you want to refer to it. This gives the right to the State Highway Commission to do the same thing. In other words, there are two litigants here. One says the land is worth too much, so why

should they present an unbiased opinion?

As the good Senator from Hancock, Senator Silsby, has said: most of our states have that procedure. The federal government has a little different procedure; they immediately go into court; they do not have the interim board. The federal government takes the land, there is a filing in the District Court and the money is deposited there and they can have a trial before a jury according to our good old American system. I think it should be this way here in the State of Maine.

Mr. BUTLER of Franklin: Mr. President, as one of those who signed the minority report, I feel that we still have left one point which has not been fully discussed, although it was mentioned; and that is the uniqueness of our system. Here the framers of this particular bit of legislation had before them—and we can assume this—all the methods available, and they came up with this unique method. It is unique because we are the only state, I believe, in the New England States that have this type of board. It is really a hearing board.

Now when this land is first viewed it is not viewed by members of the State Highway Commission; it is viewed by one of the men employed by the Commission to go out and view it and make negotiations.

To be sure that this negotiation is fair for all, this unique joint board has been established, and for the first time a member of the commission, or the full commission, in conjunction with the county commissioners, to assist the highway commission to be sure whether or not it has been fair and just. There are no expensive proceedings, and from this hearing, as has been stated, appeals can be taken.

Now if we change that and proceed on this other way, it is easy to think that we are architects when we are viewing a building which we wish to destroy, and it is easy to visualize that this legislation is going to be better than the structure under which we are working. There have been no problems relative to the method of operation; but when we require the Highway Commission to go before each board, fully prepared with legal assistance,

that means that the board is acting as a board, not the unique board as it is now acting; and it will involve more costs upon the State as well as upon the person who is having his land taken by the State.

I feel that we can well afford to look at this structure and to try to determine in our own minds: Are we building something that is better than what we have? Personally, I feel that the law as we have it should not be tampered with, that we are not improving it and that we are really creating additional expenses without showing by that that more equities are going to be obtained.

Mr. SINCLAIR of Somerset: Mr. Speaker and members of the Senate: I rise in support of the motion of the Senator from Hancock, Senator Silsby on this matter, primarily because I became involved in a similar type of legislation two years ago when I served on the committee of conference on the disagreeing action of the two branches, and when this bill came before this legislature I tried to do a little checking. I thought that the best way I could check was with my own county commissioners, which I did do. I talked with them, two men who are veterans and have been on the county commission for a long time, one having served eighteen years and another sixteen years. They much preferred leaving this bill exactly as it is. They have been through this thing for years and years and at no time have they ever felt they were not able to solve the difficulties so that everybody concerned was happy and satisfied with their decisions.

I merely bring that to the attention of the Senate as coming from my own particular county commissioners.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate: I do not know that my observations will be of any help in deliberating this question, but I am reminded by the discussion of a case which has come before a committee of which I am a member, the Public Utilities, and that group has more or less decided that the way to determine value is to disregard everything except original cost or net prudent investment.

Mr. PARKER of Piscataquis: Mr. President, I rise to oppose this bill because, having been a member of the County Commissioners in my county and knowing how well the present law works, it is my belief that nothing that is proposed under this L. D. 937 would be of any help to either the State or the landowner.

In the number of cases that I had an opportunity to sit in on, never once did anything serious develop in the way of those that owned the land that was being used for highway purposes. In fact, some of us on the Board of County Commissioners felt that the Highway Commission was, if anything, a little on the liberal side, so you can readily see why the landowners had no objection.

If this bill should be enacted I can see nothing that is not being done now that could be done any better under this bill. I would like to ask through the Chair: Is there a pending motion on this bill?

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

Mr. PARKER of Piscataquis: Mr. President, I move indefinite postponement of the bill.

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

Mr. COLE of Waldo: Mr. President and members of the Senate: I must admit that this is a battle of legal minds which I should not be any part of, but I would like to bring out that under the new Federal Aid Highway Act of 1956 the federal government requires voluminous reports as to the right-of-way problems and laws within the State, and the State Highway Commission has assembled all these reports and filed them with the Bureau of Public Roads and they have been accepted by them. Should we accept this bill, all this work would be for nothing.

Like the good Senator from Somerset, Senator Sinclair, I too



checked back with my county commissioners to find out just how the law that we now have on the books is working; and one member of that board of county commissioners, who I think has served eighteen years, said to me, "I am well-satisfied with the present law and so is the whole board." I asked him this question: Do you feel that the Highway Commission has in any way any effect on the settlement or in coming to a solution at the hearing?" He said, "I feel they are of great help in presenting the facts so that we may have both the landowner's views and the views of the State Highway Commission."

It would seem to me that this suggested change would seriously impair the efficiency of the highway program. The way the thing now operates, they start at one end of the State with each county and come right up the state, have their hearings, and within a matter of a few months they are completed; and out of the fifteen hundred or so hearings that were held last year only fifteen were taken to court.

It would seem to me that this present law is working very well, and I hope that the motion of the Senator from Piscataquis, Senator Parker, does prevail.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate: I would just like to bring it to your attention that it is my understanding that Maine is the only state or one of the very few states that has this unique system, and to me it is no wonder. I do believe that Maine citizens should have a clean shot at justice where their property rights are being determined, and I do not see how it can be done when one of the parties is judge and jury. They are passing judgment on their own fairness.

Mr. MARTIN of Kennebec: Mr. President, this bill has been well debated, and I will simply say that I understand that the County Commissioners Association has endorsed this, and I agree wholeheartedly with the remarks of the Senator from Penobscot, Senator Woodcock, and I hope that the motion of the Senator from Piscataquis, Senator Parker, does not prevail.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I rise to support the motion of the Senator from Piscataquis, Senator Parker. I too have checked with my county commissioners in Oxford County, and they are very much opposed to this piece of legislation, and therefore I hope that the motion of the Senator from Piscataquis, Senator Parker, prevails.

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

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

A division was had.

Twenty having voted in the affirmative and ten in the negative, the motion prevailed and the bill was indefinitely postponed.

### Final Reports

The following Chairmen of Joint Standing Committees submitted their Final Reports:

Mr. BAILEY from the Committee on Agriculture

Mr. CHARLES from the Committee on Business Legislation

Mr. SILSBY from the Committee on Claims

Mr. LOW from the Committee on Education

Mr. PARKER from the Committee on Highways

Mr. CARPENTER from the Committee on Liquor Control

Mr. MARTIN from the Committee on Public Utilities

Mr. BROWN from the Committee on Sea and Shore Fisheries.

Mr. LOW from the Committee on Taxation

Mr. WYMAN from the Committee on Towns and Counties

Mr. ROGERSON from the Committee on State Government

Mr. COLE from the Committee on Transportation

Which reports were severally read and accepted.

Sent down for 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 Employment of Minors." (H. P. 546) (L. D. 773) reported that they are unable to agree

Which report was read and accepted.

Sent down for concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table "Resolve, Authorizing Jim Adams, Inc. to Sue the State of Maine." (S. P. 578) (L. D. 1579) tabled by that Senator on May 16 pending passage to be engrossed; and that Senator yielded to the Senator from Hancock, Senator Silsby.

On motion by Mr. Silsby of Hancock, the resolve was passed to be engrossed.

Sent down for concurrence.

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

#### After Recess

Senate called to order by the President.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table Bill, "An Act Relating to Registration Fees for Motor Buses Used for Transportation of Passengers for Hire." (H. P. 1084) (L. D. 1558) tabled by that Senator on May 9 pending passage to be engrossed; and the same Senator presented Senate Amendment A and moved its adoption: which amendment was read and adopted.

On motion by Mr. Boucher of Androscoggin, the bill and papers were tabled pending passage to be engrossed.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the Special Appropriations Table, 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, tabled pending passage to be enacted.

This being an emergency measure a division of the Senate was had.

Thirty having voted in the affirmative and none opposed, 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 Registration Fees for Motor Buses Used for Transportation of Passengers for Hire." (H. P. 1084) (L. D. 1558) tabled by that Senator earlier in today's session pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 23rd tabled and unassigned matter (H. P. 1070) (L. D. 1530) Bill, "An Act to Eliminate Discrimination Between Purchasers," which was tabled on May 24th by that Senator, pending motion by Senator Charles of Cumberland for Indefinite postponement of Senate Amendment A to Senate Amendment A.

Mr. LESSARD of Androscoggin: Mr. President, I now yield to the Senator from Kennebec, Senator Martin.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: In order to refresh your recollection, the amendment which I submitted is simply the same as the Robinson-Patman Act which this bill purports to follow. I certainly trust that this legislature will adopt the same amendment the federal government has adopted, and therefore I strenuously oppose the motion of the Senator from Cumberland, Senator Charles, that the amendment be indefinitely postponed.

