

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, May 7, 1959

Senate called to order by the President.

Prayer by Rev. James Waugh of Hollowell.

On motion by Mr. Noyes of Franklin,

Journal of yesterday read and approved.

**Papers from the House**

“Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational and Industrial Park Purposes.” (S. P. 178) (L. D. 422)

In Senate on April 28, passed to be engrossed as amended by Committee Amendment A (Filing No. 270)

Comes from the House, recommended to the Committee on State Government, in non-concurrence.

In the Senate, on motion by Mr. Hillman of Penobscot, the resolve was recommitted to the Committee on State Government in concurrence.

Bill, “An Act Revising the Laws Relating to the Bureau of Public Improvements.” (S. P. 439) (L. D. 1286)

In Senate on April 1, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 301) in non-concurrence.

In the Senate, House Amendment A was read, and the Senate voted to recede and concur.

The PRESIDENT: At this time, it is the Chair’s privilege and pleasure to invite another distinguished member of the Senate to preside as President pro tem during a section of today’s calendar, and the Chair would ask the Sergeant-at-Arms to escort Senator Charles of Cumberland to the rostrum.

This was done amidst the applause of the Senate, the President retiring.

**House Committee Reports Ought to Pass**

The Committee on Labor on Bill, “An Act Repealing Certain Disqualifications of Benefits Under Employment Security Law.” (H. P. 397) (L. D. 580) reported that the same Ought to pass.

On motion by Mr. Bates of Penobscot, tabled pending acceptance of the report.

The Committee on Legal Affairs on Bill, “An Act Revising Election Provisions in Charter of City of Lewiston.” (H. P. 844) (L. D. 1207) reported that the same Ought to pass.

In House, report accepted and bill passed to be engrossed as amended by House Amendment A (Filing No. 181) as amended by House Amendment A (Filing No. 306) thereto, and as amended by House Amendment B (Filing No. 309)

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

**Ought to Pass — N.D.**

The Committee on Business Legislation on Bill, “An Act Restating the Law Governing Insurance Agents, Brokers and Fees.” (H. P. 854) (L. D. 1222) reported same in New Draft (H. P. 928) (L. D. 1312) under New Title: “An Act Restating and Revising the Law Governing Insurance Companies, Agents, Brokers, and Fees.” and that it Ought to pass.

Which report was read and accepted in concurrence, the bill in New Draft read once and on motion by Mr. Carpenter of Somerset, the bill was tabled pending assignment for second reading.

**Majority — OTP — N.D.  
Minority — ONTP**

The Majority of the Committee on Labor on recommended Bill, “An Act Relating to Disqualification of Benefits Under Employment Security Law.” (H. P. 755) (L. D. 1073) reported same in New Draft (H. P. 957) (L. D. 1356) under the same title, and that it Ought to pass.

(Signed)  
Senators:  
BATES of Penobscot

ROSS of Sagadahoc  
MacDONALD of Oxford

Representatives:

WINCHENPAW of Friendship

TREWORGY of Orono  
HANCOCK of Nobleboro  
LETOURNEAU of Sanford  
KARKOS of Lisbon  
MILLER of Portland

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

(Signed)

Representative:

HARDY of Hope

In House, Majority Report accepted and bill in New Draft passed to be engrossed.

In the Senate, on motion by Mr. Bates of Penobscot, the ought to pass in new draft report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

#### Orders

Mr. Briggs of Aroostook presented the following Order and moved its passage:

WHEREAS, two bills, one entitled "An Act Classifying Certain Waters in Meduxnekeag River Basin," (House Paper 403, Legislative Document 587), the other entitled "An Act Relating to the Classification of Prestile Stream in Aroostook County," (House Paper 661, Legislative Document 954) are pending before the 99th Legislature and it is important that the Legislature be informed as to the validity and constitutionality of the proposed bills; and

WHEREAS, the effect of each Legislative Document is alike in that, if enacted, each would lower the classification (permit the discharge of a greater amount of pollution) of a portion of the respective waters, which waters flow across the international boundry into Canada; and

WHEREAS, it appears to the Senate of the 99th Legislature that the following is an important question of law and the occasion a solemn one; now therefore be it

ORDERED, that in accordance with the provisions of the Con-

stitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give this Legislature their opinion on the following questions:

1.

