

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, March 26, 1943

The Senate was called to order by the President.

Prayer by the Reverend Edwin Cunningham of Augusta.

Journal of yesterday read and approved.

Order

On motion by Mr. Elliot of Knox, out of order and under suspension of the rules, it was

ORDERED, that when the Senate and House adjourn at the close of this week's session, they adjourn to meet on the forenoon of Monday, March 29th, 1943, at 11:30 o'clock. (S. P. 475)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

From the House

Bill "An Act Relating to Conveyances of Municipal Airport Lands to the United States of America." (H. P. 1306) (L. D. 824)

Bill "An Act Amending An Act to Incorporate the Brunswick Village Corporation." (H. P. 1307) (L. D. 825)

Bill "An Act Relating to the Election of the School Committee of the Town of Brunswick." (H. P. 1308) (L. D. 826)

Which bills were severally received by unanimous consent, and under suspension of the rules given their two several readings and passed to be engrossed without reference to a committee, in concurrence.

House Committee Reports

The Committee on Salaries and Fees on Bill "An Act Relating to Compensation of Judge of Probate of Lincoln County," (H. P. 264) (L. D. 169) reported that the same ought to pass as amended by Committee Amendment "B".

Comes from the House passed to be engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" thereto.

In the Senate, the report was read and accepted in concurrence

and the bill was given its first reading. Committee Amendment B and House Amendment A thereto were read and adopted in concurrence, and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in concurrence.

The Committee on Agriculture on Bill "An Act Permitting the Department of Agriculture to Encourage and Promote Farming During the Present Emergency and Provide for the Rehabilitation of Farm Families After the War." (H. P. 1241) (L. D. 741) reported that legislation thereon is inexpedient.

The same Committee on Bill "An Act Relating to Payment for Reactors to Bangs Disease," (H. P. 1065) (L. D. 555) reported that the same ought not to pass.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Damage by Deer or Moose," (H. P. 930) (L. D. 484) reported that the same ought not to pass.

The same Committee on "Resolve Appropriating Funds for Payment of Claims for Damages Done by Protected Wild Animals," (H. P. 931) (L. D. 483) reported that the same ought not to pass.

The Committee on Claims on "Resolve, in Favor of Peter Limberis, of Bangor," (H. P. 443) reported that the same ought not to pass.

The same Committee on "Resolve, to Reimburse the Town of Troy for Money Expended for Snow Removal," (H. P. 276) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Kennebec Towage Company, of Bath, Maine," (H. P. 128) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Maine Freightway's of Portland, Maine," (H. P. 1078) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Clifford E. Bowen, of Orrington, and General Insurance Corporation, of Portland," (H. P. 1081) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Gerald Duffy, of Sherman, and the General Insurance

Corporation of Portland," (H. P. 529) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Herbert York, of Oakland," (H. P. 79) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of B. L. Taylor, of Farmingdale," (H. P. 283) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Charles Darrington, of Canton," (H. P. 895) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Private Nuisances," (H. P. 1121) (L. D. 586) reported that the same ought not to pass.

The Committee on Labor on Bill "An Act Regulating Employment of Females," (H. P. 797) (L. D. 380) reported that the same ought not to pass as it is covered by other legislation.

The Committee on Library on "Resolve for the Purchase of One Hundred Copies of 'History of Hartford, Maine'," (H. P. 811) (L. D. 390) reported that the same ought not to pass.

The Committee on Public Utilities on Bill "An Act Providing for Inspection of Gas and Electric Meters," (H. P. 1184) (L. D. 661) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Salary of the State Auditor," (H. P. 1206) (L. D. 685) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Salaries of State Employees," (H. P. 1225) (L. D. 717) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer," (H. P. 1225) (L. D. 712) reported that the same ought not to pass.

(On motion by Mr. Varney of York, tabled pending acceptance of the report in concurrence.)

The same Committee on Bill "An Act Relating to Taxation of Rural Electrical Cooperatives," (H. P. 1207) (L. D. 684) reported that the same ought not to pass.

(On motion by Mr. Haskell of Penobscot, tabled pending acceptance of the report in concurrence.)

The same Committee on "Resolve to Create a Legislative Recess Committee to Study the State Mill Tax," (H. P. 1228) (L. D. 714) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Taxation of Owners of Parlor Cars," (H. P. 971) (L. D. 500) reported that the same ought not to pass.

The Committee on Ways and Bridges on Bill "An Act Relating to Removal of Trees, Shrubs and Weeds from Third Class Roads, by State Highway Commission," (H. P. 354) (L. D. 267) reported that the same ought not to pass.

The same Committee on "Resolve to Re-establish and continue in Effect the State Highway Planning Survey and Planning Survey Committee, as Created by Chapter 135 of the Resolves of 1937," (H. P. 918) (L. D. 530) reported that the same ought not to pass.

The Committee on Welfare on Bill "An Act Relating to the Assessment on Towns for Aid to Dependent Children," (H. P. 51) (L. D. 32) reported that the same ought not to pass.

The Committee on Public Health on Bill "An Act Relating to the Control of Venereal Diseases," (H. P. 1153) (L. D. 608) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to Alternative Method of Enforcement of Tax Liens," (H. P. 564) (L. D. 301) reported the same in a new draft (H. P. 1301) (L. D. 830) under the same title, and that it ought to pass.

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

The Committee on Legal Affairs on Bill "An Act Relating to Powers of Police Commission of the City of Augusta," (H. P. 756) (L. D. 405) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Inspections and Recounts in Municipal Elections," (H. P. 800) (L. D. 382) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and under suspension of the rules, the bills as amended were given their two several readings and passed to be engrossed in concurrence.

The Majority of the Committee on Public Health on Bill "An Act Relating to Waiving of Pre-Marital Blood Tests," (H. P. 967) (L. D. 498) reported that the same ought not to pass.

(Signed)

Senators:

Townsend of Penobscot
Farris of Kennebec
Brown of Aroostook

Representatives:

Longstaff of Crystal
McFadden of Pembroke
Deering of Bath
Stephenson of Union
Sayward of Kennebunk
Downs of Rome

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

(Signed)

Representative:

Clough of Bangor

Comes from the House, the Majority report, "Ought Not to Pass" read and accepted.

In the Senate, on motion by Mr. Townsend of Penobscot, the Majority report "Ought Not to Pass" was accepted in concurrence.

Communication

STATE OF MAINE
Senate Chamber
Augusta

March 25, 1943

To the Senate
91st Legislature
Augusta, Maine.

Gentlemen:

Pursuant to the Joins Rules, I herewith submit a list of bills and resolutions. These were presented

by me to the President of the Senate for his signature at 12.30 P. M., March 25, 1943. These bills and resolutions were signed by the President at 4.47 P. M., March 25, 1943. These bills and resolutions were presented by me to the Governor at 4.55 P. M., March 25, 1943.

Respectfully yours,

ROYDEN V. BROWN,

Secretary of the Senate.

