

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

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SPECIAL SESSION
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DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

May 15, 1959

Senate called to order by the President.

Prayer by Rev. Lawrence Littlehale of Gardiner.

On motion by Mr. Bates of Penobscot,

Journal of yesterday read and approved.

The PRESIDENT: At this time it is the Chair's pleasure to invite another distinguished member of the Maine Senate to preside as President pro tem during a portion of today's session. The Chair would ask the Sergeant-at-Arms to escort the Senator from Waldo, Senator Cole, to the rostrum.

This was done amidst the applause of the Senate and Mr. Cole of Waldo assumed the Chair, the President retiring.

Order

On motion by Mr. Woodcock of Penobscot, out of order and under suspension of the rules

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 18, at four o'clock in the afternoon. (S. P. 495)

Which was read and passed.
Sent down for concurrence.

Papers from the House

Bill, "An Act Relating to Source of Supply of Bangor Water District." (S. P. 476) (L. D. 1342)

In Senate on May 12, indefinitely postponed.

Comes from House, passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Hillman of Penobscot, the Senate voted to insist on its former action and ask for a Committee of Conference.

Bill, "An Act Relating to Fishing for White Perch." (H. P. 88) (L. D. 135)

In Senate on May 13, passed to be engrossed in non-concurrence.

Comes from the House, that body having Adhered to its former action whereby the bill was passed to be engrossed as amended by House Amendment A (Filing No. 16)

Mr. PARKER of Piscataquis: Mr. President, I move that the Senate recede and concur.

Mr. HILLMAN of Penobscot: Mr. President, in the absence of the Chairman of the Inland Fish and Game Committee, and also Senator Briggs, I move that this bill be tabled.

The motion prevailed and the bill was tabled pending motion by Senator Parker of Piscataquis to recede and concur.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve in Favor of Grand Falls Hospital, Grand Falls, New Brunswick." (H. P. 483) (L. D. 701) reported; that the Senate recede from its action whereby the Minority Report was accepted, accept the Majority Report, and pass the Resolve to be engrossed as amended by Conference Committee Amendment A (Filing No. 376); that the House recede from its action whereby the Resolve was passed to be engrossed, and pass it to be engrossed as amended by Conference Committee Amendment A.

Comes from the House, report accepted and the Resolve passed to be engrossed as amended by Conference Committee Amendment A.

In the Senate, the Conference Committee report was accepted; the Senate voted to recede from its former action whereby it accepted the Minority report; the Majority report was accepted and the bill read once; Conference Committee Amendment A was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed as amended.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Exempting Certain Fraternal Societies from Property Taxes." (S. P. 473) (L. D. 1338) reported; that both branches recede and concur in adopting Conference Committee Amendment A (Filing No. 370) submitted herewith and pass the bill to be engrossed as

amended by Conference Committee Amendment A.

In Senate on May 13, report accepted and bill passed to be engrossed as amended by Conference Committee Amendment A.

Comes from the House, report rejected in non-concurrence; new Committee of Conference asked.

The Speaker appointed as conferees on the part of the House:

Representatives:

TREWORGY of Orono
CHRISTIE of Presque Isle
WALSH of Verona

In the Senate, on motion by Mr. Pierce of Hancock, the Senate voted to insist on its former action and join in a new Committee of Conference.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the problems of the Department of Health and Welfare concerning its inability to fill certain administrative positions within the department with particular attention to the position of Director of Health; and be it further

ORDERED, that the Legislative Research Committee report the results of its study to the 100th Legislature. (H. P. 965)

On motion by Mr. Woodcock of Penobscot, tabled pending passage.

House Committee Reports Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Construct a Women's Dormitory at the Aroostook State Teachers' College." (H. P. 378) (L. D. 561) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Construction and Installation of Certain Capital Improvements at State Teachers' Colleges and Fort Kent Normal School." (H. P. 891) (L. D. 1260) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

Ought to Pass — N.D.

The same Committee on Bill, "An Act Relating to Completion of Jo-

sias River Project in Ogunquit." (H. P. 708) (L. D. 1013) reported same in New Draft (H. P. 964) (L. D. 1368) under same title, and that it Ought to pass.