Do any of the provisions of House Paper 403, Legislative Document 587, conflict with the provisions of the Treaty Between the United States and Great Britain, relative to Boundary Waters Between the United States and Canada, (signed January 11, 1909), in violation of Article VI, Clause 2, of the Constitution of the United States?

2.

Do any of the provisions of House Paper 661, Legislative Document 954, conflict with the provisions of the Treaty Between the United States and Great Britain, relative to Boundary Waters Between the United States and Canada, (signed January 11, 1909), in violation of Article VI, Clause 2, of the Constitution of the United States?

3.

Would either House Paper 403, Legislative Document 587, "An Act Classifying Certain Waters in Meduxnekeag River Basin," or House Paper 661, Legislative Document 954, "An Act Relating to the Classification of Prestile Stream in Aroostook County," if enacted by the Legislature, be valid and constitutional under the Maine and United States Constitutions?

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, I feel obliged to make a few remarks relative to this Order which has just been introduced. As you can tell from reading in the newspapers, there seems to be a question regarding whether or not two of these very bad bills, in my opinion, if passed would be effective because of a treaty, an international treaty between this country and Canada in 1909. Now this possibility of whether or not these bills would be effective if passed has been batted around quite a bit by both points of view, both the proponents of the bill to downgrade these waters previously classified by this Legislature, and also by your speaker.

I felt in the final analysis that inasmuch as it was agreed by the legal advisors for the state that this question was a solemn one that I or no one else had any right through the newspapers or directly to raise any question with as broad implications as this one might ultimately hold and just leave that question dangling in the air. So in order to find the answer to the question which are if either of these downgrade bills were passed, would they be null and void, I felt it was my duty to request this body to ask the Supreme Judicial Court to give us their opinion on this solemn occasion.

Now I think it is exceedingly important for me to describe right here at this moment for the benefit of all of you members of this body who are interested that irrespective of any decision which the Supreme Court may or may not make on this question, that these two bills or either of them, one or the other, if they are passed, will downgrade classified waters which have previously been classified by the Maine legislature, thereby establishing a precedent which I feel will be the death knell to the present weak water pollution control classification law which so many of you have been suggesting should be allowed to work — give it time to work. Now it has had time to work to the point where it is beginning to pinch a few people who are going to be required to comply and debate this deplorable condition of water pollution.

I know that you all agree with me, regardless of the degree of progress we are able to make, I know you all agree that this is a serious and important question and I want to make it perfectly clear to the members of the Senate that any attitude which I have, and I hope any attitude which you have regarding the downgrading or declassifying of previously classified surface waters will be no different regardless of what way the Supreme Court rules on this treaty question and therefore I feel that knowing these things you will be in a more advantageous position when the bills are ultimately considered as surely one or both of them will be considered by us.

On one of the bills the majority ought not to pass report of the committee has been accepted and that will be coming to this branch tomorrow I think. Three members of the Natural Resources Committee are available for your questions, here in the Senate, and I suggest if you need any information on these questions that you contact one of the three members of the Natural Resources Committee, who had the benefit of the public hearings and so forth.

I thank you.

Thereupon the Order received a passage.

#### Senate Committee Report Ought Not to Pass

Mr. Woodcock from the Committee on Judiciary on Bill, "An Act Creating a Motor Vehicle Accident Indemnity Fund." (S. P. 167) (L. D. 388) report that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Weeks from the Committee on Judiciary acting in accordance with Joint Order (S. P. 440) reported Bill, "An Act Empowering the Supreme Judicial Court to Promulgate Rules." (S. P. 487) and that the same Ought to pass.

Mrs. Lord from the Committee on Public Health, pursuant to Joint Order (S. P. 479) reported Bill, "An Act to Create a Committee to Study the Relocation of the State School for Boys." (S. P. 484) (L. D. 1358)

Which reports were read and accepted, the bills read once and tomorrow assigned for second reading.

#### Ought to Pass — N.D.

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Relating to Juvenile Offenders." (S. P. 323) (L. D. 904) reported same in New Draft (S. P. 485) (L. D. 1357) under same Title, and that it Ought to pass.

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

Mr. Lessard from the Committee on Judiciary on Bill, "An Act Affecting Certain Statutes Relating to Court Process and Procedure and to Kindred Matters." (S. P. 452) (L. D. 1314) reported same in New Draft (S. P. 486) under the same title, and that it ought to pass.