Passed to Be Enacted

An Act Relating to the Building and Maintenance of Highway Crossings of Railroads. (S. P. 148) (L. D. 148)

An Act Relating to the Salary of the Sheriff of Lincoln County. (S. P. 150) (L. D. 183)

An Act to Accept the Benefits of an Act of Congress to Provide for the Promotion of Vocational Education. (S. P. 211) (L. D. 323)

An Act Relating to State Aid for Academies. (S. P. 281) (L. D. 439)

An Act Relating to the Penalty for Violation of Certain Sections in the Health and Welfare Laws. (S. P. 441) (L. D. 768)

An Act Providing for Taxation of Annuity Premium Considerations (H. P. 107) (L. D. 64)

An Act Relating to Clerk Hire in the Cumberland County Clerk of Courts' Office. (H. P. 262) (L. D. 170)

An Act Relating to the Salary of the Judge of the Sanford Municipal Court. (H. P. 977) (L. D. 548)

Resolve, Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Somerset County to George H. Cook, Jr., and Howard H. Chase. (S. P. 202) (L. D. 283)

Resolve, Authorizing the Forest Commissioner to Convey Certain Land to the Great Northern Paper Company. (S. P. 224) (L. D. 336)

Resolve, for the Purchase of One Hundred and Twenty-five Copies of 'Greater Portland Community Survey,' (H. P. 192) (L. D. 140)

Resolve, Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Aroostook County to Joseph David of Edmundston, N. B. (H. P. 346) (L. D. 219)

Resolve, Providing for Purchase of Land for the State School for Girls. (H. P. 471) (L. D. 266)

Resolve, Relating to Transfer of Money for Working Capital of the Liquor Commission. (H. P. 769) (L. D. 462)

Resolve, Appropriating Money for Control of the Fruit or Blueberry Fly in Maine. (H. P. 929) (L. D. 482)

Resolve, Authorizing the Forest Commissioner to Convey Certain Land to Fred J. Lovejoy, of West Bethel. (H. P. 1164) (L. D. 619)

Resolve, Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Somerset County to Marie E. Munster of Rockwood. (H. P. 1165) (L. D. 620)

Resolve, Authorizing the Commissioner of Institutional Service to Transfer Certain Land. (H. P. 1190) (L. D. 667)

Resolve, for the Laying of the County Taxes for the Year Nineteen Hundred Forty-four. (H. P. 1297) (L. D. 820)

Resolve, for the Laying of the County Taxes for the Year Nineteen Hundred Forty-three. (H. P. 1296) (L. D. 819)

Which communication and accompanying list of bills and resolves were read and ordered placed on file.

First Reading of Printed Bills

"Resolve to Reimburse H. W. Brooks of Portland." (S. P. 462) (L. D. 829)

"Resolve in Favor of Northeast Airlines Inc." (S. P. 463) (L. D. 827)

Bill "An Act Permitting Bowling on Sunday." (S. P. 464) (L. D. 828)

Which bill and resolves were read once and under suspension of the rules were read a second time and passed to be engrossed.

Sent down for concurrence.

Senate Committee Reports

Mr. Farris from the Committee on Public Health on Bill "An Act Relating to Diabetic Foods and Beverages," (S. P. 410) (L. D. 701) reported that the same ought not to pass.

Mr. Hall from the Committee on Salaries and Fees on Bill "An Act Increasing the Compensation of the County Attorney and Assistant County Attorney for Androscoggin

County," (S. P. 369) (L. D. 635) reported that the same ought not to pass.

(On motion by Mr. Peters of Androscoggin, tabled pending acceptance of the report.)

Mr. Dorr from the Committee on Ways and Bridges on Bill "An Act Providing for Adjustments in the Highway Department Made Necessary by the War," (S. P. 345) (L. D. 518) reported that the same ought not to pass as the matter is taken care of in other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Bishop from the Committee on Agriculture on Bill "An Act Relating to Buyers and Sellers of Milk and Cream" (S. P. 349) (L. D. 650) reported the same in a new draft (S. P. 476) under the same title, and that it ought to pass.

Mr. Sanborn from the Committee on Legal Affairs on Bill "An Act to Create the Port of Portland Authority as Amended," (S. P. 195) (L. D. 278) reported the same in a new draft (S. P. 477) under the same title, and that it ought to pass.

Mr. Bragdon from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Various Officers of Waldo County," (S. P. 201) (L. D. 284) reported the same in a new draft (S. P. 478) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bills laid upon the table for printing under the joint rules.

Mr. Brown from the Committee on Ways and Bridges on Bill "An Act to Authorize the State Highway Commission to Cooperate with the Public Roads Administration of the United States in the Construction and Maintenance of Flight Strips and of Certain Classes of Highways, in Order to Facilitate the War Effort," (S. P. 346) (L. D. 520) reported that the same ought to pass.

Which report was read and accepted, the bill read once, and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Hall from the Committee on Salaries and Fees on Bill "An Act

Granting Increase in Salary to County Attorney of Oxford County." (S. P. 265) (L. D. 471) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill was given its first reading.

Committee Amendment A was read:

Committee Amendment A to L. D. 471, Bill, 'An Act Granting Increase in Salary to County Attorney of Oxford County. Amend said bill by striking out the underlined figures, '\$2,000' in the 4th line of section 1 thereof and inserting in place thereof the underlined figures, '\$1500'."

Committee Amendment A was adopted and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act Relating to the Disposal of Insane Criminals." (H. P. 939) (L. D. 543)

Bill "An Act Providing for a System of Apprenticeship Whereby Voluntarily Made Agreements of Apprenticeship Would be Encouraged; Establishing Standards for such Agreements in Conformity with the Minimum Apprenticeship Standards of the Federal Committee on Apprentice Training; Creating an Apprenticeship Council and Defining their Duties." (H. P. 1299) (L. D. 821)

Bill "An Act Relating to Taxation of Telephone and Telegraph Companies." (H. P. 1300) (L. D. 822)

Bill "An Act to Aid the Prosecution of the War by Providing for the Creation of Local Agencies to Cooperate with the Federal Government in Making Housing Available for Persons Engaged in War Industries and Activities and by Granting Certain Powers to Public Bodies." (H. P. 23) (L. D. 9)

Bill "An Act Establishing a Game Preserve in the Town of Rangely, County of Franklin and State of Maine." (H. P. 243) (L. D. 187)

Bill "An Act Validating the Sale of Certain Property by the County

Commissioners of Lincoln County." (H. P. 757) (L. D. 407)

Bill "An Act Relating to Town Reports." (H. P. 809) (L. D. 465)

Bill "An Act to Provide for Education of Orphans of Veterans." (H. P. 1097) (L. D. 551)

Bill "An Act to Permit Towns to Create Protected Reserves." (H. P. 1251) (L. D. 755)

Bill "An Act Regulating the Sale of Horse Meat." (H. P. 1280) (L. D. 793)

Bill "An Act Relating to Sale of Tax Acquired Land." (H. P. 1287) (L. D. 810)

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

Bill "An Act Relating to Fingerprinting of Pupils in Public Schools." (S. P. 356) (L. D. 646)

"Resolve Proposing an Amendment to the Constitution Relating to Adoption of Amendments to the Constitution." (S. P. 357) (L. D. 644)

Which bill and resolve were read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to be Enacted

An Act Relating to the Amount to be Paid for Clerk Hire in the Office of the Recorder of the Municipal Court of the City of Portland. (S. P. 58) (L. D. 51)

An Act Regulating the Transportation of Deer. (S. P. 188) (L. D. 274)