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

Ought to Pass — as Amended

The same Committee on "Resolve Appropriating Moneys for a Sprinkler System in Andrews and Robie Halls at the Gorham State Teachers' College." (H. P. 471) (L. D. 689) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 372)

The same Committee on "Resolve Appropriating Moneys for Construction of Enclosures for Stairwells in Corthell, Robie and Andrews Halls at Gorham State Teachers' College." (H. P. 786) (L. D. 1118) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 371)

Which reports were read and accepted in concurrence and the resolves read once. Committee Amendments A were read and adopted in concurrence, and the resolves as so amended were tomorrow assigned for second reading.

Ought to Pass — N.D.

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Relating to Licensing and Safety in Operation of Boats." (S. P. 79) (L. D. 151) reported same in New Draft (S. P. 494) (L. D. 1374) under same title, and that it Ought to pass.

On motion by Mr. Weeks of Cumberland, tabled pending acceptance of the report.

Ought to Pass — as Amended

The same Senator from the same Committee on Bill, "An Act to Correct Errors and Inconsistencies in Public Laws." (S. P. 403) (L. D. 1171) reported that the same Ought to pass as amended by Committee Amendment A.

Which report was read and adopted and the bill read once. Committee Amendment A was read and adopted.

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

Senate Amendment A was adopted, and the bill as amended was tomorrow assigned for second reading.

Mrs. Lord from the Committee on Public Health and Mr. Ross from the Committee on Welfare on Report of the Pilot Study of the Department of Health and Welfare by the Anderson - Nichols Company, jointly report: "The committees accept the report and suggest that it be placed on file. The Committees further recommend that the Department of Health and Welfare give the Anderson - Nichols conclusions and recommendations due consideration and adopt those which appear to be feasible and practical within the limits of the resources of the department. In addition the committees further recommend that under Section IV page 7 of the report that the Department exert all possible effort to fill the five key administrative positions which are vacant at the present time. The Department of Health and Welfare will report progress made in compliance with these recommendations to the Governor and Council and Representatives and Senators elect to the 100th Legislature prior to January 1, 1961.

Which was read and accepted and ordered placed on file.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to National Defense Education Program." (H. P. 383) (L. D. 566)

Bill, "An Act Relating to Disposition of Income on Public Administrator's Funds." (H. P. 431) (L. D. 637)

Bill, "An Act Relating to Contributions Under Maine Employment Security Law." (H. P. 500) (L. D. 713)

Bill, "An Act Establishing a State Committee on Children and Youth." (H. P. 516) (L. D. 751)

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

House — as Amended

Bill, "An Act Providing for an Executive Secretary for the Highway Safety Committee." (H. P. 369) (L. D. 536)

Bill, "An Act Reactivating the Committee to Review the Settlement Laws." (H. P. 381) (L. D. 564)

Bill, "An Act Appropriating Moneys for Municipal Planning Assistance." (H. P. 737) (L. D. 1056)

Bill, "An Act Relating to Non-lapsing Funds of Present Biennium for Armory Repairs and Expansion." (H. P. 827) (L. D. 1178)

"Resolve, Appropriating Funds to Public Utilities Commission for Water Resources Investigations." (H. P. 713) (L. D. 1018)

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

House — as Amended (non-concurrent)

Bill, "An Act Relating to Tolls on Bridge Across Jonesport Reach." (H. P. 190) (L. D. 282)

Bill, "An Act Revising Election Provisions in Charter of City of Lewiston." (H. P. 844) (L. D. 1207)

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

Sent down for concurrence.

Senate

Bill, "An Act to Reactivate the State Committee on Educational Television." (S. P. 493) (L. D. 1371)

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 Correcting Certain Inconsistencies in the Probation and Parole Law." (H. P. 290) (L. D. 437)

Bill, "An Act Relating to Appeals from Interlocutory Decrees." (H. P. 792) (L. D. 1124)

Bill, "An Act to Clarify the Excise Tax on Aircraft, House Trailers and Motor Vehicles." (H. P. 949) (L. D. 1345)

Bill, "An Act to Authorize Enfield, Greenbush, Greenfield, Howland, Maxfield, Passadumkeag, LaGrange and Seboeis Plantation to Form a School Administrative District and to Authorize North Berwick and South Berwick to Form a School Administrative District." (H. P. 960) (L. D. 1362)

(On motion by Mr. Rogerson of Aroostook, placed on the Special Appropriations Table pending enactment.)