Which report was read and accepted and the bill in New Draft was laid upon the table for printing under Joint Rule No. 10.

#### To be Placed on File

Mrs. Lord from the Committee on Public Health on Report of the Bureau of Public Improvements on Study of the Present Site for the State School for Boys. (S. P. 430) (L. D. 1277) reported that the same Be Placed on File.

Which report was read and accepted.

Sent down for concurrence.

#### Final Reports

The following Senators submitted Final Reports:

Mr. Parker from the Committee on Claims.

Mr. Cole from the Committee on Transportation.

Which reports were read and accepted.

Sent down for concurrence.

#### Second Readers

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

##### House

Bill, "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court." (H. P. 447) (L. D. 653)

Bill, "An Act Creating the Merry-meeting Bay Game Sanctuary." (H. P. 954) (L. D. 1354)

Bill, "An Act Relating to Petition for Review of Incapacity Under Workmen's Compensation Act." (H. P. 955) (L. D. 1355)

(On motion by Mr. Bates of Penobscot, tabled pending passage to be engrossed.)

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

##### House — as amended

Bill, "An Act Authorizing Red Blinker Light for Volunteer Fire Department Vehicles." (H. P. 841) (L. D. 1192)

Which was read a second time and passed to be engrossed as amended, in concurrence.

##### Senate — as amended

"Resolve for the Purchase of One Hundred Copies of 'The Story of Houlton.'" (S. P. 108) (L. D. 258)

Mr. Pierce of Hancock presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted, the bill given its second reading and passed to be engrossed.

Sent down for concurrence.

"Resolve Providing for Purchase of History of the Town of Unity." (S. P. 152) (L. D. 373)

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

Sent down for concurrence.

##### Enactors

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

Bill, "An Act Relating to Settlements or Releases from Injured Persons Confined in Hospitals." (H. P. 56) (L. D. 78)

Bill, "An Act Relating to Discrimination at Places of Public Resort or Amusement." (H. P. 560) (L. D. 846)

Bill, "An Act Relating to Cutting of Christmas Trees." (H. P. 794) (L. D. 1126)

Bill, "An Act Relating to Use of Draggars in Part of Penobscot Bay." (H. P. 916) (L. D. 1294)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending enactment.)

Which bills were severally passed to be enacted.

"Resolve Authorizing Survey and Plans for a Maine-Quebec Highway." (H. P. 945) (L. D. 1340)

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

At this point the President resumed the Chair, Mr. Charles of

Cumberland retiring, amidst the applause of the Senate.

The PRESIDENT: The Chair thanks the Senator from Cumberland, Senator Charles for his excellent services acting as President pro tem during this portion of the morning's calendar.

#### Orders of the Day

The president laid before the Senate the first tabled and especially assigned item being House Report from the Committee on Labor: Ought to pass in New Draft (H. P. 940) (L. D. 1327) on bill, "An Act Relating to Chiropractic Treatment under Workmen's Compensation Law." (H. P. 647) (L. D. 938) tabled on May 6 by the Senator from Penobscot, Senator Bates pending acceptance of the report.

Mr. BATES of Penobscot: Mr. President, I move the acceptance of the ought to pass in new draft report in concurrence, and when the proper time comes I have an amendment to correct an inconsistency in the draft.

The motion prevailed, the report was accepted in concurrence, and the bill in new draft read once.

Mr. Bates of Penobscot presented Senate Amendment A and moved its adoption.

Which amendment was adopted and the bill was tomorrow assigned for second reading.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 91st tabled item being bill, "An Act Creating Game Management Area of Towns of Deer Isle and Stonington, Hancock County." (H. P. 608) (L. D. 868) tabled by that Senator on May 6 pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 95th tabled item being "Resolve Opening Long Lake, Aroostook County, to Smelt Fishing." (H. P. 720) (L. D. 1025) tabled by that Senator on May 6 pending passage to be engrossed; and that Senator moved the pending question.

The motion prevailed and the resolve was passed to be engrossed in concurrence.

Mr. WEEKS of Cumberland: Mr. President, may I inquire if L. D. 1083, bill, "An Act Permitting Sale of Liquor on Election Day" is in the possession of the Senate.

The PRESIDENT: The Chair will state that it is, having been held at the request of the Senator from Cumberland, Senator Weeks.

Mr. WEEKS: Mr. President, I now move that the Senate reconsider its action whereby it indefinitely postponed this measure. I was one who voted on the prevailing side.