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

Mr. CHARLES of Cumberland: Mr. President, I did not hear very well the argument given by the Senator from Kennebec, Senator Martin. I would like to ask through the Chair if he would kindly express again his reasons in opposition to my motion.

The PRESIDENT: The Senator has heard the comment and the Senator may respond if he wishes.

Mr. MARTIN of Kennebec: To repeat to the Senator from Cumber-

land, Senator Charles, the amendment which I have proposed is the same amendment which is on the federal Robinson-Patman Act, to which I understand the bill before us is similar in nature. I therefore hope that this Senate will follow the same procedure as the federal government and adopt the same type of amendment that the federal government has. I therefore oppose the motion of the Senator from Cumberland, Senator Charles.

Mr. CHARLES of Cumberland: Mr. President, I will agree with the Senator from Kennebec, Senator Martin, that the federal Robinson-Patman act does have a provision for the good faith clause. I would also like to remind the members of the Senate that the matter has been taken up in Washington under the title of Equality of Opportunity, and this is the section which deletes the good faith clause; and it was adopted by the House of Representatives by a vote of 393 to three. The matter is now in the hands of the United States Senate and is under discussion at the present time.

Now whether or not we in Maine want to do things in our way is a matter of your choice. I desire very much to correct this bill before we even adopt it, and I would, for that reason, move that Senate Amendment A to Senate Amendment A be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Charles, that the Senate indefinitely postpone Senate Amendment A to Senate Amendment A.

Mr. BUTLER of Franklin: Mr. President, I move that the bill and accompanying papers be indefinitely postponed.

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

As may as are in favor of the motion will rise and stand until counted.

A division was had.

Seven having voted in the affirmative and nineteen in the negative, the motion did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Cumberland, Senator Charles, that Senate Amendment A to Senate Amendment A be indefinitely postponed, and the same Senator asks for a division.

As many as are in favor of the motion of the Senator from Cumberland, Senator Charles, that Senate Amendment A to Senate Amendment A be indefinitely postponed will rise and stand until counted.

A division was had.

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

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Kennebec, Senator Martin, that the Senate adopt Senate Amendment A to Senate Amendment A. Is this the pleasure of the Senate?

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

The PRESIDENT The Chair will say that it is a very comforting feeling to have "Chet" Winslow up here again. (Applause)

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table the 25th tabled and unassigned matter, (H. P. 527) (L. D. 755) House Reports: Report "A" "Ought to pass"; Report B "Ought not to pass," from the Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute," which was tabled by that Senator on May 24th pending consideration of reports.

Mr. SINCLAIR of Somerset: Mr. President, could I have the committee report on this bill read?

The committee report was then read by the Secretary.

Mr. SINCLAIR: Mr. President and members of the Senate: This particular bill calls for \$25,000 aid

for construction of a dormitory at Higgins Classical Institute. This is a case of a private academy, a private school, seeking aid. I object to the bill primarily as opening the door for further requests coming before this legislature for a similar type of request, asking for money for private schools and private academies. I would move that Report B, "Ought not to pass" be accepted by the Senate.

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

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I rise in opposition to the motion of the Senator from Somerset, Senator Sinclair, for two reasons: One is for a sympathetic reason, and the second is because I believe in the principle that is manifested here, and knowing that over a period of years that has been done many times, I well remember that in 1951, if my memory serves me correctly, when there were three preparatory schools, either academies or institutes, that did receive an appropriation; and certainly we went all over the need in the previous bill that we talked on whereby it would have enabled Penobscot County to have made a contribution to this very worthy cause.

I can see no logical reason why this should not pass, and I shall oppose the motion for the acceptance of Report "B" "Ought not to pass."

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate: I have a great deal of respect for the sponsors of this bill, the trustees of Higgins Classical Institute, and for the school, its principal and its faculty.

I would remind the Senate that prior to 1951, if I am right, the State did participate in what we call academy aid, and regularly there was a considerable amount of money granted to the academies throughout the State for what we call regular academy aid. In 1951, I think I am correct, the academies were allowed to participate in the subsidy, depending on the teachers,

number of pupils and so forth, regular subsidy aid; and I believe that because of the fact we did have academy aid was the reason why there was some thought on the part of legislators that perhaps they should be recognized in their request for capital consideration. I dislike very much the inconsistency with which various appropriations committees and perhaps legislatures operate in regard to the requests for capital construction. I have seen times when appropriations committees and legislatures have turned down construction for our secondary schools and elementary schools throughout the State, because the policy has been that it is the responsibility of the communities.

Under the so-called Sinclair or Jacobs bill, I think a new philosophy has developed that does take into consideration the needs for construction throughout the State in various communities. I am a trustee of a private academy in the State of Maine, but I feel that to grant this request regardless of need—and I am greatly in sympathy with the need and with the school — would be opening the door to forty or more additional academies and private schools throughout the State that could come before this legislature or future legislatures and make requests based upon the very claim that has been made today: that it has happened before.

A private institution is a private institution and public school is a public school. We have accepted, by precedent at least, the responsibility of assisting private schools. I do not think that we should establish by precedent the assisting of private academies and private schools throughout the State, and I hope that the motion to accept Report "B" "Ought not to pass" is accepted.

Mr. HILLMAN of Penobscot: Mr. President, I rise in opposition to the motion. I think we have failed to realize that this is not a recurring thing; this is the result of a disastrous fire. I cannot believe there is any man in this Senate chamber who does not realize that it is not going to happen two or three or four years from now in this institution or any other private institu-

tion that we have referred to in this State.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the Senate accept Report "B" "Ought not to pass," of the Committee on Appropriations and Financial Affairs, and the same Senator has asked for a division.

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 nine in the negative, the motion prevailed and Report "B" "Ought not to pass" was accepted and sent down for concurrence.

The bill and accompanying papers were ordered sent forthwith to the House.

#### Senate Committee Report

Mr. Butler from the Committee on Natural Resources, pursuant to Joint Order (S. P. 605) reported a bill amending Chapter 322 of the Public Laws of 1957, entitled Bill, "An Act Classifying a Portion of Saco River." (S. P. 609) and that it Ought to pass.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: This bill is a revaluing of the classification of a portion of the Saco River from the border to its junction with the Ossipee. The work has been carefully performed by one member of the committee, Mr. Brewer, who has been down to the site and has been working with the engineer of the Water Commission and has sat in conference with the Burnham and Morrill people, because they are attempting to establish a model factory there. They have already put in screens; they have put in settling basins; but there was a little disturbance as to whether or not the fluid, which would be discolored, would prohibit their continued operation under the proposed or suggested classification throughout to B-1. Accordingly a breakdown on the river has been made, partially for B-1 from the entrance

to a point above their factory, and from three-quarters of a mile below the factory, and the intervening portion is designated as B-2, which was recommended in the original classification bill which the Governor has signed, and then we have reclassified the balance of the Saco to its junction with the Ossipee as B-1. I feel that this is a good step for us, it is keeping faith with the compact which Mr. Brewer is officer in, and I move that the report be accepted.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate accept the "Ought to pass" report of the committee.

The motion prevailed.

The PRESIDENT: Does the Senator from Franklin, Senator Butler, think that the bill should be printed?

Mr. BUTLER: Mr. President, I do not feel that the bill needs to be printed. Under the order, we were authorized to reclassify, and I feel sure when the bill comes to the House that Mr. Brewer will fully explain what has been done and what he himself did, because he is the one that labored to perform this, and he has come up with something which is very equitable for all concerned.

Thereupon, the bill, under suspension of the rules, was given its second reading, passed to be engrossed, and sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 12th tabled and unassigned matter (H. P. 953) (L. D. 1354) Bill, "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators," which was tabled by that Senator on May 20th pending passage to be engrossed.

Mr. COLE of Waldo: Mr. President and members of the Senate: This item has been well-debated, and, as you know, it is a \$75,000 item. However, during the debate when this bill was debated a couple of days ago, it was brought out that many of these buses were using streets in several of our larger cities, which streets were not part of the highway system. I have checked this fact, and I would like

to read to you some of the streets that are within these cities.

We will start with Bangor: Main St., Hammond St., Broadway, State St., Summer St., Washington St., part of Union St. are all on the State Highway, many on the primary system. Ohio St., Union St., Hancock St. are on the State Aid system.

We will take Bath next: Vine St., Center St., Lincoln St., all State Highway. Washington St., High St., Front St., Oak St., State Aid Highways. Those are principal streets of both cities.

Take the City of Brewer: Main St., State St., the two principal streets, are State Highways. Eastern Avenue is State Aid.

Take Biddeford: Elm St., State Highway. Alfred St., State Highway and State Aid. Pool St., South St., all State Aid.

Saco: Main St., North St., Elm St., all state highways, and I am sure the buses travel on those, which are the principal streets.