Which bills were passed to be enacted.

Emergency

Bill, "An Act to Authorize the Municipalities of Farmingdale and Hallowell to Form a School Administrative District and the Municipalities of Bingham, Caratunk Plt., Moscow, The Forks Plt., and West Forks Plt. to Form a School Administrative District." (H. P. 959) (L. D. 1361)

(On motion by Mr. Rogerson of Aroostook, placed on the Special Appropriations Table pending enactment.)

Emergency

Bill, "An Act Empowering the Supreme Judicial Court to Promulgate Rules." (S. P. 487) (L. D. 1359)

Which bill, being an emergency measure, and having received the affirmative vote of 24 members of the Senate, was passed to be enacted.

Bill, "An Act Concerning Liability of Parents for Damage by Children." (S. P. 58) (L. D. 91)

In Senate on April 29, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment B (Filing No. 374) in non-concurrence.

In the Senate, on motion by Mrs. Lord of Cumberland, the Senate voted to recede and concur.

CONSTITUTIONAL AMENDMENT
"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 May 8, passed to be engrossed as amended by Committee Amendment A.

Comes from the House, on final passage, indefinitely postponed in non-concurrence. (Motion to reconsider lost)

In the Senate, on motion by Mr. Ross of Sagadahoc, tabled pending consideration and especially assigned for Tuesday next.

At this point, the President assumed the Chair, Mr. Cole of Waldo retiring, amidst the applause of the Senate.

The PRESIDENT: The Chair wishes to thank the distinguished Senator from Waldo for his very excellent services presiding as President pro tem during a portion of this morning's calendar.

Orders of the Day

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the 22nd tabled item being, Senate Report from the Committee on Taxation: Ought to pass in New Draft (S. P. 448) (L. D. 1301) under same title on bill, "An Act Amending the Gasoline Tax Act with Respect to Aviation Fuel." (S. P. 123) (L. D. 271) tabled by that Senator on April 14 pending acceptance of the report; and on further motion by the same Senator, the ought to pass report was accepted, the bill read once, and tomorrow assigned for second reading.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table the 77th tabled item being House Report from the Committee on Appropriations and Financial Affairs: Ought to pass as amended by Committee Amendment A on "Resolve, Providing Matching Funds for Federal National Defense Education Allotments." (H. P. 580) (L. D. 827) tabled by that Senator on May 14 pending acceptance of the report.

Mr. DOW: Mr. President, having had the approval of the Committee on Appropriations, I now move that this be recommitted to the Com-

mittee on Appropriations and Financial Affairs, in non-concurrence.

The motion to recommit prevailed.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table the 82nd tabled item being Senate Reports from the Committee on Appropriations and Financial Affairs: Majority report, Ought to pass; Minority report, Ought not to pass, on bill, "An Act Directing a Study of Property Tax Administration." (S. P. 129) (L. D. 324) tabled by that Senator on May 14 pending acceptance of the report; and that Senator yielded to the Senator from Hancock, Senator Pierce.

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

Thereupon, the Senate voted to accept the majority report, ought to pass, and the bill was read once; Senate Amendment A was read and adopted and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. MacDonald of Oxford, the Senate voted to take from the table the 23rd tabled item, being bill, "An Act Relating to State Owned Automobiles for Liquor Inspectors." (S. P. 420) (L. D. 1204) tabled by that Senator on April 14 pending second reading.

Mr. MacDONALD of Oxford: Mr. President, I now move the indefinite postponement of this bill, and my reasons for so moving are these: I called the Liquor Commission to get what information I could on it and they told me that at the present time they are paying inspectors for their private cars 8 cents a mile for the first five thousand miles and then 6 cents a mile for all travel above that. If this bill is passed, they inform me that they expected to buy first six cars but eventually would have to have a total of eighteen or twenty, and that it would require additional funds from the capital allotment of \$11,000 which we would have to give them right off to buy the six cars, and I believe that it is cheaper for the State to pay their inspectors what we are now paying.

The Liquor Commission man I was talking to told me that the Chief Inspector, I think they call him Murphy, thought they could operate state cars for between four and five cents a mile. I asked his opinion on that, and, of course, like all heads of departments, he did not want to give a direct answer and I do not blame him, but from his conversation he didn't believe it either.