Mr. BRIGGS of Aroostook: Mr. President, I am not sure just what is going on on this bill. But I will find out sooner or later. I notice the absence of the Senator from Piscataquis, Senator Parker and where he has been so active in matters pertaining to this sort of legislation I hesitate to - -

Mr. President, it has been pointed out to me by members of the Senate that there are also other persons absent who have the opposite point of view and it probably would neutralize any detrimental effect. I merely am attempting to look out for the interests of my across the aisle seatmate so any objection that I might have seemed to have presented, I will withdraw. I will still vote against it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the Senate reconsider its action of yesterday whereby it indefinitely postponed the bill.

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

A division of the Senate was had. Sixteen having voted in the affirmative and thirteen opposed, the motion prevailed and on motion by Mr. Weeks of Cumberland the bill was laid upon the table pending consideration and especially assigned for tomorrow.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table the 25th tabled item being, Senate Report from the Committee on Transportation: Ought not to pass on bill, "An

Act Relating to Reciprocity in Registration for Motor Vehicles of Residents of Foreign Counties." (S. P. 421) (L. D. 1205) tabled by that Senator on April 3 pending acceptance of the report.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: This matter did not receive the kind of attention from the committee which I had hoped that it might receive, but nevertheless I feel it is necessary to take a little bit of time to describe the situation as I have become familiar with it and see what happens.

The problem has arisen here in this State where there are a lot of people who come here and are permanently employed here and who return to their own place of domicile which is in another state or another country. With that I am most familiar. That happens to be New Brunswick and Quebec.

Now the newspapers, the Letters to the Editor columns, and you know how interesting they are, have been filled with all sorts of various comments on this matter of people from principally Quebec and New Brunswick being employed in jobs here in Maine. I have no doubt that there are a lot of persons from New Hampshire, or some persons from New Hampshire and other states, employed here. My only idea in presenting this bill was that if someone was fortunate enough to have a permanent job in Maine, working here every day and doing so for a period of longer than three months duration, that they should be very glad to at least register their motor vehicle — and actually they probably should have to fulfill our driver's license requirements too.

For example, in Quebec, the minute you are employed there you also have to pass a driver's test to get a driver's license. If anyone from Quebec comes to New Brunswick they have to register immediately — not three months, one month, or sixty days — but right now they have to register.

The people in New Brunswick apparently have been very successful in finding employment in Maine, which is a good thing. It suits me all right. I am not making any complaint here about persons

from other places finding employment here, but the thing that disturbs me is that they are able to work over here, and they are not contributing anything to the tax rolls of our state in one way or another.

Now it has been said that in this reciprocity scheme which is operated by our competent elderly Secretary of State, the Hon. Harold Goss, that each one does as unto the other. In other words, if we can work in New Hampshire or Florida or Connecticut without registering that we will let Connecticut people work in Maine. Well, the people in most of those states are not too much concerned about doing work in Maine, but people in New Brunswick and Quebec are. And in New Brunswick, although they have a law more or less exactly like this on their books, according to the testimony of their Attorney General, which requires non-residents for the purpose of registering motor vehicles to register once they are employed in New Brunswick; they have it on their books but they do not enforce that against Maine residents, they say.

Well, there are several reasons for this. One reason is that nobody could have employment in New Brunswick, any kind that I know of, and be able to afford to live in Maine, so it is a one-way proposition. People in New Brunswick and Quebec have got mighty fine jobs over here and I am glad they have a lot of them. Of course our relief rolls and unemployment compensation rolls are growing in the process, but we are able to take care of that right here in this session and do a good deed for the working man while we allow these people to come in here and work without contributing anything. Now all I was asking was that they would register their vehicles.

Now you see that reciprocity works very well as long as it is working all in their favor. That is the way I see it.

Another little instance up on the boundary near where I live that doesn't have much to do with it: they have a long strip of water where they fish for salmon; they have a dam and block them off and fish there, and they closed that off to American residents, for



conservation reasons, they said. I suppose they felt that we were better fishermen. It was discrimination against the American sportsmen pure and simple, but that does not have much to do with this particular bill. All this is a little example of the reciprocity which is being practiced.

