

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Thursday, April 12, 1945.

The Senate was called to order by the President.

Prayer by the Reverend Samuel Johnson of Gardiner.

Journal of yesterday read and approved.

From the House:

Bill, "An Act Relating to Licensing Automobile Dealers." (H. P. 1322) (L. D. 965)

(In the Senate on April 4th, 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:

Mr. BROWN of Aroostook: Mr. President, I move that the Senate adhere.

Mr. BATCHELDER of York: Mr. President, I might say as a member of the Committee on Legal Affairs, it might require a little explanation as to why we reported this bill out ought to pass. I might say in going over this particular section, if you will turn to Legislative Document 965, we can better understand this act, if we take the Revised Statutes and see how this act ties in with it.

First turn to Revised Statutes, Chapter 19, Section 19, Dealers' Registration Fees for plates. Read the first three sentences of Section 19: "Every manufacturer or dealer in new or used motor vehicles or trailers, may, instead of registering each vehicle owned or controlled by him, make application upon a blank provided by the secretary of state for a general distinguishing number, color or mark. The secretary of state if satisfied with the facts stated in the application, may grant the application and issue to the applicant a certificate of registration, containing the name, place of residence, and address of the applicant, and the general distinguishing number, color, or mark assigned to him and made in such form as the secretary of state may determine, and all vehicles owned or controlled by such applicant shall be regarded as registered under such general distinguished number, color, or mark until sold, exchanged, or op-

erated for hire. The annual fee for every such certificate of registration shall be \$60."

Now it is proposed by this act to amend by inserting a new sentence to read as follows:

"The secretary of state shall not issue a certificate of registration to any such dealer unless the applicant is a dealer or used car dealer within the meaning of section 21."

Now, if you will turn to Section 21 of Chapter 19. Dealers Registration Fee to be paid before December 31 of the preceding year:

"Every manufacturer or dealer in new or used motor vehicles or trailers shall pay to the secretary of state the required registration fee for the succeeding year on or before the 31st day of December annually; provided, that any manufacturer or dealer in new or used motor vehicles or trailers commencing business after the 1st day of January of any year shall pay the fee at the time of commencing business. The word 'dealer' as used in this chapter shall mean any person, firm or corporation which is a recognized agent of a motor vehicle manufacturer, or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer, or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the sale of second-hand motor vehicles being incidental thereto. The words 'used car dealer' as used in this chapter shall mean any person, firm or corporation whose principal business is the buying and selling of second hand motor vehicles."

Adding the following sentence: "Such 'dealer' or 'used car dealer' shall have an established place of business within the state of Maine consisting of a permanent enclosed building or structure containing adequate space, facilities, and equipment to properly service such motor vehicles."

That added sentence to the present dealer registration law qualifies who is eligible to apply for dealer plates. It does not say you cannot buy or sell cars unless you have a permanent building. Any person in this Senate can travel over the State, buy cars and sell them without getting dealer plates, and that is the way most of the cars are being bought and sold today.

If you will read the first sentence of Section 22 you will see that provisions are made there for a repairer to have plates at a fee of \$10 to move his car.

If this bill is enacted, I don't know of anyone in the automobile business or anyone who might wish to go into the automobile business in this State that would be handicapped by this bill.

I might say that we had a great many automobile dealers appear before the committee on this legislation. They felt that some protection should be given to them, to protect them from some fellow who might come into this state with many cars, set up in some particular place and sell cars to the public; and possibly within a day or two he might return to his native state and the purchaser might find that he had bought some car that had been stolen or upon which there was some claim and he would be unable to recover what he had paid.

I think there should be some legislation to protect us against this particular thing. I hope that the motion of the Senator from Aroostook, does not prevail.

The PRESIDENT: The pending question is on the motion of the Senator from Aroostook, Senator Brown, that the Senate adhere. Is the Senate ready for the question?

Mr. BROWN of Aroostook: Mr. President, I have listened to the argument by Senator Batchelder of York, who has spoken. It is the same argument that has come to me in the corridors by the legislative agent of the automobile dealers. I have not changed my mind on what this bill is attempting to accomplish.

Of course the automobile dealers appeared before the committee because it is a bill which provides a method whereby they are trying to keep the little fellow from going into business.

I still cannot see why if a man wants to sell cars, if he complies with the statute as it is now and has dealer plates the same as any other dealer, why he should be required to have a storage place for the cars, why he should be required to have a permanent building or why he should be required to run a service station connected therewith.

There is, of course, a great effort on the part of manufacturers of automobiles to control the sale of automobiles all through the line, through their agencies. It is almost impossible for a new man to get an agency, but there are sub-agencies, of course. I am thinking of this as a restriction on the right of the small dealer, the little fellow who wants to go into business but has not an established place of business but wants to work up so he can establish one. I am thinking that after the war, not only the boys who come back, but those today who are perhaps working in factories at large wages. When their jobs are over they are going to be out hunting for employment. I believe such persons have the right under our Constitution, under private enterprise, to hire a lot and go into the business of dealing in second-hand cars and having dealer plates without having to provide a permanent building as a place of business, and having to run a garage in connection with it.

Whether a person buys a second-hand car of a regular dealer or whether he buys it of a person who has just established and gone into business, he buys it at his own risk. As I said the other day, I have been gypped just as badly when buying of regular dealers as if I had bought of a man who didn't have a permanent establishment or a permanent garage.

I think the action the Senate took in indefinitely postponing this bill in the previous instance was well taken and I hope the Senate will adhere.

Mr. NOYES of Hancock: Mr. President and Members of the Senate, I move that the Senate recede and concur with the House in the passage of this bill to be engrossed. In support of that motion I will just say very briefly that I believe we made a mistake the last time this bill was before us and I would say to the automobile dealers in the State of Maine, if they introduced a bill in which this had appeared as an amendment to the law that is already on the books wherein this portion in black type you find in L. D. 965 was inserted in the regular law, I believe the bill would have passed without very much discussion.

