

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

Thursday, April 1, 1943

The Senate was called to order by the President.

Prayer by the Rev. Weston Holman of Hallowell.

Journal of yesterday read and approved.

From the House

Bill "An Act Relating to Mutual Fire Insurance Companies." (H. P. 1273) (L. D. 779)

(In the Senate, on March 22, passed to be engrossed as amended by House Amendments "A" and "B" in concurrence.)

Comes from the House, passage to be engrossed reconsidered, under suspension of the rules: House Amendments "A" and "B" indefinitely postponed; House Amendment "C" adopted, and the bill passed to be engrossed as amended by House Amendment "C" in non-concurrence.

In the Senate, on motion by Mr. Varney of York, the rules were suspended and the Senate voted to recede from its former action whereby the bill was passed to be engrossed as amended by House Amendments A and B. House Amendments A and B were indefinitely postponed in concurrence; House Amendment C was read and adopted in concurrence, and the bill as amended by House Amendment C was passed to be engrossed in concurrence.

Bill "An Act Granting Increase in Salary to County Attorney of Oxford County." (S. P. 265) (L. D. 471)

(In the Senate on March 26, passed to be engrossed as amended by Committee Amendment "A".)

Comes from the House, passage to be engrossed in concurrence as amended, reconsidered: Adoption of Committee Amendment "A" reconsidered; and subsequently indefinitely postponed; House Amendment "A" adopted, and the bill as amended by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Farris of Kennebec, the bill and accompanying reports were laid upon the table pending consideration.

Bill "An Act Relating to the Salary of the Sheriff of Hancock County," (S. P. 266) (L. D. 472)

(In the Senate, on March 22, passed to be engrossed as amended by Committee Amendment "A".)

Comes from the House, Committee Amendment "A" indefinitely postponed, and the bill passed to be engrossed in non-concurrence.

In the Senate, that Body voted to recede and concur with the House in the indefinite postponement of Committee Amendment A, and the bill was passed to be engrossed in concurrence.

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

(In the Senate, on March 26, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence)

Comes from the House, the bill indefinitely postponed in non-concurrence.

In the Senate, that Body voted to recede and concur with the House in the indefinite postponement of the bill.

Bill "An Act Relating to the Terms of County Commissioners." (S. P. 391) (L. D. 681)

(In the Senate on March 25, passed to be engrossed as amended by Committee Amendment A.)

Comes from the House, Committee Amendment A indefinitely postponed, and the bill passed to be engrossed as amended by House Amendment A in non-concurrence.

In the Senate, that Body voted to recede and concur with the House in the indefinite postponement of Committee Amendment A.

The Secretary read House Amendment A:

House Amendment "A" to S. P. 391, L. D. 681, Bill, "An Act Relating to the Terms of County Commissioners."

Amend said Bill by adding after the word "year" in the 4th line of the 2nd paragraph thereof, the following:

"The terms of office for a county commissioner shall be 6 years except when one is elected to fill out an unexpired term when it shall be for the remainder of the unexpired term. Where but one county commissioner is so to be elected, the nomination papers and official ballot shall specify simply the office of

county commissioner. When, however, 2 or more county commissioners are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated or elected.'

Further amend said Bill by drawing a line through the words "If but one is elected, he shall hold the office for 6 years" in the 4th line of the 2nd paragraph.

Further amend said Bill by striking out the last 2 underlined sentences of said 2nd paragraph thereof.

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

Bill, "An Act Appropriating Money for the State Soil Conservation Law," (H. P. 125) (L. D. 105)

(In the Senate, on March 26, the bill as amended indefinitely postponed in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the bill was passed to be engrossed as amended by Committee Amendment A.

In the Senate, on motion by Mr. Washburn of Washington, the bill was laid upon the table pending consideration.

House Committee Report

The Committee on Taxation on Bill "An Act Relating to the Excise Tax on Motor Vehicles," (H. P. 564) (L. D. 350) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Comes from the House, the bill and accompanying papers indefinitely postponed.

In the Senate, the bill and accompanying papers were indefinitely postponed in concurrence.

From the House

Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims," (H. P. 565) (L. D. 314)

(In the Senate, on March 30, the "Ought Not to Pass" report of the Committee was read and accepted, in non-concurrence.)

Comes from the House, that body having insisted on its former action, whereby the bill was passed

to be engrossed as amended by House Amendment "A," and now asking for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

SLEEPER of Rockland
JACOBS of Auburn
SAVAGE of Skowhegan

In the Senate, that body voted to insist and join with the House in a Committee of Conference.

The PRESIDENT: The Chair will announce the Senate members of such committee subsequently.

The Committee on Legal Affairs on Bill "An Act Relating to Sale and Use of Fireworks," (H. P. 802) (L. D. 384) reported that the same ought to pass.

(In Senate, on March 30, indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed as amended by House Amendment "A," and now asking for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

CLOUGH of Bangor
PIERCE of Bucksport
BARTLETT of Portland

In the Senate, on motion by Mr. McGlaflin of Cumberland, that body voted to insist and join with the House in a Committee of Conference.

The PRESIDENT: The Chair will announce the Senate members of such committee subsequently.

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on (H. P. 321) "Resolve, Closing Cobbossee Stream and Tributaries to Muskrat Trapping," have had the same under consideration and ask leave to report: That the House recede from its action whereby it recommitted the report and resolve to the Committee on Inland Fisheries and Game and that the resolve be substituted for the report; House Amendment "A" submitted herewith be adopted and the resolve be passed to be engrossed as amended by House Amendment "A".

That the Senate recede from its action whereby the "Ought Not to Pass" report was accepted and concur with the House in substituting the resolve for the report and passing the resolve to be engrossed as amended by House Amendment "A" submitted herewith.

Comes from the House, the report read and accepted, and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Hanold, the report was read and accepted and the Senate voted to recede from its former action whereby the "Ought Not to Pass" report was accepted and the resolve was substituted for the report and under suspension of the rules was given its first reading. House Amendment "A" was read and adopted in concurrence, and the resolve as so amended was passed to be engrossed in concurrence.

House Committee Reports

The Committee on Judiciary on Bill "An Act Amending the Workmen's Compensation Act," (H. P. 1123) (L. D. 588) reported that the same ought not to pass as it is covered by other legislation.

The Committee on Public Buildings and Grounds on Bill "An Act Relating to the Superintendent of Public Buildings," (H. P. 1223) (L. D. 710) reported that leave be granted to withdraw, as the same is covered by other legislation.

The Committee on Taxation on Bill "An Act Relating to Taxation of Intangible Property," (H. P. 1227) (L. D. 713) reported that the same ought not to pass.

The Committee on Ways and Bridges on "Resolve in Favor of Townships of Township 1, Range 9, Township 2, Range 9, Township 2, Range 10, Township 3, Range 9, and Township 3, Range 10, Piscataquis County," (H. P. 301) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Relative to Snow Removal," (H. P. 974) (L. D. 502) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Agriculture on Bill "An Act Relating to the Milk Control Board," (H. P. 762)

(L. D. 427) reported the same in a new draft, (H. P. 1340) (L. D. 876) under the same title, and that it ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Suspension of Licenses for Eating Places, etc.," (H. P. 1104) (L. D. 570) reported the same in a new draft, (H. P. 1333) (L. D. 871) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Claims and Actions Against Executors and Administrators," (H. P. 250) (L. D. 164) reported the same in a new draft, (H. P. 1323) (L. D. 864) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Membership of Persons Employed in the Federal Employment Service in the Jointly-Contributory Retirement System for State Employees," (H. P. 1124) (L. D. 589) reported the same in a new draft, (H. P. 1321) (L. D. 862) under the same title and that it ought to pass.

The same Committee on Bill "An Act Relating to Judges of Municipal Courts not to act as Counsel," (H. P. 948) (L. D. 482) reported the same in a new draft, (H. P. 1332) (L. D. 870) under the same title, and that it ought to pass.

(On motion by Mr. Peters of Androscoggin, the bill was laid upon the table pending acceptance of the report.)

The same Committee on Bill "An Act Relating to Bonds to be Furnished by State Officials and Employees," (H. P. 92) (L. D. 57) reported the same in a new draft, (H. P. 1304) (L. D. 832) under the same title, and that it ought to pass.

Which reports were severally read and accepted and the bills were given their first reading. Under suspension of the rules the bills were read a second time and passed to be engrossed in concurrence.

The Committee on Maine Publicity on Bill "An Act Providing for Badges Designating the Members of the Legislature," (H. P. 105) (L. D. 86) reported the same in a new draft, (H. P. 1267) (L. D. 774) under a new title, Bill "An Act Providing for Emblems Designating the Members of the Legislature," that it ought to pass.

On motion by Mr. Elliot of York, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The Committee on Motor Vehicles on Bill "An Act Relating to Rebate of Registration Fees on Motor Vehicles Owned by Men in Armed Services, or Confiscated by the Federal Government," (H. P. 1182) (L. D. 660) reported the same in a new draft, (H. P. 1344) (L. D. 883) under a new title, Bill "An Act Relating to Rebate of Registration Fees on Motor Vehicles Taken by Eminent Domain," and that it ought to pass.

The Committee on Public Utilities on Bill "An Act to Extend the Charter of the Patten Water and Power Company," (H. P. 466) (L. D. 248) reported the same in a new draft, (H. P. 1335) (L. D. 873) under a new title, Bill "An Act to Incorporate the Patten Water and Power Company," and that it ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Sale of Stumpage on T. 1, R. 13, W. E. L. S. Piscataquis County," (H. P. 969) (L. D. 499) reported the same in a new draft, (H. P. 1337) (L. D. 877) under a new title, "Resolve Authorizing the Sale of T. 1, R. 13, W. E. L. S., Piscataquis County," and that it ought to pass.

The same Committee on "Resolve Granting Authority to the Forest Commissioner to Convey Certain Lands to Herbert R. Robbins of Township 10, Hancock County," (H. P. 582) (L. D. 349) reported the same in a new draft, (H. P. 1338) (L. D. 878) under a new title, "Resolve Granting Authority to the Forest Commissioner to Cancel Deed Erroneously Recorded," and that it ought to pass.

The same Committee on Bill "An Act Relating to the Policing of State Parks, and Acceptance of Gifts for Improvement of State Parks," (H. P. 209) (L. D. 143) reported same in a new draft, (H. P. 1339) (L. D. 875) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Lands Owned by the State," (H. P. 1163) (L. D. 618) reported the same in a new draft, (H. P. 1163) (L. D. 618) reported the same in a new draft, (H. P. 1336) (L. D. 874) under the same title and that it ought to pass.

The same Committee on "Resolve Authorizing the Forest Commissioner to Convey Certain Land to Enos Drumm, of Thomaston, Connecticut," (H. P. 330) (L. D. 198) reported that the same ought to pass.

The Committee on Temperance on Bill "An Act Relating to Licenses for Sale of Malt Beverages for Entertainment of Soldiers," (H. P. 1168) (L. D. 623) reported the same in a new draft, (H. P. 1325) (L. D. 866) under a new title, Bill "An Act Relating to Licenses for Sale of Malt Beverages," and that it ought to pass.

The same Committee on Bill "An Act Relating to the Limitations on Sales by Licenses of Liquor, Malt Liquor, Wines and Spirits," (H. P. 585) (L. D. 351) reported the same in a new draft (H. P. 1324) (L. D. 865) under the same title and that it ought to pass.

The Committee on Ways and Bridges on Bill "An Act Authorizing a Re-issuance of Bonds for the Purpose of Refunding Waldo-Hancock Bridge Bonds," (H. P. 1208) (L. D. 683) reported that the same ought to pass.

(On motion by Mr. Emery of Hancock, tabled pending passage to be engrossed in concurrence.)

The Committee on Welfare on Bill "An Act Permitting the State to Render Aid in Organized and Unorganized Territory," (H. P. 837) (L. D. 403) reported the same in a new draft, (H. P. 1334) (L. D. 872) under the same title, and that it ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves read once, and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

The Committee on Agriculture on Bill "An Act Relating to Permit for Cattle Entering the State," (H. P. 921) (L. D. 475) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Salaries and Fees on Bill "An Act Increasing the Compensation of the Members of the Board of Registration of Voters," (H. P. 344) (L. D. 201) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Automobile Travel by State Employees," (H. P. 1186) (L. D. 663) 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, under suspension of the rules, the bills as amended were severally read a second time and passed to be engrossed in concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to the Choice of Assessors," (H. P. 798) (L. D. 463) reported the same in a new draft, (H. P. 1312) (L. D. 841) under a new title, Bill "An Act Relating to the Choice of Assessors and Compensation of Town Officers," and that it ought to pass.

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

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. House Amendment A was 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 Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Clarifying the Apportionment of Representatives to the Legislature," (H. P. 186) (L. D. 136) reported that the same ought to pass.

(Signed)

Senators:

FARRIS of Kenebec

Representatives:

WILLIAMS of Auburn

BARNES of Houlton

BANGS of Brunswick

GRUA of Livermore Falls

MAXWELL of Bangor

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

(Signed)

Senators:

HARVEY of York

McGLAUFLLIN of Cumberland

Representatives:

PERKINS of Boothbay Harbor

ROBINSON of Brewer

Comes from the House, resolve and reports indefinitely postponed.

In the Senate, on motion by Mr. Harvey of York, the Resolve and reports were indefinitely postponed in concurrence.

The Majority of the Committee on Ways and Bridges on Bill "An Act to Create a Fund Known as 'Town Road Maintenance and Improvement Fund,'" (H. P. 1229) (L. D. 715) reported that the same ought not to pass.

(Signed)

Senators:

BROWN of Aroostook

DORR of Oxford

HALL of Franklin

Representatives:

LACKEE of Addison

DEAN of South Portland

McINTIRE of Phippsburg

McLEOD of Bar Harbor

OSGOOD of Bradford

AYER of Cornish

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

(Signed)

Representative:

CROSS of Augusta

Comes from the House, the Majority Report, read and accepted.

In the Senate, on motion by Mr. Friend of Somerset, the Majority Report "Ought Not to Pass" was read and accepted in concurrence.

The Majority of the Committee on Welfare on Bill "An Act Relieving Towns from Care of Neglected and Dependent Children," (H. P. 473) (L. D. 254) reported the same in a new draft, (H. P. 1342) (L. D. 881) under a new title, Bill "An Act Relieving Towns from Board and Care of Neglected Children" and that it ought to pass.

(Signed)

Senators:

BOUCHER of Androscoggin

GOOD of Aroostook

Representatives:

OSGOOD of Bradford

LEAVITT of Portland

BUZZELL of Fryeburg

HAWES of Vassalboro

SMITH of Thomaston

LACKEE of Addison

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Senators:

SANBORN of Cumberland

Representative:

DAVIS of Buxton

Comes from the House, the Majority Report (Ought to Pass in New Draft) read and accepted and the bill passed to be engrossed.

In the Senate:

Mr. VARNEY of York: Mr. President, I don't know that I am opposed to the acceptance of the majority report. On the other hand, I do not think we should accept this report without the members of the Senate knowing what we are doing. This is the first term I have had occasion to sit on the Committee on Appropriations and Financial Affairs. I have discovered that many of the members have a wrong impression of what the duties of that Committee are. Many of you apparently think that it is our duty to determine the policy of the State of Maine and see to it that sufficient money is provided to take care of whatever policies we determine. I think I can speak at this time for the Committee on Appropriations and Financial Affairs by saying that at this session at least, we have considered that it was not our duty or our privilege to determine for the members of the legislature what functions the state should or should not undertake.

We have, generally speaking, two classes of bills before our committee. One is the so-called General Appropriations Act. All of the appropriations which we consider under that act are now set up and provided for by law. I mean by that the state of Maine, through its legislature, has in the past determined, for instance, that we should have a State Prison. They have determined that we should have an Insane Hospital or two. They have determined that the Department of Health and Welfare shall go into certain activities. All of those come under the General Appropriations Act and we of the Appropriations Committee, with reference to that class of appropriation have taken the position

that it was our duty only to inquire into what we thought was a reasonable amount necessary to carry on those various things for the remainder of the session—of the two year period.

While I am on that subject, I would like the members of the Senate to know that there are certain activities of the state, which the legislature has provided for, which do not go to the Appropriations Committee. For instance, all Highway matters do not go to the Appropriations Committee. The present law provides that gasoline tax monies and receipts from automobile registrations go into highway funds, and the present law also provides that certain activities, that is, administrative expenses of the Highway Department, shall come out of those funds. For that reason I assume that the legislature has always referred to the Ways and Bridges Committee the divisions and the appropriations of those funds for the various services that come under the head of highway matters.

We have one other class of bills which do come before the Appropriations Committee and that is the bill which sets up a new function and also carries an appropriation to carry out that function. In considering those bills we have to first consider whether or not we think the state of Maine wants to get into that particular activity and once we decide that they do, then consider the question of how much money we should set up for that.

This particular bill is one of the latter class. It did not go to the Appropriations Committee. There are many bills of that nature which do not go to Appropriations Committee. We therefore take the attitude as a committee we have no interest in whether or not the state of Maine wants to go into this activity, but because of the fact that if the state of Maine does decide to go into this activity, we will then consider it our duty to set up a sufficient appropriation to carry out the purposes of the act. We think perhaps we should explain to the members of the Senate at this time, something about what the general picture is. We have now completed our study

and have nearly completed our deliberations.