In the town of Sanford: Main St., Cottage St., Winter St., Lebanon St., Rochester St., all state highways. School St. is in the State Aid system.

Now I have named six principal cities. I could go farther, but I think it is not necessary, in order to show you that the buses are used mostly on state highways. I feel it is very unjust for the buses to take this tremendous sum out of our highway construction.

Another fact that bothers me is controls. Now what method are we going to use in controlling the rebate on this gasoline? Most of the buses, as you know, have their own pumps. Isn't it possible that all employees may be using gasoline out of those same pumps? Again, in regard to controls: What about towns? Should not towns be eligible for this same rebate? It seems logical to me that if we are giving the bus companies this rebate that we should give it to the towns and municipalities throughout the State. I ask you to consider this very seriously when you vote.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: I am sorry to rise in opposition to my good friend, the Senator from Waldo, Senator Cole. It seems that

I have to do it altogether too many times. But, again, I feel this is a very justified situation, as I outlined to you when we originally debated it.

The bus companies are in serious condition in the State. Buses are very, very essential to the welfare of the cities and towns and to the economy of the State of Maine. We have pointed out their use by labor and by people going to market, and they are certainly of interest in our industrial development.

I would like to answer a couple of things. I wish when the good Senator from Waldo, Senator Cole, was looking up some of the streets he might have looked up in the Revised Statutes to find out just what happens on State Aid roads. My information is that, according to the Revised Statutes, State Aid highways running through towns and cities are only in part supported from gas tax funds. In the matter of construction, cities and towns would share fifty-fifty, dollar for dollar, but in the towns of over five thousand all maintenance on those highways are at the complete expense of the cities and towns. Therefore when we loosely use the phraseology that buses are driving on State Aid highways I suppose the implication is that the State pays for it, but they do not. Let us be clear on that point, because we are saying, those of us who support this position, that buses do operate in city streets and town streets, and therefore are justified in asking this exemption from the gasoline tax.

He also speaks of "such a tremendous sum," and I smile a little at that. We talk of \$75,000 and then we talk of a seventy million dollar budget for highways. It is a pretty small sum. However, this small sum distributed among a few bus companies will go a long way toward relieving their very, very serious condition.

I also might point out that the rather off-hand remark that there might be some difficulty with administering this is rather an unwonted attack on the integrity of the people who are involved. I feel that it is not our position to infer even that the bus operators, the labor forces for the companies and the tax assessors in the town would

be open to any suspicion. We have an adequate police force, and we have adequate laws and rules, I think to cover any such excesses as might be inferred from the remarks. I do not think that is anything pertinent to the point. There is always an opportunity, I suppose, for something criminal, but let us not in this legislature assume that it would be inherent in the issue at stake.

Again, I just say that the bus companies in the State of Maine are in very serious condition and that this recommendation is a recommendation of the New England Governors Conference as the way to approach the situation. The federal government has also already led the way by offering their exemption, and we feel that this is very, very necessary.

I am not sure, Mr. President, what the motion is, but if it is for enactment I am for it.

The PRESIDENT: The pending question is on the passage of the bill to be enacted.

Mr. LOW of Knox: Mr. President and members of the Senate: My heart still flaps back and forth with sympathy for the bus companies. I know they are in bad shape and I know they need help, but I still do not think it is a State problem; rather I think it is a problem for the people who make most of the money out of the buses, and that is the merchants in all the towns. Divided up among all the cities and towns where these buses run, seventy-five thousand dollars would not be much money. It seems to me that the merchants could well afford to buy advertising in each one of the buses from which presumably they would get a return, and in that way keep the buses going. I just do not think it is a State problem.

Mr. BOUCHER of Androscoggin: Mr. President, I thought we had settled this matter by debate two or three days ago, but it seems that there are some die-hards that are awfully convinced that they must have the buses disappear from the State of Maine. I do not recollect ever defending the bus companies and I do not intend to defend the bus companies today, but I realize that we are facing a problem where the citizens of Maine will

be deprived of a public utility. The buses, from the information that I got at the hearing, are now in such a predicament that if they do not get relief they will be thrown out of business. The Senator from Knox, Senator Low, says that is the merchants business. Maybe he has something there that is right. But I still think that primarily it is the public's business and the State's business. I know that if the buses disappear in Lewiston and Auburn it will hurt the two cities more than any other event that has occurred in Lewiston and Auburn lately.

It is a well-know fact, and I am not disclosing anything new, that our textile industry in Lewiston and Auburn is in a bad situation. If on top of that we lose the buses, then we will have a hard time to sell any new industry in coming to Lewiston, because the transportation of their workers is a thing of major importance to an industry. They must have transportation. Certainly I do not want to see the buses disappear from Lewiston. The city governments of both Lewiston and Auburn have sent me letters, and have sent letters to other members of the legislature, telling us that by official act they have endorsed the demand that we made that the gasoline tax on buses be abolished so far as the six cents. I believe it is an honest and fair request. I have seen some money spent here within the last few weeks for things that were not as necessary as this is.

The opposition talks about a lot of money, but when they talk about millions it is very small money. They ask us to go along and spend thirty million dollars, it is nothing at all; four million dollars, it is nothing at; but when we talk about spending \$75,000 to save the bus industry in the State of Maine, that is enormous. They say we cannot do that, that that is going to bankrupt the State. I will leave it up to your good judgment whether \$75,000 is going to bankrupt the State of Maine. It will not make a profit, Senator Low, for these bus companies, but at least I hope it will keep them in existence for a few more years.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: We have gone along here in

the past few days with relief for various groups such as the farmers, very worthy causes, and I think this one is equally as worthy. It involves public transportation. I am thinking of the children who depend on these buses, housewives, and the industrial worker who has to depend on these buses to get to and from his work. This measure that we have before us may not be the best solution of the problem, but at least it will solve it for the next two years. I hope that you will support this measure, and when the vote is taken I ask for a division.

Mr. FARLEY of York: Mr. President and members of the Senate: I want to assure you that I have not voted for anything to be thrown away and I have attempted to stop a great many things here on this side of the fence. I want to say that in my own family there was a bus driver, and he asked me if I would not go along with this proposition. The concern he worked for was a very fine company, they used him fine and everything else. I told him that it was a matter of principle and I could not see it.

They have referred to the report of the transportation committee to the Governors' Conference, but I notice no other State in the New England States has made a move to give this tax back. I am much opposed to it for another reason. I myself as a small businessman with five trucks that I run from the City of Biddeford, have to pay the gas tax, and I think they should. Probably they are in bad circumstances, but is \$75,000 going to save concerns like those in Lewiston, Portland and Bangor. The one we have at home is nothing but a merry-go-round, and I don't think anything can save them. It is only a small amount of money that they are losing. I say to you I think it is wrong to deliberately take \$75,000 from the Highway fund and then ask us to vote for increases in operators' licenses and car licenses and then turn it back to somebody else for their use.

Mr. COLE of Waldo: Mr. President and members of the Senate: It is true, as the good Senator from Cumberland, Senator Curtis, has said in regard to cities of seven

thousand or more, that they do maintain their own streets. However, I would like to bring to your attention the fact that one of the streets that I named in Bangor, Hammond St., I believe, is on the primary system, and this is being built now and millions of dollars are being spent on it.

Now I certainly do not want to infer against the integrity of the bus operators; I believe they are honest and will try to do their best; but we all have employees sometimes that we cannot watch at all times.

Now what have we done for the bus companies this session? The amendment that I offered this afternoon on another bill does give the bus operators a considerable amount of money on the seating fees; and another bill that has been passed, the permissive bill, giving the towns the right to rebate excise taxes.

How many towns will collect taxes from buses? In my opinion it will be very few. There are two very favorable actions that we have already taken for the bus companies. They are not satisfied with those two; they want to go all the way. \$75,000 is not a great amount of money, that is true, when we talk millions, but it certainly means a lot to me. I have stood here all winter trying to kill \$10,000 resolves, one of them presented by my good seatmate on my left. It was not a pleasure to stand here and do that.

The good Senator from Androscoggin, Senator Boucher, says that these buses mean a lot to Lewiston. That is true, without doubt they do. Let me name a few of the streets in Lewiston that are on State Highways and State Aid Highways: Sabattus St., Maine St., Lisbon St., I believe those are important streets, and they are State Highways. Streets on the State Aid system in the City of Lewiston: Lincoln St., Middle St., Park St., East Avenue, Russell St., Wood St., Campus Avenue, Pine St., Webster St. The City of Auburn: State Highways: Court St., Lake St., Summer St., Center St., Minot Avenue. On the State Aid system: Washington St., Main St. and Broad St. It seems to me that the Highway Department is doing a lot for these



cities and towns. Mr. President, I move indefinite postponement of this bill.