An Act Relating to the Salary of the County Treasurer and Clerk Hire for the County of Kennebec. (S. P. 269) (L. D. 457)

An Act Relating to Salary of Register of Deeds of Kennebec County. (S. P. 368) (L. D. 636)

An Act Relating to the Governor's Expense Account. (S. P. 443) (L. D. 784)

An Act Relating to Regulation of Loans by Trust Companies. (H. P. 55) (L. D. 55)

An Act Relating to the Salary of the Recorder of the Portland Municipal Court. (H. P. 119) (L. D. 73)

An Act Relating to Investments of Permanent Trust Funds. (H. P. 1276) (L. D. 789)

An Act Relating to the Teachers' Retirement Annuity Fund for Appropriation of Money Therefor. (H. P. 1277) (L. D. 790)

An Act Amending the Law Relating to Deposits of State Funds. (H. P. 1278) (L. D. 791)

An Act Relating to Terms of the Northern Aroostook Municipal Court at Fort Kent for the Trial of Actions of Forcible Entry and Detainer. (H. P. 1279) (L. D. 792)

An Act to Provide for the Surrender by Milton Plantation of its Organization. (H. P. 1281) (L. D. 794)

Finally Passed

Resolve, Relating to the Completion of the Eighth Division of the General and Public Laws. (S. P. 444) (L. D. 785)

Orders of the Day

The President laid before the Senate, as Unfinished Business, "Resolve Proposing an Amendment to the Constitution to Limit to Highway Purposes the Use of Revenues Derived from the Taxation of Vehicles Used on the Public Highways and Fuels Used for Propulsion of such Vehicles" (S. P. 233) (L. D. 339); the pending motion being to accept the Minority Report of the Committee on Ways and Bridges "Ought Not to Pass".

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

Mr. SANBORN of Cumberland: Mr. President, before the question is put I feel constrained to make a few observations which I hope may be found pertinent to the question under consideration. While the convention at Philadelphia, which framed the Constitution of the United States was in session, James Madison who was a prominent member of the convention and the individual whose influence in finally shaping that document was perhaps greater than that of any other member was in constant communication by correspondence with Thomas Jefferson who was then representing the State in Paris. In one letter which Mr. Jefferson wrote to Mr. Madison the writer strenuously emphasized the desirability of including in the Constitution then being framed, only such matters as related to the structure of the gov-

ernment to be established, and keeping out of the Constitution provisions concerning which changing conditions might make changes desirable. That seemed to the writer, Mr. Jefferson, a fundamental principle and it appealed to Mr. Madison, and it was a principle, as you will observe, as you read the federal constitution, which was closely adhered to. You may say that was 150 years ago and times have changed and such a document as that may not be any longer given consideration and weight by us. But there is a very recent pronouncement along the same line, to which I wish to direct your attention. Those who heard that masterful and statesmanlike speech of Winston Churchill's last Sunday will recall one of his earliest expressions was to the effect that the Cabinet in England was being besieged by requests to make decisions as to what should be done after the close of the War. You will recall the Minister declared emphatically that he did not propose to be a party to committing future cabinets or binding future cabinets by any action of the present one. The principle involved in that declaration was exactly the same as that involved in the letter from Mr. Jefferson to Mr. Madison.

It is a principle I still submit we should entertain and adhere to in considering the proposition of submitting to the people resolves for amending our constitution.

Now, to get down to the particular matter involved here. It was said in argument yesterday that the passage of this resolve and its adoption by the people is the only method by which we can make it certain that the funds derived from the tax on gasoline and the registration fees, etc., on automobiles, shall be forever made certain in their application to highway purposes. I want to point out and I believe you will see that it is true, that this is not the only method, that there is today between our present existing constitution and our legislative powers, a perfect means by which that earmarking, if you choose to call it that, can be transferred indefinitely. Suppose that the next legislature or a legislature ten years from now or twenty years from now should pass an act diverting some of these funds from highway purposes under our initiative and referendum provisions of

the Constitution, it is still in the power of the people by referendum to nullify that statute and still keep the money where the people want it. The people still have the power, the same power that they would have if they were to vote upon this resolve.

Now, once more, I think we should be very careful about paving the way for putting future legislatures in a position where their hands are tied. I am perfectly free to say on my own part that I think it is absolutely wise and proper at the present time, and I will say that so far into the future as my vision is able to penetrate, that these funds should be devoted exclusively to highway purposes, and the statutes so provide; but neither you, Sir, nor any member of the Senate can know what changed conditions may present themselves to a future legislature which may make it seem vitally important that some of that money be applied to some other use, and should such a contingency arise the hands of that legislature would be tied. It would be necessary then to invoke another resolve, have another amendment to the Constitution, more consumption of time, and for all we know, with all the injury and harm to the interests of the state which might ensue from such a delay.

There is another consideration which may enter into this, which in the debate so far, has not been referred to. That is reviewing historically and most of us recall—I certainly do—the situation that presented itself in 1913. At the time there was great pressure being brought to bear upon the legislature to provide means for the building up of a highway system which would be suitable for use by the automobile. The automobile then was something new and you will recall it was something available only to men of perhaps more than ordinary means. The average fellow didn't have an automobile and in those days the view had not then passed entirely from our vision, the view that it was only a temporary affair after all, that the automobile could never possibly supersede the horse-drawn vehicle. So the automobilists were a privileged class, people who could afford such a luxury. The legislature said to him, "What are you willing to contribute if you want this money spent which will serve your interests?" The auto-

mobolist through his organization came back and said, "We will contribute anything you like; you can tax us in you like, put on a stiff fee for registering cars, charge a fee for a driver's license, put a tax on gasoline, or anything you think will be right. We will meet you half way."

That was the inception of the policy followed ever since. It had its inspiration from raising money from a privileged class on the understanding that the money should be applied to their exclusive advantage and benefit. What is the condition today? The automobile is used by everyone, every individual. I would like to see on a main road or any highway in the state as you drive past, a shack so low down in its appearance that you don't find one or two automobiles and perhaps a truck or two parked around it. Everyone drives an automobile. Everyone pays this tax. If everyone pays this tax, is there any reason why everyone should not, through the legislature, from time to time as conditions change, have the money applied as they for the time being wish? It seems to me that is one pertinent matter to be considered.

I doubt whether anything said here on the floor of the Senate may change a single vote but I do feel like emphasizing what I believe to be perhaps a matter of conscience, that we should as members of this Body, rise above what may appear to be a passing impulse, a passing demand, and act upon these matters from the standpoint of statesmanship. I think it would be equally wise and after this is over with, a very satisfactory thing to have done and I cannot see, if the motion which is before the Senate prevails, I cannot see how these funds are to be imperiled in the slightest degree unless and until the time shall come in the future, in future years, beyond the ken of any of us today, when it shall be considered necessary to make a change, and if and when that time comes I do not feel the hands of that Legislature ought to be tied either by us or by the people of the state of Maine at the present time.