At the present moment, I cannot give you the exact figures. We go about it in this way. We take each department, one by one, which we know the state wants us to carry on. We set up what we consider would be a reasonable figure. We have to wait until other acts such as this one, claims, pensions, etc., have been at least reported out from committee so we can see how much money it is going to take to carry out those things. We then have to go over the various departments where they have revenues coming in from various sources and estimate as best we can what that revenue will be for the next biennium. We then add up on one side what we think the state wants to spend, and we add up on the other side what we think the state will receive from those revenues from various taxes such as tobacco tax, railroad tax, license fees and so forth, and we usually find, and will find this year that the revenues from those sources do not balance the expenditures that the legislature has provided for.

We have another bill before our committee which places a mill tax on real estate. When that tax bill was introduced, it was fixed at 7½ mills, or the same amount that it was in the last biennium, and so when we get down to our balance, if we have enough left we could and would recommend that the mill tax be reduced to such an amount as would balance our budget. On the other hand, should we have an unbalanced budget, I assume it would be our duty to recommend to the legislature that the mill tax be increased sufficiently to balance the budget or else that we find some other or different form of tax.

As I see the picture at the present time, after we have made what the committee considers adequate allowance to all of the departments for probably salary adjustments, we will be in about this position. You will have before you as I see it, and you have now three choices. One thing you could do if this bill did not pass would be to reduce your mill tax about one-quarter to one-half mill. One-quarter of a mill is about \$180,000. This bill would call for about \$250,000 or \$225,000, I am not sure which.

Now your third choice as I see the picture now is the other bill which somebody has on the table here in the Senate which would put on the Old Age list, aliens. That bill would about absorb what would be left in the bottom of the well.

Should you pass both bills, you would probably have to increase your mill tax about ¼ mill. Should you pass one of the two bills you could leave your mill tax where it is. Should you pass neither one of the two bills you could reduce your mill tax from 1/4 to 1/2 mill.

As to the merits of this particular bill, I want to speak briefly. You have, I believe, on your desks a list of the towns which would receive this money back. This is a good idea in my opinion but you are confronted with the choice of whether you are going to give \$250,000 back to the town on this bases or give it back to the towns on a reduction of real estate taxes. I would favor real estate taxes because I think this form is spotty. Under this system, there are some small towns who get large amounts, and some large towns who get small amounts. The town where I live would be as well if not better off than they would if they got the mill tax back. There are 264 towns in the state of Maine who would get some benefit from this act, 208 towns large enough to qualify for the board and care of dependent children, and the reason I say large enough to qualify—as I understand it, there are many towns more than that in the state, but you have to have more than 200 population to qualify—264 towns who will get something back under this act but 208 towns who don't get back a penny. It doesn't seem the fairest way of giving money back to towns and cities. With that explanation I would invite further discussion, after which I would like to see this particular matter tabled until such time as somebody can give us a little more accurate financial picture than I can give at the present moment.

Mr. GOOD of Aroostook: Mr. president and members of the Senate, being a member on this committee and signing the majority report I felt I should, if there was any controversy about this, explain my position. Now, I have no doubt that it has been carefully gone over by Senator Varney and knowing that he is on the Ap-

propriations and Financial Affairs Committee he is much interested in that committee and I have a high regard for his judgment and carefulness. But this is another measure in here to take care of, or lift the burden from, the local towns.

When this bill was presented to the legislature I said to the sponsor of the bill that I would be opposed to it if it upset the program of the state in any way, shape or form, and as the bill was originally drawn it would call for a little over a million dollars and I was opposed to it. But the bill eventually was amended so it took care of the board and care of the children which means now \$214,000—I think it is—a year; \$214,160.62, what we paid out last year.

Now, in the first biennium it would take nearly half a million or \$400,000. If the money wasn't there then that would be another picture to look at but the money is there and there is almost a million and a half of reserve now in the state treasury, a working capital that they have, and over and above that there is almost half a million that has not been estimated, coming from the Liquor Commission in less than half a year, which will more than take care of this bill in the next two years.

It is not the intention of the Welfare Committee to upset the program of the state, not by any means, nor to ask for any increase of a mill tax, but we have heard about this decreasing of a mill tax, to a certain degree, for several years and it has never come to pass yet, and if there is a decrease it is very easy to raise the valuation of the state another hundred million, which in 1940 the state valuation was \$684,000,000 and in 1942 it was \$704,000,000 with a local valuation in 1940 of \$583,000,000 and in 1942 a local valuation of \$601,000,000. So they have raised the valuation over a hundred million from 1940 to 1942.

Now this reducing the mill tax and raising the valuation, I can't see where it is going to help the farmer out any or the individual in the state of Maine who pays the tax. Now, practically every county agent or officer has had his salary raised and there hasn't been any great protest against that. That is probably all right. And the em-

ployees of the state are probably all going to be raised and the heads of departments. I haven't any objection to that if we have the money, and we have the money available because the liquor business is producing a revenue and we have over half a million that has never been estimated which could be used, but I say it would be proper to turn that back to the towns and relieve them of the burden that we have always had to carry in the past, which would give us the board and care of the dependent children, which would mean a little more than \$428,000 in the first two years. That seems fair and reasonable. It isn't upsetting the program and not putting any hardship on anyone.

It is only fair that the tax payers should have their burden relieved a little at this time. We have the money, if we are going on the assumption that we would have accumulated enough funds in the liquor business in the next two years, but we haven't got to go on the assumption. It was proven by Mr. Mossman before the Committee the other day that it was already accumulated. So I don't think that Brother Varney has any grounds for that because we are not disturbing the Appropriations and Financial Affairs Committee in any shape or form. If this wasn't a logical lifting of the burden of the towns then I would sit down and say nothing but "Go ahead and pass it." When this first bill came in Mr. Mossman agreed that we had the money to take care of the whole bill, the first one. We could have done that and jeopardized only our working capital but we didn't dare undertake that and therefore we asked for this amendment. We have the money, as I have already said, accumulated in the liquor funds, to take care of it.

Therefore, Mr. President, I hope the motion that the majority report "Ought to Pass" be accepted, will prevail.

Mr. BROWN of Aroostook: I wish to say that I am in favor of this bill and I wish to present another angle to it than what has come out yet. This is in fact a policy-making bill. It is the policy of whether the state or towns are going to take care of dependent children. As you already know, the

social workers of the state go out over the state, and very properly, to see that the children are not neglected, that they have proper care. That is one of the duties of the social workers and one of the duties of the state, to see that the children are not abused and are not suffering from want. And they tell the towns where these children are and what kind of aid they should receive and how much, and so forth, and then the town pays the bills.

I was in the House yesterday and heard a distinguished member of that Body speaking on another bill, telling about how the war workers were earning their money and how laborers were receiving eighty or a hundred or a hundred and twenty-five dollars a week and then spending their money and leaving their children in such condition that the welfare workers had to come in and take care of them. If these children happened to come from the town of Caribou, the city down there where their parents are working didn't take care of them but it was the town of Caribou that was billed for that expense, and I favor this bill because I believe that when the workers of the state, working under the authority of the state, come into a town and say that these children have to be taken care of and say how they shall be taken care of, then the expense should come out of the coffers of the state the same as any other welfare work and not out of the town.

Now, in regard to reduction of real estate tax, there is nothing wrong with that and I believe it has got to come but I am not interested in a quarter of a mill on all the property of the state. I think there is a lot of property in the state that is not taxed too much. I am not holding any brief in asking that you reduce the tax of the wild lands a quarter of a mill, or manufacturers' property, and so forth. They have demonstrated that they can take care of themselves, and a quarter of a mill on all the property of the state does not mean anything to me. For instance, the tax in my town is seventy mills and what does a quarter of a mill mean to me? Nothing. Figuratively speaking it isn't any relief.

But this is a relief because when your town is taxed to support dependent children which the state

says you must take care of it is a direct tax on the real estate of that town. And when the state has the money to do it with then it should be the privilege of the state to take care of them and pay their expenses. And for that reason I am for this bill. It is a policy-making bill just the same as through our pensions we take care of those who have not reached the age where they can get the old age pensions. This is one of the functions which the welfare organization of the state should take care of, and I am in favor of the bill.

Mr. McGLAUFILIN of Cumberland: Mr. President, I too am in favor of this bill. I think the idea is sound. We take care of our old people. I think we should take care of our neglected children and if we haven't got money enough to do it we should raise it.

Mr. VARNEY of York: Mr. President, I want to straighten out what seemed to me to be a misunderstanding as to what I said before. First, the Senate will notice that I did not move to indefinitely postpone this bill or anything of the sort. I think it is a good bill. And I did not intend to indicate that the Appropriations Committee, as a committee, are in any way opposed to it. In fact, I don't know how the other members of the committee feel about the bill and for all I know they are all in favor of it.

I did attempt to explain to this Senate that the financial picture as I see it now is that when you get down to the final analysis you have the choice of passing back this money to these towns under this bill or the choice of passing back a similar amount of money to the towns in a reduction of the mill tax. Personally I happen to think that all of the towns would share in that money if you passed it back under the mill tax, where 208 towns don't receive anything back under this bill.

In reply to Senator Good's remark about the five hundred thousand that they have got from the additional sales of liquor, I want to point out that the Appropriations Committee has taken that into consideration in figuring up the finances. In other words, I assume you all understand that this big book here which contains an estimate of the revenues from liquor is not the estimate of the Appropriations Commit-

tee. It is an estimate made before the legislature convenes, by the Budget Committee, and since the making up of this budget it is a fact that liquor revenues have increased \$500,000 more than anticipated at the time this budget was made up.

Now your Appropriations Committee have taken that into consideration and added that increase to our expected revenues before we arrived at our present figure. And I say again that while I favor this bill I wanted to notify the Senate, as I see it, that if this bill passes there will be no reduction in the mill tax and if this bill doesn't pass there will be a reduction in the mill tax, and I am perfectly happy to let this Senate decide which policy the state of Maine should follow.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Good who has moved the acceptance of the Majority Report "Ought to Pass". Are you ready for the question?

Thereupon, on motion by Mr. Emery of York, the bill was laid upon the table pending acceptance of the report.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to the Game of 'Five-in-a-Row' Otherwise Known as 'Skill Ball Beano'," (H. P. 951) (L. D. 537) reported the same in a new draft, (H. P. 1303) (L. D. 834) under a new title Bill "An Act Providing for the Licensing and Regulation of the Amusement Known as 'Five-in-a-Row,'" and that it ought to pass. (signed) Senators:

DUNBAR of Washington
PETERS of Androscoggin
Representatives:
BARTLETT of Portland
HASKELL of Portland
SICHOL of Lisbon Falls
WARD of Millinocket

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed) Senator:
SANBORN of Cumberland

Representatives:
PAYSON of Portland
DONAHUE of Biddeford
ANDERSON of New Sweden

Comes from the House, the Majority report read and accepted, and the bill passed to be engrossed.

In the Senate:

Mr. DUNBAR of Washington: Mr. President. I move that the Majority Report "Ought to Pass" be accepted in concurrence.

Thereupon, on motion by Mr. McGlaflin of Cumberland, the bill and accompanying reports were laid upon the table pending motion to accept the "Ought to Pass" Majority Report in concurrence.

Communication

STATE OF MAINE
Senate Chamber
Augusta

March 31, 1943.

To the Senate
91st Legislature
Augusta, Maine.

Dear Sirs:

Pursuant to the Joint 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 12:17 P. M., March 31, 1943. These bills and resolutions were signed by the President at 4:19 P. M., March 31, 1943. These bills and resolutions were presented by me to the Governor at 4:27½ P. M. March 31, 1943.

Respectfully yours,

ROYDEN V. BROWN
Secretary of the Senate.

Which communication and accompanying list was read and ordered placed on file.

An Act relating to Salary of the the Judge of Probate for Androscoggin County. (S. P. 166) (L. D. 767)

An Act to Amend the Charter of the Town of Old Orchard Beach. (S. P. 222) (L. D. 333)

An Act relating to Salary of the Clerk in Office of Clerk of Courts of Franklin County. (S. P. 263) (L. D. 469)

An Act relating to the Office of State Auditor. (S. P. 411) (L. D. 700)

An Act relating to the Penalty for Interfering with any Contrivance used in the Lobster Industry. (S. P. 445) (L. D. 786)

An Act relating to Civil Actions for Death. (S. P. 446) (L. D. 788)

An Act relating to Savings Deposits in Trust Companies. (S. P. 451) (L. D. 800)

An Act relating to Reports, Publications, etc. of Departments. (H. P. 162) (L. D. 104)

An Act relating to the Salary of the Judge of the Lincoln Municipal Court. (H. P. 206) (L. D. 141)

An Act relating to the Bath Municipal Court. (H. P. 249) (L. D. 165)

An Act Increasing the Salary of Clerks in the Office of Register of Probate of Lincoln County. (H. P. 470) (L. D. 251)

An Act Creating a Civil Service Commission for the City of Old Town. (H. P. 559) (L. D. 298)

An Act relating to Clerk Hire in Office of Clerk of Courts of Lincoln County. (H. P. 825) (L. D. 393)

An Act relating to Compensation of County Commissioners of Lincoln County. (H. P. 826) (L. D. 394)

An Act relating to Salary of the County Treasurer of Lincoln County. (H. P. 827) (L. D. 395)

An Act relating to Vaccination of Animals to Prevent Tuberculosis. (H. P. 922) (L. D. 476)

An Act relating to Certificate of Health upon Sale of Pure-blooded Cattle. (H. P. 923) (L. D. 477)

An Act relating to Authority of Clerks of Municipal Courts. (H. P. 941) (L. D. 541)

An Act relating to the Protection of Cattle from "Bang's Disease." (H. P. 1066) (L. D. 556)

An Act relating to Qualification and Registration of Voters. (H. P. 1116) (L. D. 581)

An Act Further Amending the Financial Responsibility Law. (H. P. 1122) (L. D. 587)

An Act Enacting the Consumer's Cooperative Act. (H. P. 1126) (L. D. 591)

An Act Amending the Unemployment Compensation Law. (H. P. 1131) (L. D. 596)

An Act relating to Compensation of County Commissioners of Aroostook County. (H. P. 1156) (L. D. 611)

An Act relating to Compensation of Register of Deeds of the Northern District of Aroostook County. (H. P. 1157) (L. D. 612)

An Act relating to Clerk Hire in the Office of Clerk of Courts for Oxford County. (H. P. 1159) (L. D. 614)

An Act to Amend the Charter of the City of Rockland by Providing for the Appointment of a Board of Commissioners of Police and Firemen. (H. P. 1222) (L. D. 709)

An Act relating to Sale of Liquor by Summer Hotels. (H. P. 1260) (L. D. 757)

An Act relating to Payment of Special Legislative Pensions from Appropriations for Same. (H. P. 1283) (L. D. 798)

An Act relating to Records of Oaths in the Office of Town Clerks. (H. P. 1285) (L. D. 801)

An Act relating to Stolen Property. (H. P. 1288) (L. D. 811)

An Act relating to the Reciprocal Enforcement of Violations of Fishing Laws in Boundary Waters Between Maine and New Hampshire. (H. P. 1289) (L. D. 812)

An Act relating to Taxation of Motor Vehicles. (H. P. 1290) (L. D. 813)

An Act Authorizing the Withholding of the Federal Victory Tax. (H. P. 1292) (L. D. 816)

An Act relating to Ordinance Covering Public Assemblages, etc. (H. P. 1298) (L. D. 815)

An Act relating to Records of De-organized Towns. (H. P. 1294) (L. D. 817)

An Act relating to the Salaries of Clerks in County Offices in Oxford and Penobscot Counties. (H. P. 1295) (L. D. 818)

Orders

On motion by Mr. Batchelder of York, it was

ORDERED, that the Rev. Donald A. Scanlin of Kennebunk, be invited to officiate as Chaplain of the Senate, on the morning of Friday, April 2, 1943, at 10 o'clock.

Mr. Elliot of Knox presented the following Order and moved its passage:

ORDERED, that on Monday, of each week, beginning with Monday, April 5th, 1943, all matters now upon the table, shall be laid before the Senate under "Orders of the Day," in the order in which they were placed upon the table, and until disposed of, shall have precedence under "Orders of the Day."

Mr. ELLIOT of Knox: Mr. President, in explanation of this order, I would simply like to say that I believe the members of the Senate should be given time to take bills off the table of their own accord and also inasmuch as this is changing the rules of the Senate, I move that the Order be laid upon the table pending passage.

The motion prevailed and the Order was laid upon the table pending passage.

First Reading of a Printed Bill

"Resolve in Relation to Status of Paul J. Brown in Re Teachers' Retirement Association." (S. P. 82) (L. D. 880)

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

Sent down for concurrence.

Senate Committee Reports

Mr. Townsend from the Committee on Temperance submitted its Final Report.

Mr. Washburn from the Committee on Indian Affairs submitted its Final Report.