In other words it seems that if automobile dealers tried to save

the State of Maine a little money, instead of printing a bill of four or five pages, they could have put into the original law whatever they wished.

So far as a man selling automobiles is concerned, I have sold a few automobiles without dealer's plates and I know most of these small dealers, or owners who want to go into the automobile business, the greater part of them, first associate themselves with a dealer and sell a few cars and after getting established if they are able to obtain a franchise from some automobile manufacturer's company they go ahead and sell automobiles and I cannot see anything in this bill as dangerous as seems to exist in the mind of Senator Brown.

I think that earlier in the session, the same Senator referred to a previous legislature in which a certain member was so allergic to boards that every time he went by a lumber pile he sneezed and I will make a confession that I am the gentleman to whom he referred. The President of the Senate was associated with me in the other body of the Legislature—perhaps it is all right to refer to the House of 1939—in which the Senator referred to me as the man allergic to boards. I believe this bill should be passed and I hope the motion to recede and concur will prevail.

The PRESIDENT: The pending question is on the motion of the Senator from Hancock, Senator Noyes, that the Senate recede and concur with the House in the passage of the bill to be engrossed. Is the Senate ready for the question?

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

A division of the Senate was had. Fourteen having voted in the affirmative and fifteen opposed, the motion did not prevail.

Mr. BROWN: Mr. President, I move that the Senate adhere.

Mr. CROSS: Mr. President, I move that the Senate insist and ask for a Committee of Conference.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Cross, that the Senate insist and ask for a Committee of Conference and a division of the Senate has been asked.

A division of the Senate was had. Eighteen having voted in the affirmative and eight opposed, the motion prevailed.

From the House: Bill "An Act to Increase Salary of Sheriff of Kennebec County." (S. P. 263) (L. D. 624)

(In Senate on April 5th passed to be engrossed as amended by Senate Amendment "A".)

Comes from the House, the "Ought Not to Pass" report read and adopted in non-concurrence.

In the Senate, on motion by Mr. Owen of Kennebec, the Senate voted to insist on its former action whereby the bill as amended was passed to be engrossed, and ask for a Committee of Conference.

From the House:

Bill "An Act Amending the Control of Venereal Diseases Law." (S. P. 211) (L. D. 473)

(In Senate on April 6th, passed to be engrossed as amended by Committee Amendment "A".)

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

In the Senate, on motion by Miss Clough of Penobscot, the Senate voted to insist on its former action whereby the bill as amended was passed to be engrossed, and ask for a Committee of Conference.

From the House:

"Resolve for the Purchase of Five Hundred Copies of 'The Length and Breadth of Maine'." (S. P. 93) (L. D. 135)

(In Senate on April 3rd, passed to be engrossed as amended by Committee Amendment "A".)

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

In the Senate, the Senate voted to recede from its former action whereby the Resolve as amended by Committee Amendment A was passed to be engrossed, House Amendment A was read and adopted in concurrence, and the bill as amended by House Amendment A and Committee Amendment A was passed to be engrossed in concurrence.

From the House:

Bill "An Act Relating to Probation Officers in Penobscot County." (S. P. 426) (L. D. 1126)

(In Senate, on April 10th passed to be engrossed.) Comes from the

House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Miss Clough of Penobscot, the Senate voted to adhere.

House Committee Reports

The Committee on Ways and Bridges on Bill "An Act Relating to the Re-apportionment of Maintenance of Unimproved Roads and Construction of State-Aid and Third-Class Road Moneys," (H. P. 1104) (L. D. 788) reported that the same ought not to pass.

Which report was read and adopted in concurrence.

The Majority of the Committee on Judiciary on Bill "An Act Creating a Board of Examiners for Electricians," (H. P. 1303) (L. D. 948) reported that the same ought not to pass.

(Signed)
Senators:

DOW of Oxford
DUNBAR of Washington
CLOUGH of Penobscot

Representatives:

PERKINS of Boothbay Harbor
WILLIAMS of Auburn

The Minority of the same Committee on the same subject matter reported the same in a new draft (H. P. 1453) (L. D. 1154) under the same title, and that it ought to pass.

(Signed)
Representatives:

CONNELLAN of Portland
PEIRCE of Augusta
HASKELL of Portland
WARD of Millinocket

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

In the Senate, on motion by Mr. Dow of Oxford, the Senate voted to adopt the Majority Report "Ought Not to Pass" in concurrence.

The Majority of the Committee on Labor on Bill "An Act Relating to the Powers and Duties of the Commissioner of Labor and Industry," (H. P. 1300) (L. D. 945) reported that the same ought not to pass as legislation is inexpedient.

(Signed)
Senators:

HOPKINS of Kennebec
SPEAR of Cumberland
GOULD of Androscoggin

Representatives:

BROWN of Unity
HASKELL of Bangor
POULIN of Rumford
MARSHALL of York

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

(Signed)
Representatives:

JONES of Waterville
WEEKS of Waterville
RENOUF of Biddeford

Comes from the House, the Majority report read and adopted.

In the Senate:

Mr. HOPKINS of Kennebec: Mr. President, I move the adoption of the Majority Report "Ought Not to Pass" and in support of this motion I would like to say that there is very little construction going on at the present time in Maine. The most hazardous part of the construction, compressed air work is fully covered.

In the past year while there were fifteen fatal injuries in Maine, only one was in construction work. There are no funds available to set up the machinery to carry out the provisions of this bill.

The motion prevailed, and the "Ought Not to Pass" report of the committee was adopted in concurrence.