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

Mr. BOUCHER of Androscoggin: Mr. President, I am very glad that I did not ask the Senator from Waldo, Senator Cole, what streets in Lewiston. I notice he told about the streets in Lewiston in his first talk he made. I wanted for him to speak about it. I want to inform him that all of these streets he has named in Lewiston, which is about a hundredth of the streets in Lewiston, more than half of them have no buses on them at all. If he can find any buses on those streets I want to know about them. There are no buses on those streets.

Mr. PARKER of Piscataquis: Mr. President, if I remember correctly, when this bill was debated previously in the Senate I did not take any action. However, I am very serious in my thinking that this is not the way to keep our buses operating in the State of Maine. I think it certainly calls for something that is going to be much more far-reaching than just allowing the bus companies to purchase their gasoline without paying a gas tax.

I was very pleased to listen to the suggestion by the Senator from Knox, Senator Low. I think that is one of the possibilities, and probably there are many others. If we have an industry that is in such condition that by eliminating the gas tax it is going to enable them to continue to do business, it is my real thinking that it is only a short time before they are certainly not going to be able to operate and will require some other method of giving them back something that they are now paying money for. I think we are just fooling ourselves, and in no real way are helping the bus companies by the passage of this bill. I certainly hope that the motion of my colleague, the Senator from Waldo, Senator Cole, prevails.

Mr. BOUCHER of Androscoggin: Mr. President, I would like to hear from our good Senator from Waldo, Senator Cole, on what streets the

buses run in Sebec and Liberty and how much taxes they pay there.

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

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: Just briefly, in answer to some of the suggestions that have been made here, I might point out that this is, in our opinion a very serious problem for a public service. Buses can only be considered that, for that is exactly what they are doing: they are handling public affairs and carrying people to public establishments. As a public service, they are in serious condition. I do not think anyone seriously entertains the idea that this is the answer, the cure-all, the one thing needed to put the bus companies completely back on their feet.

As I have indicated to you, there are many groups studying this problem, and those who have given it a great deal of thought have found many areas in which the bus lines may move to alleviate their situation, such as increased efficiency in operation and so forth.

One area that came to mind—and this has been rather universally agreed upon in many other areas as well as the New England Governors Conference—was the area of the gas tax and certain exemptions from it, because of the feeling that by and large—I do not want to continue the running argument too much farther—most of the streets in the cities and towns are cared for by the cities and towns and the buses do not use the public highways, therefore they could very well be justified in being exempted from the gas tax. That is the basis upon which this measure is founded, and I hope that the motion of the Senator from Waldo, Senator Cole, does not prevail.

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

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

A division was had.

Twelve having voted in the affirmative and seventeen in the negative, the motion did not prevail.

On motion by Mr. Boucher of Androscoggin, the bill was passed to be engrossed in concurrence and ordered sent forthwith to the engrossing department.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table the 14th tabled and unassigned matter, (H. P. 435) (L. D. 611) "Resolve, Providing for an Increase in State Pension for Leeman Grant of Columbia Falls," which was tabled by that Senator on May 21st pending motion by Senator Cole of Waldo to indefinitely postpone.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: As you all know, pensions and claims have been very close to my heart, and many times I have been accused of voting with my heart rather than my head, and Mr. President, in order to illustrate the point I am about to make, I would like an opportunity to tell you a story, off the record, if I may. (Off record)

I therefore move indefinite postponement of this bill.

The PRESIDENT: The Senator from Hancock, Senator Cole, asks permission to withdraw his motion.

On motion by Mr. Silsby of Hancock, the resolve was indefinitely postponed in non-concurrence. Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table Bill, "An Act to Incorporate the Town of Medford," (H. P. 844) (L. D. 1198) which was tabled by that Senator earlier in today's session.

Mr. WYMAN of Washington: Mr. President, I move indefinite postponement of the bill. In support of this motion, I must refer again to the comments made this morning by my good friend, the Senator from Piscataquis, Senator Parker, that we must decide whether we are going to let sympathy outweigh our judgment in a matter dealing with dollars and cents, and, as the good Senator said, dollars and cents raised by taxes come hard at this time.

Since this bill was acted upon in the Senate last week and the minority "Ought not to pass" report of the committee accepted, it has disturbed me greatly.

Two years ago our committee had before it a bill to divide a town, and I along with other members of the committee accepted the theory that we should let the people involved vote on the matter and settle it, as they said "once and for all." As a result, the bill was given an "Ought to pass" report, enacted, and a referendum held. But did that settle the matter? No, it did not. Instead, it engendered ill-will, and those who favored the separation and who had lost in the referendum were back here to try again, and this time in addition to other abuses claimed, there were charges of a fraudulent referendum.

Members of the Senate, that referendum settled nothing; it only created hard feelings among the good citizens of that town.

Accordingly, your committee this session reported unanimously "Ought not to pass" on the bill to divide that town. And now, since you went along with that report, the citizens of that town, which was the town of Harpswell, know they will not have a referendum accompanied by all of the charges and countercharges which the last one produced, it is the belief of the committee that most of the citizens will forget about this matter and that here will be an era of good will among friends and neighbors, which otherwise would not be.

Your Committee on Towns and Counties heard four other bills dealing with the organization of new towns or the dividing of old ones. With one exception, the inhabitants of these towns were almost unanimously in favor of the bills, and on this account the committee reported them "Ought to pass," and you accepted the committee reports and they have now become law.

Not so, however, with the town of Medford. This town is divided geographically by the Piscataquis River with no bridge across it. There is no possibility of maintaining a school and the children go to Milo where they are well provided for. There is no possibility of providing a common voting place convenient to all. Those citizens who find themselves on the wrong side of the river, if this bill is passed, will not only have to drive to Milo

or Enfield to vote, as they do now, but will be obliged to drive back to Medford on the opposite side of the river, vote, and return the same way, twice the distance they now have to travel to vote.

Medford has changed its form of organization three times since 1942. If the citizens are asked to vote on this the fourth time it will only serve to widen the split in their thinking and to create ill will. As in the case of Harpswell, which has voted only once, it will settle nothing.

Every time Medford has organized taxes have gone up, and every time it has deorganized they have gone down. The town of Medford is being well governed by the Piscataquis County Commissioners and the minorities are being well protected by this board.

Therefore so long as the people of Medford are divided not only geographically but with respect to incorporation, and since they are receiving an economical and unbiased government from the County Commissioners, and since after hearing all the evidence your three Senate members of the committee joined with five House members in signing an 8-2 "Ought not to pass" report on this bill, I sincerely hope you will support my motion to indefinitely postpone the bill and accompanying papers.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I rise in opposition to the motion. We have debated this before; the evidence is clear in your minds. It is unfortunate, or perhaps fortunate, that the people in Medford are human and change their minds. They change their minds over the course of a few years. We down here change our minds within the course of a few days. I feel that in this particular instance the people should have the right to go to the legislature. They have the right to accept from the legislature, to put into operation a mechanical law whereby they can have home rule if they wish it, if they wish to become incorporated. It is not the function of the legislature, I feel, that we should act as a benevolent parent to a child but rather to assist the community as their serv-

ants to make it possible for them to stand on their own two feet as a municipality. That is all they are asking for. We are giving to them the mechanical means to do that which they ask. I hope that we will realize our true function in passing legislation for the benefit of the people when it is their problem, not our problem.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I cannot help but feel that any town, whether they change their mind over a period of years because of population, or for other reasons decide it is better to be deorganized, that they should not have that opportunity to become a town again. If you read this resolve carefully you will note that all they are asking for is an opportunity to vote in September whether they shall become organized or not. I, for one, feel that they have that right, and I would not want to be a party to a group of people, regardless of whether they are legislators or otherwise, that would deny that privilege to any town that has the fortitude, stamina and ambition to want to rule themselves rather than be wards of the State. You can call it sympathy, you can call it principle, you can call it anything you want to call it, but I am proud to vote in opposition to the indefinite postponement of this bill.

Mr. WYMAN of Washington: Mr. President, I would like to read from a letter from a resident of Medford. It says:

"Dear Mr. Wyman:

With reference to Legislative Document No. 1198, an Act to Incorporate the Town of Medford, you will observe that the opposition will not have a large delegation at the hearing. However, this in no way indicates that they are not extremely interested.

As a township we have a decided advantage of two separate rates, wherein as a town it is one straight rate. Last year our real estate rate was approximately \$.056 and personal property rate \$.009. With the added expense of self-government as a town it would seem that taxes of necessity would be much higher.

There is also the fact that this experiment has been tried before

and failed. The Town of Medford was deorganized in 1940 and taxes dropped. It was changed to a Plantation in 1942 and taxes increased. Deorganized again in 1945 and taxes dropped. Today, with much of the lumber cut, many farms abandoned with buildings falling down, and conditions generally less favorable than at the other two periods, success again would seem doubtful.