Mr. Sterling from the Committee on State Lands and Forest Preservation submitted its Final Report.

Mr. Dow from the Committee on Taxation submitted its Final Report.

Mr. Bishop from the Committee on Agriculture submitted its Final Report.

Mr. Dunbar from the Committee on Federal Relations submitted its Final Report.

Mr. Good from the Committee on Welfare submitted its Final Report.

Mr. Batchelder from the Committee on Military Affairs submitted its Final Report.

Mr. Batchelder from the Committee on Public Utilities submitted its Final Report.

Mr. Bishop from the Committee on Agriculture on Bill "An Act for the Further Prevention of Bang's Disease," (S. P. 280) (L. D. 456) reported that legislation on the same is inexpedient, as the matter is covered elsewhere.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Varney from the Committee on Library on "Resolve for the Purchase of One Hundred Copies of 'History of Morrill, Maine'" (S. P. 199) reported that the same ought to pass.

Mr. Townsend from the Committee on Temperance on Bill "An Act to Provide Strict Enforcement Provisions Covering the Operation of

Retail Outlets of Malt Beverages," (S. P. 328) (L. D. 503) reported the same in a new draft, (S. P. 484) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the Bill and Resolve laid upon the table for printing under the Joint Rules.

Mr. Friend from the Committee on Pensions on the following Resolves reported the same in a Consolidated Resolve (S. P. 485) under a new title "Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons and that it ought to pass:

S. P. 104, Resolve Providing for a State Pension for Jennie S. Spencer, of Cornville.

S. P. 105, Resolve Providing for a State Pension for Charles W. A. Scott, of Portland.

S. P. 146, Resolve Providing for a State Pension for Frank J. Minealis, of Monticello.

S. P. 165, Resolve Providing for a State Pension for George Shortier, of Skowhegan.

S. P. 243, Resolve Providing for a State Pension for Margaret Stubbs, of Caribou.

S. P. 244, Resolve Providing for a State Pension for Benjamin F. Wentworth, of Waldo.

S. P. 261, Resolve Providing for a State Pension for Effie Ann Hananon, of Palermo.

S. P. 262, Resolve Providing for a State Pension for Melvin Stephen Belden, of Palermo.

S. P. 327, Resolve Granting Increase in Pension to Murray Wentworth, of Waldo.

S. P. 363, Resolve Providing for a State Pension for Frederic C. Chandler, of Bath.

S. P. 364, Resolve Providing for an Increase in State Pension for Elson Harford, of Richmond.

S. P. 401, Resolve Granting a Pension to Ralph Burrill, of Canaan.

S. P. 402, Resolve Granting a Pension to George L. Hayden, of Athens.

S. P. 403, Resolve Granting a Pension to Eugene L. Noyes, of Athens.

H. P. 11, Resolve Providing for a State Pension for Della M. Dunn, of North Monmouth.

H. P. 38, Resolve Providing for a State Pension for Chester A. Frost, of Pittsfield.

H. P. 49, Resolve Providing for a State Pension for Blanche K. Greenlaw, of Gardiner.

H. P. 50, Resolve Providing for a State Pension for Jessie M. Grant, of Prospect.

H. P. 110, Resolve Providing for an Increase in State Pension for Sarah A. Ferguson, of Hallowell.

H. P. 111, Resolve Providing for a State Pension for Martha J. Clark, of Hermon.

H. P. 112, Resolve Providing for a State Pension for Helen V. Bowen, of Carmel.

H. P. 113, Resolve Providing for a State Pension for Lottie W. Snow, of Hermon.

H. P. 114, Resolve Providing for a State Pension for Arthur D. Sawtelle, of Oakland.

H. P. 115, Resolve in Favor of Annie B. Cochran, of Oakland.

H. P. 141, Resolve Providing for a State Pension for Beula B. Knight, of Unity.

H. P. 142, Resolve Providing for a State Pension for Jessie Jones, of Burnham.

H. P. 143, Resolve Providing for a State Pension for George L. Harvey, of Belfast.

H. P. 145, Resolve Providing for a State Pension for Jennie M. Mower, of Belfast.

H. P. 146, Resolve Providing for a State Pension for Edith M. Saunders, of Sedgwick.

H. P. 147, Resolve Providing for a State Pension for Addie McCurdy, of China.

H. P. 148, Resolve Providing for a State Pension for John G. Berry, of China.

H. P. 149, Resolve Providing for a State Pension for Fidelia E. Banks, of China.

H. P. 150, Resolve Providing for a State Pension for L. Everett Glidden, of Carmel.

H. P. 151, Resolve Providing for a State Pension for Edith M. Towne, of Litchfield.

H. P. 193, Resolve Providing for a State Pension for Leland Bartlett, of Winn.

H. P. 194, Resolve Providing for a State Pension for Thomas W. Michaud, of Winn.

H. P. 195, Resolve Providing for a State Pension for Martha B. Benner, of Waldoboro.

H. P. 197, Resolve Providing for a State Pension for Everett F. Philbrook, of Carmel.

H. P. 198, Resolve Providing for a State Pension for George W. Rines, of Newburgh.

H. P. 200, Resolve Providing for a State Pension for Fred W. Bragg, of Sherman Station.

H. P. 202, Resolve Providing for an increase in State Pension for Lester Patten, of Hermon.

H. P. 203, Resolve providing for a State Pension for Leroy Newman, of Winter Harbor.

H. P. 204, Resolve Providing for a State Pension for Victor J. Gardner, of Veazie.

H. P. 224, Resolve Providing for a State Pension for Clarence W. Herbert, of Burnham.

H. P. 225, Resolve Providing for a State Pension for L. Estelle Small, of Unity.

H. P. 226, Resolve Providing for a State Pension for Harold E. Ward, of Unity.

H. P. 227, Resolve Providing for a State Pension for Helena E. Dray, of Newcastle.

H. P. 230, Resolve Providing for an Increase in State Pension for Florence L. Collins, of Carmel.

H. P. 231, Resolve in Favor of Burleigh E. Bean, of Waite.

H. P. 232, Resolve Providing for a State Pension for Bertha Alexander, of Hallowell.

H. P. 233, Resolve Providing for a State Pension for Geneva Gay, of Clinton.

H. P. 234, Resolve Providing for a State Pension for Otis Homsted, of Hermon.

H. P. 235, Resolve Providing for a State Pension for Hannah Holmes, of Ellsworth.

H. P. 253, Resolve Providing for a State Pension for Eva Miller, of Gardiner.

H. P. 302, Resolve Providing for a State Pension for Clinton Sylvester, of Ashland.

H. P. 304, Resolve Providing for a State Pension for Alvin L. Batchelder, of Webster.

H. P. 305, Resolve Providing for a State Pension for Leeman Grant, of Columbia Falls.

H. P. 306, Resolve Providing for a State Pension for Mrs. Abbie Spencer, of Clifton.

H. P. 405, Resolve Providing for an Increase in State Pension for Freda E. Potter, of North Whitefield.

H. P. 406, Resolve Providing for a State Pension for Charlena Sleeper, of Gardiner.

H. P. 408, Resolve Providing for a State Pension for Charles Bowen, of Newburgh.

H. P. 409, Resolve Providing for an Increase in the State Pension for Mary E. Norris, of Wayne.

H. P. 410, Resolve Providing for a State Pension for Berton Knight, of Peru.

H. P. 411, Resolve Providing for an Increase in the State Pension for Blanche A. Grant, of West Enfield.

H. P. 412, Resolve Providing for a State Pension for Mrs. Fannie Grindell, of Newport.

H. P. 413, Resolve Providing for a State Pension for Christine M. Ludwig, of Chelsea.

H. P. 437, Resolve Providing for a State Pension for Philip Duprey, of Castle Hill.

H. P. 568, Resolve Providing for an Increase in State Pension for Ethel M. Partridge, of Augusta.

H. P. 569, Resolve in Favor of Elva Morton, of Mechanic Falls.

H. P. 571, Resolve Providing for an Increase in the Pension for Mrs. Florence Colbath, of Exeter.

H. P. 593, Resolve Providing for a State Pension for Allwood E. Howard, of Mexico.

H. P. 594, Resolve Increasing the State Pension Granted Charles Kelley, of Lubec.

H. P. 595, Resolve Providing for a State Pension for Alonzo Stillings, of Berwick.

H. P. 596, Resolve Providing for a State Pension for Albion Goodwin, of Berwick.

H. P. 631, Resolve Providing for a State Pension for Maggie Powers, of Chapman.

H. P. 813, Resolve Providing for a State Pension for Fred S. Adams, of Smyrna.

H. P. 814, Resolve Providing for a State Pension for Thaddeus LeRoy Porter, of Merrill.

H. P. 815, Resolve Providing for a State Pension for Henry H. Cunningham, of Brooks.

H. P. 816, Resolve Providing for a State Pension for William L. Helms, of Gray.

H. P. 817, Resolve Providing a State Pension for Martha A. Patterson, of Winthrop.

H. P. 818, Resolve Providing for a State Pension for Michael Kearney, of Winthrop.

H. P. 819, Resolve Providing for a State Pension for Mona N. Keith, of North Livermore.

H. P. 820, Resolve Providing for a State Pension for Nelie May Spencer, of Dexter.

H. P. 821, Resolve Providing for a State Pension for James H. Johnson, of Stockholm.

H. P. 822, Resolve Increasing the State Pension Granted Charles Cote, of Limestone.

H. P. 961, Resolve Providing for a State Pension for Irving Richardson, of Fryeburg.

H. P. 962, Resolve Providing for a State Pension for Mrs. George Booth, of Fryeburg.

H. P. 963, Resolve Providing for an Increase in State Pension for Frank H. Gowen, of South Portland.

H. P. 964, Resolve Providing for a State Pension for Alfred H. Bunker, of Bath.

H. P. 965, Resolve Providing for a State Pension for John Leighton, of Milbridge.

H. P. 966, Resolve Providing for a State Pension for Eli Gaudet, Jr., of Rumford.

H. P. 1143, Resolve Providing for a State Pension for William Wallace Faulkner, of Houlton.

H. P. 1144, Resolve Providing for a State Pension for Trueman Miller, of Littleton.

H. P. 1145, Resolve Providing for a State Pension for Carl R. Beek, of Houlton.

H. P. 1174, Resolve Relating to Teacher's Pension for Eva W. Dow, of Belfast.

H. P. 1175, Resolve Relating to Teacher's Pension for Charles Phillips, of Orrington.

H. P. 1183, Resolve Providing for a State Pension for Guy Babb, of Hudson.

H. P. 1204, Resolve in Favor of Arthur Selden Hutchis, of Jefferson.

H. P. 1205, Resolve in Favor of Grace Bryant, of Jefferson.

H. P. 1253, Resolve in Favor of Susie Devine, of Fort Fairfield.

Which report was read and accepted, and the Consolidated Resolve laid upon the table for printing under the joint rules.

Mr. Hall from the Committee on Salaries on 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 to pass as amended by Committee Amendment "A".

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

The Secretary read Committee Amendment A:

"Amend said bill by inserting after the enacting clause 'Section 1.' Further amend said bill by adding at the end thereof, the following paragraph, 'Section 2. Limitation of Act. This act shall remain in force for a period of two years only. It is the intent of the legislature to change the present statute for a period of two years only after which period the present statute shall return to full force and effect.'"

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

Sent down for concurrence.

Passed to be Enacted

An Act Relating to Bonds of Probation Officers. (S. P. 141) (L. D. 145)

An Act to Make Uniform the Law of Transfer of Shares of Stock in Corporations. (S. P. 287) (L. D. 450)

An Act Relating to the Signature of the Treasurer of State and Endorsement of Bonds in the State Treasury. (S. P. 294) (L. D. 443)

An Act Relating to Commitment of Persons of Unsound Mind to the State Hospitals for Observation. (S. P. 320) (L. D. 524)

An Act Relating to Commitment of the Insane. (S. P. 321) (L. D. 525)

An Act Relating to Procuring or Attempting to Procure Abortion or a Miscarriage. (S. P. 457) (L. D. 805)

An Act Relating to the Salary of the Judge of the Municipal Court of Portland. (H. P. 120) (L. D. 74)

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

An Act Relating to Compensation of Judge of Probate of Lincoln County. (H. P. 264) (L. D. 169)

An Act Relating to Powers of Police Commission of the City of Augusta. (H. P. 756) (L. D. 405)

An Act Authorizing the Sale of Certain Property by the County Commissioners of Lincoln County. (H. P. 757) (L. D. 407)

An Act Relating to Inspections and Recounts in Municipal Elections. (H. P. 800) (L. D. 382)

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

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

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

An Act Relating to Search for Lost Persons. (H. P. 1257) (L. D. 759)

An Act to Abolish the Old Age Assistance Commission. (H. P. 1272) (L. D. 778)

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 Apprenticeship Training; Creating Apprenticeship Council and Defining their Duties. (H. P. 1299) (L. D. 821)

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

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

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

Finally Passed

Resolve Relating to Fire Protection for Baxter State Park. (S. P. 377) (L. D. 803)

Resolve in Favor of a Bridge Across the Allagash River. (S. P. 456) (L. D. 804)

Emergency Measures

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)

Which bill being an emergency measure and having received the affirmative vote of 23 members of the Senate, was passed to be enacted.

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

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

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

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Orders of the Day

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, bill, "An Act Granting Increase in Salary to the County Attorney of Oxford County" (S. P. 265) (L. D. 471), tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator, the Senate voted, under suspension of the rules, to reconsider its action of March 25th whereby the bill was passed to be engrossed.

On motion by Mr. Farris, Committee Amendment "A" was indefinitely postponed in concurrence.

House Amendment "A" was adopted in concurrence and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

On motion by Mr. Peters of Androscoggin, the Senate voted to take from the table "Ought to Pass in New Draft" (H. P. 1332) (L. D. 870) report of the Committee on Judiciary on bill, "An Act Relating to Judges of Municipal Courts Not to Act as Counsel (H. P. 948) (L. D. 492) tabled by that Senator earlier in today's session pending acceptance of the committee report; and on further motion by the same Senator, the report of the committee was accepted and the bill was given its first reading. Under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, House Report from the Committee on Public Health, "Ought to Pass in New Draft" (H. P. 1317) (L. D. 844) on bill, An Act Relating to Conduct of Persons who have Communicable Diseases (H. P. 327) (L. D. 204), tabled by that Senator on March 30th pending acceptance of the committee report, and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading.

Thereupon, Mr. Farris presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to H. P. 1317, L. D. 844. Amend said bill by adding at the end thereof the following: 'Nothing herein shall be construed to affect the provisions of section 16.'"

Senate Amendment "A" was adopted, and under suspension of the rules, the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, bill "An Act Relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method" (H. P. 12991) (L. D. 814) tabled by that Senator on

March 24th pending first reading; and on further motion by the same Senator, the bill was given its first reading, and under suspension of the rules was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Woodbury of Waldo, the Senate voted to take from the table, "An Act Relating to Hunting and Trapping of Foxes" (H. P. 1240) (L. D. 739) tabled by that Senator on March 23rd 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. Varney of York, the Senate voted to take from the table, House Report from the Committee on Welfare, "Ought to Pass" on bill, "An Act Relating to Revolving Fund for the Payment of Taxes in Certain Cases by the Department of Health and Welfare" (H. P. 1171) (L. D. 626) tabled by that Senator on March 18th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading.

Mr. VARNEY of York: Mr. President, I feel that I should again explain that I did not table this bill because I am a member of the Committee on Appropriations and Financial Affairs. I did notice, however, that the bill would take \$50,000 from the general funds of the state for the purpose of permitting the department to pay taxes on real estate of recipients of old age assistance, and I wondered why they wanted to do it this way rather than paying the taxes out of the old age assistance appropriation. Now the difference is, if they paid taxes out of the old age assistance appropriation the federal government would share in the payment of those taxes. I talked with the proponent of the bill and with the Department of Health and Welfare and discovered that this was not intended as a bill which would, in any way, help the recipients of old age assistance, and the Department explained that while they had the right at the present time to add to the budgets of recipients of old age assistance a suf-

ficient amount to allow them to pay their taxes, the department did not wish to do that because in that case they would have to pay for all. That is, if they were to pay the taxes for one old age recipient they would have to pay the taxes for all recipients of old age assistance.

This bill was designed to permit the department to pay taxes in specific cases only and they tried to explain to me, though not yet to my satisfaction, that they could sometimes pay a man's taxes for a year or two and thereby prevent his place from being sold for taxes, and then after he died, present a bill against his estate if he had one, and get the money back. Hence, they call this a revolving fund.

Now, I have no objection to setting up \$50,000 or any other sum the legislature wants to set up to pay taxes for recipients of old age benefits but I can see no advantage, on the other hand, in paying a tax because you think you might be able to get it back after the man dies. I have some objection to passing the bill under a false title and for that reason I have prepared Senate Amendment "A" which I now offer. I may say it simply removes the word "revolving" from the title and wherever it appears in the bill and leaves the bill as what I say it is, a bill to set up the sum of \$50,000 to pay taxes with.