I thought we were getting along real well before the committee, but all of a sudden the helper, the Deputy Secretary, came in with a couple of fellows from the British Militia and they came in before the committee and told them what a bad situation this would create and I think the committee agreed, because we got a unanimous unfavorable report. Probably it will be just as unanimous when I get done with this windy dissertation on it too, but I do feel that it is worthy of being called to your attention. Everyone seems reluctant today to take anything off the table, and I am trying to do my bit to get things off the table and over there to the other branch so that we can progress properly.

I do know that there are a lot of people who work permanently at Loring Air Base and places like that and who are going back home every night and who do not contribute anything to this state. Maybe that is good.

The Secretary of State said that he soon had to go to Phoenix, Arizona to a meeting on reciprocity. He has been for this all his life and he would hate to go out to Phoenix and tell them that Maine did not have any more reciprocal arrangements. I told him I thought that most of us would agree that would be all right and he might not have to go to Phoenix and we could save the cost of the trip; but it developed that he is going just the same. As I said before, it will probably develop that the unanimous "Ought not to pass" report of the wonderful Committee on Transportation, headed by my very old friend from whatever county that is, Senator Cole, will pass. (Laughter)

But it is a problem in northern Maine and it is particularly applicable, because of our familiarity with it, to people in Quebec and New Brunswick. I feel that so far as the

fellows in New Hampshire is concerned, who works in Maine and has a good job and yet is unwilling to register his car here, that it is a sad state of affairs. If I get a job in New Hampshire and worked more than three months and am not willing to fulfill requirement there, I think that is bad too.

So far as the bill is concerned, what I intended to do was, just for the purpose of registration of vehicles, if people were permanently employed for more than three months of the twelve months next preceding, I said, I would like to have them register their darned car. So I move that we substitute the unanimous "lousy" "Ought not to pass" report of the committee for this bill. (Laughter)

Mr. COLE of Waldo: Mr. President and members of the Senate: I am very disappointed at the distinguished Senator's loss of memory in regard to the county that I represent, but I am quite pleased that he really brought out the fact that maybe this wasn't reciprocity or automobile registration but it might have been some particularly nice fishing up in New Brunswick that brought about the bill. However, I will get right down to the committee report.

The committee went along with the opposition, which was very strong. The Secretary of State did appear. Frank Southard, for the Geryhound Bus Company also appeared. He said that he felt it would have very ill effects on the relationship between the two countries, Maine and New Brunswick. The committee felt that reciprocity, if we believe in it, we should go all the way. The State of New Hampshire and in fact about all the states have passed reciprocity laws and it is working very well.

I might mention the fact that we have uniform reciprocity on the welfare support problem. That has meant much to the State of Maine and to the country as a whole. The committee felt that if we were going to continue reciprocity and if we were going to continue the good relationship that we have with our neighbor states and with our neighboring country that we should continue to do so.

It is true that the Hon. Gordon Fairweather, the Attorney General for New Brunswick, spoke against the bill. He did say that it would be necessary to have retaliatory measures if Maine were to start on a course such as this bill would attempt. The committee felt that where reciprocity is working good and we have good relationships throughout that we certainly did not want to disrupt this by passing the bill, L. D. 1205, sponsored by the Senator from Aroostook, Senator Briggs.

Mr. WYMAN of Washington: Mr. President and members of the Senate: This morning we heard about downgrading streams and about taking steps backward. It seems to me that we have advanced a long ways over the last hundred years in reciprocity, and if we go along and pass this bill we will be taking steps backwards.

Mr. BRIGGS of Aroostook: Mr. President, if there is any way I can make an arrangement with the members of this Senate for support on the previously discussed question, I will withdraw my tremendous enthusiasm for this bill that is under discussion. (Laughter)

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Briggs, that the bill be substituted for the ought not to pass report.

A viva voce vote being had, the motion did not prevail.

Thereupon, the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mr. Bates of Penobscot the Senate voted to take from the table the 26th tabled item being bill, "An Act Relating to Weekly Benefit for Partial Unemployment." (S. P. 72) (L. D. 122) tabled by that Senator on April 3 pending passage to be engrossed; and that Senator moved the pending question.