MR. BROWN of Aroostook: Mr. President, I wish to say just a few words in addition to what I said yesterday. We have here today on the calendar a bill cooperating with the federal government in the building of flight strips for the use

of airplanes. I asked the chairman of the committee, in discussing this, if it was a diversion of highway funds. He said very frankly, and I agreed with him, that it was not at the present time because the federal government was providing that money. We are simply cooperating, for the time being. I cannot see into the future any more than can the Senator from Cumberland, Senator Sanborn. None of us can foresee the future to any great extent, but we have reason to believe, all of us, after this war is over, that thousands, yes, millions of boys who have been educated to ride in airplanes instead of automobiles, and with the knowledge gained in the factories by the production of airplanes, with the result that they will be as cheap and as easy to own as the automobile, there will come in the not very far distant future a time when we will want to construct air strips along our highways, and there will be landing fields in every town in the United States. If we pass this constitutional amendment, it would be a plain diversion of gasoline money to construct such flight strips, and landing fields. Although it might be a very essential and desirable thing and one which the people, themselves, all desire, before we could do it we would have to have another change in the Constitution if this measure passes.

I think the Senator from Cumberland, Senator Sanborn has expressed it very well when he has said that no future legislature should attempt to divert highway money unless it is from an overwhelming demand from the people themselves, a much stronger demand than we are getting today from the public for this resolve, so I think it is better and perfectly safe to leave this to future legislatures and in the hands of the people themselves.

Mr. VARNEY of York: Mr. President, the only result to be obtained from taking this present law from our statute books and putting it into the Constitution is that you are going to take away from a majority of the people of the state of Maine the right, in the future, to do as they see fit. Now, Judge Sanborn touched on it but he didn't take it quite to its final conclusion. He pointed out that it is the law now. We all think it is a good law. None can say it will be

a good law two years or four years from now. None can say it will. At the present time it is in the statute books. Four years from now if it appears that a majority of the people of Maine believe it is a bad law and they want it changed and the legislature doesn't agree with them, under our provisions for initiative, the majority of the people of Maine can change that law, but if you place it in the constitution now you take that right away from the majority of the people to change the law four years from now if they want to. You place it squarely in the hands of one more than one third of the people who happen to be members of the Senate at the time, because then if it is a bad law four years from now and needs to be changed, the people could not initiate a bill to change the Constitution. The only way then they could change the law would be to persuade two thirds of the members of the Senate and two thirds of the members of the House that it was a bad law.

I say that if you carried the reasoning of the proponents to the logical conclusion, we should say that we believe every law we are passing in this session is a good law, and if we believe it is going to be a good law forever, we should put every law in the Constitution so the majority of the people could not change it if they wanted to. For those reasons I am opposed to changing this law from the statute books to the Constitution.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator McGlauffin, that the minority report "Ought Not to Pass" be accepted.

Mr. BISHOP of Sagadahoc: Mr. President, I have been a member of this body for two sessions, and never before have I been in a quandary how to vote on any matter. In fact, I have been too bold in many cases. I have been very friendly toward this bill, but after the discussion of yesterday, I must confess, I was bewildered. I am still friendly to the proponents of the bill; yet I agree heartily with the opponents of the bill. I still feel that the people, if it goes to referendum, should have the right to vote upon it, but I do not think, however, we should mess up our Constitution with a lot of new amendments. This body has been

very tolerant and very patient with my ignorance and with my innocence in the past and I wonder if it is out of order for me to ask permission to be excused from voting on this question?

The PRESIDENT: The Chair will state that the rules say that every Senator present should vote on a measure. The Chair will point out that the Senate is voting on the acceptance of a committee report and not on the final passage of the bill, so the Senator from Sagadahoc, Senator Bishop, still has considerable time to make up his mind how to vote before enactment.

Mr. DUNBAR of Washington. Mr. President and members of the Senate, I am not going to tire you with any long discussion because I am not going to make any long discussion. I did not intend to speak on this matter until a few moments ago. I do want to go on record as favoring this proposal to amend the Constitution, to safeguard the highway funds from some future raid made by some legislature on those funds.

The Senator from Cumberland, Senator Sanborn, in a very able and learned discussion of the groundwork in the laying of the federal Constitution at Philadelphia, which as you know is in that great state of Pennsylvania, tells you about the correspondence that passed between Madison on the one hand and Jefferson on the other. Let me say that if there is a state in the Union that would believe in the fundamental grounds of not changing the Constitution, it would be the state of Pennsylvania. And only yesterday in that great state—and I have it here in my hand now—they passed a resolution similar to the one that is before us now. It is dated March the 25th. The Pennsylvania Senate and House adopted "Resolution Calling for Anti-diversion amendments."

Now, I am not afraid to trust the people of Maine. Yesterday we were told that we should only amend the Constitution of the state, or present a Resolve to the people that they might have a chance to vote to amend the Constitution of the state, when there was a necessity for so doing. I believe there is a necessity and a necessity now. I have been told that in prior administrations, in one at least, there was diverted from the highway funds of this state, the sum of four hundred

thousand dollars that was used for other purposes than that for which the law proscribed, and that those funds were never returned to the highway funds of this state. It is for that reason that I want to guard this fund. It is true now that any department or the administration of this state can borrow, as I understand it, from the highway funds of this state but when they borrow they are under obligation to put the money back, and if you pass this resolution, referring it to the people, and the people adopt the constitutional amendment, even then you can borrow it from the highway funds of the state. But you are under obligation to put it back.

These funds are not all our funds. Intermingled with these funds are monies that are sent to us by the federal government, and it is for this reason that the states are now passing these anti-diversion amendment, in order to protect the funds, because as was said in here yesterday, state after state has lost its federal aid for the reason of diversion, and we are likely to lose it in Maine.

We have nothing to lose by passing it; we have everything to gain. Yesterday I noticed in the Kennebec Journal on March 25 in a column written by Elizabeth Mae Craig of Washington, the following:

"The Federal Works Agency has issued a statement on plans and studies for post war public construction in 22 states, including Maine, on roads and bridges. 'Be sure you don't make them think this is for construction right away,' says Miss Ruby Hutchinson, Senator White's secretary, who dug up some information on the five Maine projects included in the statement.

"State highway departments are preparing the specifications for the projects which will total 170 million dollars. This is a joint State-Federal undertaking, out of a fund of 10 million dollars provided for engineering work, to get these projects all ready to go, when the war is over and the slack begins, in employment. The money comes under the Defense Highway Act of 1941. States are required to match Federal contributions in highways. The whole program will run up to about half a billion dollars, of which half would be state contribution, and amounts to about two years of normal Federal-aid highway construction.

"A considerable number of the projects will be in and around cities, to provide employment for men demobilized from the armed forces and the war industries, and to relieve the traffic around cities, which is one of our greatest problems in ordinary times. The group involved in the statement include limited-access urban highway; limited access rural highways; major city arteries; alternate routes around cities, major rural highways."

"The Maine projects are a by-pass for Route 201, which will be 14 miles around Augusta, to relieve congestion to Richmond and Gardiner. Also a nine mile by-pass from Freeport to Freeport Village, two-lane. Also a re-location of the principle route from West Pembroke Village. Also a re-location on Route 201, by-pass and a new crossing at Winslow, which probably means a new bridge."