The Majority of the Committee on Labor on Bill "An Act Relating to Minimum Wages and Maximum Hours," (H. P. 1301) (L. D. 946) reported that the same ought not to pass.

(Signed)
Senators:

HOPKINS of Kennebec
SPEAR of Cumberland
GOULD of Androscoggin

Representatives:

POULIN of Rumford
BROWN of Unity
HASKELL of Bangor
MARSHALL of York

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

(Signed)
Representatives:

WEEKS of Waterville
JONES of Waterville
RENOUF of Biddeford

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

In the Senate:

Mr. HOPKINS of Kennebec: Mr. President, I move the adoption of the Majority Report "Ought Not to Pass" and in defense of this motion, I would like to say, I am not able to state the view of the members of the committee because there were details of this on which there was very little discussion but I think the provisions of the act are very far reaching and it would be tremendously hard to analyze the effect on the economy of the State of Maine, but generally it would have an adverse effect.

I think that is the feeling of the committee and I present this in support of my motion. The effect it would have on the economy of the state will be discussed later in connection with another bill.

Thereupon, the motion prevailed, and the Senate adopted the Majority Report "Ought Not to Pass" in concurrence.

The Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Act as to Employer's Experience Rating," (H. P. 1077) (L. D. 926) reported that the same ought to pass.

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

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of Probate in Lincoln County," (H. P. 217) (L. D. 80) reported the same in a new draft (H. P. 1430) (L. D. 1123) under the same title, and that it ought to pass.

(On motion by Mr. Denny of Lincoln tabled pending adoption of the report in concurrence.)

The Committee on Welfare on "Resolve Authorizing Purchase of Jefferson Camps," (H. P. 1298) (L. D. 943) reported the same in a new draft (H. P. 1424) (L. D. 1097) under the same title and that it ought to pass.

Which report was read and adopted in concurrence, the bill in new draft read once, and tomorrow assigned for second reading.

The Committee on Judiciary on "Resolve in Favor of a Special Recess Committee to Study the School Pension and Retirement Laws of the State and Report to the Next Regular Session," (H. P. 649) (L. D. 263) reported the same

in a new draft (H. P. 1429) (L. D. 1110) under a new title, "Resolve in Favor of a Special Recess Committee to Study All Pension and Retirement Laws of the State and Report to the Legislature," and that it ought to pass.

In the Senate, on motion by Mr. Owen of Kennebec, the report and accompanying papers were laid upon the table pending adoption of the report in concurrence.

The Majority of the Committee on State Lands and Forest Preservation on Bill "An Act to Remove Floating Islands in Corundell Lake in Corinna," (H. P. 1255) (L. D. 880) reported that the same ought to pass with Committee Amendment "A".

(Signed)
Senator:

STERLING of Somerset
Representatives:

WILLIAMS of Clifton
WILLIAMS of Topsham
BROWN of Milford
DUTTON of Bingham
BENN of Smyrna

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

(Signed)
Senators:

CLEAVES of Cumberland
CLEMMENTS of Waldo

Representatives:

ROLLINS of Greenville
JUDKINS of Woodstock

Comes from the House, the Majority Report read and adopted and the bill as amended passed to be engrossed.

Mr. STERLING of Somerset: Mr. President, I move adoption of the Majority Report "Ought to Pass".

Thereupon, on motion by Mr. Cleaves of Cumberland, the reports and accompanying papers were laid upon the table pending motion of the Senator from Somerset, Senator Sterling, to adopt the Majority Report.

Communication
STATE OF MAINE
House of Representatives
Augusta
Office of Clerk

April 11, 1945.

Honorable Chester T. Winslow,
Secretary of the Senate
Senate Chamber

Sir:

The House today joined conference with the Senate on the dis-

agreeing action of the two branches on Bill "An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses," (H. P. 940) (L. D. 570) and the Speaker appointed as Conferees on the part of the House:

Miss DEERING of Bath
Mr. WILLIAMS of Clifton
Mr. THOMPSON of Brewer
Respectfully yours,
HARVEY R. PEASE,
Clerk of the House.

Which was read and ordered placed on file.

First Reading of Printed Bills

"Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons." (S. P. 440) (L. D. 1165)

"Resolve to Create a Special Joint Committee to Study the Public Reserved Lots in the State." (S. P. 441) (L. D. 1164)

Which resolves were severally read once, and tomorrow assigned for second reading.

Senate Committee Reports

Mr. McKusick from the Committee on Pensions submitted its Final Report.

Mr. Bishop from the Committee on Education on "Resolve in Favor of Bridgton Academy," (S. P. 309) (L. D. 856) reported that the same ought not to pass as covered by other legislation.

Which reports were severally read and adopted.

Sent down for concurrence.

Passed to be Engrossed

"Resolve in Favor of Catherine A. Nason, of Round Pond." (H. P. 194) (L. D. 1142)

Bill "An Act Relating to Maintenance of State Highways and State Aid Roads." (H. P. 248) (L. D. 98)

"Resolve to Reimburse Wallagrass Plantation for Support of the Family of Edward Berube." (H. P. 498) (L. D. 1143)

Bill "An Act Relating to Fees of Sheriffs and Expenses in Keeping Prisoners." (H. P. 994) (L. D. 594)

Bill "An Act Relating to Salary for Clerks in County Offices in Lincoln County." (H. P. 1096) (L. D. 783)

(On motion by Mr. Denny of Lincoln, tabled pending passage to be engrossed.)