Now it seems to me that if we operate those cars they will be in different parts of the state and we will have to pay for repairs if they are necessary, and you know what generally happens so far as repairs are concerned when a garage gets something to do on a car and the state is paying. Believe me, you have to pay. I think it is far cheaper for the State to continue on doing business as they are, and that is the reason I make the motion.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I rise in opposition to this motion.

At the committee hearing substantial evidence was given to us of where the State of Maine would save a considerable amount of money by buying cars for the liquor inspectors. It seems that where any car is driven over twenty thousand miles a year it is cheaper for the State to own these cars. We found that out so far as the Highway Commission is concerned and other departments of state government, that it is much cheaper to own and operate the state cars. So I would say that if we are looking for substantial savings then we certainly should adopt the recommendations of Mr. Murphy, who is the Chief Inspector, and allow that department to buy and operate their own cars. I do not have the figures with me now which indicate this substantial saving, but I do know that those figures were authentic and were presented to us in a good manner. I believe that the other members of this committee certainly would agree with me in the fact that this motion should not be considered.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I was the sponsor of this

legislation. Two years ago the same bill was presented to this legislature and did not pass. However, the Committee on State Government two years ago voted unanimously as they have this year — it was not unanimous, there was one in the minority — but they voted to report it "Ought to pass." The evidence that was presented to us by this inspector was that the cars could be operated for much less than what the actual appropriation is at the present time for travel. In other words, I think he explained to the committee that they would not ask for any extra transportation money in their budget request. He pointed out that he would use less money than was actually appropriated for travel. The committee felt, in view of that, that there would be a saving on transportation.

I recall two years ago I sat on the committee and the Chief Inspector testified that at least one of the inspectors had traveled 58,000 miles that year and had been paid for 58,000 miles of travel. A member of the committee sat down while the testimony was being given and figured out that on a forty hour week and taking his vacation time and all, that the inspector would have to travel at fifty miles an hour eight hours a day and would not have time to stop if he traveled 58,000 miles in a year. All of them do not get paid for 58,000 miles, but I think if you will look at the records you will find that a good many of them travel twenty-five, thirty-five and forty-five thousand miles every year. Inspector Murphy said that with state-owned cars it would be possible to double up and have two inspectors use one car rather than have each one use his own car. Now I feel that if the liquor inspectors are to receive it as part of their pay that we should give it to them rather than have them receive it in the form of mileage on their automobiles.

One question I asked the Chief Inspector was whether if this bill passed it would increase his appropriation for travel. He said it would not; that the money appropriated for travel now would take care of the situation very well and,

as a matter of fact, there would be a saving and they would not spend that much money on state-owned cars.

I think that is the reason why the committee almost unanimously voted "Ought to pass." I think it will be a saving for the State of Maine and that it will be more efficient to have state-owned cars in this department, and I will vote against the motion of my conferee from Oxford County.

Mr. ROSS of Sagadahoc: A change of events has taken place. Today I am pleased to agree with the esteemed Senator from Androscoggin, Senator Lessard. The only people who are opposed to this legislation are some of the liquor inspectors themselves who at the present time are personally making several thousand dollars a year under the present system. It certainly would be a saving to the State and I am certainly opposed to the motion to indefinitely postpone.

Mr. MacDONALD of Oxford: Mr. President, I am not doing this for any liquor inspector. I think it is a matter for the Senate to consider, and if they think it is cheaper to buy their cars all well and good. But insofar as the money is concerned, a stenographer took down the exact words at the hearing. This would require additional funds in the capital request of \$11,000. That is what they said. I did not think that up, that is exactly the way it was taken down by the stenographer.

Mr. PIERCE of Hancock: Mr. President, I would like to propose a question through the Chair to the Senator from Androscoggin, Senator Lessard: Whether or not there is any truth to the rumor that these cars would be specially painted and whether or not they would be specially marked on both sides with the words "Temperance Patrol" (Laughter)

The PRESIDENT: The Senator from Hancock, Senator Pierce, asks a question through the Chair of the Senator from Androscoggin, Senator Lessard, and the Senator may answer if he chooses.

Mr. LESSARD of Androscoggin: Mr. President, I am sorry I cannot answer that question.

The PRESIDENT: The question is on the motion of the Senator from Oxford, Senator MacDonald, that L. D. 1204 be indefinitely postponed.