Now, that is what the federal government is planning to do. And let us safeguard these funds. Let's not take any chance now or in the future that we may lose federal aid. Now, is that a necessity? Is there a demand for this legislation to be submitted to the people? I want to repeat what Senator Friend said yesterday, for the demand. He listed the Commercial Motor Vehicle Association of Maine, the Maine Automobile Association, Maine Commercial Travelers Association, Maine Dairymen's Association, Maine Farm Bureau Federation, Maine Federation of Agricultural Associations, Maine Good Roads Association, Maine Hotel Association, Maine Lumber Dealers' Association, Maine Municipal Association, Maine Petroleum Industries Commission, Maine State Retail Grocers Association, Maine Rural Letter Carriers Association, Maine State Federation of Labor and the Maine State Grange and others. Is that a demand? If it is not a demand, then I ask the Senator from Cumberland, Senator McGlauffin, "What is a demand?" Who are you going to ask to add to that list which he has presented that is asking that this resolve be referred to the people of Maine? Will it satisfy the Senator if the Masonic bodies of Maine could be added, or the Knights of Pythias, or the Red Men, or the Knights of Columbus, or the Daughters of the Revolution? Or must it come from some one person, or a group of per-

sons who believe that the Resolution should come from them before this Body can pass it?

Now I come right back to the beginning and say to the Senate that I am not afraid to trust the people of the great sovereign state of Maine. If this Resolution is wrong, they will tell us so in no uncertain terms, when the matter comes before them. If it is right they will vote for it, and they should have the privilege to vote.

Mr. MCGLAUFLIN of Cumberland: Mr. President, I just want to say a word in reply to the Senator from Washington, Senator Dunbar. I am a member of the Maine Automobile Association and I have been for many years. I understand that that association claims to be for this bill. I want to say to you that the matter has never been presented, to my knowledge, to the members of the Association to pass upon it at all. Senator Brown of Aroostook is a member of the Grange. I venture to say he never had an opportunity to express his opinion on the matter. When you get these associations like labor unions, how many do you think of the members of the labor unions have ever given the matter any consideration whatever? These things are put out by the men who manage the organizations and they are the ones who think they control the whole organization. You will find that it is true right down the line.

Mr. HARVEY of York: Mr. President and members of the Senate, I had hopes yesterday in the fine discussions and the fine analysis of the bill by the proponents and the opponents, that we would learn in that discussion, especially from the proponents, the necessity—the necessity, not the demand. My good friend from Washington, by colleague, Senator Dunbar, talks about not the demands but the necessity for this legislation.

I would like to read to you Article XXXII of the Constitution of Maine. I will read the first two lines. It says this, "The legislature, whenever two-thirds of both houses shall deem it necessary." I repeat. "deem it necessary, may propose amendment to this constitution." Now, will anyone, anyone give me so I can vote intelligently on this matter, a reason for the necessity of it? That is what I want to know.

I do not care anything about these associations that are demand-

ing all this. I understand what they want and the reasons why they want it but they have not explained to me yet to my satisfaction that it is necessary. Can any of you members of this Senate explain to us the necessity of this bill.

From the words of my good friend, Senator Dunbar, if we pass this measure we can still borrow, we can still take from the highway funds. Well, if we can still take from the highway funds after the amendment has been proposed and the people vote in favor of it, why the necessity of the bill now? We have the anti-diversion measure and we are under obligation, as I understand it, to not take any funds and we don't take any funds, but if we can do the same thing now as the bill will give a right to do, why the necessity of passing the bill?

It is true there was money taken, as I understand it, some few years ago, and I also understand, as has been mentioned, something like \$400,00 was taken, but it is also true the State of Maine was in very bad and pitiful circumstances and it is a good thing that they were able at that time, as I understand it, to take from one pocket and put in another pocket this \$400,000. I do not know whether it has been returned or not. I am taking the word of my good friend, the Senator from Washington, Senator Dunbar, that it hasn't been. But if it hasn't been, then legislatures that preceded us were under obligation because of that anti-diversion bill, to put it back. If they are going to have the same thing with the other bill, they will take \$400,000 if they need it and they will be also under obligation to return it.

I do not think this bill is necessary. I think it is absolutely unnecessary and I'd like to say this. I had hoped I could sit in here as a jury and I had hoped I could listen to arguments pro and con and after I had been given an argument or good reason—I do not say that these demands and wishes of people create any necessities—I would like to listen to a good reason why it is absolutely necessary that we pass this legislation. If anybody has the answer, kindly give it to us.

I received a letter yesterday from the Maine Good Roads Association asking my support of this measure and they say this, "Because the present protection" I repeat "Because the present protection can be changed at the will of the legislature". In other words, the Maine Good Roads Association apparently do not trust the legislature too fully. If they don't trust the legislature to do their duty in accordance with that anti-diversion law, then I am awfully sorry. Then they say secondly, "Because in post-war construction the states protecting their highway revenue by constitutional amendment will have priority on federal aid, and from information received," Oh, "just from information received" from Washington, they may be required—they don't say that they will be, but they may be, and I think I have some idea what that word defines itself to be, "they may be required to obtain federal aid". Is it a necessity now? I ask you, or is it some nice thought about something else? Let's tie ourselves up with federal aid on highways. They did a good job on unemployment compensation. They took it over. They will take the highways over. I say we are in a position to take care of our highways and our highway funds. I do not think anyone has shown any necessity for this, but if there is any, I would like to have it presented.

Mr. SANBORN: Mr. President, I hardly like the reply made to my observation regarding the incident of framing the constitution to go unchallenged, and I will point out as another historical fact in that connection, that at the time the convention was sitting in Pennsylvania, city of Philadelphia, the State of Pennsylvania had a constitution for its own government wholly unlike any of the other thirteen states. It had a single branch legislative body, it had a president and it had all sorts of fantastic provisions and the Pennsylvania delegation at that convention insisted their form of government be made the pattern for the new one. That was turned down and given very slight consideration, fortunately, and if what the Senator from Washington, Senator Dunbar has said about the action of Pennsylvania is true, it only bears out what I said, they were cockeyed in

1787 and they are living up to that reputation now.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator McGlauffin, that the "Ought Not to Pass" report of the committee be accepted. The Senator from Somerset, Senator Friend, has asked for a division.

A division of the Senate was had.

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

Mr. BISHOP: Mr. President, it may be entirely out of order, but I wish to state again that was the most difficult decision I have ever had to make. I feel any person, even a man, has a right to change his opinion if he has a good reason for it. I wish to state this: I believe the people should have the right to vote on this question. However, I am going to do everything within my power in the next two years to defeat this measure when the people vote upon it.

On motion by Mr. Friend of Somerset, the majority report of the committee, "Ought to Pass" was accepted and the bill was given its first reading, and the next legislative day assigned for second reading.

On motion by Mr. Harvey of York, the Senate voted to take from the table, bill "An Act Relating to Trial Justice and Judges of Municipal Courts" (S. P. 458) (L. D. 806) tabled by that Senator on March 24th pending passage to be engrossed.

Mr. Harvey presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A.' Amend said bill by striking out in the seventh line thereof the word 'own.' Further amend said bill by adding after the word 'name' in the seventh line thereof the words 'as trial justice.'"