"Resolve in Favor of Fox & Ginn, Inc." (H. P. 1314) (L. D. 1144)

Bill "An Act Relating to the Salary of the Register of Probate of Kennebec County and Clerk Hire in Such Office." (H. P. 1374) (L. D. 1037)

"Resolve for the Payment of Certain Pauper Claims." (H. P. 1448) (L. D. 1145)

Bill "An Act Relating to the Forwarding of Contributions in the Maine Teachers' Retirement System." (H. P. 1449) (L. D. 1138)

"Resolve Relating to Open Season for Fishing in Aroostook and Piscataquis Counties." (H. P. 1450) (L. D. 1146)

Bill "An Act Relating to Open Season for Hunting." (H. P. 1451) (L. D. 1139)

Bill "An Act Relating to Vital Statistics." (H. P. 1454) (L. D. 1140)

Bill "An Act to Incorporate the 'Guardian Loan Co.'" (H. P. 1456) (L. D. 1156)

Bill "An Act Designating Certain Academies as High Schools and Relating to Membership in the Maine Teachers' Retirement System." (H. P. 1458) (L. D. 1158)

Bill "An Act Relating to the Salary of Various Officers of Waldo County." (H. P. 1459) (L. D. 1159)

Bill "An Act Relating to Automobile Travel by State Employees." (H. P. 1461) (L. D. 1161)

Bill "An Act to Grant a New Charter to the City of Rockland." (H. P. 1425) (L. D. 1115)

Bill "An Act Amending the Charter of the City of Biddeford." (H. P. 733) (L. D. 402)

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

Bill "An Act Relating to Local Health Officers." (S. P. 213) (L. D. 472)

(On motion by Mr. Owen of Kennebec, tabled pending passage to be engrossed)

Bill "An Act Relating to Registration of Motor Vehicles." (S. P. 423) (L. D. 1121)

(On motion by Mr. Cross of Kennebec, tabled pending passage to be engrossed.)

Passed to be Engrossed

An Act relating to the State Police Retirement System (S. P. 76) (L. D. 71)

An Act relating to Prevention of Bang's Disease by the Department of Agriculture (S. P. 125) (L. D. 330)

An Act relating to Expense Accounts of Deputy Fire Wardens and Reports of Chief Fire Wardens (S. P. 161) (L. D. 364)

An Act relating to Use of Drugs or Appliances in Horse Racing (S. P. 290) (L. D. 721)

An Act relating to State Board of Arbitration and Conciliation (S. P. 347) (L. D. 893)

An Act Amending an Act to Authorize the Incorporation of Credit Unions (S. P. 389) (L. D. 998)

An Act relating to the Assessment of Taxes (S. P. 398) (L. D. 1030)

An Act to Provide for Training and Licensing Nursing Attendants (S. P. 404) (L. D. 1064)

An Act relating to the Salary of the Recorder of the Ellsworth Municipal Court (S. P. 406) (L. D. 1062)

An Act relating to Salary of Register of Probate and Clerks in the Office of Register of Probate in Hancock County (S. P. 407) (L. D. 1061)

Emergency Measure

"Resolve, Authorizing Commissioner of Agriculture to Register Trade-Marks." (H. P. 959) (L. D. 528)

Which resolve being an emergency measure, and having received the affirmative vote of 29 members of the Senate, and none opposed, was finally passed.

Orders of the Day

The PRESIDENT: The Chair appoints as members of the Committee of Conference on the part of the Senate, on the disagreeing action of the two branches of legislature on Legislative Document 285, Resolve to Reimburse the City of Biddeford, Senators: Dorr of Oxford, Townsend of Penobscot and Willey of Hancock.

The PRESIDENT: The Chair appoints as members of the Committee of Conference, on the part of the Senate, on the disagreeing action of the two branches of the legislature on Legislative Document 570, bill, An Act Permitting the Department of Education to Cooperate in Establishing University Extension

and Correspondence Course, Senators: Bishop of Sagadahoc, Owen of Kennebec and Leavitt of Cumberland.

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

The President laid before the Senate, Majority Report, "Ought Not to Pass", Minority Report, "Ought to Pass" from the Committee on Ways and Bridges on Resolve in Favor of a Bridge Across the St. John River (H. P. 1101) (L. D. 786) tabled by Mr. Brown of Aroostook on April 11th pending the motion by Mr. Dorr of Oxford to accept the Majority Report; and today assigned.

Mr. BROWN of Aroostook: Mr. President and Members of the Senate, I hesitate slightly to speak on this matter, having to speak against the majority of the committee, and also having in mind the fact that two years ago a bridge was built across the Allagash River, and knowing it is rather difficult to have two bridges built, one after another, especially in Aroostook County, so far away from the great centers of trade. I think a great many people in the State forget there is such a place as Aroostook County except as they see potatoes rolling out of that great county. We also have lumber in Aroostook County, where there is the greatest stand of virgin spruce that exists anywhere in the United States—up in the northwest corner of the State of Maine.

In building the Allagash bridge we did only half the job. In order to get up into this territory we have to first cross the Allagash River near the mouth and proceed up the St. John River three or four miles and then cross the St. John River into the territory. Now, the St. John River is not a boundary between Maine and the provinces. One man asked if it would not be an international bridge, evidently not being acquainted with the geography of the northern part of the state.

This bridge is urgently needed. This is a swift river and a dangerous river to cross. Just a week ago perhaps you read that four men were drowned while trying to work the river in a boat, and several other lives were very nearly lost.

This county has great stacks of lumber, not only spruce but hard

wood. The conditions are such as we had in the horse and buggy days. This river is covered by ferry which is hung on a cable and the current of the river pushes it from one side to the other. In the early days when lumber and living was primitive up there it was easy enough to put on horses and equipment and men and ferry across the river. Bear in mind there is no other way to get across, but in these modern days when lumbering is done on a big scale, when power equipment is used and when the time element enters into it so they cannot wait to get the lumber and they put it on the river and get it down where the trucks can take it, ferry boats are entirely inadequate. Ferry boat after ferry boat gets broken down. It is impossible to build larger boats because they could not operate because of the depth of the water. Therefore, travel is greatly impeded. They have gone up with power equipment. They have attempted to haul lumber out in trucks. Ferry boats are entirely inadequate to handle the trucks. They get stuck and they have to unload. These ferry boats that cost \$2000 or \$3000 to build are continually getting broken down.