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

Thereupon the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: At this time the Chair will appoint Senate members to the Committee of Conference on the disagreeing action of the two branches on L. D. 1338. Senators: Charles of Cumberland, Wyman of Washington and Pierce of Hancock.

In regard to the disagreeing action between the two branches on L. D. 1342, the Chair appoints as Senate members of the Committee of Conference, Senators Hillman of Penobscot, Woodcock of Penobscot and Fournier of York.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 51st tabled item being bill, "An Act Relating to Investment of Certain Charitable Trust Funds." (S. P. 462) (L. D. 1315) tabled by that Senator on April 30 pending enactment; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Mr. WYMAN of Washington: Mr. President, I now move to substitute the original bill for the redraft and my reasons for doing so are the facts that under the present law banks have the right to consolidate trust funds for investment purposes. The original bill proposes to extend this right to hospitals with which I am in agreement. The redraft proposes to extend it to cemetery associations and I think it is a long way from the investment board of a hospital or a bank, to the trustees of a cemetery especially as the state has many small cemetery associations and I think to protect these funds the law should be left as it now is. I have talked with the sponsor of the bill and the Sen-

ate members of the Judiciary Committee and they have no objections.

Thereupon, on motion by Mr. Briggs of Aroostook, the bill was laid upon the table pending consideration.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table the 62nd tabled item being House Report from the Committee on State Government: Ought not to pass, on bill, "An Act Relating to Custody of Maine State Retirement System Securities." (H. P. 220) (L. D. 311) tabled by that Senator on May 6 pending acceptance of the report.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate, in order to indicate the reasons I ask reconsideration of this bill and ask that it be tabled, I would like to review as briefly as I can something about the purpose of this bill, of the purposes of my action. To do that I want to read from a statement which was prepared to tell something of the story behind this action.

"The Maine State Retirement Law vests in a Board of seven trustees the general administration and responsibility of the proper operation of the Maine State Retirement System.

"Since the inception of the law in 1942 the Trustees have consistently adhered to the principle of safety of investment of the trust funds and have always invested these funds in such types of securities as have seemed to them most suitable, always keeping in mind, of course, best possible return on the investments commensurate with the major factor of security.

"As the investment portfolio increased over the years, the Board were more and more conscious of the desirability of having at least the negotiable bonds in the portfolio placed in proper custody in some well equipped financial institution," — they were as you know, stored in the vault downstairs in this building — "some well equipped financial institution in the New England or New York City area as opposed to retaining these bonds in the State House vault. To this end an amendment to the Retirement

Law was enacted by the 1955 Legislature which empowered the Board of Trustees to enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the negotiable securities belonging to the System.

"In this connection bids were submitted to the board of Trustees the latter part of 1955 by several of the major banking institutions in the area, including the Boston Safe Deposit and Trust Company, the Canal National Bank of Portland, the Hanover Bank of New York and the Merchants National Bank of Boston.

"On the basis of the bids submitted, and taking into consideration the important factors of maximum security and required service, the Guaranty Trust Company of New York was awarded the contract by the Board of Trustees.

"In accordance with a provision of the Retirement Law a Council Order was submitted to the Governor and Council early in 1956 asking approval of such an agreement to be entered into as between the Maine State Retirement System and the Guaranty Trust Company of New York.

"This Council Order was returned to the Board of Trustees by the Governor and Council in March of 1956 without approval.

"Again in July of 1957 a second Council Order was submitted to the Governor and Council and this too was returned to the Board of Trustees without approval in August of 1957.

"In line with what appeared to be the wishes of the then Governor and Council, bids were solicited by the Board of Trustees from some twelve major banking institutions in the State of Maine. Bids were submitted by only three of these institutions; namely, the Eastern Trust and Banking Company of Bangor, Canal National Bank of Portland, and the First Portland National Bank.

"On the basis of the bids submitted, the Board of Trustees could see no valid reason for changing their original position with respect

to the desirability of having the Guaranty Trust Company of New York act as the custodian of securities.

"Since there seemed to be a definite stalemate as to where the securities should be stored, as between the Governor and Council and the Board of Trustees, a special committee was designated by the board to study the entire matter, and in October of 1958 this committee made its report to the Board of Trustees indicating that in its opinion some clarification of the authority and responsibility of the Board in this matter should be obtained, presumably by Legislative action.