Thereupon, Mr. Carney presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to L. D. 626. Amend said bill by deleting the word 'revolving' from the title thereof and from the bill wherever said word appears."

Senate Amendment "A" was adopted.

Under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Senate Report from the Committee on Taxation, "Ought Not to Pass" on bill, "An Act Relating to Increase of the State Valuation" (S. P. 378) (L. D. 627) tabled by that Senator on March 31st pending acceptance of the report.

Mr. BOUCHER of Androscoggin: Mr. President, I move the bill be substituted for the report and in making that motion I want to explain the reason for this as I believe the members of this Senate and the members of this legislature probably have not taken very great notice of a report here on valuations that was deposited on the desks of the different members a few days ago.

If the Senate will remember, I introduced an order whereby we requested such information, but the members of the House thought the information was not complete enough so a new order was introduced in the House requesting further information. Now, this report gives you the returns of different cities and towns in the state as to their valuation made by their own assessors. It gives you the return of the Equalization Committee on the valuation of the State for the year 1941 and 42 and further goes on and gives you the same valuations by the state for the years 1943 and 1944.

Now, Mr. President, the reason I am introducing this bill and demanding this information is to try to ascertain the reason and the wherefore of these extra valuations by the state, apparently not based on any method.

I have not had time to go over this whole valuation report but I have gone over it for the county of Androscoggin and I find the different towns and cities there have been raised in valuation from what they had been anywhere from 1% to 33%.

Now, to the best of my knowledge and information, Mr. President and members of the Senate, I do not know of any activities either in construction or business within Androscoggin County in the last two years that would prove or verify any such variations in the raising of the valuations by the state.

It is possible that my bill is not the cure-all or the remedy for the situation but I thought it my duty to call it to the attention of the legislature. I cannot understand why a branch of state government can go out and raise the valuation according to their own will, and turn this in at the last minute the last of December for tax purposes to the different towns and cities, where they have no recourse.

In other words, the valuation of the town of Poland in Androscoggin County was raised 33 1/3%. The town of Poland had no notice until they received a bill at the end of the fiscal year, so at that time it is too late for them to come here and ask that it be changed.

I believe if these things are to be done and if they are legal, towns and cities should be notified of such changes in valuation at the start of their municipal year so that they would have a chance to organize their budgets and tax rates accordingly. If a town figures it is going to pay, say \$10,000 to the state for the state mill tax and at the end of the year they receive a bill for almost \$20,000 I can very well see where it is going to disrupt the whole tax situation.

I repeat, Mr. President and members of the Senate, I do not say that this bill is the remedy but I would like to see something done to this matter, and so I introduced this bill and this morning I am calling the attention of the Senate to this method of setting valuations throughout the state. It seems to be a hit or miss and at random raises in valuation. I notice the city of South Portland, where a lot has been done in the last few years in construction, has been raised very little above what it was two or four years ago. If my recollection is right, it was just a few hundred thousand dollars. Whereas, the city of Lewiston where there has been no new construction to amount to anything and no great increase in business because the payrolls are on about the same basis, has been increased \$3,000,000. I would really like to have an explanation of this. Apparently one of our municipal officers came here for an explanation and none was given. The answer was, "There is your valuation and that is what you will have to pay your tax on." I do not believe it is a fair and proper way for the state of Maine to proceed to collect taxes.

With these few remarks, Mr. President, I hope my motion will prevail.

Mr. DOW of Oxford: Mr. President, I hope the motion of my good friend, Senator Boucher, will not prevail and in support of my opposition, I want to give various reasons why the Committee on Taxation reported this out "ought not to pass." I sympathize with

the good Senator. I think he has got something. I do not believe this bill does it. I understand there may be legislation still coming through, seeking to cure some of the ills, and if so, I would be most heartily in favor of it.

I think possibly the State Tax Assessor's office is engaged in a long range program of setting the state valuation, and I think if they tried to raise in some places and adjusted all of them at once, making the towns and cities equal, it might be disastrous. Maybe Lewiston is below the average and others may be above the average, but I think in time there will be a leveling off. In the meantime, there may be some unfairness.

I have a few statements which I want to read, which I think pretty well set out the position of the committee on this bill:

"In accordance with Section 13 of Chapter 12 of the Revised Statutes, it is the responsibility of the Board of Equalization to file with the Secretary of State before the first day of December preceding the regular session of the Legislature, a statement of the assessed valuation for each town, township, and lot or parcel of land, in any unorganized townships and lot or parcel of land not included in any township."

"In view of the above provision of the law, it would seem to me that the effect of this bill, if it should become a law, would be the freezing of state valuation figures for municipalities at the present level. I think this is obvious because if the Board of Equalization is required to file a statement of the valuation four or six weeks in advance of the convening of the legislature, it would be impossible to secure approval for any increase in that valuation. The Board of Equalization might be able to decrease valuations, but certainly not to increase them.

"If this situation should prevail, it is possible the whole procedure would be unconstitutional. I make this statement because Section 8 of Article 36 of the Constitution of the State of Maine states that 'all taxes upon real and personal estate, assessed by authority of the state, shall be apportioned and assessed equally, according to the just value thereof.' Of course, it might be possible to change Sec-

tion 13 of Chapter 12 in such a manner that the Legislature would still have the right to approve the state valuation figures and allow the Board of Equalization to file the valuation at some other date. This probably would be impractical because Legislature assesses the state tax, and if the question of valuation was subject to constant change during the session, it would be rather impossible to determine the amount of revenue to be obtained from the state tax."

I think those statements set out somewhat, or almost fully, the views of the members of the committee in reporting this bill out "ought not to pass." I will say again that I hope the motion does not prevail.

Mr. DUNBAR of Washington: Mr. President, I had decided not to say anything in regard to this matter, and I do not believe the bill of the Senator from Androscoggin, Senator Boucher, is the correct method of solution.

I am interested in reading this pamphlet that comes from the State Assessor's office entitled "Valuations." They are the local valuations of 1942 and those fixed by the State Assessor's office for 1941, 1942, 1943 and 1944. When I read that I wonder whether I should support Senator Varney in his motion on the bill regarding aid to dependent children.

I want to make clear, in what I am about to say, I do not want to criticize the present state assessor. I believe he is an honest, fearless, capable man, but something has been hitting us in the state, starting sometime a few years back, in which the valuations of the towns had been raised, and the state assessor saw fit to do this without saying anything to the local assessors. When they have gone into town meetings and have been raising money they have thought they could look back on the valuation of the town as fixed the previous year and know what the state tax would be likely to be. But you do not know now.

I want to tell you why I am interested. In 1941 the valuation of the town of Machias in which I live, for which the local assessors had returned a valuation of a little over \$700,000, real and personal property, had been increased by the state assessor \$138,000 in round fig-

ures. When the matter was taken up with the state assessor at the time he stated the reason was the local assessors were collecting too low a valuation on the Bangor Hydro-Electric Company and the engineer in that department at the time, a Mr. Boynton, came down and looked over the property of the Bangor Hydro-Electric Company in Machias and reported the valuation they were carrying for the previous year of \$56,300 was too low, that the set-up was all wrong, and submitted to them figures that they should place a valuation on that property of at least \$91,500, which the local assessors, taking that engineer at his word and the state department here, did.

And that increased the valuation on the Bangor Hydro-Electric Company \$35,200 and in due course of time they got a tax bill and we of the town heard from the Bangor Hydro-Electric Company promptly. When the local assessors told them that they had been advised by the State Assessor's Department here to put on this valuation and that they did not intend to abate any tax they promptly filed a petition for an abatement of tax, and that is when the matter came to my office. I naturally, as any attorney would do, started to study the matter and prepare my case to get ready for court but before I had got started the same gentleman who in the spring had advised raising the Bangor Hydro-Electric valuation from \$56,300 to \$91,500, after the tax had been assessed and the tax bills were out said to our local assessors, "I was all wrong on what I said to you; I have made a further study and I think the Bangor Hydro-Electric Company are paying a fair tax on the property as assessed in 1940."

That, Senators, you can readily see, if we had to pay that tax, had created a town debt on our town of \$2,356.40. Now I wasn't willing to accept that report and I said to the local assessors, "It is time that we found out just what the value of the Bangor Hydro Electric Company's property is." And I recommended that we hire some engineers to come down there and study our local situation so far as that property was concerned. And we hired the firm of Green and Wilson of Waterville, competent

men, men whom we knew were not connected with any Hydro Electric Company in Maine.

Mr. Wilson of that firm came down there and I told him that I had this case in Court, that it wasn't the purpose of the tax assessors of Machias to do anything unjust to the Bangor Hydro Electric Company, that if he found that the tax valuations as put on in 1940 were right we wanted to know it and if the valuation should be raised, we wanted to know that. In other words I said to him, "I want you to give to me an opinion that you can go into Court and back me up in, in case I decide or the town decides after receiving your report to fight this abatement."

That gentleman did his work carefully and the town paid his firm for it and he made the report back to the town that we had better take the 1940 valuation as placed on there by our local assessors because he could not go into court and testify to an increase of \$35,200 on that tax. The result was that the tax was abated, practically all of it except that I said to the Bangor Hydro, "This expense has been put onto us and we have got \$2,356 in tax to abate and a fee of— I think it was—\$200 or \$300 to pay to the engineer. Will you agree to let us abate enough of the tax so that you will take care of the expense that we were put to with the engineer from Waterville?" And they gladly did so and we abated the balance of the tax amounting to a little over \$2,000.

Now, that was a town debt created with no appropriation for it and I am going to tell you Senators that at the next town meeting the selectmen who were assessors had to do considerable explaining to our people when they got the town report and in town meeting as to why they had abated the tax of the Bangor Hydro Electric Company. That is where is placed them and the whole thought lay in the state assessor's office and the engineer who was sent down there.

Now, if the State Assessor's office was wrong in the \$35,200 to put on to this property isn't it fair to say that the valuation as fixed by the State Assessor here shouldn't at least have been reduced \$35,200 if you wanted to be fair? But in-

stead of that, instead of taking off a penny from that town's valuation they have added on to it \$10,000 more.

Those are the things I don't like and I want you all to study this report, as many of you have. It is interesting. Washington County is a poor county. There isn't a payroll in the town of Machias. The tax valuation of that town on property is nearly as high as it ought to be. Perhaps it isn't up to full market value as all property should be assessed according to the constitution but in addition, as you all know, there is another requisite of the constitution that taxes must be assessed equally according to the just valuation thereof, and there is no equality here. As some Senator has said, it is merely a hit and miss proposition.

If a town like Machias pays a state tax and pays it on time and owes nothing they say that that is a good town to raise but if some other town is behind one or two or three years they go down and look it over and perhaps reduce the valuation, as you will find here in some cases, to an amount even less than the local assessors thought it should be.

I do not think that this bill of Senator Boucher's is the correct method but I would like to see, as a result of what I have said to you and from a study of this report, I would like to see before this Senate closes some sort of a committee appointed and I seriously doubt if it should consist of members of the legislature, except perhaps some members, because I don't believe there are any real tax experts here. But I would like to see a committee created who do know something about taxes and values of property so that we may get something out of this production that will correct the situation so that all of us will be bearing our tax burdens equally according to the just values thereon.

But when I see Machias with an almost 20% increase and when I see another town like the town of Winn with a hundred percent increase, I say there is something wrong somewhere either in the local assessors office or with the state assessing department.

Coming back again to Washington County, I find that our local assessors there have \$14,544,421 as the valuation for that County through the state department for the purposes of assessing a state tax but the valuation established by the Board of Equalization was two million more than that in that county, \$16,395,030. Now it isn't only the state tax that we have to pay on that valuation as assessed by the state assessors, but we have to pay a county tax also and in the town of Machias with the increase in the state tax and the increase in the county tax it means that that one town alone pays on these figures here an increase of over \$1500.

I say it isn't fair. There is something wrong somewhere. In addition to that, Senators, I understand, if I understand the law correctly, that your school equalization fund and your school fund is based on the valuation of your town and the higher your valuation goes the less you get in the equalization fund and from the school fund. We lose there. If I understand my law correctly in the setting up of your state aid money it is based on valuation and the higher the valuation of your town, the less money you get from your state aid road fund. Of course we will not be bothered with it this year, as no money is available. It is a serious proposition.

I do not know what to say in regard to the motion of the Senator from Androscoggin, Senator Boucher. I cannot believe his bill is right but I am glad he had it in here because by having it here you have had before you something you didn't know about. You might have known such a thing was coming on but you didn't know just how it was hitting. I am not going to say at this time where I stand.

Mr. DOW: Mr. President and members of the Senate, in order that my position may be clear and also the position of the committee, I want to say the committee had its attention called to the apparent inequalities and injustices and took them into consideration when acting on this bill and they reported it "ought not to pass" with the idea that this bill might be worse than the inequalities. We were not out of sympathy with the Senator from Washington, Senator Dunbar, and the Senator from Androscoggin, Senator Boucher.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, to substitute the bill for the report.

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

Thereupon, on motion by Mr. Dow of Oxford, the report of the committee "ought not to pass" was accepted.

Sent down for concurrence.

Mr. BRAGDON of Aroostook: Mr. President, I move we reconsider our action taken earlier this morning whereby we passed to be engrossed bill "An Act Relating to Revolving Fund for the Payment of Taxes in Certain Cases by the Department of Health and Welfare (H. P. 1171) (L. D. 626). I wish to say that I feel the Senate lacks information on this bill. If the Senate will go along with the motion I will ask that the matter be tabled and assigned as early as possible that we may get the information we need.

The motion to reconsider action whereby the bill was passed to be engrossed prevailed. Upon further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed in non-concurrence.

On motion by Mr. Elliot of Knox
Recessed until this afternoon at two-thirty o'clock.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair notes the presence of the distinguished Speaker of the House in the Senate chamber and will ask the Sergeant at Arms to escort the Speaker to the rostrum.

At this point, Hon. Ardine Richardson, Speaker of the House of Representatives, was escorted to a seat at the right of the President, amidst the applause of the Senate, the members rising.

The President appointed as members on the part of the Senate of the Committee of Conference on bill, "An Act Relating to Sale and Use of Fireworks" (H. P. 802) (L. D. 384):

Senators: McGlaufflin of Cumberland, Harvey of York, Brown of Aroostook.

The President appointed as members on the part of the Senate of

the Committee on Conference on bill, "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims" (H. P. 565) (L. D. 314)

Senators Sanborn of Cumberland, Dunbar of Washington, Dow of Oxford.

Mr. WORTHEN of Penobscot: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point.

Mr. WORTHEN of Penobscot: Mr. President and members of the Senate, it is with deep regret I wish to announce that our colleague, Senator Haskell was stricken ill in his rooms this morning and has since been removed to the Augusta hospital. I present an order and move its passage:

"ORDERED, that the Secretary of the Senate be directed to send flowers to Senator Harold E. Haskell, who is ill at the Augusta General Hospital.

The order received passage.

On motion by Mr. McGlaufflin of Cumberland, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, Majority report "Ought to pass in new draft", (H. P. 1303) (L. D. 8354) Minority Report "Ought not to pass" on bill, "An Act Relating to the Game of Five in a Row, otherwise known as Skill Ball Beano (H. P. 951) (L. D. 537) tabled by that Senator earlier in today's session pending acceptance of either report.

Mr. MCGLAUFFLIN: Mr. President, I ask for the indefinite postponement of this bill. When a dog smells a bone he starts to dig for it and he has no regard for your flowers or your garden and when a gambler smells a profit he has no regard for principles and he has no regard for the damage he may do to others. The illustration is a good one because moral principles are among the most beautiful flowers of our lives, and allowing the poor, foolish people to waste their money on gambling devices is in the same class as the dog destroying your valuable garden.

Ever since I have been in the legislature there has always been somebody to present to us some

crackpot scheme to hoodwink the public in an effort to get money out of the suckers of the state, of which unfortunately there are always too many. State lotteries, dog races, and beano are among the matters that are thus presented to us year after year. All these schemes are gambling. The State of Maine since its inception has been against gambling.

I cannot see why it should change its principle that tends to protect its citizens against the shark and the shyster who is always lurking in the shadows to try to get something for nothing from our people.

I am opposed to this bill because it is wrong in principle, and Mr. President and members of the Senate, as long as we stick to sound principles we can never go wrong but the moment you depart from these principles, as you will if you pass this bill, then trouble will be sure to follow. They appeal to you to pass this bill on the ground that it does no harm to have Beano games at fairs, church fairs and Legion fairs and perhaps they are right. It is a simple method of raising money but the trouble is when you take down the bars sooner or later the gambler reaps his reward at the expense of the public.

Mr. BROWN of Aroostook: Mr. President, I want to speak in support of the motion of good Senator McGlaflin of Cumberland. I might say I was interviewed earlier in the session and asked to introduce this bill. I refused on the ground that I had always consistently, both in the legislature and out of the legislature, opposed bills and acts which I thought would lower the moral standards of the State of Maine. Another Senator was approached and asked to introduce this bill but he, I presume for the same reason, refused. As things have worked out it would seem if I wanted to defeat this bill I should have worked for it because my batting average hasn't been very good. I have had two defeats in a row. Would it be called "three in a row"? I hope it won't be "five in a row" as far as I am concerned.