The motion prevailed and the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table the 22nd tabled item being House Report: Ought to pass as

amended by Committee Amendment A on "Resolve Refunding Motor Vehicles Fees to Certain Canadian Residents." (H. P. 741) (L. D. 1060) tabled by that Senator on March 31 pending acceptance of the report.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: Some of the people that crept across and worked over here and got unemployment compensation and stuff like that were arrested by some of our municipal judicial people, and having been arraigned by the State Police, want their money back, and Maine and this country, always being full of generosity and good feeling for our neighbors, want to give it back to them. (Laughter) I merely had this bill tabled to see how it would apply to the other one that would require them to register legally. Evidently they haven't been doing so. I think that the best thing I can do is to move that we now accept the "Ought to pass" report.

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

The motion prevailed, the ought to pass report was accepted in concurrence, the bill read once, Committee Amendment A read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 24th tabled item being Senate Report from the Committee on Judiciary: Ought not to pass, on "Resolve Authorizing Ronald and Nancy Bradstreet of Beverly, Massachusetts, to Sue the State of Maine."

Mr. CARPENTER of Somerset: This is a resolve authorizing Ronald and Nancy Bradstreet of Beverly, Massachusetts, to sue the State of Maine. I had a previous bill in for a claim on this particular item, and in view of the fact that I have lost my list of the injuries and the trousseau and so forth, and knowing full well that if I had it here and enumerated them over again I might arouse some of the instincts of these legislators, I therefore move the pending question.

Thereupon, the ought not to pass report was accepted.

Sent down for concurrence.

The PRESIDENT: The Chair would like to welcome to the Senate Chamber fifty children from the 4th, 5th and 6th grades of Emerson School in North Jay, accompanied by their principal, Mr. Ernest Hughes and their teacher, Mrs. Virginia Donald. On behalf of the Senate it is a privilege to be able to welcome you young folks here this morning and we sincerely trust that you will enjoy your visit here to the State House and find it instructive, entertaining and profitable. I know the entire membership of the Maine State Senate joins me in extending a very hearty and cordial welcome to all of you folks.

On motion by Mr. Ross of Sagadahoc, the Senate voted to take from the table the 27th tabled item being Senate Reports from the Committee on Election Laws: Majority Report, ought not to pass; Minority Report, Ought to pass, on bill, "An Act Relating to Alternative Methods of Nominating Candidates." (S. P. 423) (L. D. 1219) tabled by that Senator on April 8 pending acceptance of either report.

Mr. ROSS of Sagadahoc: Mr. President, I am sure that all of the Senators know a great deal about nomination papers and their tremendous nuisance today. Not only is it a nuisance for candidates but it also is an inconvenience to ask other persons to pass these nomination papers around, because at the present time even after they are passed around and signed they do not mean too much, because they are signed and notarized and sent up here to the Secretary of State and his office gives them just a cursory check because he has no other means available to do otherwise. I say not only are they a nuisance but sometimes it is outright fraud.

Before the committee, the Deputy Secretary of State, Mr. MacDonald appeared, and he had a nomination paper with him and on that nomination paper were the names of some fifty persons all signed in the same handwriting, and you did not need to be an expert to realize that some-

body had just sat down with a telephone book and signed a bunch of names. They picked that up, of course, because it was so obvious, and they had that paper thrown out.

Now the first suggestion was that we should do away with nomination papers and have a filing fee, but many were against this for two reasons: first of all because of the publicity that nomination papers have as you get them around your city or county, and also for the public relations feature. Furthermore, it was not logical to make just a financial stipulation the basis of running, and certainly just the person who could afford to pay a fee should not be the only one to appear on the ballot. We could not do away with papers in their entirety and have nothing, because then everybody would be appearing on the ballots if they had no check whatsoever. So the suggested solution was prepared, and that was that for a nominal amount the city and town clerks should certify the names appearing on these nomination papers.

Now this bill gives an alternative method: either you can certify your intention of running by filing a nomination fee, which is a modest fee, or you can circulate these same papers and have the same required names as appear now, but they must be certified by the town clerk.

Before the Election Laws Committee this bill received a lot of support. Only one person appeared in opposition. I was surprised to see the bill come out with a seven to three report in opposition to it.

Mr. President, I now move acceptance of the minority report.

Mr. WOODCOCK of Penobscot: Mr. President, I rise in opposition to the motion of the Senator from Sagadahoc, Senator Ross, and when I finish I will make a motion for myself.

Over the years in the State of Maine in elections the way to get on the ballot has been, as we all know, to circulate nomination papers. It may be from time to time that names are placed on those papers which perhaps should not be there. The fact, I think, of a small fraction of incorrect names being placed on these papers does not denigrate

the underlying principle and value of circulating nomination papers.