The question of decreased population should not be overlooked, for later as a town this could become a serious threat. Older people will be passing on with property probably never reoccupied. There will be nothing to attract the younger people to encourage them to remain. Even now some residents have employment outside the area.

Finally, with resident and non-resident taxpayers representing at least three-quarters of the total valuation preferring to remain as a Township, why should a change be made?"

This town has only thirty-one voters, and once again I question whether we should let sympathy outweigh our judgment in dealing with this bill. I hope that the motion to indefinitely postpone will prevail.

Mr. HILLMAN of Penobscot: Mr. President, I rise in opposition to the motion before the Senate.

I happened to talk to some of these citizens that were referred to, people that did not attend the hearing, and in my opinion those people are perfectly able and capable of deciding their own issues within their town. I am not going to repeat what has already been said this afternoon, but I believe it is a matter for those people to decide in their own home town and that we in the Senate should make the means available for them to do it.

Mr. WYMAN of Washington: Mr. President, we have had before us a number of Constitutional Amendments, and the good Senator from Franklin, Senator Butler, has consistently opposed referring them to the people. I wonder if he still believes that the people of Maine are less able to decide these problems than the people of Medford are to decide this problem of theirs.

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

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

A division was had.

Six having voted in the affirmative and twenty-two in the negative, the motion to indefinitely postpone did not prevail, and the bill was passed to be engrossed and sent down for concurrence.

On motion by Mr. Low of Knox,  
Recessed until 7:30 P.M.

### Evening Session

7:30 P.M.

Called to order by the President.

### Additional Papers from the House

"Resolve Authorizing Survey and Plans for a Maine-Quebec Highway." (S. P. 235) (L. D. 635)

The Senate on May 24 Indefinitely Postponed the Ought Not to Pass report of the Committee on Highways.

Comes from the House, resolve substituted for report and passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Briggs of Aroostook, tabled pending further consideration.

Bill, "An Act Relating to Purchase of Milk for Redistribution in Maine." (H. P. 309) (L. D. 426)

In Senate on May 28, 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 B (Filing No. 381), now asks for a Committee of Conference.

In the Senate, on motion by Mr. Hillman of Penobscot, the Senate voted to adhere.

Bill, "An Act Relating to Outdoor Advertising Near Controlled Access Roads." (S. P. 484) (L. D. 1392)

The Senate on May 28 accepted the Minority Report of the Committee on Highways: Ought to Pass in New Draft (S. P. 570) (L. D. 1574);

and passed the bill to be engrossed as amended by Senate Amendment A (Filing No. 571)

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

In the Senate, on motion by Mr. Martin of Kennebec, indefinitely postponed in concurrence.

Bill, "An Act Relating to Salaries and Clerk Hire of Certain County Officers." (S. P. 574) (L. D. 1577)

In Senate May 24, passed to be engrossed as amended by Senate Amendments C (Filing No. 555) and B (Filing No. 554).

Comes from the House, passed to be engrossed as amended by Senate Amendment C and as amended by House Amendments A (Filing No. 565) and B (Filing No. 567) in non-concurrence.

In the Senate, on motion by Mr. Boucher of Androscoggin, 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 Sale of Certain Beverages to Minors." (H. P. 381) (L. D. 510 reported:

That the House recede from its passage to be engrossed and the adoption of House Amendment "B", and adopt Conference Committee Amendment "A" submitted with this report, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A".

That the Senate recede from its action whereby its accepted the Majority Ought Not to Pass report of the Committee, concur with the House in the acceptance of the Minority Ought to Pass report, adopt Conference Committee Amendment "A", and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

Comes from the House, Conference Committee Report Rejected.

The House further Insisted and asks a new Committee of Conference.

In the Senate, on motion by Mr. Boucher of Androscoggin, the Senate voted to insist and join in the new Committee of Conference.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Repeal the Westbrook Sewerage District." (H. P. 668) (L. D. 949) reported that both Houses recede from their previous action and refer the bill to the Ninety-ninth Legislature.

Comes from the House, report read and accepted.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve in Favor of Mabelle K. Toole of Bangor." (H. P. 389) (L. D. 520) reported that they are Unable to Agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve Authorizing State Highway Commission to Study Desirability of Bridge across Saco River." (H. P. 460) (L. D. 653) reported that they are Unable to Agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Injury to Monuments and Places of Burial." (H. P. 920) (L. D. 1310) reported that they are Unable to Agree.

Which reports were severally read and accepted in concurrence.

#### Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, requested to study the desirability and economy of consolidating the State-owned garages and cars under one agency and furnishing state-owned cars to State employees traveling on business of the State in their privately owned cars on a mileage basis; and be it further

ORDERED, that the Legislative Research Committee report the results of its study to the 99th Legislature with its suggestions and recommendations. (H. P. 1107)

In the Senate, on motion by Mr. Low of Knox, tabled pending passage.

#### Senate Committee Report

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of a Classroom, Library, and Auditori-

um Building at Washington State Teachers' College." (S. P. 382) (L. D. 1078) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

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

Bill, "An Act Relating to Maintaining Financial Responsibility in Motor Vehicle Accidents." (H. P. 252) (L. D. 313)

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

Bill, "An Act Relating to Pollution Abatement." (H. P. 257) (L. D. 355)

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

Bill, "An Act Authorizing Sunset Real Estate Corporation to Construct a Bridge Across Medomak River." (H. P. 424) (L. D. 601)

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

Bill, "An Act Relating to Pari Mutuel Horse Racing and the Stipend Fund." (H. P. 748) (L. D. 1062)

Bill, "An Act Relating to Location of Harness Race Meets." (H. P. 819) (L. D. 1162)

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

Bill, "An Act Relating to Bank Deposits or Loan and Building Shares in Two or More Names." (H. P. 918) (L. D. 1308)

(On motion by Mr. Butler of Franklin, tabled pending enactment.)

Bill, "An Act Relating to Sales Financing of Motor Vehicles." (H. P. 993) (L. D. 1421)

Bill, "An Act Relating to Compensation for Specified Injuries under Workmen's Compensation Act." (S. P. 355) (L. D. 961)

Bill, "An Act to Clarify the Employment Security Law." (S. P. 419) (L. D. 1178)

Bill, "An Act to Revise the Inland Fish and Game Laws." (S. P. 565) (L. D. 1571)

Resolve, Appropriating Additional Funds for Certain Construction at

Portland Municipal Airport." (S. P. 168) (L. D. 447)

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

Resolve, Providing for Survey of Abandoned Agricultural Lands." (H. P. 522) (L. D. 750)

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

Resolve, for Repairs to Teachers' House at Peter Dana Point, Washington County." (H. P. 1097) (L. D. 1596)

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

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

### Emergency

Bill, "An Act to Appropriate Moneys for Legislative Expenditures for the Fiscal Year Ending June 30, 1957." (S. P. 599) (L. D. 1605)

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

### Bond Authorization Measure

Bill, "An Act to Authorize Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island." (H. P. 1081) (L. D. 1555)

On motion by Mr. Low of Knox, tabled pending enactment.

The PRESIDENT: The Chair would again remind the Senate that if among these eight tabled items there are items to be passed to be engrossed in concurrence and if this legislature wants to adjourn at a reasonable hour on the next legislative day, this body should do its part in receiving concurrence on those measures which will be passed in concurrence.

### At Ease

Called to order by the president:

The PRESIDENT: The Senator from Franklin, Senator Butler, moves to take from the table, Bill, "An Act Relating to Bank Deposits or Loan and Building Shares in Two or More Names," (H. P. 918) (L. D.

1308) which was tabled by that Senator earlier in today's session.

On motion by Mr. Butler of Franklin, under suspension of the rules, 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 in non-concurrence and sent down for concurrence.

### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the legislature on H. P. 186, L. D. 249, "An Act relating to facilities furnished by Public Utilities for rate-making purposes," reporting that they have had the same under consideration and ask leave to report that the House recede and concur with the Senate in the enactment of the bill as amended by Senate Amendment "A"

The report of the Conference Committee was read and accepted in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, "An Act Relating to Salaries and Clerk Hire of Certain County Officers" (S. P. 574) (L. D. 1577) which was tabled by that Senator earlier in today's session.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and further to reconsider its action whereby it adopted Senate Amendment B. On further motion by the same Senator Senate Amendment B was indefinitely postponed in non-concurrence. On motion by Mr. Carpenter of Somerset, House Amendment B was indefinitely postponed in non-concurrence, House Amendment A was adopted and the bill was passed to be engrossed as amended by House Amendment A and Senate Amendment C in non-concurrence and sent down for concurrence.

On motion by Mr. Curtis of Cumberland, the Senate voted to take

from the table "Resolve, Appropriating Moneys to Effectuate Salary Plan for State Employees," (H. P. 405) (L. D. 582) which was tabled by that Senator earlier in today's session pending consideration of Report.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: In discussing this bill I feel that we have perhaps one of the most serious measures before us tonight that we will be called upon to decide during the session.