You have a section of the state where a necessary amount of business is being done. There is no way of getting across the river except by this inadequate ferry. There are thousands of cords of pulpwood there, thousands of cords urgently needed in the war effort; thousands of cords for veneer that is cut and brought down and used in the manufacture of mosquito planes. Years ago this system was adequate and the people got along with it. Today it is totally inadequate and something should be done.

There are a steadily increasing number of people living on that side of the river. There are houses and families as far as 30 miles up the river and they have no way to get across the river. There are hundreds of men working in the woods up there and if a man is injured up there—when the ice is going out in the spring or when it is beginning to freeze in the fall and the ferry boats cannot operate—there are weeks when it is impossible to get anyone across the river even in an emergency. Even if someone was injured and needed a doctor it would be impossible.

I have taken this up with the Highway Commission and the cost of the bridge estimated would be about \$105,000. That is the amount I believe is estimated. That is for a wooden bridge such as is built across the Allagash River which cost \$75,000. This is a larger bridge. The state and county and town would all participate. I talked with one of the county commissioners and he said they needed it and if they saw fit to pass this bill, Aroostook County would do its share. I have heard people say it is not the right time, but as far as Aroostook County is concerned—and their share would be 30 percent—we could do it now better than some time in the future because for the first time I know of—at least for a long time—Aroostook has a large surplus in its treasury and we might not have it eight or ten years from now when conditions in the county might be different. The plantation of Allagash is ready to put up its share, and as I say, the department has already figured on the cost of the bridge, and if we passed this bill they would go ahead and build it.

Now I do not believe that great industry, which is so vital to the war and so vital to the economic program after the war ends, will be allowed to suffer. There will be great need for lumber after the war closes. This is a bridge that should have been built years ago and I do not like in these days of civilized life and the modern way of living, to deny the citizens of Maine a chance to get on Maine land. They are as much isolated in the spring as if they were living on an island off the coast; in fact, even more so, because on an island they would have a boat to take them to the Maine coast, while up here they are absolutely cut off.

I hope the motion of the Senator from Oxford, Senator Dorr, to adopt the majority report "Ought Not to Pass" will not prevail.

Mr. CLEAVES of Cumberland: Mr. President, I am fairly familiar with this country the Senator from Aroostook, Senator Brown, has talked about, having gone through the trials and tribulations and many many headaches in trying to get timber from that country.

I do not know as you gentlemen realize it, but that particular section of the State of Maine is the largest timber area within the confines of

any one state in the United States of America. We are stopped from producing there in the volume we would like to, due to this particular river. It is a very very dangerous river. My company has already lost 3,000,000 feet of logs totaling over \$100,000 because we cannot control the river. Were the bridge there it would open up an avenue whereby pulpwood interests and long lumber interests and spruce interests could go up there and produce in volume which would mean extra revenue to the business men of this state.

Mr. DORR of Oxford: Mr. President, when this bill had a public hearing it was brought out that there were 25 to 30 families living across this river, principally employed in the lumbering industry, working for lumber companies.

I hope that the Senator from Aroostook, Senator Brown, doesn't have any idea he has allowed Aroostook County to be forgotten. Two years ago they came down here and asked for a bridge up in that country and it did appear from all the information that the committee could get that there was a real need, but in this case the committee, with the exception of Senator Brown felt there was not need sufficient or commensurate with the cost of the bridge. I think we are all in sympathy with the lumbering industry but the question is just how far can the State go in spending money to assist lumber companies. On the admission of the Senator from Aroostook, Senator Brown, we understood there was \$2,000,000 of federal money went into lumbering industry up there. Whether that is true or not, I do not know, but if it is true we didn't think if they spent out all that money, it would hurt them to spend \$100,000 or approximately \$100,000 to build a bridge. We felt they could do it rather than come to the State, knowing our financial condition in highway monies, and ask the State to build a bridge up there where the principal advantage would be to the lumbering interests; and therefore, I hope my motion to accept the Majority Report will prevail.

The PRESIDENT: The question is on the motion of the Senator from Oxford, Senator Dorr, that the Senate adopt the Majority "Ought Not to Pass" report of the committee.

A viva voce vote being doubted, A division of the Senate was had.

Fifteen having voted in the affirmative and eleven opposed, the "Ought Not to Pass" report was adopted in concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table, House Report "Ought Not to Pass" from the Committee on Claims on Resolve in Favor of the City of Bath for Loss of Taxes (H. P. 746) (L. D. 395) tabled by that Senator on April 9th pending acceptance of the report in concurrence.

Mr. BISHOP of Sagadahoc: Mr. President, I dislike to oppose the report of any committee. I dislike to have the report of one of my committees opposed, but I think perhaps a little explanation might clarify the matter a little and then you can do as you see fit.

I move we substitute the bill for the report, and in support of that motion, I wish to state two or three years ago the State of Maine went down into the city of Bath and purchased land and buildings to the approach of the Carlton bridge. They planned to build an overhead passage to go out over High Street, but because of the shortage of materials they were not able to do that. Because of the shortage of housing in Bath the State turned around and leased those houses. Because state owned property is not taxable, the city of Bath consequently has lost in two years the normal tax assessment of \$2551.20. In the meantime the State has taken in from leases and rents \$11,272.