Thereupon, Senate Amendment "A" was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

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

to Abolish the Old Age Assistance Commission" (H. P. 1272) (L. D. 778) tabled by that Senator on March 22nd pending second reading; and on further motion by the same Senator, the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Peters of Androscoggin, the Senate voted to take from the table bill, "An Act Providing for Experience Rating under Unemployment Compensation Law" (S. P. 459) (L. D. 807) tabled by that Senator on March 24th pending second reading; and on further motion by the same Senator the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Peters of Androscoggin, the Senate voted to take from the table, House Report from the Committee on Education "Ought Not to Pass" on bill, "An Act Relating to Teachers' Pensions" (H. P. 177) (L. D. 120) tabled by that Senator on March 24th pending acceptance of the report; and the same Senator moved the acceptance of the committee report.

Mr. OWEN of Kennebec: Mr. President, I rise to support the motion of the Senator from Androscoggin, Senator Peters, and I think before the vote is taken the Committee on Education ought to explain the reporting "ought not to pass" on this bill and also on Legislative Document 121, both of which refer to teachers' pensions and increases. Both bills refer to non-contributory pensions and in order to have passed these bills as they were presented it would have been necessary for the state to pay out something over \$60,000 a year more than it pays on non-contributory pensions. In consideration of the fact the state is paying out this year over \$950,000 to compensate for the fact that the state did not fulfill its obligation in 1933 to the teachers who are paying five percent of their salary to join the contributory pension system and due to the fact that the legislature has passed to be enacted a bill increasing the amount which the state contributes for each state teaching position of \$90 per teacher, and due to the fact that teachers

receiving pensions under the non-contributory plan are in many cases receiving more money for pensions than are teachers who are pensioned under the contributory plan. There are so many intricacies, the committee did not consider it was a practical proposition to report "Ought to pass" on either one of the bills.

Thereupon, the report of the committee "Ought not to pass" was accepted in concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table House Report from the Committee on Education "Ought Not to Pass" on bill "An Act Amending the Teachers' Pension Law" (H. P. 176) (L. D. 121) tabled by that Senator on March 24 pending acceptance of the report.

Mr. BISHOP of Sagadahoc: Mr. President, I tabled this matter because it was so closely related to Item No. 18 that I felt they should be kept together. I feel that a brief explanation is due to the members of this group, because before the summer you are going to have the question asked of you, a hundred times or more, why you didn't pass that pension bill.

The remarks by the Senator from Kennebec, Senator Owen have explained that reason, and I think they will help you to answer the questions that will be asked of you.

I now move the acceptance of the Committee report "Ought Not to Pass."

The motion prevailed and the "Ought Not to Pass" report of the Committee was accepted in concurrence.

On motion by Mr. Bragdon of Aroostook, the Senate voted to take from the table bill, "An Act Relating to Transfer of Insane Persons Having Settlements in this State from Out of State Institutions" (S. P. 213) (L. D. 325) tabled by that Senator on March 25th pending assignment for second reading.

Mr. BRAGDON: Mr. President, I simply wish to say I tabled this for the purpose of checking the committee amendment. I wished to feel that the rights of the town

were protected under this bill. I have had that opportunity and I am satisfied and willing to have it assigned for second reading.

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

Sent down for concurrence.

On motion by Mr. Washburn of Washington, the Senate voted to take from the table House Report from the Committee on Maine Publicity "Ought to Pass in New Draft" on bill "An Act Relating to Maine Development Commission and State Geologist" (L. D. 775) tabled by that senator on March 18 pending acceptance of the report in concurrence; and on further motion by the same Senator, the report was accepted in concurrence and the bill was given its first reading.

Thereupon, the same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 1266, L. D. 775, Bill 'An Act Relating to the Maine Development Commission and the State Geologist.'

Amend said bill by striking out the 1st paragraph of section 4 and inserting in place thereof the following:

"Sec. 4. R. S., c. 2, additional. Chapter 2 of the revised statutes is hereby amended by repealing section 113-C and by adding thereto the following sections to be numbered 113-C and 113-D, respectively, and to read as follows:

"Sec. 113-C. Unexpended balances. After providing a reserve of \$50,000 for promotional advertising from accumulated unexpended balances, all additional unexpended balances at the end of any fiscal year shall be lapsed.'

Further amend said bill by striking out the word 'annually' in the 10th line of section 4 thereof, and inserting in place thereof the following words: 'for the fiscal year ending June 30, 1944 and \$9,000 for the fiscal year ending June 30, 1945.'"

Senate Amendment A was read and adopted.

Mr. WASHBURN of Washington: Mr. President, I intended to offer

just a word of explanation, perhaps unnecessary since the Senate has adopted the amendment but for your information, this is the regular appropriation for the Maine Development Commission. There has been no question, no controversy, over the amount of that appropriation but the method of disposing or taking care of any unexpended balance that might accrue has been before our committee for many weeks. It was the opinion of the committee that all unexpended balances should be reserved for the use of the advertising program of the state when the time might come that we needed to go full speed ahead again with the promotional and advertising program.

The plan was not acceptable to the Governor and Council or to the Commissioner of Finance and this is a compromise measure by which they have allowed the Development Commission to set up an unexpended balance of \$50,000 to be earmarked for that great campaign when the time comes that it should be made and all unexpended balances above \$50,000 to lapse into the treasury. It is now acceptable to all parties and the last part of the amendment simply provides that the funds for the establishment of a State Geologist should be for two years only instead of annually as the original act provided.

Mr. VARNEY of York: Mr. President, I am sure that the Senator from Washington, Senator Washburn did not intend to mislead any of the senators but I feel I should point out that while it is the same appropriation for the Maine Development Commission, it is an increase in the appropriation for the State Geologist from \$2,000 to \$9,000 a year.

Thereupon, the bill was Monday next assigned for second reading.

On motion by Mr Bishop of Sagadahoc, the Senate voted to take from the table bill "An Act Appropriating Money for State Soil Conservation Law" (H P. 125) (L. D. 105) tabled by that Senator on March 16 pending adoption of Committee Amendment A in concurrence; and on further motion by the same Senator, Committee Amendment A was adopted.

Mr. BISHOP of Sagadahoc: Mr. President, I think perhaps a brief explanation is necessary; because, in just a few minutes, I am going to move a certain action on the bill, but should the bill be enacted, then it is very necessary that this amendment go along with it. I follow this procedure so as to avoid the confusion that we got into on the Pembroke Sunday Racing bill.

I now move indefinite postponement of Legislative Document 105 as amended by Committee Amendment A. In explanation of my unusual position, I must say that it grieves me, in no small degree, to take this stand; because, it is unquestioned that there is a great deal of merit being done and performed by the present soil conservation law. It is doing a great piece of work, and I believe it is justified in its existence.

Going back to the origin of the bill, two years ago when it was passed, I spoke in favor of the bill. It seemed to me at the time to have very slim chances of passage. The sentiment in favor of the bill was very cool but, having been a citizen of the part of the state that was going to be affected, or having been born there and knowing the conditions, I spoke in favor of the bill and it did receive passage.

At that time the opponents of the bill stated that it was just another federal program that would eventually revolve back for the state to carry and administer. But I worked under the assumption that although it was a federal enabling act it was of vital importance to soil conservation and to the prevention of soil erosion in Maine. The bill received passage.

One of the strongest objections to the bill was that at some future date the state would be called upon to provide funds to administer it. The question was asked if that was the case and the sponsor and proponent stated that he didn't think so but in case it did happen he wouldn't be ashamed to come before some future legislature to ask for that appropriation. I labored under the assumption however that it was a federal program, that it would be administered by the federal government, and that the state of Maine never would be called upon to participate in the expense.