This bill would make that procedure still possible and it would add to it a five-cent cost for certification of each name. This would not run up very high to be sure, but it would add something. But more important than that, I think, is the broad alternative that it offers to those candidates who may be more financially able than others in that it offers to them an opportunity in the alternative, by the payment of certain fees, to get on the ballot by merely so doing. For example, quoting from L. D. 1219: "Certificates of intention to seek the nomination for the office of representative to the legislature shall be accompanied by a fee of fifteen dollars; for the office of State senators and county offices a fee of twenty-five dollars; for the office of representative to Congress, a fee of two hundred dollars; and for the office of United States Senator or Governor a fee of five hundred dollars."

That was the chief objection that those of us who voted in the majority had, as I understand it, to the passage of this alternative method bill, chiefly, as I say, based on the alternative method that would give, I think, a bit of an edge to a person who was a little bit better off than his alternate. That was enough, in my mind at least, to cast a doubt on the merit of this bill. I move, Mr. President, that this bill be indefinitely postponed.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: As one of the signers of the minority "Ought to pass" report, I take this opportunity of making a few remarks in justification of the position which I took.

I personally feel that the alternative method is something which should be added into the law. If this law is passed and you do not choose to get nomination papers, the process with which we are all very familiar, if you happen to be running for this position here of Senator it would cost you twenty-five dollars under the terms of this act. I personally on practically any occasion would choose that system rather than to attempt to prevail on friends and others to circulate nomination papers around. I know that

many times they are not handled properly; names are placed on them illegally, which I know to be true, and in many cases they are not handled properly, and the person who makes the certificate certifies person who certifies to the names when as a matter of fact they may have left the certificate on some counter in a grocery store or a clubroom or somewhere, and the person who certifies to the names on many occasions does not know the truth of the allegation which he is making, that they are bona fide signatures. That has been revealed too many times. Certainly I approve of that alternative.

So far as the five cents per name for certification is concerned, I assume that would be justified to pay for the added clerical work required by the various clerks in certifying names under the other process. I think it is something of a progressive move and is a step in the right direction. It does not prevent anybody from using nomination papers if he would like to, and at the same time it gives others the opportunity of following the process of getting a certificate. Personally, I think it is a good measure, and I strongly urge you to vote for the minority report.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I certainly am in favor of this alternative method of filing nomination papers and filing intentions to run for an office.

Four years ago I met our Deputy Secretary of State, Paul MacDonald, and asked him if there was not some other method whereby we could file our intentions to run for office, and he said there was not.

To me, this is a move in the right direction. There are those who want to file nomination papers and those who do not. I hesitate to give nomination papers to my friends who might feel that they were doing me a favor by going around and getting names. On some of these nomination papers some of the names are probably not authentic; perhaps they are not registered voters, or they may be registered in some other party. I think this is a step in the right direction, and I hope that motion made by the Senator from Sagadahoc, Senator Ross, prevails.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Woodcock, that the bill and both committee reports be indefinitely postponed.

Mr. MacDonald of Oxford: Mr. President and members of the Senate: It is the implication in the bill that I strongly oppose. It seems to me that every qualified citizen of the State of Maine should have the right to run for office without having to buy their vote. The very implication of having to buy it I think is wrong. Of course you can take the other system laid out here of nomination papers, but is there any guarantee that the nomination papers under this bill are any better than the ones we have been using down through the years. Of course there are mistakes made and things done wrong, not only in this but in everything. That is why we have criminal courts. If everybody was doing what they should do there would be no necessity for having them. So I support the motion to indefinitely postpone.

Mr. HUNT of Kennebec: Mr. President, there is one point on this matter that I do not think has been brought out yet which might be worth considering, and that is this: that oftentimes candidates would like to run who do not have the support of their own party or their own group, and when they have to take out nomination papers they soon discover that they do not have the minimum of the necessary support they need and they drop out. In this way, all they have to do is file a certain amount of money with the clerk in order to be on the ticket, and they may be sometimes men who just do not have a chance. I think one of the benefits in having these nomination papers passed around is that they do show potential candidates whether or not they have a reasonable amount of support. I think that is worth thinking of here. If it is simply going to be required that you file a certain amount of money, I think you may have an excess of candidates on the tickets, some of whom would not be able to get the required number of names on these nomination papers.