Now, it did seem fair and reasonable that the tax which the city would usually collect from that property should be reimbursed to the city. I therefore, hope the Majority Report "Ought Not to Pass" will not be accepted and that we will substitute the bill for the report.

Mr. DORR of Oxford: Mr. President, the situation is about as the Senator from Sagadahoc, Senator Bishop, has described it. About three years ago they were contemplating changing the location of the road in Bath and the State bought from the owners several buildings with the intention at the time of tearing them down immediately, but the war came on and

they were prevented from doing that. As I recall it, there was one building torn down. Later on they did rent several of the buildings and there has been a certain income from those buildings. I checked with the Department and found their expense had been as much as they had taken in so they had made no profit. Had the operation of the buildings showed a profit the committee would have reported out that amount to help Bath in their valuation and tax revenue. Of course, as the Senator from Sagadahoc, Senator Bishop has said, State property is not taxable but the committee felt had they made a profit they would have passed the bill "Ought to Pass" in the amount that was proper. Therefore, I hope the motion of the Senator from Sagadahoc, Senator Bishop, does not prevail.

Mr. BISHOP: Mr. President, I am not prepared to correct or agree with the statement that they have spent almost \$12,000 in repairing those buildings. It doesn't seem possible that if the State bought this property with the intention of tearing it down they would have spent so great an amount to repair it. The buildings were livable beforehand and were going to be torn down in the near future. It seems to me the city of Bath should not be penalized by the State's mismanagement.

Mr. DORR: Mr. President, those figures are available in the Department and can be obtained by anyone wishing to look them over.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, to substitute the bill for the "Ought Not to Pass" report of the Committee.

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

Thereupon, on motion by Mr. Dorr of Oxford, the "Ought Not to Pass" report of the Committee was adopted in concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table, bill, An Act Relating to Bounty on Porcupines (H. P. 1342) (L. D. 993) tabled by that Senator on April 4, pending consideration.

The PRESIDENT: The Chair will state for the information of the Senate that this bill was passed to

be engrossed in the Senate as amended by House Amendment A. It comes from the House passed to be engrossed as amended by House Amendment A and House Amendment B in non-concurrence.

The Secretary read House Amendment B.

Thereupon, the Senate voted to recede from its former action whereby the bill was passed to be engrossed, and House Amendment B was adopted in concurrence.

Thereupon, Mr. Welch of Aroostook presented Senate Amendment A and moved its adoption.

"Senate Amendment 'A' to H. P. 1342, L. D. 993, Bill 'An Act Relating to Bounty on Porcupines.'

"Amend said Bill by striking out the 1st paragraph of said Bill and inserting in place thereof the following:

R. S., c. 32, ¶14-A, additional. Chapter 32 of the revised statutes is hereby amended by adding thereto a new section to be numbered 14-A, to read as follows: 'Further amend said Bill by striking out at the beginning of the 2nd paragraph of said Bill the following: "Sec. 78." and inserting in place thereof the following "Sec. 14-A.'

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

Sent down for concurrence.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table bill, An Act Relating to Registration of Motor Vehicles, (S. P. 423) (L. D. 1121) tabled by that Senator earlier in today's session pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cleaves of Cumberland, the Senate voted to take from the table House Report from the Committee on State Lands and Forest Preservation, Majority Report "Ought to Pass if Amended" Minority Report "Ought Not to Pass" on Bill, An Act to Remove Floating Island in Corundell Lake in Corinna (H. P. 1255) (L. D. 880) tabled by that Senator earlier in today's session pending motion by

the Senator from Somerset, Senator Sterling that the Senate adopt the Majority Report "Ought to Pass if Amended."

Mr. CLEAVES of Cumberland: Mr. President, before putting a motion I want to explain a little about why I signed the minority report. I am torn between two desires—first, a desire to help these people out in Corinna, and second, a desire to protect the State of Maine. When this came before the committee, the proponents told us it was a legal liability of the State. It was an Aroostock hot potato in the committee, and finally we calmly and serenely dropped it in the lap of the attorney general, and finally he gave it back, saying it was not a legal liability of the State at all. For that reason I signed the minority report.

Mr. HOWES of Penobscot: Mr. President and members of the Senate; it so happens this is my territory and over the week-end I go back and forth and I go by there. Probably a good many of the Senators have never been there. I wish to state the thing exactly as it is. There is a large mill there, a fairly good sized village, and the dam is right there by the mill—probably three rods from the highway. Now, these floating islands—a large piece broke away from the main land and floated into the river but fortunately they could get a boom there before it did any damage. At this particular place the water runs under the road, but as you pass over it you can look up and see the dam a short distance of three rods. You don't know you are going over water but you are. It is all closed in there.

Only a few years ago they had an ice jam there and it flooded the village and they had to go there in boats. I want you to get the picture as it is. It is a dangerous proposition. If those islands ever got away it would be terrible. The village is on a flat piece of land. It is on the main street. The water runs right under the street where all the business section is. There is nothing to do but take those floating islands out of there. I hope you will go along with the motion.

Mr. OWEN of Kennebec: Mr. President, I feel it my duty as custodian of the treasury of the State of Maine, to a certain extent, to make a few brief remarks concerning this bill. We had this bill in the

Appropriations Committee first, and then passed it over to the Committee on State Lands and Forest Preservation.

I hope the motion to accept the Majority Report will not prevail for this reason, that I am not in favor of the principle which seems to be growing more and more in the State, that whenever a local community gets into trouble they come to the legislature and want the State to pay the bills, and that is my objection to the bill. I don't think it is necessary to enlarge upon that.

Mr. CLEMENTS of Waldo: Mr. President and Members of the Senate, I'd like to explain my reason why I signed the minority report on this bill. As I understand it, this dam was placed there a number of years ago and held water back to be used in dry times, and I would like to ask Senator Howes if that is not the case.