Just exactly what the opponents claimed for the bill has happened. We have been asked to provide three

thousand dollars from state funds to help expand this program. Definitely I am opposed to state funds being used for this purpose. I think I am consistent in my voting and working against that sort of legislation. We had a very definite enabling act for dairymen before our committee on Agriculture a few days ago, an act to set up an appropriation to help dairymen. Definitely I would have been helped by it, but I opposed it. I opposed it so strongly the appropriation was stricken out of the bill. I believe it should be stricken out of this bill and in order to strike it out it will necessitate indefinite postponement of the bill. The federal government will go on, as they are now, carrying on this very worthwhile program. I do not feel that the state of Maine should shoulder any of this burden. However, if we do, if we start now to appropriate any amount of money, every legislature in the future will be asked to provide more and more and more. It opens the door. There will be no end.

Again, Mr. President, I wish to move the indefinite postponement of Legislative Document 105, An Act Appropriating Money for the State Soil Conservation Law.

Mr. WASHBURN of Washington: Mr. President, I rise to second the motion of the Senator from Sagadahoc, Senator Bishop, and to say to the members of the Senate that I happened to be present at the hearing on this matter, being there on another matter, and I was amazed by the calm assurance with which the proponents of this appropriation told the committee that they had not seen fit or thought it advisable to attack any appropriation to the original soil conservation law but they were now back for money to carry it on with and if this appropriation were not enough they would be back again two years from now.

But to me it had a still deeper significance and a further meaning. It seemed to me that I could detect another step in the march from the south side of Pennsylvania Avenue in Washington out onto the farms of Maine, in other words, another intrusion of the New Deal, Claude Wickard, United States Department of Agriculture into your business and into mine here in the state of Maine.

We are asked to become cooperatives, the kind of cooperation that has sometimes in the history of the world led to dictation. And I submit, as the Senator from Sagadahoc has suggested, that if it is necessary, if there is a great federal or state emergency, if our farms are being washed into the waters of the Aroostook River or into the St. Croix that there is ample money being spent out of Washington to carry on the necessary work.

I happen to have in my desk a statement of the expenditures and activities of the federal Department of Agriculture in behalf of Maine Agriculture for the last ten years. Our good United States Senator, Senator Wallace H. White, has with a great deal of difficulty obtained this sheet for me and it is an interesting document. It doesn't include the highway funds that have been supplied to Maine. It touches simply upon agricultural matters over a period of ten years.

And let us be fair about it, many of these are of greatest importance: Support of our State University and Extension Service, Experiment Stations, Loans to Farms. The total for the ten years, the summary of agricultural programs in the state of Maine from 1933 to 1942, totaled \$80,735,167.

The good Senator was not able to get a complete break-down on all the funds that have been sent in to the state of Maine for the support of Agriculture and I read such items as "Other Activities and Services, \$9,364,332." I suggest to you, gentlemen, that out of such incidentals, such bits of loose change as that, they may yet find the necessary money to carry on this soil erosion work if it is of such great necessity.

I looked up this morning the progress of a bill that has interested me before this legislature, passing, I think, to be enacted in the House this morning, and that is the so-called "Bee Bill" and I read that the Committee on Agriculture, for which I have every respect, could only find \$1,000—\$1,000—to encourage the bee industry in this state in this spring of the year of our Lord, 1943, when goodness knows what we are going to do for sweets, a bill that concerned everybody. Every citizen, every child in the state, would like to have a little

more honey this year and everybody is rushing into the bee business. And then we assign a job like this to the Commissioner of Agriculture and tie his hands absolutely because we can only find one thousand dollars for this great state-wide proposition.

It occurs to me that some of this soil conservation money might go into that direction if we have \$2500 to spare. I don't believe there is any great demand for this appropriation. I would like to see a list of those who may benefit by it, the cooperatives who will take part in this program and receive benefit from this appropriation. I suspect the list would be a short one, that it would be made up of the names of men, farmers largely, in Aroostook County, good farmers, the best in the world, farmers who know perfectly well the importance and the value of ploughing around a steep hill instead of up and down, farmers who don't need to be told by any bunch of desk holders from Washington, D. C., how to plough our lands or take care of them.

And for those reasons, Mr. President, I second the motion of the Senator from Sagadahoc.

Mr. BRAGDON of Aroostook: Mr. President and members of the Senate, due to the lateness of the hour and due to the fact that there seems to be complete accord among the opposition to this bill with regard to the needs of the soil conservation program, I do not think it would be necessary for me to go into that to any great extent.

It is also familiar to many of the members of the Senate, from discussions of two years ago when this bill was passed by the legislature. Of course the idea originated, as you well know, because of the feeling that if in this country we continued to maintain our soils and pass them on to future generations in better condition instead of in a worse condition we had got to change many of our programs that we had been following in our agricultural methods. They were, many of them, wasteful. It was evident from the fact that the rivers and streams of Aroostook County at the present time after every heavy shower run red for two or three hundred miles down the St. John. Some of the best soil of our county is being washed

out. And the same thing is evident from the dust storms in the west. And so the funds were provided by the Department of Agriculture to initiate a program of education all over the country, towards improving some of our wasteful agricultural methods.

Senator Bishop, I am sure, agrees with me in regard to the necessity of this program. I fear that his whole opposition is to the providing of funds and it seems to me that Senator Washburn is making about the same opposition to the bill. I assume that both gentlemen are consistent in that I think I recall two years ago when we merrily appropriated the sum of about half a million dollars to eradicate Bang's Disease, to be matched by federal funds on a fifty-fifty basis. I assume that Senator Bishop, who was then a member of the Senate, probably took the same attitude on that bill as he is taking on this one, because in this particular case, the area benefiting is only asked to put in about ten dollars to every ninety dollars that the federal government is putting in.

In my mind it is as meritorious a project, perhaps, as the idea of eradicating Bang's disease from our cattle because it would be evident to anyone that unless we can maintain an agriculture where we can continue to feed our cattle there isn't very much of an object in keeping them so they can reproduce, which is the object of the Bang's Disease Bill. After all, all life originally comes from the soil and we must continue with the program and keep up soil production.

I also note that the senator from Washington, Senator Washburn, regrets that the Agriculture Committee furnished a paltry thousand dollars from the state funds for the eradication of bee diseases. I don't know what sum he thinks would be advisable but it is my opinion that probably from a dollars and cents standpoint he would be amazed at the number of people benefited by the soil conservation program and the number of people benefited by the thousand dollars which we did grant the eradication of bee disease in this state, to help the bee industry.

I also believe that in the case of the Senator's own county—and I regret to have to call the attention of the Senate to this because they

are all familiar with it—we have always appropriated, I think, five or ten thousand dollars for the blueberry fly and I have always been glad to go along with the county on that.

I hope that the motion of the Senator from Sagadahoc, Senator Bishop, will not prevail.