We have worried some about competition from industry and ways to approach it and to take care of it; we have worried some about our tourist business and we have acted upon measures to increase our attraction to out-of-state visitors. We have worried some about the competition for teachers, and we have adopted a plan which we think will set a salary scale that will enable us to enter the teacher market and provide the proper incentive for attracting teachers to our state to teach our children. We have also embarked on expanded programs of State services to the tune of many millions of dollars. We have seen fit to increase our welfare programs. We have done a great deal toward increasing our educational set-up in the State, and of course we are considering very seriously a very great expansion of our highway program, in fact we are just about ready to pass into law the greatest budget that the State has ever known.

I feel that one more step is needed to make it complete, and that is to be sure that we provide the proper manpower to carry out the programs that we have set up, to be sure that we have state employees that will properly administer the programs that we have decided should become law.

This bill, as amended now by House Amendment A, provides for a four and one-half per cent increase for State employees. It is not retroactive, incidentally, and it actually adds one range to every position. Now may I take just a moment to give you the reasons why we think this measure is very, very necessary and should be acted favorably upon?

We have a report from the PAS which provides for a re-examination and realignment of State positions to bring them in line, and there is just a word here from the report which I think might be of interest as to how they arrive at their conclusion:

"In developing the proposed revisions of the State's present pay plan a number of types of factors have been considered: trends in living costs, salaries and wages in Maine, both of private industry and government, and pay policies of the five other New England States, recruiting experience and changes in the pay plan which have taken place since its installation and relationship among classes of the plan."

The State pay plan for the service, incidentally, had its origin in a comprehensive classification and pay study conducted in 1951.

"Since that time," the report goes on to say, "living costs have increased in the nation generally by some 4.9 percent. During the same period wage levels have increased at a more rapid rate than living costs. "For example, the average hourly earnings, excluding overtime, of the production workers in manufacturing in the nation as a whole rose about 26.2 per cent from 1951 to June, 1956, and in Maine about 21 per cent for the same period. By comparison, the average for State employees has increased about two pay ranges or about 10 per cent, which means a differential there of about eleven per cent between raises for State employees and those for employees in industry.

Now this survey was conducted last year in order to look over the whole picture. Remember that the first one was in 1951. They have recommended many adjustments all along the line. Some adjustments have been considerable; some of our professional help have been raised four, five, six and seven steps, if you chose to look at it that way, while others have had no raise at all. It was specifically a realignment of the pay schedules for the State.

The last raise for State employees as such was in 1954, at the Special Session. Now pay scales have increased considerably since last June

when this survey was completed and the report presented in September, so we are almost a year behind, and I think it is very pertinent to the point to take into consideration what has happened in that year.

The cost of living is up some four percent, and industrial workers in Maine have been raised some six cents an hour, or between four and five per cent, just in the one-year period.

Now in January of this year the Director of Personnel, Ober Vaughan, reviewed some 2200 positions and found 366 vacancies. This means that his department could not recruit qualified personnel or employees to accept these positions at the present rate of pay. These figures show that there is one vacancy for every six employees on the job, and Mr. Vaughan reports that there has been no improvement since January in the picture.

Now I would like to quote just briefly from a brief presented by Mr. Richard Kendall, Chairman of the Personnel Board, May 7th of this year, in which he states: "If provision is not made for further increase in our salary levels beyond recommendations presented to you in March, 1957, we will again find ourselves in an untenable recruiting and retaining position in regard to keeping the State service staffed with well-qualified, desirable employees. Up to date developments ourselves in an untenable recruiting area since the preparation of the P.A.S. report in June, 1956 are as follows."

Now, gentlemen, before I quote further from this may I say that you may argue with any specific position and say "that is enough money," or maybe "it is too much money," but I think you must remember that we are in competition for employees, and they must be specialized employees to a certain extent, and I say that they should be the best and finest that we can hire, because they are, after all, working for the people of our State and carrying out the programs that we have set in motion. Therefore we are in competition, not only within our own State but also with other states for qualified personnel who can fit these positions.



Now here is what is happening—and this comes from Mr. Kendall, continuing his quote: Commonwealth of Massachusetts: Installation of the so-called "Barrington Associates" recommendations raised payroll costs by approximately fifteen per cent."

"State of Rhode Island: Their legislature has just appropriated \$4,000,000 for installation of a new pay plan resulting in an increase of approximately 16% in payroll costs. This is to be in effect July 1, 1957.

"State of Vermont: Several professional and semi-professional classifications have been adjusted by the Personnel Department. In addition considerable support is seen for a general ten per cent increase.

"State of New Hampshire: Personnel Department has recommended an approximate 20 per cent increase. Governor Dwinell made provision in his budget for an approximate 15 per cent increase. It has since been made public that if money is available that he would not be against the 20 per cent recommended by the Personnel Department.

State of Connecticut: Predictions are that employees will receive at least a minimum of \$120 annually and in addition the State will assume costs of group insurance."

And these are the conclusions of Mr. Kendall: "Original PAS recommendations for salary increases would bring Maine State salaries in line with the then prevailing rates in New England. These changes listed above would once again put us well behind our sister states. For this reason an additional range increase seems imperative."

Now, to be specific, I have been associated with State government for some time. I spent about a year up here in 1954, and, believe me, one of the greatest concerns of the State department heads was the ability to attract necessary and qualified personnel with the pay ranges that are provided for them through the personnel board recommendations, and I recognize how important this is.

Now Dr. Fisher, Commissioner of Health and Welfare, just this week stated that he has a desperate per-

sonnel recruitment problem. I urge all of you to talk with Dr. Fisher sometime soon if you want to satisfy yourself on that point. He has forty-three professional vacancies in his department. How can we carry on a good service in our Health and Welfare department with that kind of vacancy?

Last year there was fifty-six per cent turnover in professional staff. If I had that kind of turnover in my business, I know how crippling it would be; and you must recognize the problem that Dr. Fisher has to keep his department going with that kind of turnover. And he has said, to be quoted, that he feels it is a vital factor and would help tremendously in his recruitment problem to pass this pay raise of four and a half per cent more.

He gave a couple of examples: One laboratory technician for three sanatoria he has. She is leaving the first of August. He has tried unsuccessfully to attract anyone else to take the position, the pay scale is just too low. He says there is only one thing to do, either stumble along or try to steal someone else from some other department, either here in Augusta or some other organization. He is losing a medical social worker in one of the sanatoria. He hired her two and a half years ago, untrained, spent some two or three thousands dollars training her; she won a scholarship, went away to school for another year of study, came back, and is now leaving to go to another State, a neighboring state. Her starting pay in New Hampshire is above the top pay under the new PAS report and survey conclusion. And he says that at the present salary scales he finds it is almost impossible to hire the kind of help he wants and needs, and so time after time it means hiring inexpensive help, training them at substantial cost to the State in addition to what an increase in pay would be, and then lose them to other states because the pay is not high enough. And Dr. Fisher feels that we must be able to go into the national market in order to attract the kind of people he has.

Now the same kind of thing comes from other department heads. Dr. Greenlaw, of the Department of Institutions, has a tremendous prob-

lem. And here is an example of what another State is doing. This comes from Wyoming. It says here in large letters, "Wyoming has a Job for You." And they point out all the attractiveness of Wyoming and so on, which I do not need to go into, but they are looking for personnel to staff a newly-created division of Mental Health, the Wyoming Department of Public Health. Now, gentlemen, these are facts. This is what a department head is up against. A psychiatrist director receives fifteen thousand dollars and up. Commissioner Greenlaw says that that is the equivalent to our assistant superintendent, and in our state the assistant superintendent receives \$11,856 to start and goes to a maximum of \$14,003, so that his top pay is seven hundred dollars less than the starting pay in Wyoming. Psychologists start at \$7200, and yet in Maine the proposed is \$5560 to \$6900, so we are here three hundred dollars at our top less than the beginning in Wyoming. Mental health nurse, \$5280 and up. Here we pay \$3588 to \$4472, almost one thousand under them. I might point out to you that Wyoming's population is 290,000 odd while in Maine we have 913,000, so Wyoming is a very small state in comparison. Their State Hospital patients are about 650 and we have about 2951 patients.

Well, it is the kind of thing that our department heads are up against and are facing day in and day out, and something has to be done. So I feel that we must look at this very, very realistically and recognize the problem. Most of you received these green slips on your desks which point out very graphically what this would do. The pay, based on State employees—this is the lowest-rated attendant at Pine-land and the Augusta State Hospital receives \$42 a week. Under the PAS report adjustment he would receive \$46, a raise of four dollars, and under the recommended four and a half per cent he would receive two dollars more or \$48, little enough to attract the kind of people that we need to take care of our unfortunates in this State.