I am opposed to this bill because it is a letting down and breaking down of moral standards of a state. I have always felt it was the

duty of the strong to protect the weak and for the state to uphold the moral principles upon which the state has been founded.

I wonder if you realize just what profits the gamblers make out of this when they play at agricultural fairs. I think this bill was designed to help agricultural fairs. At least, that was a reason given to me. Well, say they operate a hundred seats at ten cents each. That gives them \$10.00. It takes only two or three minutes to play off a game and they fill the seats again. The winner gets a prize, a gaudy prize but never exceeds a dollar or two in value. In return for the \$10.00, the winner of the game gets a prize worth a quarter of what is paid in.

Of course this game can be played so it is harmless as we can play a game of cards but promotes racketeering. You may say it is a small stake, and of course when they pay a dime it is a small amount, but remember that they get \$10.00 when 100 people play. They pay off in presents which do not represent one quarter of the money they receive, as a rule.

I say it is a vicious scheme for making money by people who want to come in here and run these places. I object to one of the principles of the bill which seems to be conflicting. First, it puts the control of who is licensed and who shall play and who shall forfeit the license, in the hands of the state police. It takes it out of the hands of officials of the town and of the people of a town. Now, in the past when we have licensed such things for the purpose of getting revenue, the people of a town have had something to say about it. I am referring to voting on the liquor question, whether we shall have liquor stores or beer parlors or saloons, but this as I read it, gives the chief of police, whoever he may be, absolute control. If you will read under section 2 regarding licenses, where corporations or firms or persons apply for a license, it says in the last two lines of section 2, "The application shall bear the consent of the municipal officers of the town or city in which it is proposed to operate such amusement" but the very next section says, "The chief of the state police shall make such rules and regulations for the

holding, conducting and operating of such amusements, etc." It is entirely at his discretion. If the municipal officers do not grant it, he can still, at his discretion, grant those licenses. If the municipal officers do want it, if he wishes to he can refuse to grant it. I think it is a wide granting of powers which no one man ought to have. He ought not to have the right to grant when the municipality does not want it. I cannot read anything different in that. It is the only interpretation I can place upon it.

I presume every Senator has made up his mind on this bill and I am not going to speak any further on it but I did want to go on record in this matter so that the people might know where I stand.

(At this point Honorable F. Ardine Richardson retired, amidst the applause of the Senate, the members rising)

Mr. FRIEND of Somerset: Mr. President I simply want to say I believe this is a good bill and I wish to go on record in favor of its passage.

Mr. SANBORN of Cumberland: Mr. President, we here in Maine are somewhat likely, or have been in the past somewhat likely to look to Massachusetts as a state rather more forward than we conservatives, in the way of liberalizing laws, especially when moral considerations were involved. It is rather interesting to note that during this present session of the Massachusetts legislature they have taken action directly contrary to the legislation proposed here. They have had this sort of thing legalized for several years and they got thoroughly sick of it and at this session they banned it. I note in an edition of a prominent Boston daily yesterday this headline, "Big time gambling over in Boston, Kavanaugh says. Big time gambling is over, Thomas S. J. Kavanaugh declared today." In other words, they have driven this gang out of Massachusetts and I wonder if we want to invite them to come here and we have the same experience they had there. It doesn't seem to me right. I am frank to say I do not like it.

I agree, in the simple game of Beano, there is nothing very vicious about, but it seems to me when we pass laws as we do to protect the weak, it seems to me we are very

unwise to pass a law like this and pave the way for them to be victimized.

I agree that probably nothing that is said here will change a vote but I have no objection whatever to having it known here or anywhere what my sentiments are on this particular proposition.

I have heard the view expressed repeatedly during the session, when this is brought up, that we have another law on our statute books legalizing gambling, namely pari mutuel law, and I have heard the view expressed repeatedly that it was unwise. I have heard the wish expressed by members of the legislature that that legislation should be repealed. If that is the sentiment of a member, it seems difficult for me to realize how he can vote in favor of this measure. Certainly two wrongs cannot make a right. I agree with that proposition. I wish in the light of the experience we have had—I have not seen that the state has reaped any substantial benefit from it and I believe its effect has been contrary to that, and I think it is generally realized over the state—and I think perhaps we made a mistake in that we didn't have a bill introduced to repeal that law. It might have received passage. According to the view of some here, if it had been done, we might have turned this down. I wonder if we will say because it is here we will add this evil to it. I do not know how two wrongs can make a right.

Mr. McGLAUFILIN: Mr. President, when the vote is taken I ask for a division.

Mr. GOOD of Aroostook: Mr. President. I find myself in a kind of embarrassing position this afternoon but I want to state my position and the reason I am going to vote for this bill. First, I said I would. Second, I want to say why I am going to. I think it was two years ago I had a bill in here to repeal pari mutuel, and like a lot of my bills it didn't get to first base and it was killed. I had a bill in here this year to eliminate the beer parlor which everyone admits is obnoxious and detrimental to the young and rising generation. I asked for support from what we consider the best class of people. I didn't get it. They felt it was not time to take away from the young

folks tne beer parlors, and therefore I didn't get any support. Then I tried to help kill the Sunday horse-racing bill. I failed on that. Now we have a bill before us on "Five-in-a-row." The church people play it. They play it at the fairs. They play it for entertainment. I have never played a game of Beano in my life. If I vote wrong this afternoon, I do it ignorantly, but if they are playing it, have played it, and are going to play it, why not legalize it?

I do not know what the men from Massachusetts will come here and do. I do not know what they are doing in other places. I know of no game in the state that the women like to play as well as that. I know I would rather have my child in a Beano game than I would in a cocktail room with the lights half out. I'd a great deal rather they'd do that.

Now I heard my good brother Brown, for whom I have great respect, say that 100 people sit around. I have not seen a table of 100 sitting around playing, but as I understand it in our town we have a fish and game field day and they have a Beano game and there are more women around the Beano game than anywhere else on that field day. The people give prizes and they all play. Maybe there will be 12 or 15 sitting around and when one wins the girls will laugh and have a big time and lay down ten cents for a game. Maybe they will get a \$4.00 or a \$5.00 prize.

It looks simple to me but there may be dynamite in it. I do not know where it is. I feel honest about it. I do not believe from my point of view there is any more harm sitting down playing Beano than a game of checkers or a game of dominoes.

We speak about gambling. We have plenty of it and we don't have to go too far to see where it is done. Maybe they play poker for hours and no one kicks about it. Some boys and girls want to play Beano. Well, some of those people who would not support doing away with the cocktail lounges come in and tell me "If you vote for the Beano game you have ruined all the morals you have got." I have as high respect for morals as any man in the country but I want to be consistent, gentlemen. I want to play fair. If I am wrong, I am ignorant

of it. Everyone I have heard talk went on the assumption there might be terrible gambling. I don't know. It may be so. We have not had it yet. Girls like to play it. Children like to play it and boys like to play it. If some of the folks so concerned about the boys and girls had come in here and given me a little support on obliterating the cocktail lounge and beer parlor, I would have felt they were honest and wanted to get behind the morals they claimed they were behind. This may be a bad bill. We will know about it two years from now. It may pass or it may not pass, but as I said, when I got up to speak, I am going to vote for it. I am not going to slide around the corner. I want people to know how I vote whether it is a division or a yea and nay vote. When they show me I am wrong I will reverse my vote.

Mr. McGLAULFIN: Mr. President I cannot help but think of that old adage, "Oh, consistency, thou art a jewel." It seemed to me I recollected only a day or two ago the good Senator from Aroostook, Senator Good, taking to task my friend from Washington, Senator Dunbar, because of his inconsistency. The Senator from Aroostook says he sees no more harm in playing a game of Beano than a game of cards. I agree with him but that isn't what this measure is. This is a measure to gamble, and the man who is against horse-racing in Pembroke and against cocktail bars in Portland—how can he consistently stand on this floor and say he favors a bill which every man who knows anything about it knows the whole purpose is to legalize gambling? Gambling is the principle I am against.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator McGlauffin, that the bill be indefinitely postponed. The Senator from Somerset, Senator Friend, has asked for a division. Those in favor of the motion to indefinitely postpone will rise and stand until counted. Is the Senate ready for the question?

Six having voted in the affirmative and twenty-four opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Dunbar of Washington, the Majority Re-

port of the Committee on Legal Affairs "Ought to Pass" was accepted and the bill was given its first reading.

On motion by Mr. Batchelder of York, the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table bill, "An Act Permitting the Pembroke Trotting Association to Conduct Amateur Races on Sunday" (S. P. 241) (L. D. 361) tabled by that Senator on March 29 pending passage to be enacted.

Mr. BROWN of Aroostook: Mr. President, I wish to move the indefinite postponement of this bill. As I have said before, I seem to be playing three in a row. Maybe this is the fourth in a row. I did not rise at the time this bill was debated because I thought it had been covered and perhaps at this time I am simply making a futile gesture, but there are several things about this bill which I do not like and I am going to express my reasons.

The first is, you will see, if you read the bill, that you are granting the Pembroke Trotting Association the right to conduct amateur races. I do not believe it is good legislation to grant to any one person or any one group the right to have the law suspended in their favor. This bill doesn't say that the farmers or the people of Pembroke can race horses on Sunday. No, it says the Pembroke Trotting Association are to be exempted and no one else. And I believe that under that law if the farmers should get together somewhere else than on the grounds owned by the Pembroke Trotting Association and wanted to have races in some place, they would be violating the law because they are not exempted by this legislation. And I believe that is bad legislation, when you pick out one party and say he shall be exempted from the law and that everyone else shall be under it. I appeal to every member of this Senate if that is not class legislation carried to the extreme limit.

Now the gentleman says these are to be amateur races and that there is to be no pari mutuel betting and there are no purses. But betting went on, gambling went on, racing of horses went on, a thousand years

before the pari mutuel ever came into existence and possibly the people down in Pembroke aren't sports and don't bet on their races but I never heard of horse racing anywhere that somebody didn't bet on it.

Perhaps we might just as well do that as to play Beano, but I am opposed to Beano and I am opposed to this. We have had amateur races in our town. Not on Sunday. But I remember when the farmers used to get together in the winter time and make clear a place in the street or go down on to the pond and clear the snow off the ice and have amateur races. And I think some of those horses could trot faster than the horses which Senator Dunbar told about having down in Washington County. There was no admission charge, no fee charge, but every man racing his horse would back his own horse and one farmer's judgment was either so poor or else his horse was so poor that though he continually bet on his horse he would bet so many bushels of oats, and when spring came and he had paid up his debts in bushels of oats he would find that he had paid all the oats he had and he had none left with which to feed his horses. And finally the hired man left because he would not drive the team without having some oats to feed them.

So I suspect that there will be racing and gambling down at Pembroke.

There is one other thing that enters into this, that I do not like. Mr. Dunbar told us they were going to charge a very small fee, 35c. Possibly that is all the people of Pembroke are willing to pay for a horse trot, especially with that kind of horses but the purpose of that charge is to rehabilitate their fair ground which I understand is owned by one man. A permit is to be given to one man and to no-one else. And then he says that probably after it has paid enough to rehabilitate the fair grounds they won't trot any more. That isn't a very logical conclusion, that if they can make money racing horses until enough is paid that then they are not going to continue to do it.

Furthermore, every other state fair or any other organization can come in here next year and ask for Sunday racing and we will have no right, if we pass this bill, to refuse

it to them. Now, if this legislature has got to the point where it wants to break down all moral restraints and all observance of the Sabbath Day, this is the time to do it. The gentleman from Washington County said that the very best people of the county and of the town want it. I just wonder by what standard he measures that. Is it the very best people in society? Is it the very best people politically? Or is it the very best people morally? And I am here to tell you that they are not the best people morally. I am no judge of their morals but people who worship God, who believe in God's commandments consider Sunday as a holy day and not as a holiday.

They may be church members but we have all sorts of people in churches just as we have all sorts of people in lodges and in legislatures, because when a man joins a church it is like vaccination, it doesn't always take, and some members that go to church aren't always the best people morally. On the other hand don't get me wrong. There are many people outside of the church who do not go to church who are just as good as other people who do.

Senator Dunbar says with a great deal of emphasis, "God forbid that I ever live in a community where there isn't a church." I wonder what he means by that? Does he mean a wooden building in which there is a church where there is no moral backing, where the shingles are gone from the roof and the paint is peeling off and the windows are broken, and where the door is swinging open? Is that the kind of church he wants? Or does he mean he wants the spirit and principles which go to making a church, in his community? Isn't that what makes a church good? I have observed, and I have traveled some, where I have seen a community in which the church had been abandoned and gone down even though the church is standing there, the moral tone of that church had gone down but when I see a church in which the men and women of the community go to church and the children go to Sunday School and there is a strong moral sentiment in that town, then you have a good town. And that is the kind of town I suspect the gentleman meant when

he said he never wanted to live in a community in which a church wasn't alive and active.

Now, we have come down through the years a people and a nation whose destiny has been shaped by the religious people in the community. Our pilgrim forefathers were men who were sincere and who prayed and believed in the power of prayer and believed in the religious principles and followed to the best of their knowledge the principles laid down in the word of God. Our early ancestors, as you will remember, when they were debating in the House of Assembly in Virginia the question of independence, heard Patrick Henry say these immortal words, "There is a just God who presides over the defense of nations and who will raise up friends after our battle is finished."

George Washington, the great American general, was preeminently a religious man. He never lost an opportunity to go to church on Sunday. I have been to his home and I have seen a little church several miles away where he used to worship. And when the roads were good he went in his coach but when the roads were impassable for a coach he rode on horseback seven or eight miles to worship God on Sunday. And George Washington spent a great deal of time in prayer.

We come down to another great man in our country's history, Abraham Lincoln. Again we had raised up not only a political leader but a moral leader, and Abraham Lincoln, through the dark days of the civil war, piloted a nation through those perilous days with a firm belief that there was a mighty God who was presiding over the destinies of this nation.

We come down to modern times and it is just a few weeks ago when the President of the United States called together his official family in the White House and had a session of prayer and reading of the Scripture, again imploring Divine guidance. I read in the Bible the commandment, "Remember the Sabbath Day to keep it holy." And those men believed in it and I believe in it.

I read a significant statement a short time ago from General MacArthur. He said there were no atheists in the forces at Bataan. They weren't atheists. They were

fighting to the death and suffering every degree of privation and going hungry because they believe there was a just God that was going to preside over our country and lead it on to victory. I wonder if there are any atheists in this Senate. I don't believe there are. I notice that when the prayer is offered in the morning most of us bow our heads and today when we repeated that line of the prayer "Thy will be done" I think that most of us mean it. And if we don't and if we do not believe in God's word we have no right to ask His inspiration and help in the present travail. I hope we won't forget that. Let us not at this time fail the boys across who today are religious boys. It makes a man religious when he is facing death. Let us back them up. Let us remember the history of this country. Let us remember the men who have led us. Let us remember the boys who are dying for us today. And let us keep Sunday sacred as a holy day.

Lord of our fathers known of old
 Lord of our far flung battle line
 Beneath whose awful hand we hold

Dominion over palm and pine
 Lord God of hosts be with us yet
 Lest we forget—lest we forget.

Mr. McGLAUF LIN of Cumberland: Mr. President, I wish to take just a moment to stress a point made by Senator Brown in his remarks and that is the unwisdom of passing legislation for just one man. We had in this legislature, presented and heard before the Judiciary Committee, a bill, which the Senator from Washington, Senator Dunbar said affected just one man and Senator Dunbar presented to us a case that convinced every last one of us that if any help could be given that was a case where it should be given. And yet, the Judiciary Committee, men of sound common sense, passed that bill out unanimously "Ought Not to Pass" on the sole ground that it related to just one man. And if this legislature turns down that bill then by all sense of logic and reasoning and sound judgment this bill ought also to be defeated.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I am not going to debate this matter very long with you to-

day because you all know what the bill is. You heard it debated six or seven weeks ago and no one has said here in opposition to it today that the situation has changed one iota from what it was six weeks ago. Since then this bill has been the subject of a debate, I dare say, in at least five different measures. It has been debated here once today in another measure and you know the other measures that from time to time they have drawn in Pembroke and attempted to belittle me.

I am not in a position here today to debate with you the bill that I had before the great Judiciary Committee of the State. And when I say "great" I am not saying it in a belittling manner at all; I mean it is considered the highest committee in our legislative make-up. I did say to that committee that the matter that I presented did affect, Senator McGlaulin, one individual but I said that there must be other individuals and I told you there must be other individuals throughout the state who would benefit by this legislation.

I can't let this go by because you might think it was just one case but just in passing let me say that it was a case where I was trying to establish a principle under the Financial Responsibility Act to amend the law that would permit a man to get his license back that had been suspended, revoked, by the Secretary of State, that had been revoked for a period of five years and that the Secretary of State might give it to him if he was satisfied that he had no means of any kind or in any way with which to pay a judgment against him. And in this particular case the judgment was close to four thousand dollars, the man had gone into bankruptcy and that of course had cut the debt but it couldn't cut the revoking of the license to allow the Secretary of State to issue him a new license.