"A bill was, therefore, introduced into the present session of the Legislature to delete from the Retirement Law that section which required the approval of the Governor and Executive Council of any contract or agreement which might be made by the Board of Trustees with respect to custody of securities.

"This bill was considered by the Committee to which it was referred and came out with an ought not to pass report.

"The report of the Committee having been tabled in the Senate, it apparently seemed desirable for the Board to once again consider the matter of entering into an agreement for custody of its negotiable securities and to that end the Board met in special session on March 23, 1959 and following full consideration of the matter ratified its former action in selecting the Guaranty Trust Company of New York as the institution with which an agreement should be entered into for the custody and servicing of securities."

I now move that the Ought not to pass report of the committee on L. D. 311 be accepted in concurrence.

The motion prevailed.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table Item 1-2 on Page 1, being bill, "An Act Relating to Fishing for White Perch." (H. P. 88) (L. D. 135) tabled by that Senator earlier in today's session pend-

ing motion by Mr. Parker of Piscataquis to recede and concur.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, as a member of the Committee who signed the Majority Ought to pass report, I certainly would oppose the motion of Senator Parker of Piscataquis. Perhaps he was confused in the type of motion he made but now that Senator Briggs of Aroostook is here, I shall yield to him.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, this is the same little gem we have worked on two or three times previously but some of the members came to me and said before the session that they would like to have a little discussion on white perch and this seemed to be the only way we could get it. This is the bill we passed in here and sent along by a vote of 21 to 8, just last Tuesday of this week, and now I would be perfectly willing to accept a motion that we insist and ask for a Committee of Conference if that is what is wanted, but I think that would be the only logical motion.

The PRESIDENT: The pending question is the motion of the Senator from Piscataquis, Senator Parker, that the Senate recede and concur, which motion has precedence over the motion to insist.

Mr. BRIGGS: I recognize, of course, that this is the order, but I am very much opposed to the motion because we have already thoroughly debated this question and have been successful in sustaining our point of view, so I am opposed to the pending motion; but if the gentleman would wish to make the other motion which I referred to and ask for a committee of conference, I would be willing to go along with that. I, too, am very much opposed to this motion by the Senator from Piscataquis, Senator Parker, because I am also a signer of the majority "Ought to pass" report, and, as I say, we have won this question quite satisfactorily already.

Mr. PARKER of Piscataquis: Mr. President, in order that we may have an opportunity to look this over a little more carefully and possibly prepare another amend-

ment, I would move that this lie on the table and be specially assigned for Tuesday next.

Mr. BRIGGS: Mr. President, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that L. D. 135 be laid on the table pending further consideration and be specially assigned for Tuesday next. A division has been requested. As many as favor the tabling motion will rise and remain standing until counted.

A division was had.

Eight having voted in the affirmative and fourteen in the negative, the motion to table did not prevail.

Mr. BRIGGS: Mr. President, I move that the Senate insist on its former action.

The PRESIDENT: The pending question is still on the motion of the Senator from Piscataquis to recede and concur.

Mr. PARKER: Mr. President, I will withdraw my former motion to recede and concur and will make another motion afterward.

The Senator from Piscataquis, Senator Parker was granted permission to withdraw his motion to recede and concur.

Thereupon, on motion by the same Senator, the Senate voted to insist on its former action and ask for a Committee of Conference, and the Chair appointed as Senate members of said committee, Senators Carpenter of Somerset, Briggs of Aroostook, and Hillman of Penobscot.

Mr. Dow of Lincoln was granted unanimous consent to address the Senate.

Mr. DOW: Mr. President and members of the Senate: Just for a couple of minutes, I would like to talk about a dead bill, at least it is quite dead, and I refer to Item 1-6 on Page 2, Bill, "An Act Appropriating Moneys to Construct a Women's Dormitory at the Aroostook State Teachers' College." I do this not for the purpose of trying to revive it but to point out a situation which has occurred from time to time, and I think we should give

some thought to similar situations that might occur in the future.

Here is a case where the previous legislation appropriated money to install a new course in the curriculum of one of our State Teachers Colleges and provided the facilities for it. Because of that appropriation for and the installation of this new course in this State Teachers College it is bringing about an increase in applications from students throughout the State to go to school and thereby increasing the enrollment. Now the situation will exist where the school has a new major course added to its curriculum and no dormitory facilities for accommodating the students who want to go to that school and take advantage of this new course.