The PRESIDENT: The Chair will state the Senator from Penobscot Senator Howes can not reply unless the Senator from Waldo, Senator Clements yields the floor.

Mr. CLEMENTS: I yield, Mr. President.

Mr. HOWES: Mr. President, I will say I have never been so informed, yet I would not say he was not right. I always presumed and still do, that the mill runs on water power.

Mr. CLEMENTS: Mr. President, it was brought out in the hearing that they have a dam there holding back 12 feet of water. As I understand it, it was a big bog, but in building the dam they made a lake out of what was swamp land in the beginning, and in using that water in dry times and drawing it out, they have drawn it so the territory that was once above the water still comes out and when cold weather comes on and the water is not covering it, it freezes the woods, and when it does it raises this up and forms islands. I think it is a man made proposition. They have used it 75 years to run the mill and carry on the business. They are carrying on there and it is their business to take care of it. It is not a State proposition and I do not believe it is a precedent the State ought to follow.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset,

Senator Sterling, to adopt the Majority Report, "Ought to Pass".

Mr. DUNBAR of Washington: Mr. President, I don't happen to have the benefit as the Senator from Cumberland evidently has of having read or seen the report of the Attorney General giving his opinion in regard to this measure. But whatever it may be, it is apparent to everyone who knows anything about the law and especially with lawyers, that lawyers differ as to legal propositions. If that were not true we would not have these books that I have here which are opinions from the higher courts where lawyers who participated in those cases went to the court, each believing they were right.

Now, in this particular case I think what you are losing sight of or what has not been explained as yet is that we have in Penobscot County and in the town of Corinna, Corundell Lake, so-called. There is no argument, and I believe that we will agree that Corundell Lake is a lake containing more than ten acres in territory. If it does contain more than ten acres in territory, under the Colonial Ordinances of 1641 and 1647, that came down to us from the mother state of Massachusetts, that lake is the property of the State of Maine, and the islands in it belong to the state. I respectfully call to your attention at this point, Chapter 32 of the Revised Statutes section 48 that reads: "The title to all islands located in great ponds within the state, except such as may have been previously granted away by the state, or are now held in private ownership shall remain in the state and be reserved for public use."

So we start off with a great pond, Corundell Lake containing more than ten acres owned by the state, and with these bogs or islands therein belonging to the state of Maine. Now it is true that somebody, I believe in 1850, so I have been told, built a dam at the foot of Corundell Lake, and if it raised the water back so that a great pond was created,—it is not admitted that it did create a great pond—there might have been a great pond there at the time the dam was placed at the foot of the lake so far as I know and so far as any information that has been given to us here has shown. I respectfully call your attention to a case

in the Wisconsin Report, 172 Wisconsin, Page 363, and for the benefit of laymen here in the Senate let me say to you we are not confined with the precedent wholly of only our own state, we can take the precedent of other states, the lawyers do and if they fit in with the Maine program, the Maine law, why then the laws of the other states govern as much as the laws of our own state govern.

The court in the State of Wisconsin ruled:

"Land which became submerged by a dam raising the waters of a lake became an extension of the lake, title to the land being in the state, and the public has the right to enjoy the easements of navigation."

There is no question but what these islands or bogs belong to the State of Maine. There is no question about it. And they are adrift and I understand 4½ to 5 acres landed down at the dam at the foot of Corundell Lake and there they created a hazard and a serious hazard, not only to the mill owners below but to the town itself, and right there as I understand it there are three dams. The first dam is where these islands first rested, and below there is a dam on which is located a woolen mill, I believe it is the Eastland Woolen Company, below that is one on which is located the Moosehead Woolen Company, and below we have the Baxter Plant and at the same location is a grist mill and along down the stream you come to the village, the business section of the town.

Now if the state owns the water and owns the islands as stated in the Revised Statutes that I have cited to you—but I will go farther and I will go over to Cumberland County and pick up for you a Cumberland County case that was decided in 1910 that has not as yet been over-ruled by our court, and is the law of our state. You probably know of the great pond in the town of Cape Elizabeth. That was a great pond and the land owners there bought the shore privileges and they tried to prohibit people from crossing the land and fishing in that great pond and they brought proceedings in equity to restrain them from so doing.

This case decided the issue that the title of the great pond was in the state, and the public and the citizens had the right to go to

those great ponds for the purpose of fishing.

The opinion by the late Judge Savage who later became Chief Justice of this court, a resident of Androscoggin County, stated on Page 229 in Maine Report 107: "Great Pond contains more than ten acres, and comes within the terms of the Ordinance, or Body of Liberties, declared by the General Court of the Massachusetts Bay Colony in 1641 as amended by the ordinance of 1647."

The Ordinance is commonly called the Colonial Ordinance of 1641-47. Among the rights so declared was the one that "every inhabitant that is an householder shall have free fishing and fowling in any great ponds." This is the case I want to go over with you which is applicable to this situation as to the ownership of these bogs or islands that went adrift, which the Judge said on Page 230 "for great ponds lying in common, though within the bounds of some town, it shall be free for every man to fish and fowl there, and may pass and repass on foot through any man's property for that end, so they trespass not upon any man's corn or meadow." They are public ponds, the state owns them and, listen to this: "The state holds them and the soil under them in trust for the public."

Now the soil under those, the bottom of that pond is owned by the state, whatever has accumulated there and forms afterwards is state property and the islands went adrift in a heavy flow I understand last August or the first of September and landed down at the foot of the lake where I have stated, and the people there had to go to considerable expense in booming those bogs or islands. They boomed part on the west shore and part on the east shore and they are there now, and if you should get a flood and a serious flood, what is going to happen if they are not taken and removed from that pond that belongs to the State? Those islands are state property, don't forget that. If you get a flood, they are going over the dam and I am going to say if you start 4 1-2 or 5 acres over that dam, out will go your mills. The payrolls of the two mills, I have been informed, at the present time the payroll of those two mills alone is \$20,000 a week.