It was a pitiful situation. He was a boy nineteen years of age. It has now been seven years since he has had a license. I was interested in that case, not for the boy, because I don't know him, but I was interested in it for the Chairman of the Board of Selectmen of the Town of Milbridge who asked me to present such legislation to see if we couldn't get the license back

as he was the only boy left in the town of Milbridge to drive the fire truck.

I was turned down and I took my defeat gracefully, as the Senators know and the report has been accepted. And I think it is quite unfair to bring that in here for the purpose of defeating another measure because I happen to appear in another case that I frankly told the committee involved one man but there are many such cases throughout the state and will be more such cases coming up from time to time throughout the years like it.

Now this is not one man. This is the Pembroke Trotting Association, whoever they might be. They are a group of persons. As a matter of fact there were four that appeared before the committee in favor of this legislation. Now this bill got tied to me. When it came in it came, Senators, accompanied, as I told you, with over one thousand names of some of the best citizens of Pembroke and the surrounding towns of Pembroke, such as Perry, Dennysville, Cooper, and Charlotte, asking for this what they felt was harmless legislation. They were men and women of high standing in the communities in which they live, and let me say to you, Senator Brown, that many, many names on those petitions were church members in the town of Pembroke and in the town of Perry.

I am authorized to say to you now and to the Senators that the gentleman who circulated the petition in the town of Perry, which adjoins the town of Pembroke, was a gentleman who is a trustee of the little local church in Perry. So they are not racketeers that I am representing here today. They are not cheap people. They are God-fearing people and they felt that this kind of legislation down there in Perry, on a Sunday afternoon, with no entrance fee charged, to permit horses to race, no prizes given to the winning horse, or no consolation prizes given to the losing horse, but a little fee of thirty-five cents was charged.

Under the bill it is limited to thirty-five cents and the purpose of that, they told us before the committee, was to raise a little money for the purpose of rebuilding

the old Pembroke fair grounds. It isn't a money making proposition. And as I told you, it came out of the Legal Affairs Committee with the unanimous report that the bill ought to pass, and you know the gentlemen who are on that committee. I think they are fairly good citizens of the state of Maine.

I am not a racketeer. I still am, as I said the other day, a God fearing man. And of course I want a church in the community.

Now, as to class legislation. When no one can think of any other reason for which to defeat a bill they will start hollering that it is unconstitutional or it is class legislation. Well, class legislation, if I understand it correctly, is legislation of a class that affects and violates the constitution, tied in together. And the only class legislation, Senators, that there is in this little harmless bill, these horses trot down there, these farmer horses, the only class legislation there is to it so far as I can see is that it affects this community.

I didn't know but what some lawyer might debate the proposition that this might be class legislation but I don't think any lawyer of learning, standing at the Bar, would attempt to do such a thing, because he knows it isn't class legislation, and Senator Brown, being a layman, I don't wish to debate it with him because that would be unfair but it might clear his mind up a bit and it might be helpful to him if I can read to him and to the Senators from a work that all the lawyers know. It is "Ruling Case Law", Volume 6, and the subject is Constitutional Law. It is on page 418 of this volume under the heading of "Distinction Between Special Laws and Class Legislation." And the writer goes on to say, citing cases under this law: "The equality clause of the federal Constitution is not necessarily infringed by special legislation or by legislative classification of persons or things. This clause only requires that the same meanings and methods be applied impartially to all the constituents of a class so that the law shall operate equally and uniformly upon all persons in similar circumstances. It does not prohibit legislation which is limited

either in the objects to which it is directed or by the territory within which it is to operate."

I could read to you many other sections here that I have marked from a legal standpoint. It is no more class legislation, Senators, than to say a franchise to the Bangor and Aroostook railroad or to a bus line is class legislation. It is no more class legislation than certain things given to war veterans. There is no more class legislation to it than there is in fixing the hours of labor for minors and it is no more class legislation than the Old Age Assistance Law.

Now the Senator spoke about betting. I don't know whether there has been any betting in Pembroke or not. I haven't heard of any. Certainly under this act pari mutuel betting is not permitted. And, Senators, as I said the other day I would like to do something for these people down there. They are asking you for a little aid that will permit them, on a Sunday afternoon, to race horses, what I call harmless racing of horses, amateur horses, and they must be amateur horses in Pembroke.

I hope that the motion of the Senator from Aroostook will not prevail and when the vote is taken, Mr. President, I request a division.

Mr. WASHBURN of Washington: Mr. President, I think this question has been very ably discussed. There is nothing I can add except to relieve my own mind a little bit and go squarely on record, standing with my colleague, Senator Dunbar, in this matter. He has been forced into the picture and he has taken hold of it because he knows the people of our section. This is a matter that concerns my neighbors and I have studied the names on these petitions and I can vouch for the quality of the people who have sent up their signatures.

Some things have been brought into the discussion—we heard the other day that those young boys and young men who want to work off steam Sunday afternoons, we better let them play baseball. I want to say that in that community as in yours, the boys who used to run the bases are in North Africa now or they are down in the camps lugging heavy guns in the hot

weather somewhere in Georgia or Texas. They won't have a chance to play baseball on the old Pembroke track for some time but when they come back they may appreciate the fact that we have tried to carry on just a little harmless project that they would be for if they were home. This is a little association of local people, farmers. If you ride down through that country in a year or so from now when you come to the old Pembroke fairground instead of a blot on the landscape, a lot of old tumbledown hen pens there you will see some fairly decent buildings and some green grass and a race track. It is perhaps an improvement to the vision we all get as we go by.

Now, it is said that this is an opening wedge, that other sections will want the same privilege. I have confidence in future legislatures that if they have to meet this problem they will try to meet it honestly and according to the facts and the evidence brought before them just as you and I are trying to do in this case.

So I want to join with my colleague, Senator Dunbar, in saying I hope the motion of the Senator from Aroostook will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Brown, that bill, An Act Permitting the Pembroke Trotting Association to Conduct Amateur Races on Sunday, be indefinitely postponed. The Senator from Washington, Senator Dunbar, has asked for a division. Is the Senate ready for the question? Those in favor of the motion to indefinitely postpone will rise and stand until counted.

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

Thereupon, on motion by Mr. Dunbar of Washington, the bill was passed to be enacted.

On motion by Mr. Varney of York the Senate voted to take from the table, "An Act Authorizing the Creation of Housing Authorities in the Several Towns and Cities" (H. P. 1134) (L. D. 598) tabled by that Senator on March 30th pending passage to be engrossed.

Mr. VARNEY: Mr. President, I move this bill be indefinitely postponed. When I came down at the beginning of the session I noticed this bill had been introduced. I recognized it by title as having been a bill that had been before at least one previous legislature: I had never read the bill. After a few weeks of the session the proponent of the bill asked me if I would bring him down the New Hampshire housing law when I came down the following week. So I did. Riding down on the train I had some spare time and I read the New Hampshire law which I understand is similar if not exactly like this one and when I handed him the New Hampshire law I told him I could never vote for any such a bill.

I am not going to take much of your time in explaining the bill because I cannot help but feel if you have really studied it and know what it attempts to do you would not be in favor of it. I appreciate that the motives and the idea of the proponents of this bill are good. They want to do a real service to the people but in attempting to do it through this bill they are opening the door wide, as I see it, to a real injury to the people of the state of Maine.

Now, what does the bill do? It is a long bill. It purports not to set up a public corporation but to permit a majority of the people in any town or city or combination of towns and cities to set up a public corporation called a housing authority. Once set up, I cannot find any limitation on the powers of that authority at all. They can, with a few exceptions contained in the amendment, take by eminent domain any piece of property within the district within which they operate and the only exceptions I see in the bill as that they cannot take the property away from a public utility or away from a town or city or a water district.

Now, it is true, and I want to be fair here, the bonds which this so called public agency issues are not a charge on other property in the town but they have under the bill, authority to borrow money from the various towns and cities for the purpose of carrying out the act. They can issue bonds on any of the

properties which they take, and by the way I assume, although I could not guarantee this, that those properties which they take, dwellings if you please, are tax free after they take them out of your town and put them in their housing districts. The bonds are a claim on those houses in the district only. The bonds, by this bill, as I read it, are made legal investments for savings banks in the state of Maine. That means our savings banks may invest in those bonds and our depositors, if the bonds turn out to be worthless, will lose.

Now, I can see in a certain community in this state where there is at the present time, and this is a little town, but with recent developments there in that one town there are 600 houses. I call them advisedly "shacks." They are occupied at the present time by 600 families. These families are entitled to vote in this small town. They are at present engaged in occupations which pay them good wages. I can well see—and I do not think I am imagining things—that after this War is over, those people in those houses will not be receiving the large wages they are now receiving, and so they can go into the town and say, "Let's set up a housing authority here" and by a majority vote they can set up this housing authority, and once set up I believe it has a board of directors. That board of directors can take over those 600 houses and start collecting rents, rent the houses to people for \$15 to \$25 a month or whatever you say. They can persuade the town by majority vote again to loan to the authority from time to time monies with which to keep these housing projects for these people. They can issue bonds, not obligations of the town, but they can issue bonds on these 600 shacks and sell those bonds to the savings banks of the state of Maine. In due time those people will stop paying their rents. They won't have the money. The housing authority could, of course, turn them out of the houses, I assume, or the authority might decide to hire some good attorney and pay him a substantial fee to try to collect these rents and after a time they will find that the savings banks of Maine or someone else owns those 600 houses and the housing authority has no

money left with which to pay their operating expenses and the town in which this authority may be, has no way of getting this money back.

Now, we don't allow towns, we don't allow water districts, we don't allow counties or any other public agencies of the state to be set up without placing limitations on them as to how far they can become indebted. We have a debt limit applying to all towns and we are very careful in limiting other public agencies of the state that I know of by safeguards for the reason of protecting a minority from perhaps the unthinking and unknowing majority of that particular district.

I have tried to state to you in general terms the bad features of the bill. It is a long, long bill and I have heard it said many times in the legislature that plain dirt farmers cannot read the laws and understand them and I must confess that I, as an attorney, cannot read and understand this, and I would ask you attorneys in this Senate and you plain dirt farmers if you can read this bill and tell me how far they can go and what they can do and what they cannot do, I would like to have it explained to me.

I am not going to take all afternoon to discuss this section by section but I do want to point to one or two little things I read in this bill which I do not understand. I am going to Section 24 of the bill. This is Legislative Document 598. Section 24 says, "For the purpose of aiding and cooperating in the planning, undertaking, construction, reconstruction, or operation of housing projects located within the area in which it is authorized to act, any state public body"—I repeat that, "any state public body may upon such terms, with or without consideration, as it may determine." Let me read that part again, "any state public body may upon such terms as it, the state body may determine." Then it goes on and sets out (a), (b) and (c) as to what any state public body may do. What is meant by "state public body?" I will get to it in a minute. Now, I could understand "a," part of "b" and not much of "c." When I got to (d) it says that any state public body, mind you, may "plan or replan,

zone or rezone any part of such state public body; make exceptions from building regulations and ordinances; any city also may change its map." I do not know what that means, whether there is any limitation to it or not. It apparently means any public body, any state public body could rezone a city. Certainly a city is a state public body. They can make exceptions to any city zoning ordinances or anything else.

I tried to find out from f, g, h, i, j, and k what this public body could do. I could understand parts of some of them but apparently the drafters of this bill were afraid they had not given quite enough powers so in section 27 they put in a section called "Supplemental nature of act." It reads, "The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law."

In order to be sure they gave them all the powers they wanted they came to section 30 which they call "Amendatory provisions." They say, "Insofar as the provisions of this act are inconsistent with the provisions of any other public or special law, or local ordinance, the provisions of this act shall prevail and be controlling." That to me means that this public body, whatever it is, it is not a housing authority as I will point out a little later, if this public body can redistrict the city of Portland or change the ordinances of the city of Portland, if there is another law which says they can not, this law prevails and they can do it just the same.

What is this public body? Any state public body can do these things upon such terms as it may determine. I looked over to what is the definition in section 3 of the act and there to my amazement I found the definition of state public body. It is under subsection (c) of section 3 and there it says, "State public body shall mean"—and that is the public body that is given these powers and doesn't refer to the corporation that could be set up under the provisions of this act—"state public body shall mean any city" (I can understand that) "town" (I can understand that) "county" (I can understand that) "municipal corporation" (I can understand that) "plantation" (and

I can understand that) "village"—now I do not know what a village is. I know we speak of the village of South Berwick. I do not know what the legal definition is. "corporation"—I know what a corporation is—"district"—I do not know what a district is. I do not know if there is any legal definition of a district. It adds to that "authority." I have heard of all kinds of authority but I do not know what they mean by authority here. And then it says, apparently thinking they had not included enough, "other subdivision or public body of the state."

I am not going to talk any longer. I do not stand here and say I know this bill is going to do any harm. The proponents, themselves, say they do not believe they could do anything under the bill if it was passed. I do not believe there is any need for it. I do know it is beyond understanding and I think it should be indefinitely postponed.

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

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

On motion by Mr. Bragdon of Aroostook, the Senate voted to take from the table, bill, "An Act Relating to Revolving Funds for the Payment of Taxes in Certain Cases by the Department of Health and Welfare" (H. P. 1171) (L. D. 626) tabled by that Senator earlier in today's session pending passage to be engrossed.

Mr. BRAGDON or Aroostook: Mr. President, I don't know that I wish to appear in opposition to this bill. I haven't given it the study that I should have and I don't wish to hold up this legislation but I felt this morning that the Senate needed further information on it. It didn't seem to me that we had information so that I could vote intelligently on it and it looked like a fairly important matter.

In order to bring it to a discussion, that I may ask discussion and perhaps get that information, I will make the motion that it be indefinitely postponed. It won't hurt my feelings whichever way the Senate

sees fit to vote on it but I want the information before I vote on it. Now in this bill it says, "There shall be provided from the general funds of the state and set up in the Department of Health and Welfare a sum of \$50,000 to be known as a 'Tax Payment Revolving Fund.' This fund may be used for the payment of taxes upon the real estate of recipients of old age assistance." Now in regard to going that far in the bill I wish to state that so far as I know in my own town and the few towns near me it has always been the custom, when old age assistance has been granted, that the municipal officers, the assessors, be asked to abate the taxes on the real estate owned by these parties. I don't know that that has been the uniform custom but it does look to me as if it might be a good one and I think that in most any municipality the selectmen or city officials might perhaps usually be willing to go that far in lieu of some old people being granted assistance. Perhaps someone can answer that question. If it has been, it would appear to me that there is no need for a fund to pay taxes as long as the old people in question are still alive.

It goes on further to say: "or the estates of deceased recipients." Now, who owns the property in the case of a deceased recipient? I understand, and here again is more or less of a question because my information perhaps isn't very definite on it, but I understand that under the present law in the case of a deceased old age recipient that some department of state has a lien on the property, the real estate of the recipient who has been receiving old age assistance.

Now my knowledge of the law is very limited. But here again is the question, if they have a lien on this property, haven't they sufficient funds, at the time, under the laws of the state, the same as a mortgage holder has, to pay the taxes and still retain their title to that property. If that is true then where is the need of this fund?

I think perhaps those are the two questions that I would like answered and if they are answered to my satisfaction I feel that I will be perhaps in a better position to vote on this bill than I was this morning. I was ready to go along with

any good explanation but I fail to feel that it has been made to the Senate.

Mr. SANBORN of Cumberland: Mr. President, as a member of the Welfare Committee, I will be very glad to lay before the Senate the understanding that I derived as to the purport of this bill. In the first place, as I understand it, if we are rendering old age assistance to a given person who may own a small home, the department keeps an account of the amounts paid from month to month or year to year and upon the decease of the recipient the state has a claim against the property owned by the recipient at the time of his death, to be reimbursed.

Now I don't understand that it is a universal practice—it may obtain in some towns—but I don't understand that it is a universal practice that application is to be made from year to year by these recipients for abatement of taxes but rather that the towns go ahead and either by lien process or advertising sale dispose of the property and deprive the owner of his title. Now when that procedure begins the state, in order to protect its claim, must step in and pay those taxes. It is a fact that the state does have, the department does have, the power at the present time under the law to make those payments but if they make those payments they must make them out of the funds at their disposal which otherwise would be to the benefit of the recipient, and it cuts down the amount available to the old age assistance.

Secondly, to avoid cutting into that fund, which we all understand is too small, to avoid that they ask that a sum of \$50,000 be set aside and they term it here a Revolving Fund, which may be perhaps an inept designation but its is called a Revolving Fund, out of which payments may be made from time to time as occasion arises to preserve the title of the old age recipient to his real estate so that upon his decease the property will be there and the state can be reimbursed. And this bill provides that in those cases the state will not only be reimbursed for such sums as it has paid for old age assistance but for such sums as it has advanced from year to year for the payment of taxes. And those amounts, when returned,

will be put back into the revolving fund, of course theoretically, what we know never will be true in fact, keeping the fund intact.

The question has been asked about the matter of a deceased recipient. It occurs to me that the answer is this: Suppose that during the month of July following and before the tax is paid the recipient dies. There you have a deceased recipient but the property, the tax is assessed against it, and nothing being done it will be sold for taxes or the lien will be perfected and the state will be deprived of its reimbursement out of that property unless it comes in and pays those taxes.