The bill referred to here was asking for a dormitory to take the students who are now applying to get into the school to take advantage of the course which was given to the school by a previous legislature. I can see that the reverse could be true also and probably has been before, where a previous legislature has approved and appropriated money to build a dormitory in the school, and, as a result of that, in a few years time, or shortly after the construction of the new dormitory, it was necessary to provide additional teaching staff and additional teaching facilities to supply the new students who came to occupy the new dormitory.

I point this out merely for the reason that I think it is important that when appropriations of this type are made that we try to give a little more foresight as to the repercussions that may be produced by an action of this type.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate, under suspension of the rules I ask unanimous consent to introduce a bill and I would like to speak briefly in explanation of my action.

To preface my remarks, I want to say that I have consulted with the minority floor leader and his assistant in this matter and have received their approval.

This matter came to our attention yesterday, and it involves six hun-

dred thousand dollars which the United States of America is prepared to spend in the State of Maine to construct a building for the Maine Employment Security Commission. This sum of money would be used, as I say, for construction and also for purchase of a site and for the razing of any buildings that might be on this site. These funds must be obligated by August 28, 1959 or they will become unavailable. The Commission has been unable to acquire the necessary land and also will be unable to have the necessary plans completed in time to award a contract by that date. The Commission itself is now in the process of negotiating for land in the vicinity of the State House and expects to purchase the same in the near future. It is necessary, as I say, to appropriate funds which have been credited in the unemployment trust fund to Maine under Title IX of the Social Security Act, as amended, in order for the Commission to have ample time to negotiate for the construction of a building. If this money is not reappropriated the State of Maine will lose a building which will be paid for by the Federal Government.

I just want to read an excerpt from a letter from Arthur C. Gernes, Regional Director, Bureau of Employment Security, U. S. Department of Labor:

"As indicated in our telephone conversation today, we suggest that you proceed immediately to purchase the land under your present appropriation at the same time securing the enactment of a completely new appropriation for the construction of a building. There is nothing in the Federal law which requires the completion of a building project under one appropriation. As long as it is clear that the Reed Act funds are to be expended on a building which will be utilized by the employment security agency, the project may be undertaken in phases under two or more appropriations.

"Preliminary steps, such as the architect's services and the purchase of land may be completed under one appropriation and the building constructed under another appropriation. It should be recognized,

however, that in accordance with sub-paragraph (C) of section 903 (c) (2), no expenses under the second appropriation act may be incurred prior to its date of enactment. Thus expenses for architectural services or land purchase incurred prior to the date of enactment of the second appropriation act could not be covered in the second act."

It will be necessary for us to act now if we want to take advantage of this federal fund which will build us a new Employment Security Commission building. I do not think this would hold up for one second the day of final adjournment which both branches I know are working toward as swiftly as they seem to be able to move, and I do not believe it would be necessary to have this bill referred to one of the joint standing committees. I think I have made the motion, Mr. President, and I hope it is successful.

The PRESIDENT: The Secretary will read the title of the bill.

The SECRETARY: "An Act relating to Construction of a Building for Maine Unemployment Security Commission."

There being no objection, the bill was received by unanimous consent and under suspension of the rules was given its two several readings and passed to be engrossed without reference to a committee.

Sent down for concurrence.

Mr. PIERCE of Hancock: Mr. President, may I inquire if L. D. 1204, bill, "An Act Relating to State Owned Autos for Liquor Inspectors" is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is, having been passed to be engrossed earlier in today's session.

Mr. PIERCE: Mr. President, I now move that this lie upon the table.

The PRESIDENT: Does the Senator wish to move that the Senate reconsider engrossing?

Mr. PIERCE: I so move, Mr. President.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Pierce, that the Senate reconsider its action taken early in today's session whereby L. D. 1204 was passed to be engrossed.

Mr. HILLMAN of Penobscot: Mr. President, may I ask for a conference with Mr. Pierce of Hancock, at the rostrum?

The PRESIDENT: The Senate will be at ease.

Thereupon, Mr. Pierce of Hancock was granted permission by the Senate to withdraw his motion for reconsideration of the passage to be engrossed of L. D. 1204.

On motion by Mr. Woodcock of Penobscot,

Adjourned until Monday next at four o'clock in the afternoon.