Mr. FARLEY of York: Mr. President, will you have the Secretary read the committee reports and the names of those who signed.

The PRESIDENT: The Secretary will read the committee reports.

(The committee reports were read by the Secretary)

Mr. WOODCOCK of Penobscot: Mr. President, in the race for nomination of political candidates, it seems just to me that insofar as it is possible at the start of the race every candidate should be at the same point, and even though fifteen or twenty-five dollars so far as the legislative offices go may seem to be a great deal of money, there are cases where certainly it would make quite a lot of difference. Even though it is only a slight edge granted to those who are in a happy enough position financially to have that money to present easily, I think that we should just leave things as they are and wipe out even this small advantage as it might be in some cases.

Mr. ROSS of Sagadahoc: Mr. President, I have just a few comments.

Although this went before the Election Laws Committee and although some people may believe that it is partisan, I think the way that committee report was signed shows that it is not a partisan thing at all.

In answer to the Senator from Kennebec, Senator Hunt—he said there were persons who could not get enough names so that they would file the fee—he certainly must be thinking of persons running for the major offices, because if a person cannot get the very few names required for a member of the House of Representatives or a member of this body then he would have absolutely not right to be running for office at all. As far as the other names go, the persons who run for Congress, United States Senator and Governor do have to have quite a lot of names, but under this suggestion they also would be paying quite a few dollars if they elected this method.

Senator MacDonald said that the implication was there that a person had to have money to run. That implication is not here at all, in my

mind. If a person filed this fee and if he were politically astute and if he aspired to political office he would still file these nomination papers to get his name around his city or county beforehand. And I think that point is a point I should mention in reply to the Senator from Penobscot, Senator Woodcock, when he said that the man who filed the fee would have a start ahead. I do not believe that at all. I think the person who went out and did legwork and got these nomination papers signed would be the person who had a start ahead. But, as I said in my opening remarks, when you sign these papers and the names do not mean anything after you sign them it just doesn't make sense to me.

To answer Senator MacDonald again when he asked if this method would prove that we were doing any better, I say it certainly would, because the city and town clerks would have rosters of registered Republicans and Democrats and they would check the names against the roster.

Mr. DUNN of Kennebec: Mr. President, as a member of the Committee on Election Laws, I might say that one thing we considered was the fact that we have a two-party system now, and that if we allow a man to get in by paying a fee, although he is nominally enrolled as a Republican or as a Democrat, he might be a communist or anything else. I think that is one of the things that we considered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Woodcock, to indefinitely postpone the bill and reports.

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

A division of the Senate was had. Seventeen having voted in the affirmative and eleven opposed, the motion to indefinitely postpone prevailed.

Sent down for concurrence.

The PRESIDENT: At this time it is a privilege for the Chair, on behalf of the State Senate, to welcome to the Senate Chamber this morning the members of the 7th and 8th grades of the grammar school in

Friendship, accompanied by their teacher, Mr. Frieder. I know all the members of the Senate join me in welcoming you folks here this morning. We trust you young people will enjoy your observances of the Senate as it proceeds here in the Senate Chamber. We trust you will profit by it educationally and from a point of view of interest. On behalf of the Senate, a cordial and hearty welcome to you all.

The Chair would remind the Senate once again that a proper Senate procedure is that after an item has been taken from the table, the Senator should make the motion he has in mind and then address his remarks to that motion. Otherwise the Senator should request unanimous consent to address the Senate.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table the 47th tabled item being, Senate Report from the Committee on Appropriations and Financial Affairs: Ought not to pass on "Resolve Appropriating Moneys for Private Hospital Aid to Medically Indigent." (S. P. 268) (L. D. 730) tabled by that Senator on April 17 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table the 53rd tabled item being House Report from the Committee on Appropriations and Financial Affairs: Ought to pass as amended by Committee Amendment A, on bill, "An Act Providing for a State Tuberculosis Annex to Community General Hospital in Fort Fairfield." (H. P. 890) (L. D. 1259) tabled by that Senator on April 22 pending acceptance of the report; and on further motion by the same Senator, the ought to pass report was accepted in concurrence, the bill read once, Committee Amendment A read and adopted in concurrence, and the bill as amended tomorrow assigned for second reading.

On motion by Mr. Cole of Waldo Adjourned until tomorrow morning at nine-thirty o'clock.