Mr. EMERY of Hancock: Mr. President, I feel it my duty to explain to the Senate the reason why the Appropriations Committee decided that they should allocate some money for this purpose. And I might say that much of the information which has been given to the Senate this morning was not given to the committee at the time of the hearing. Ex-Senator Findlen, Senator Bragdon and Senator Washburn appeared at the hearing and I have no recollection, and no notation of the fact that there was any great opposition to the appropriation. It seems that, going back to the time when the soil erosion program was originally considered, admittedly there seemed no necessity, and I wouldn't attempt to refute the statements that the proponents made at that time that there might in the future be no necessity for such a fund. But the program has been more or less in the experimental stage from the start and applying to a single county.

I will have to be rather careful in my remarks as to how the program has progressed because I wouldn't wish to show my lack of knowledge on that particular phase of it so I will attempt to keep in the groove of the facts given to the committee and on which the committee based its judgment.

The principal reason why an allotment appeared necessary was the fact that a pneumatic compressor to operate drills was necessary for certain phases of the work where ledge and rock were encountered and it would be necessary to have a person skilled in the operation of this type of machinery in order to run it to advantage.

The government furnishes the personnel and the machines and the governmental agency which makes these arrangements sent along the information that it felt that inasmuch as the men and machines were furnished by them, the state should help in part to pay for the operation. And that is, as I understand it, the principal

reason for the request for a state appropriation to help this program along. So far the projects have been confined to Aroostook County and I judge from what my friends in that County tell me that they have been quite successful and satisfactory.

The next proposition is to consider additional in the same line in Penobscot County. Speaking from the standpoint of a member of the committee which heard the request and passed on it, we gave it all the consideration we could, depending on the information that had been furnished us. And I still feel that it is all right to go along with it. Therefore I hope that the motion to indefinitely postpone the bill will not prevail.

Mr. BROWN of Aroostook: Mr. President, I hoped that I might remain silent on this matter because it concerned the County of Aroostook, and I very much dislike to take issue with my good friend, the Senator from Aroostook, Senator Bragdon, in this matter.

I have never been in favor of this soil conservation and my dislike for it goes back before it even came in to the state of Maine because no man has ever fought government regulations any harder in the state of Maine than I have. From the beginning I have been opposed to government planning and regulation and regimentation and we have had a continual fight in Aroostook County to stave off such regulations. And now that we have a war on, we have it in full force and effect, and we are seeing the effects of it today.

Before this bill was introduced, I was in Florida and I began getting letters and I got a copy of the bill which was sent to me from what you might call the government headquarters in Aroostook County, from Presque Isle, urging me to vote for the bill. At first I paid no attention to them but after I had got the second or third letter I wrote back that as the bill was drawn I absolutely could not support it, because under the original bill it gave the federal government the right to come in and say where you should build ditches and where you should put in terraces and where you should plant potatoes and sow your grain, all under a plan worked out by them in connection with the Farm Bureau and carrying severe penalties. If you didn't do it, the federal govern-

ment could come in and do your work and make you pay for it and even put you in jail for it. And I absolutely refused to go along on any such program.

When I came to the legislature I was immediately met by a man whom I couldn't consider anything but a lobbyist because he stayed there all winter although he was paid by the federal government, and he wanted to know what kind of a bill I would support. I told him it would have to have the teeth taken out of it. And he was opposed to that. But they revamped it and worked with the assistance of the Attorney General and brought out another bill.

I went to the Attorney General and asked him what he thought of the bill then and he said, "There are absolutely no teeth in the bill; they can't compel you to do anything." Then we had three more men from Washington, an attorney and a high powered salesman among them who told us that if they had to accept the bill as it was that the time would come when there would have to be teeth put into it, that this was the entering wedge, and he was very much disappointed because some of us wouldn't go along with the bill.

When the bill came up here I didn't speak against the bill but I voted against it. That is a little of the history that has gone before. I am just going to say that if the state of Maine wants to vote money to go to Aroostook County, it makes it rather difficult for me to oppose it but the people in that county know the position which I have always taken. Terracing is nothing new. During the 20 years that I have been going south I have seen the cotton farms on the little hill-sides in North Carolina, in Georgia, sometimes ten or twelve of them on one hill but they were always planted by the farmers themselves. Up until recently, when the government started to make over the entire system of life in America and control and dictate the life of America, until that recent day the government didn't enter into the picture.

I have never seen any particular need for the government coming in and telling me where to terrace my farm. There are some farms that need it but it shouldn't be a federal project for the federal government to come in and dictate to the peo-

ple. Personally I think that if 75% or perhaps 90% of the government employees today that are engaged in different kinds of regulatory work and advisory work among farmers were put into the war department or some place where they could be of some actual service, we farmers would get along just as well or a little better than we are now. And if perchance some of them never came back it would be too bad but we would keep on farming just the same.

Mr. BRAGDON of Aroostook: Mr. President, in my talk I think perhaps I omitted one or two things that I wanted to bring out. I am in hearty accord with the opposition on this bill that the federal government is putting in plenty of money all over the country. This is one of those so-called matching propositions. If you go into Aroostook County now I don't think you will find anybody to question that it is a move in the right direction, because it is doing a lot of good and I would be glad to go along with the opposition on this bill if they can convince the federal government that they are willing to put in the other 10% and continue the program, but after all they make the rules and they are asking us if we want to go along. But I hate to see the program impaired because we are not able to cooperate with them, because it is doing a lot of good.

And another thing I would like to speak of. I think it is very reasonable to say that at the present time the state of Maine would save more than they are asked to put in on this very program simply by what they will save from cleaning mud out of the highways which every year in Aroostook County runs into enormous sums and the highway supervisors have commented on it in a great many cases where this work has been done, how the loose mud is washed across the highway and has to be cleaned out. I think it is reasonable to say that the state will save more than the \$3,000 a year we are putting into this program, simply on that work.

I know this isn't an important matter but when the vote is taken I will ask for a division.

Mr. BISHOP of Sagadahoc: Mr. President, just as a brief answer to the Senator from Aroostook, Senator Bragdon, in regard to the federal government making a promise

that they will continue to carry out on this program. The federal government is so concerned about the production of food that if this program is successful, and if it is working well, I feel most confident they will not change any present provision that would impair or reduce the production of food. And with the unlimited funds the federal government has to spend, and with their reluctance to change any program, I think it is very safe to assume that this program will go on for years before they even catch up with it! I think that should answer the objections of the Senator from Aroostook, Senator Bragdon, in regard to the promise that this program will continue in operation.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, for the indefinite postponement of this bill, L. D. 105 as amended by Senate Amendment A. The Senator from Aroostook, Senator Bragdon, has asked for a division. Is the Senate ready for the question?

A division of the Senate was had.

Seventeen having voted in the affirmative and thirteen opposed, the

motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Emery of Hancock, the Senate voted to take from the table bill "An Act Relating to Superintendent of Public Buildings" (H. P. 1262) (L. D. 770) tabled by that Senator on March 24 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

The PRESIDENT: The Chair feels that he might have misinformed some of the members of the Senate concerning the inquiry made by the Senator from Sagadahoc, Senator Bishop on the necessity of voting. Because of the possible misinformation caused by my remarks, I would like to read Rule 24 of the Senate Rules: "After a question is put to vote, no Senator shall speak on it. Every Senator who may be present shall vote unless excused by the Senate, or excluded by interest."

On motion by Mr. Elliot of Knox.

Adjourned until next Monday morning at eleven-thirty o'clock.