So I urge you to give very serious consideration to this, and if

this bill is passed I have an amendment which I think will make it very fair and put it into effect one year from today. So I move that we concur and accept the minority "Ought to pass" report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Curtis, that the Senate accept the minority "Ought to pass" report.

Mr. SINCLAIR of Somerset: Mr. President, I feel that I should stand as a signer of the majority "Ought not to pass" report relative to the salary pay plan.

It is not very easy to stand up and oppose the motion for an increase in salaries for our State employees. In some cases I believe probably it may be below the desired scale, but I would like to point out just for the record, that the Appropriations Committee in the balanced budget made recommendations for the merit increase in personal services for the present State Employees which results in one pay raise increase of four and a half per cent. Now I realize that there are many who do not consider that a raise, inasmuch it is part of a plan for merit increases. However, I submit to you the fact that the money has to be appropriated, and it does amount to a four and a half per cent increase or one range increase across the board. Now arrangements have been made and recommended in the balanced budget for the merit increase.

In regard to the P.A.S. salary plan No. 1, I would like to say that this is the plan that was recommended by the employees of the State of Maine and was submitted by the P.A.S. and accepted by the Appropriations Committee and recommended in the supplemental budget, which calls for approximately one million dollars from the Highway fund.

I recognize the fact that there is competition in a great many of our classifications in this State from the other states throughout New England, but I would like to point out that the shortages that occur in Maine also occur in many, many of the other states throughout the nation. We have been trying to fill

certain positions here in the State of Maine for a number of years that call for special training. I would like to point out that that same special training is desirable and is wanted in other states, and that they also have vacancies and they are willing to pay considerably more than the State of Maine, I will admit, but in spite of the fact that they do want to pay more money the positions are not filled.

I am a little bit concerned also about the fact that we are imposing a three per cent sales tax on the people of the State of Maine. I can think of certain areas throughout the State that are hard-hit economically at the present time, with mills closing down, and who are perhaps without a weekly salary, which may raise a question, a very serious question, as to the amount of money that might be raised for the State employees. I am guessing, and I don't think it is fair to take an average on this PAS plan, I think it would be unfair to say what the increases would be, because as the Senator from Cumberland, Senator Curtis, has said, there are some who will not qualify for an increase. I think there is a very satisfactory explanation why they would not qualify for an increase. There are some that would increase two ranges, three, four, five and six ranges. I think perhaps an average of all the State employees might be around two ranges, approximately between nine and ten per cent, and with the increase, or the amount that is taken care of in the capital budget, which gives the employees a four and a half per cent increase, making a good total, around thirteen or fourteen per cent, which to the Appropriations Committee seemed a fair increase.

Recognizing what the Senator from Cumberland, Senator Curtis, has said, that there are inequities perhaps and positions not filled because this salary plan was low, we figured that with the merit increases that the State employees would get, plus the nine to ten per cent increase, it might make it possible to fill many of those positions, particularly in the lower brackets, where I can agree it is a very worthy increase.

I would say that this legislature in its thinking so far has been, I think, rather kind to the State employees. I think there is a bill that recommends survivor benefits be added to the State employees, which indicates that the legislature is not unkind to the employees; and I would like to emphasize also that the Appropriations Committee has not considered that the committee was unkind in recommending the acceptance of the PAS salary plan.

I am just kind of concerned about what the reaction might be by some folks who are out of work. I merely make these remarks, Mr. President and members of the Senate, to point out the position that the Appropriations Committee found themselves in discussing this particular salary increase for State employees.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I look upon these unfilled positions, I hope not unkindly, but as somewhat of a mixed blessing. I do not know but what there is a good deal of conservation of the State's resources in them. However, after searching all of the evidence before me, I cannot arrive at any other conclusion than that the highest recommended increases suggested still leaves our weekly salary schedules on a most conservative level. I hope that the motion of the Senator from Cumberland, Senator Curtis, will prevail.

Mr. COLE of Waldo: Mr. President and members of the Senate: I rise in support of the good Senator from Cumberland, Senator Sinclair, and for my own personal protection. As most of you know, I represent a county that is the broiler capital of the State of Maine. The broiler industry is going through a very, very serious recession, or whatever you want to call it. The raisers have already suffered a fifty per cent cut in their income. And I will have to go back to my constituents and say that I have voted, which I was willing to do, for an increase for our State employees, and yet I have got to say to them, "I am asking you to give to the State employees another increase of four and half per cent." In justification to my constituents I must oppose the motion of the good Senator from Cumberland, Senator Curtis.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Curtis, that the Senate do accept the Minority "Ought to pass" report of the Committee on Appropriations and Financial Affairs on Resolve, Appropriating Moneys to Effectuate Salary Plan for State Employees.

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 minority "Ought to pass" report of the committee was accepted, and the resolve was given its first reading.

Mr. Curtis of Cumberland then presented Senate Amendment "A" to House Amendment A and moved its adoption.

Senate Amendment "A" was read and adopted in non-concurrence.

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

#### Order

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

ORDERED, the House concurring, that there be recalled to the Senate from the office of the Governor H. P. 647, L. D. 916, "An Act Relating to limitation of the Financial Responsibility Law."

Which was read, passed and ordered sent forthwith to the House.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the fourth tabled and unassigned matter from the evening's special calendar, (H. P. 892) (L. D. 1278) House Report, "Ought not to pass" from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Automobile Travel by State Employees," which was tabled by that Senator on May 27th pending adoption of the Senate Amendment A (Motion by Senator Low of Knox)

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

of the Senator from Knox, Senator Low, that the Senate adopt Senate Amendment A in non-concurrence. Is this the pleasure of the Senate?

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

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the sixth tabled and unassigned matter on this evening's special calendar, (H. P. 1027) (L. D. 1459) House Report, "Ought not to pass" from the Committee on Public Utilities on Bill "An Act Relating to Proposed Change of Rates by Public Utility and Suspension Pending Hearing," which was tabled earlier in today's session by that Senator pending consideration of report; and on further motion by the same Senator the "Ought not to pass" report of the committee was accepted in non-concurrence and sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the fifth tabled and unassigned matter on this evening's special calendar, (H. P. 1023) (L. D. 1456) House Report "Ought not to pass," from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salary of Members of the Legislature," which was tabled by that Senator on May 24th pending motion of Mr. Sinclair of Somerset for acceptance of report.

On motion by Mr. Boucher of Androscoggin, the Senate voted to substitute the bill for the "Ought not to pass" report of the committee in non-concurrence, and the bill was given its first reading.

Mr. Davis of Cumberland presented Senate Amendment A and moved its adoption.

Senate Amendment A was adopted in non-concurrence, 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. Curtis of Cumberland, the Senate voted to take

from the table the first tabled and unassigned matter on this evening's special calendar, (H. P. 429) (L. D. 605) House Reports: Majority "Ought not to pass," Minority "Ought to pass," from the Committee on Liquor Control on recommitment bill, "An Act Relating to Hours of Selling Liquor," which was tabled by that Senator earlier in today's session, pending the motion of Mr. Carpenter of Somerset for acceptance of report.

Mr. CURTIS of Cumberland: Mr. President, this bill is a bill to put the liquor industry on the same time schedule as the rest of the State. As some of you know, for some time we have made special allowances for cocktail lounges and those who were selling liquor to be able to operate on standard time when the rest of the State goes onto Eastern Daylight Time, and therefore they gain an extra hour. It is the feeling of many that the industry ought to be put on the same schedule as everyone else, and that they have no more of a right to operate that extra hour after midnight than any other industry or occupation in the State. Therefore I hope that the motion of the Senator from Somerset, Senator Carpenter, does not prevail.

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

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: This bill was reported out of committee with a majority "Ought not to pass" report. I feel myself that this is not too strenuous a bill, and I really think in my own mind that the acceptance of the "Ought not to pass" report on this bill would be granting a privilege which many of the lounges should enjoy. This will only permit them an hour after twelve o'clock to get their things in order and settle up their affairs. I cannot see anything wrong with it in the day and age in which we are living. Heretofore they had to fold up at twelve o'clock, but when the State accepted daylight time they could stay open until one. I cannot see anything

wrong in closing at one o'clock, because this exempts Saturday nights, which would take it into Sundays.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate I do not believe that the cocktail lounges need any privileges; they can well take care of themselves. I believe it is highly discriminatory. Places of amusement have to close at twelve o'clock, and there is no reason why the liquor lounges should not close. I certainly oppose the motion of the Senator from Somerset, Senator Carpenter.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: As a signer of the majority report "Ought not to pass," I feel it is my duty to defend my position.