As I understand it—I may be all wrong—but as I understand it the only change this law makes from the present situation is that it relieves the appropriation of the monies which are now available for distribution among old age recipients: it relieves that fund from being drawn upon to the extent of a few thousand dollars a year, few or many as the case may be, for payment of these taxes, where in the absence of such payment the state would lose its rights against the property.

It seemed to the members of the committee that this was not asking too much of the state, to have that sum set aside.

The question has been raised as to whether the sum of \$50,000 was too large a sum because that means it cannot be used for other purposes. Well, we are dealing in millions here and it doesn't seem to me that \$50,000 is perhaps too large a sum but the view has been expressed, I am told by the department, that if the only objection is to the amount of that sum, since they can get along without anything, that that sum could be made \$25,000 or \$30,000 and the department would appreciate having that amount set apart to be used for these appropriations.

I don't know whether I have answered the inquiries of the distinguished Senator or not but I have undertaken to set out the understanding that I have, such as it is.

Mr. VARNEY of York: Mr. President, by way of attempting to answer some of the questions, I think there is a little misunderstanding among many of us as to

whether or not the state has a claim on the property of a recipient of old age benefits. Now, Brother Sanborn referred to the claim which the state has on the property of a recipient. Now you have got to distinguish between a lien claim and a claim against his estate and perhaps I can explain it best by giving you an example.

Take the case of a man who owns property worth a thousand dollars and the state begins to pay him old age assistance and they pay him that assistance for three years, and we will say that over that three years they have given him \$400 in the way of old age assistance. Now, any time during his lifetime, as long as he lives, the state of Maine has no claim on his thousand dollar piece of property at all and if he wants to sell it, if he wants to mortgage it and raise a little money, if he wants to go out and contract a debt, his creditor can attach it and take it away from him but when he dies if he still owns the property then the state can come in for the money it has advanced to him, for the \$400 and file a claim against his estate. And an administrator would be appointed and would take over the thousand dollar piece of property. I can't give you the exact order from my head but in substance, first would be paid the expenses of his funeral and last sickness if any, the doctor's bills of the last sickness and if they came to \$300 the administrator would take that \$300 from the thousand. Then would be paid his taxes, either to the state or the federal government, if there were any taxes then due, and if that were \$500, for illustration, there would be \$200.00 left. Then would be taken out the expenses of administration including attorney fees and administrator's fees and then you get down to the class of general creditors, if there is anything left.

Now, as I understand it, the state's claim for old age assistance—and I am not sure on this point—comes prior to common creditors but they do have no lien on this man's property while he lives.

Now under this bill exactly the same situation exists. This same man with a thousand dollar piece of property cannot pay his taxes because he hasn't got the money so the town pays it, and I think it takes them two years to complete the title

in the town. If the Department of Health and Welfare saw fit they could step up to the town and pay the \$200 taxes. Now that man might live three years more, or five or ten years more, or one year more, but during any time that he lived after the state had paid that tax he could sell his property to me, he could deed it to me for a dollar, he could mortgage it and borrow on it or he could contract a bill and his creditor could attach it and take it away from him. And when he died all the state of Maine would have to get back their money that they paid for these taxes would be what was left, and if he mortgaged it for the thousand dollars there wouldn't be anything left, if he had sold it there wouldn't be anything left, and even if he kept it and hadn't sold it if a creditor had attached it for \$500 there would be only \$500 left and the administrator would then also have to pay, first, his funeral bills, his bills for last sickness, the expenses of administration, and then the state of Maine would have a right to take whatever was left toward their tax.

Now, to me, the bill itself provides that the department will not pay a tax unless in the opinion of the department it is financially beneficial to the state. I cannot see how the department could ever decide, while a man is living who owns a thousand dollar building, that it was going to be financially beneficial to the state to pay that man's taxes, unless the bill provided that the state should have a lien on his place so that he couldn't sell it or dispose of it before he died.

Therefore, having the greatest confidence in our present commissioner, I personally believe that he would never use any of this \$50,000 and therefore I think it is immaterial whether this bill passes or whether it doesn't. The only difference I can see that it is going to make so far as we are concerned is that if it passes we are going to pay \$50,000 away from whatever balance we may have and put it over into the Health and Welfare Department where it is going to stay and where I hope it will be when we come back here two years from now.

Mr. SANBORN of Cumberland: Mr. President, it occurs to me that the suggestions made by the Senator from York, Senator Varney, that if they have any force against

the passage of this bill they have equal force against ever permitting the department to pay taxes on any of this property because such hazards as have been set out here certainly do obtain when they do pay taxes, as they do from time to time now out of the general fund. It may be that we ought to take that into consideration and legislate against giving them the power to pay any taxes at all.

But if they have that right, using their discretion, I am frank to say I don't know that it would be wise for the department to pay any of those taxes. The danger may be too great. But if they can pay them at all I still see no reason why they couldn't pay them out of this revolving fund or why the harm should be any greater than paying them out of the general fund as they can at the present time.

Mr. VARNEY of York: Mr. President, I want to straighten out his point because I understood very definitely from the department—and I am sure I am right about this—that under the old age assistance law the department does have the right to pay taxes at the present time but up until the present time they have never paid a tax for an old age recipient and if they did pay it at the present time the federal government would contribute one-half of it and is perfectly willing to do so.

Now, in some of our other states, our old age assistance laws specifically provide that for all old age assistance paid the state has a lien on recipients property, a lien as distinguished from a claim to collect it however, if and when he has any property and after he dies.

Now the department explained to me that they didn't want to go into the policy of paying taxes out of old age assistance now because if they say they are going to pay one man's tax then they must pay taxes for old age recipients and they have no lien on their property and by and large they would never get the tax back.

Mr. FRIEND of Somerset: Mr. President, as I understand it—and I may be wrong on this—the state has never, or at least very seldom, exercised its right of lien on the property of an old age pension recipient after he has died, of taking the property.

So far as I know that right of lien has never been exercised on the part of the state. If it has, it has been done so little that it amounts to practically nothing. Therefore it would lead me to believe that if the department of welfare went into this matter and had this \$50,000 and began paying these taxes that in probability whatever taxes they paid would be lost. It would really amount to so much more old age assistance that they paid to that particular individual.

Mr. HARVEY of York: Mr. President, it seems to me that there are quite a few questions at law that should be studied before we can come to an intelligent conclusion and I would ask at this time, in order to give some of the Senators a chance to do that additional studying, that this matter be laid upon the table until tomorrow.

Thereupon, the bill was laid upon the table pending indefinite postponement and especially assigned for tomorrow morning.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs, Majority Report "Ought to Pass in New Draft A," Minority Report "Ought to Pass in New Draft B," on bill "An Act Amending the Charter of the City of Lewiston" (S. P. 177) (L. D. 238) tabled by that Senator on March 24th, pending acceptance of either report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, at the request of the Chairman on Legal Affairs, I would ask to have both these reports, these new drafts rather, returned to the Committee on Legal Affairs, in order, as I understand it, to have a correction made. I understand that both of these reports have errors in them and the committee desires to make corrections.

Thereupon, the bill and both reports were recommitted to the Committee on Legal Affairs.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs on bill "An Act Amending the Charter of the City of Lewiston" "Ought to Pass in New Draft" (S.

P. 465) tabled by that Senator on March 24 pending acceptance of the report.

Mr. BOUCHER of Androscoggin: Mr. President, again at the request of the Chairman of the Legal Affairs Committee, I would ask that this matter be recommitted to the committee so that corrections may be made on this new draft.

Thereupon the bill and report were recommitted to the Committee on Legal Affairs.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs, Majority Report "Ought Not to Pass", Minority Report "Ought to Pass in New Draft" on bill, "An Act Relating to Appointment of Police Commission for the City of Lewiston" (S. P. 54) (L. D. 177) tabled by that Senator on March 24 pending acceptance of either report.

Mr. BOUCHER of Androscoggin: Mr. President, I move the acceptance of the Minority Report and sustaining that motion, I would like to make a statement.

Many of the members of this Senate, who have had occasion in the last few weeks to address you, have prefaced their remarks with a statement that they were reluctant to speak.

I want to state at the very beginning of this discourse that I do not share any such reluctance.

I plead for your indulgence, in giving careful attention to what I have to say, for I am going to ask you to solve a question of Justice, and Fair Play.

The question, in plain language, is "Will the good citizens of Lewiston have the opportunity, by referendum, of deciding whether the Governor of this State or the Mayor of Lewiston shall appoint the police commissioners of Lewiston."

At the outset, I want you to understand that I have all the respect in the world for the office of Governor, and especially for the amiable gentleman who now occupies the position.

It is the principle of Home Rule that I am demanding for my home city. I am not asking you to take away from the Governor any power which will seriously handicap the

conduct of his office. I am merely asking you to give back to the people of Lewiston their reasonable and constitutional rights.

The majority of the members of the Legal Affairs Committee have reported their opposition to these principles, and to these rights of the citizens of Lewiston.

I believe that they were influenced in their decision by partisan politics, and that they forgot that their duty is to protect the best interests of the majority of the citizens by allowing them their Democratic rights of settling this question the American way—by the ballot box.

As free citizens, in a free state, and a free country, the citizens of Lewiston should determine what they want in way of municipal government, and that includes the police commission, which is now a fifth wheel in Lewiston, a state controlled board in the midst of smooth working home-selected boards, in a government that is giving Lewiston sound, efficient management—government of which we have the right to be proud.

Is this Legislature going to refuse Lewiston its legal rights of a referendum? Shall the will of the people of Lewiston be ignored and the will of the Legislature be imposed?

Four years ago, Lewiston voted in a referendum to give itself a new charter.

I sponsored that charter bill, through the Legislature, and afterwards I became the chairman of a citizens' committee that worked for acceptance of the new law.

At that time I requested that the provision be made in the charter, that the police commissioners be appointed by the mayor.

The charter committee, appointed by the then-mayor to draw up the charter, could not agree on this question, so they asked me to leave this controversial question out, so as not to endanger the adoption of a new charter.

I agreed, with the understanding that after a few years, when the new charter had proved its worth, this change would be made.

The charter committee was revived last year, to make necessary amendments.

At the request of the charter committee, I submitted this same question to them.

The committee had previously agreed not to sponsor any amendments on which they were not unanimously agreed.

When a vote was taken on my amendment, six were in favor of a mayor-appointed police commission, and three favored retention of the present system.

I believe that the result obtained in that committee, a six to three vote, would be reflected in a local referendum on this question. Two thirds of the citizens of Lewiston want their own police commission, not one appointed in Augusta.

I speak of a referendum. I am convinced that if this Legislature does not pass my bill, and give Lewiston Home Rule, the citizens of Lewiston will demand action, and through initiative and referendum, demand a change in the situation. I would much prefer that this Legislature, of which I am a member, would grant Lewiston its just rights, than to force Lewiston to take expensive and drastic steps to arrive at the same inevitable end.

You gentlemen must recall what Biddeford did, when the Legislature tried to impose Augusta-controlled policing on its citizens. Biddeford got results. Lewiston can.

Why must Lewiston be the only city with a governor-appointed commission? Why must Lewiston be different from all the other cities in Maine?

This is a Democracy. What applies to one city should apply to all.

Some of you have sons and brothers—yes, and daughters, too—in the service of our country. What are they fighting for?

I tell you, gentlemen, they are fighting for our privilege to govern ourselves. They are giving their blood and their young lives for the very principles which I am asking you to support—Home Rule.

Lewiston is now policed by remote control, to speak. Not only are the police commissioners appointed from Augusta, but one of them at the moment is conducting his business from New York.

A governor-appointed police commissioner—and I must say a Democrat—is now living in New York. Yet he will not resign from the Lewiston Police Commission. I ask

you, gentlemen, is that fair to the citizens of Lewiston? Is that fair to the policemen of Lewiston?

In this Legislature, in this Senate, many words have been spoken, in this and at previous sessions, in opposition to Federal control of State affairs. Some of you gentlemen have spoken against the acceptance of Federal Grants, because federal control often accompanies such grants.

Is it any better for Lewiston to be controlled in its home affairs by the Governor in Augusta than for Maine to be controlled by Washington? Gentlemen, I fail to see any difference, and what's more, we in Lewiston are the ones who pay the bills. We pay our police salaries, buy their equipment, take care of all the expenses. Yet we cannot have anything to say about who shall be our police commissioners.

We have to come to Augusta to ask for deserved raises for our police officials and patrolmen. I contend, gentlemen, that such matters should be settled at home, in Lewiston.

I have here with me the names of over 1600 of Lewiston citizens who want to have their police commission appointed by the Mayor of their city.

I present these names to you, on petitions, to show you that all Lewiston does not agree with those who wrote letters in favor of the present system.

I urge further that we should look in to the method in which many of these letters introduced by Lewiston police were secured.

Lewiston policemen, on duty, paid by the city, solicited such letters. Uniformed policemen visited beer vendors, and others who have reason to want the friendship of the police, and asked for letters of recommendation. I know, that some of the men who signed such letters, will vote for Home Rule, when the question comes up in a free referendum. They were afraid to refuse "the cops."

I call such action by the police "playing politics," and I don't even consider such politics as fair politics.

Against the weak argument presented by such letters obtained under questionable pretenses, I pres-

ent the demands of Lewiston people who know what they want: To govern themselves.

I refer you particularly to the desires of the Vigilants, a non-partisan Lewiston association of young men so interested in their own government that they paid the bills when the Lewiston new charter was drawn up. They spent their own money to fight for a new charter that would give Lewiston good government.

The Vigilants are not interested in political considerations. They agree with the principle existing in Lewiston government, providing for split control of all boards, so that no majority party can have exclusive control of any one board.

I will go further. If it is necessary to assure passage of my bill, I will agree to an amendment, providing for rotation of majority control of the mayor-appointed police commission. Under this plan, as at present, no party could have more than two members of the three-man board. But this change would be made: When any commissioner's term expired, he would be replaced by a man of another party, not a member of his own party. In that way, the Democrats would have two members for six years, then the Republicans would have the control for the next six years, and so on.

I urge you, gentlemen of the Senate, do not dismiss the Home Rule bill as a party proposition. Think of it seriously. Think of Home Rule from the point of view of the Lewiston citizens. Would you in Portland, in Augusta, in Bangor, and elsewhere, like to give up your locally controlled police? We in Lewiston ask for nothing more than what you have already—Home Rule.

Members of the Senate of Maine, I am not asking you to take upon yourselves the responsibility of making a change. I am asking you to show by your vote on this Home Rule bill that you believe in the Democratic principles and ideals upon which our great country was founded. I am asking you to give the people of Lewiston a chance to decide for themselves whether they want a change.

The people of Lewiston have never had such a chance, gentle-

men. The people of Lewiston deserve that chance, and they should not be robbed of it because an organized minority seeking political favors has been able to play petty politics with Lewiston's liberties.

Remember well, Senators of Maine, that it was an organized minority which put Mussolini at the head of the government of Italy.

Recall also that it was another organized minority which put Hitler in the driver's seat in Germany and thereby opened the road to this most horrible of all wars.

Re-affirm your belief in the American right of self-government by your vote for Home Rule for Lewiston.

And, Mr. President, I have here petitions containing some 1500 names that I would like to file with the Secretary of the Senate, and when the vote on this question is taken I ask for a Yea and Nay vote.

Mr. SANBORN of Cumberland: Mr. President, I certainly dislike to feel obliged to inflict myself again today upon your patience and I dislike even more to take issue with the distinguished Senator from Androscoggin who has just spoken and for whom I entertain feelings of highest respect and of deep personal friendship, but I feel constrained to call the attention of the Senate to some matters which lie back of the measure which is before us.

It is well within my recollection, though perhaps not within the recollection of many of the younger members of the Senate, and it is not disputed by the proponents of this bill, that quite a number of years ago there had developed in the city of Lewiston a very undesirable and unsavory political situation so far as related to the police department in the city of Lewiston.

The situation was such that no man could obtain a position upon the police force without putting himself into position first where he was under such obligations that he never could discharge the obligations of his office properly. It had come to be a stench in the nostrils of all the decent citizens of Lewiston, and because of that and because of the entirety of the situation, a legislature felt compelled to act and did act by legislating so

that the police commissioner of Lewiston should be appointed by the Governor.

It does, to be sure, infringe upon what is thought of as the right of home rule, but there was a reason for it and it has been the universal testimony, as far as I know, of the people of Lewiston, both in and out of official life, that that legislation wholly cleared the situation and made possible the building up of a police force in Lewiston which is not only a credit to the city but is a model for any city in the state of Maine.

I think the people of Lewiston will agree today, and I know that so far as our committee has heard from them they are unanimous in saying, that they have a model police force. It is headed by a chief of police than whom I do not believe a more capable or efficient chief of police exists anywhere in the state of Maine. He is a gentleman, a scholar, a man of conscience, a man of force, who administers his duties in the highest possible manner. No charge has been brought, so far as I have been able to learn, against the efficiency of that department, against the integrity of the chief or of the members.