This law is already on the books, has been for years, and has never been changed during the years we have been in the liquor business. Whether we like it or not, the State is in the liquor business. I feel that to change this law at this time would be a harm to the industry. I feel that we are doing exactly the same thing as other neighboring states are doing. Their liquor places are open to one o'clock, except on Sunday morning, and I see no reason at this time to change the law. There were three members of the Senate who signed the "Ought not to pass" report with the majority of the committee, and I hope you will sustain our signatures.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I just feel that it is not right that we allow people to drink liquor until one o'clock and at the same time not allow them to dance after twelve. I certainly will vote against the motion of the Senator from Somerset, Senator Carpenter.

Mr. PARKER of Piscataquis: Mr. President, I cannot help but feel that the liquor industry should be treated the same as the other industries that keep open until twelve o'clock on our so-called standard time. I certainly hope that the motion of the Senator from Somerset, Senator Carpenter, does not prevail.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I beg you to remain on God's time and not follow what I call fool's time. I am surprised that

some of these farmer gentlemen are talking that way, because they know that their animals know better than to say it is one o'clock when it is midnight.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: I cannot see a thing wrong with this privilege that the people in the State of Maine enjoy in having this opportunity to enjoy this extra hour as far as cocktail lounges are concerned and as far as beer parlors are concerned. In this day and age, as I said before, I think we should go along with it and let the people have this privilege of enjoying this extra hour. After all, when you come to twelve o'clock at night, many people in the State of Maine and over the entire nation are enjoying some of these privileges provided for by our special rules and regulations. I cannot see a thing wrong in allowing them an extra half or three-quarters of an hour to enjoy that privilege. Many of our summer places throughout the State of Maine desire this privilege, I cannot see anything wrong with it, and I hope that my motion prevails.

Mr. BAILEY of Sagadahoc: Mr. President, when we voted to change the time and adopt daylight saving time that was considered for all the industries in the State. Now let's not try to hide under the veil of two different times for any one industry. If we have one time to close, let's close all industry at that time.

Mr. REED of Aroostook: Mr. President, when the vote is taken I request a division.

Mr. PIKE of Oxford: Mr. President, I do not believe that the liquor industry needs any special privileges, and I want to oppose the motion of the Senator from Somerset, Senator Carpenter.

Mr. BOUCHER of Androscoggin: Mr. President, I have noticed that the opponents holler about closing time at twelve o'clock Eastern Daylight Time. I know of all kinds of industry that run all night in this State, not the farming industry possibly, but our mills in Lewiston run all night and we are very glad of it. I wish they would not close down and would keep running. The only day they shut down is Sunday. I

know of some industries in the State of Maine that even operate on Sunday, because they have to have continuous operation. I do not see any reason, from anything that the opponents have said, for changing the law at this time.

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

Mr. WILLEY of Hancock: Mr. President, I move that the bill be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Willey, that the bill and accompanying papers be indefinitely postponed, and the Senator from Aroostook, Senator Reed, has asked for a division.

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

A division was had.

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

On motion by Mr. Bailey of Sagadahoc the minority "Ought to pass" report of the committee was accepted and the bill was given its first reading. Under suspension of the rules, the bill was given its second reading and passed to be engrossed.

On motion by Mr. Davis of Cumberland, the Senate voted to take from the table House Report from the Committee on Labor on Bill, "An Act Relating to Employment of Certain Persons." (H. P. 782) (L. D. 1115) tabled by that Senator on May 28 pending consideration of the report; and that Senator moved the pending question.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, this came out of the labor committee with a unanimous ought not to pass report and sometime after it came out of committee, it gained some strength. I do not believe there is any need for this type of legislation as it sets up further re-

strictions and as long as we have been having unusually good labor relations in the State of Maine, this would be just another set of rules and regulations set up by the Department and so at this time I move that it be indefinitely postponed.

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

Thereupon, on motion by Mr. St. Pierre of Androscoggin, the bill was laid upon the table pending motion by Senator Ferguson to indefinitely postpone.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table Resolve, Authorizing Survey and Plans for a Maine-Quebec Highway (S. P. 235) (L. D. 635) tabled by that Senator pending consideration.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, I move that the Senate recede and concur with the House. I am doing this in direct opposition as you realize, to my position on the resolve. I am doing it merely so that it may be engrossed, and when it comes back to this Body for enactment, I shall fight it with all my strength.

The motion to recede and concur prevailed.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table Senate Report from the Committee on Highways: Ought not to pass, on recommitted bill, "An Act Relating to Area Directional Signs on Turnpikes." (S. P. 340) (L. D. 919) tabled by that Senator on May 22 pending motion by Senator Low of Knox to adopt Senate Amendment A; and that Senator yielded to the Senator from Knox, Senator Low.

On motion by Mr. Low of Knox, Senate Amendment A was adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed as amended.

Sent down for concurrence.

The President appointed as Senate conferees on the second Com-

mittee of Conference on the disagreeing action of the two bodies on bill, "An Act Relating to Sale of Certain Beverages to Minors": Senators: Lessard of Androscoggin, Fournier of York and Wyman of Washington.

The PRESIDENT: The Chair will note the action of the House in indefinitely postponing in non-concurrence, S. P. 610, Joint Order relating to recall from the office of the Governor, An Act Relating to Limitations of Financial Responsibility Law. The staff will include that in the journal of the next legislative day.

On motion by Mr. St. Pierre of Androscoggin, the Senate voted to take from the table the bill, "An Act Relating to Employment of Certain Persons." (H. P. 782) (L. D. 1115) tabled by that Senator earlier in today's session pending motion by Mr. Ferguson of Oxford, that the bill be indefinitely postponed in non-concurrence.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, just to refresh your memory — there won't be any debate on the subject — I will read this bill:

"It shall be unlawful for any person, firm or corporation to refuse to employ, or dismiss from employment, any person between the ages of 35 and 65 because of the age of such person. Any violation of this section shall be punished by a fine of not more than \$25."

Thereupon, House Amendment A was read.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson, that the bill and accompanying papers be indefinitely postponed; and the Senator from Androscoggin, Senator St. Pierre, has asked for a division.

Mr. CURTIS of Cumberland: Mr. President, I rise to defend this bill in a sense, and to explain the shift of a couple of the committee members on the labor committee, who had unanimously opposed this particular bill. We feel that the amendment has taken care of some of the objectionable features of the bill and I would point out that it merely says

you shall not fail to employ anyone for reasons of age, and it is an attempt by the sponsor to write into law a provision whereby someone would not be discriminated against because of their age. It does not require anything else and most of us feel now that it would be too much of a problem and so I shall support a motion to keep the bill alive.

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

A division of the Senate was had.

One having voted in the affirmative and twenty-nine opposed, the motion did not prevail.

Thereupon, House Amendment A was adopted and the bill was passed to be engrossed in concurrence.

Mr. HILLMAN of Penobscot, Mr. President, may I ask if L. D. 24, the Chebeague Island bill is in possession of the Senate?

The PRESIDENT: The Chair would state that the bill is in the possession of the Senate having been held at the request of the Senator from York, Senator Fournier.

Mr. FOURNIER of York: Mr. President, I now move that the Senate reconsider its action taken earlier in this legislative day whereby this bill was indefinitely postponed. I realize that the bill has twice been indefinitely postponed in this Body and it now requires a two thirds affirmative vote for reconsideration. The purpose of this reconsideration is to determine if a compromise might be reached.

Mr. PARKER: Mr. President, I would ask if this motion is debatable?

The PRESIDENT: The Chair would state that the motion is debatable.

Mr. PARKER: Mr. President, I think at this late hour and since we have gone over this previously that it is not in the best interest of the members of this Body to reconsider

and I hope that the motion does not prevail.

Mr. COLE of Waldo: Mr. President, I rise to a point of information. Is it true that according to the statement of the Senator from York, Senator Fournier, this bill, having been indefinitely postponed twice, would now require a two-thirds majority for reconsideration?

The PRESIDENT: The question before the Senate is on the motion of the Senator from York Senator Fournier, that the Senate reconsider its former action whereby this bill was indefinitely postponed. The Chair will read the endorsements on the bill:

"In the Senate, indefinitely postponed on May 24, 1957.

In the Senate, indefinitely postponed on May 28, 1957."

The Chair would rule that a motion to reconsider the action of the Senate which has twice indefinitely postponed the bill, does require the affirmative vote of two-thirds of the Senators present. The Chair would note that the ruling of the Chair is debatable and can be upset, but the Chair attempts with fairness and reasonable integrity to express his understanding of the rules under which this branch is operating.

Mr. LOW of Knox: Mr. President, may I ask if it is the intention to offer an amendment, and if that is the reason that reconsideration is asked?

The PRESIDENT: The proponents have heard the question and may answer if they wish.

The Senator appears to answer in the negative.

Thereupon, a division of the Senate was had.

Nineteen having voted in the affirmative and ten opposed; nineteen being less than two-thirds of the members present, the motion did not prevail.

On motion by Mr. Knox of Knox.

Adjourned until tomorrow morning at nine o'clock.