Now, the fear exists as we have been told repeatedly, the fear exists not only within the department but without the department that if any change is made the ultimate result will be a return of the deplorable conditions which necessitated the present legislation.

One officer who appeared before the committee, an upstanding, splendid looking man said substantially this, "I can go on my beat today knowing that if I discharge my duty I have nothing to fear. If the change is made so that the police commission of Lewiston is created by the mayor, I feel certain it will be only a question of time when I cannot hold up my head, when I cannot perform my duties without paying tribute and this situation I do not appreciate. In fact, I would resign from the force." As I recall it, those were his words, "I would resign from the force because I would know I could not go ahead and perform my duties in accordance with my conscience."

The majority of the committee were thoroughly convinced that it

would be dangerous and that was not because of any question about the acts of the present mayor of Lewiston. If we could be assured Lewiston would always have a mayor of the character of the present incumbent, we might feel different, but of that we are not certain.

It is an unpleasant duty I am performing. It sounds, I know, like an interference with a town with whose affairs I should have no concern, but knowing the history as I do and having listened as I did in that committee to the views of the proponents and opponents of this bill, convinced as they were that the change back would result in a very short time, in a recurrence of all the political skullduggery and fraud that was obtaining in those days, and convinced as I was, I could do nothing but sign the majority report "ought not to pass."

Reference has been made to Biddeford. I do not know it is any argument here and I know it is water over the dam, but when it comes to the argument that certain persons appeared or certain persons did not appear and certain opposition was not heard, I am by no means certain that Lewiston is not today much better off under the present system than the city of Biddeford. To be sure, they got what they want, their relief, but this appears to have been the fact that persons of standing, persons of means, persons representing the large taxpaying corporations and large taxpayers themselves who strongly favored the change by asking that the governor recreate their police commission, those people who did not appear did not appear for the reason that notice was served on them if they did show their heads here their valuation would go up and taxes would be so great in the future they could not stand it. It may or may not be true but it is an illustration of the methods employed when the opportunity is open.

I seriously urge this Senate to see to it no change is made in the present set-up. The chief argument I have is the admission of all concerned that they have a police department today that is beyond reproach and above criticism, and the judgment of their chief and

all their members that the change would result in its being demoralized. If that isn't reason enough, I do not know any stronger one that could be adduced.

Mr. PETERS of Androscoggin: Mr. President and members of the Senate, I do not know as I can add very much to the able discourse of the Senator from Cumberland, Senator Sanborn, but at the outset I want to say I was extremely sorry to hear my colleague, Senator Boucher accuse the committee of playing partisan politics with this question. I believe the make-up of the committee will, of course, annul any such accusation. I believe the committee acted in good faith and only upon evidence presented before it.

Now gentlemen, a very brief history. In 1917, 25 or 26 years ago the city of Lewiston did have, as Judge Sanborn said, a very deplorable situation in its police department. Police jobs were sold for three and four hundred dollars and so on I am told. The policeman could not perform his duty. I want to add a little to what Senator Sanborn said about the policeman who stood up and impressed him so much. That policeman Senators, had been a man in uniform under the old system and he stood up and if I remember his words he said, "I do not speak English very well but I think I can make myself understood. Under the old system when I arrested some person in the morning when I went to court sometimes that man was not there because of some political pressure perhaps that was put on him. As it is today I can hail the mayor or aldermen and I know when I get back to court in the morning that worthy gentleman will be facing the charge. I can do my duty as a policeman and if we revert back to the old system I am certain I shall resign my job."

Now, before this committee the proponents and the opponents, as Judge Sanborn told you, agreed that the Lewiston Police Department was the best department in the state of Maine, and as a matter of truth, one of the best in the United States. It has had a 25-year test and it has proven very satisfactory. Why make a change?

The worthy Senator from Androscoggin, Senator Boucher, talks about home rule. I want to remind you here now that the police commissioners are Lewiston people. The personnel in the Lewiston police department are Lewiston people. True, the police commissioner is appointed by the Governor.

Again, I want to tell you another admission that both proponents and opponents made to the committee, that during the 25 or 26 years our several governors had been making appointments to the police commission in the city of Lewiston, there was one possible appointment they could not point to which maybe did not meet with their approval. In my opinion, that is a good batting average. I want to remind you that they said "maybe" about this police commissioner.

The Committee on Legal Affairs had presented to them 469 letters from taxpayers in the city of Lewiston. It was computed the people behind those letters represented 51.6% of the entire commitment of taxes of the city of Lewiston.

Now, again, in order to dispel partisan politics from anyone's mind, I would like to read two letters:

"Gentlemen. This is to protest against the act to amend the charter of the city of Lewiston to provide for appointment of members of the Police Commission by the mayor.

"The present law was enacted to correct a highly unsatisfactory condition by removing the police department as far as possible from local politics. The need for something of the sort at that time and the success of the law in effecting the improvement of the department are now unanimously recognized.

"Proponents of the proposed amendment among the members of the Charter Committee were frank to say when the matter was under discussion recently, that they would not go back to the old methods, or abolish the Commission for the old practice of control of the police department by the Board of Mayor and Aldermen. The argument was that the appointment by the mayor of the various Commissions, other than those having to do with police, had worked well, and should work well in that case."

I do not want to go further in reading the letter but it goes on to endorse the present system. It is signed by a venerable old gentleman, William B. Skelton. I do not think Billy Skelton would stoop to petty politics in this or any other matter.

Here is another letter:

"I understand that a bill affecting the appointment of the Lewiston Police Commission is now before your Committee for consideration, so that the appointment of the Commission will be made by the Mayor or Municipal Officers of the City of Lewiston.

"For good and sufficient reason the Legislature saw fit to take the appointment of the police officers of Lewiston out of the hands of the Municipal Officers many years ago.

"Under the present system a splendid police force has been built up.

"It is my firm conviction that no change should be made at present."

That letter is from Frank T. Powers, three times county attorney in Androscoggin County, and gentlemen, I submit, one of the leading Democrats in the city of Lewiston.

I could go on and on and point out these letters to you. Senator Boucher says these letters were brought out by force or threat. I do not believe that the majority of the merchants and this type of people can be intimidated by any policemen. I do not believe that they will be prone to write letters over their signature unless they thought it was the proper thing to do.

Now gentlemen, I have a short editorial appearing in the Lewiston Evening Journal entitled "Home Rule Camouflage". "The 'home rule' tag which has been used by those who favor shifting the power of appointing the Lewiston Police Commission from the governor to the mayor is clever political camouflage. It is nothing less than a political phrase which sounds well, and is intended to fool the people who may be swayed by an appealing name or a popular slogan.

"The way proponents of the bill that would place appointive power in the mayor spoke of 'home rule' at yesterday's hearing before the Legislative Legal Affairs Committee, one might get the impression that they were representatives of some

British colony pleading with the mother country's Houses of Parliament for 'home rule'.

"The proponents make loose use of the 'home rule' argument in an attempt to mislead the Legislature and the citizens of Lewiston."

I won't read the whole thing. It isn't necessary, but it winds up by saying, "When Lewiston has a Police Department so well managed that even those who want to gain political control of it can find nothing to criticize, where is the need for a change? Again the Journal repeats, 'Let's leave well enough alone'."

I am reminded again of Senator Harvey's statement a few days ago, "Where is the necessity?"

With those few remarks, gentlemen, I submit Lewiston has a splendid police department. The people of Lewiston want to keep that same police department intact. We don't want to take any chances on anything happening to that department, and when the vote is taken whether by yea and nay or by division, I hope the motion of my good brother, Senator Boucher will not prevail.

Mr. BOUCHER: Mr. President and members of the Senate, the gentleman from the Committee on Legal Affairs brought in an argument which I did not touch upon in my remarks because in the history, very ancient, I didn't want to go back 26 years ago. I do not believe for one thing that the other senator from Androscoggin, Senator Peters was in Lewiston 26 years ago, and he doesn't know the conditions at the time. I was there. I was a citizen, lived there and was of voting age. I will admit 26 years ago conditions in Lewiston in the police department probably were not very good but probably as good as conditions that exist now in other cities of the state. Twenty-six years ago was 1917. Today is 1943. Are we of Lewiston going to pay for the mistakes made by those of another generation? Are we going to keep on paying, generation after generation, for mistakes made in 1917? I do not believe that is a fair proposition.

They have mentioned the opponents at the hearing. I am glad they did. I would not have brought the matter up again but as long as they have introduced it I shall take up the challenge. At the hearing the proponents and opponents were

about the same number, all Lewiston people from the proponents' side; but on the opponents' side it was another picture. Two of those who addressed the committee at the hearing were Auburn residents and voters—two attorneys from Auburn and I would like to know, Mr. President, what right the city of Auburn has to try to manage the affairs of the city of Lewiston. I also want to state that 90% of the opposition was the police department of the city of Lewiston. I want to know why the servants of the city of Lewiston have a right to come in here and express their opinions against citizens who are paying them for being on duty in Lewiston.

Now, the famous letters mentioned here, some 400 of them—I have not counted them, but I offer 1600 names collected by an organization, non-partisan. I agree with Senator Peters, it is a non-partisan force. I can say the committee was on partisan lines but not Lewiston. This was the Vigilante committee and is composed of Republicans and Democrats and those not enrolled in either party. It is backing this measure.

I want to call to your attention that I am Mayor of the city at this time. That is true. I want to call to your attention that this bill was introduced over a year ago when I was not Mayor, and at the time had no intention of running for Mayor.

We are not asking for a change in the police set-up in Lewiston. They have told you we are satisfied. We are. We didn't bring any argument that we are not satisfied with the police department. We have made no charges. We admit we have a good police department. That is not the question to be decided. The question is, should we have the right to pick our own commissioners in Lewiston. That is the only question here.

In those famous letters they have mentioned, several letters were Auburn residents, several were from the chain stores in Lewiston, and Mr. President and members of the Senate, I shall not use this but should I chose to use those letters against those merchants or those chain stores and those outside the corporation, those merchants who permitted themselves to send such letters to the legislature I believe

I would endanger their position. I will not stoop to do it. They say they have over 51% of the taxes paid. Of course they have. They have taken the corporations, large corporations, and have asked them to endorse the present police department.

Mr. President, I want to go on record as endorsing the present police department. I have no brief with the present police department. That is not the question at issue. It is a question of home rule. It is a question whether the mayor shall appoint the police commissioners like he appoints members of other boards or shall the Governor appoint them?

They have told you of the sins of 26 years ago.

I have gone over the matter also but I change, Mr. President. I do not want to go back 26 years. I want to go back four years. I think Lewiston has redeemed itself under the new charter. I believe and agree with the statement made by Senator Peters and Senator Sanborn that Lewiston is probably the best of any city in the State. The fiscal year ending yesterday, to the best of my knowledge, will leave us with a surplus of \$175,000 with a tax rate of 38 mills on a very low valuation. If it is not good legislation I want to know where other cities and towns have done better.

They have told you of police officers being able to hail aldermen and the mayor into court. I have lived there 43 years and never been hailed into court. I believe the majority of our people in Lewiston are as good as I am. I do not believe the changing of appointment of commissioners is going to change anything in the police department. Those police officers they have mentioned so often—I have had occasion to talk with these people. They are not afraid of me and I am not afraid of them. Several of them have told me they didn't care to go out and collect these letters but they had orders to do it and they had to follow those orders.

The question to settle here this afternoon is not a question of what happened 26 years ago, but it is a question of fair play. It is a question of home rule. They don't like to call it home rule, but it is true, it is home rule. All I am asking you gentlemen of the Senate is to give the people of Lewiston a chance

to vote on this question. They claim Lewiston doesn't want it. They came with 470 letters and say that proves Lewiston doesn't want it. In two weeks the Vigilantes went out and got 1600 votes without hiring a paid worker to do it. That is the answer whether they want to vote on this question or not. I am not telling you, Mr. President, that Lewiston will change the way of appointing, but I am telling you they want the chance to vote on it. Twenty-six years ago it was forced down their throat against their will. They have never had a chance to express themselves. I think we are living in a democracy and I think they are entitled to that right. I think they are free citizens and they have the right to express by ballot which way they want commissioners of police appointed.

That is my final word, give the citizens of Lewiston a chance in referendum to express their opinion.

Mr. PETERS: Mr. President, I just want to state the two Auburn residents who appeared before the committee in opposition to Senator Boucher's bill did live in Auburn. They were former county attorneys. In turning around now I can see at least three former county attorneys. They certainly should know something about the situation in their own county and they came to tell the committee what they thought.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, for acceptance of the minority report "ought to pass" on An Act Relating to Appointment of Police Commission for the City of Lewiston. That Senator has asked for a Yea and Nay vote. To order a roll call the affirmative vote of one-fifth of the membership of the Senate is required. Is the Senate ready for the question?

A division of the Senate was had.

Less than one-fifth having arisen, the Yeas and Nays were not ordered.

Mr. ROUCHER: Mr. President, being deprived of the right to have a yeas and nays vote, I now request a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, to accept the minority report, "Ought to pass". Is the Senate ready for the question?

A division of the Senate was had.

Six having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, on motion by Mr. Sanborn of Cumberland, the Majority report, "Ought not to pass" was accepted.

Sent down for concurrence.

On motion by Mr. Elliot of Knox
Recessed for ten minutes.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table bill "An Act Relating to the Board of Trustees of the Jointly-Contributory Retirement System" (H. P. 552) (L. D. 287) tabled by that Senator on March 11 pending passage to be enacted; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby this bill was passed to be engrossed and that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 552, L. D. 287, Bill, 'An Act Relating to the Board of Trustees of the Jointly Contributory Retirement System.'

Amend said Bill by adding after the enacting clause thereof the following: "Sec. 1."

Further amend said Bill by adding at the end thereof the following:

'Sec. 2. P. L., 1933, c. 1, §227-E, sub-§2, amended. Sub-section 2 of section 227-E of chapter I of the public laws of 1933, as enacted by chapter 328 of the public laws of 1941, is hereby amended by adding thereto a new paragraph to be lettered (e) and to read as follows:

'(e) Any guard of the state prison who is a member of this system and who has creditable service of at least 25 years may be retired at one-half of his average final compensation provided such retirement is requested either by the member or the commissioner of institutional service. If any such

member should become eligible under the provisions of this system, as a result of prior service and membership service, to a retirement allowance in excess of one-half of his average final compensation he shall be entitled to the higher retirement allowance.'"

Mr. ELLIOT of Knox: Mr. President, in explanation of this proposed amendment I would simply like to say that it merely brings the guard of the State Prison under the same system as the wardens of the Fish and Game Department. There was a bill before the committee which did just that and this amendment has the approval of the Committee on Judiciary before which the bill relating to the wardens of the Department of Inland Fisheries and Game was heard.

Thereupon, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table bill "An Act Relating to Membership in the Jointly-Contributory Retirement System for State Employees Except Teachers" (H. P. 1286) (L. D. 809) tabled by that Senator on March 31 pending passage to be enacted; 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 and that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 1286, L. D. 809, Bill 'An Act Relating to Membership in the Jointly-Contributory Retirement System for State Employees, Except Teachers.'"

Amend said Bill by adding at the end of the 2nd paragraph of that part designated (3) of section 1 thereof, the following:

'Any employee may, if he so elects, pay into the retirement system any or all back contributions covering any or all of the period from July 1, 1942, to July 1, 1943, and receive therefor the proper membership credit for the period for which such back contributions are made.'

Mr. ELLIOT of Knox: Mr. President, in explanation of this pro-

posed amendment I would like to state that the Jointly-Contributory law provides that any state employee who has become eligible for retirement before July 1, 1945, may retire without having to contribute towards retirement, but it has since developed that by a ruling of the Attorney General it will be necessary for those who do not sign up with the Jointly-Contributory System work an additional length of time depending on how much time elapsed between July 1, 1942 and the time they signed up prior to 1943. This proposed amendment would allow state employees now desiring to sign up to pay back contributions without losing any prior service credit.

Thereupon, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table Senate Report from the Committee on Judiciary "Ought Not to Pass" on bill "An Act Relating to the Jointly-Contributory System" (S. P. 428) (L. D. 766) tabled by that Senator on March 29 pending acceptance of the report; and on further motion by the same Senator, the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs "Ought Not to Pass" on bill "An Act Relating to the Appointment of Heads of All Police Departments" (S. P. 343) (L. D. 516) tabled by that Senator on March 19 pending acceptance of the report.

Mr. BOUCHER of Androscoggin: Mr. President, I move the acceptance of the report and in so doing I want to state that I would be afraid that in order to be consistent the members of the Senate would have to vote in favor of this measure and I do not care to impose it on other cities and towns in the state.

The motion prevailed and the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

The PRESIDENT: The Chair would like to point out to the members of the Senate that during the past several days, the Chair has been making the motion on behalf of the Senate that the rules be suspended and once this afternoon the Chair departed from that practice, and the Chair would like to say that the Chair will continue to depart from that practice where

there is any measure on which there is controversial debate. If after controversial debate, any member wants the rules suspended and the bill speeded on its way, the motion will come from the floor and not from the Chair.

On motion by Mr. Elliot

Adjourned until tomorrow morning at ten o'clock.