If these aren't taken care of, they will go out and if it doesn't

wipe them out entirely it will certainly do serious injury to the business section of that town. That is the menace. They are asking that the state who owns this property that has gone adrift, the same as if a man's skow or boat were adrift, to take care of it and see that it doesn't do any more damage. They are not asking any appropriation for some individual to go there and clean out this debris, they are just putting it in the hands of the Forest Commissioner and they have asked for an appropriation in the bill that calls for ten thousand dollars, but under the committee amendment it has been reduced to five thousand dollars for the department to go there and do that work and clean those bogs out. And it ought to be done.

Now, that is the picture. Are you going to leave it to that town and to those mill owners to clean up a hazard that is owned by the state? I don't believe, Senators, that you are going to do that. Someone has said, I believe this morning, that we do not want to create the precedent of doing this. All right. If you will bear with me, I will say that there has already been such a precedent. You will find it in the Public Laws or the Private and Special Laws of 1933, over in Franklin County. "Resolve in Favor of Kineowatha Camps." In this instance the camp owners on the shore of that lake which was a great pond, cleaned out the bogs, and the bogs in that instance were only $\frac{1}{4}$ of an acre, that came ashore and caused or were likely to cause injury to the camp owners. And then they came to the legislature and this resolve was put into the legislature and passed. It is Chapter 188 which reads: "That there be and hereby is, appropriated the sum of \$500, to be paid Kineowatha Camps Inc., of Wilton, Maine, as a settlement in full of all claims against the state of Maine, for removal of floating bog on the shores of Wilson lake in the town of Wilton, said sum to be paid from the state."

That legislature of 1933 recognized the liability and there was a liability. That was at the rate of \$2,000 an acre; for removing $\frac{1}{4}$ of an acre \$500, \$2,000 for an acre. In this instance, it would be \$10,000 if they were asking for it because it would be five times that. But they are asking only \$5,000 and the

money is going to be expended by the Forestry Department to take out those floating islands and I certainly hope that the motion of the Senator from Somerset, Senator Sterling, that the Majority Report of the committee be adopted, will prevail. When the vote is taken, I ask for a division.

Mr. HOWES: Mr. President and Members of the Senate, my mind goes back to the day we had the farm to market hearing this winter. It was probably the biggest hearing we had this winter. I have been rather surprised at the remarks made by the Senator. He had a map over there and showed how the ice backed up and wanted a bridge and his bill carried a considerable amount of money, and he used in his argument that the ice could back up and it was dangerous to the houses there and dangerous to the inhabitants there, and it seemed to me that he really did have a grievance. I thought the resolve he had, had merit. I believe when a thing like this happens, no matter where it is, we should straghten it out. It does seem to me it makes a difference around here whose foot is in the basket.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sterling, to adopt the Majority "Ought to Pass" report of the Committee.

A division of the Senate was had. Twenty-three having voted in the affirmative and six opposed, the "Ought to Pass" report of the Committee was adopted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Smith of Knox, the Senate voted to take from the table, House Report from the Committee on Salaries and Fees, "Ought to Pass" on Bill, An Act Relating to the Salary of the Sheriff of Piscataquis County (H. P. 738) (L. D. 406) tabled by that Senator on April 6th pending motion by Mr. McKusick of Piscataquis to indefinitely postpone.

Mr. SMITH of Knox: Mr. President, this bill was fully discussed by the committee and our "Ought to Pass" report was based on evidence presented. I will yield to the Senator from Franklin, Senator Hall, who will give you some of this evidence.

Mr. HALL of Franklin: Mr. President and Members of the Senate; as chairman of the Committee on Salaries and Fees, I feel I should explain the committee's action on this particular bill. At the public hearing on this bill there seemed to be much disagreement even amongst the delegation and not only those from Piscataquis but many others.

I will admit in the first place, the county commissioners recommended no raise for the sheriff, and I think after hearing what they had to say, that it would not matter who the sheriff was, the county commissioners would not favor any raise for him. However, there seemed to be a great disagreement and we have many letters and petitions filed at the hearing from people of that county. We have one from the chairman of the Republican Town Committee and others from the Town Committee, and also the Vice Chairman. We also have petitions from many voters in Piscataquis County, favoring the raise for the sheriff. So when taking action on this, the Committee overlooked the fact that there was so much disagreement on the matter and took the list of the sheriffs of all the counties and considered them and tried to keep them in line so that at the present time—I could give the amount received by every sheriff but I do not think it is necessary—at the present time if the sheriff of Piscataquis County is granted the raise he asks for of \$400 there would be only two counties in the state which paid their sheriff less than paid by Piscataquis County. Those two counties are Franklin and Lincoln. We tried to put them in line and as I say, no county is way over the other and one is way under — the only comparison would be in the size of the counties—and so the salaries are more in line than they would be in any other way. Therefore, I hope the motion to indefinitely postpone the bill will not prevail.

Mr. McKUSICK of Piscataquis: Mr. President, this matter of the sheriff of Piscataquis County is strictly a local matter which concerns Piscataquis County alone. As I said the other day, Piscataquis County, although it is large geographically it is very small in its financial ability to pay and in population. We have only a small fringe of people on the southern

edge of the county. Our budget estimated by the Committee on County Estimates is \$30,700.

When this matter came up I believe the county commissioners gave it due consideration and voted unanimously to grant no increase. The county commissioners have charge of the expenditure of our finances. The sheriff has other revenue besides his salary. He receives rent, lights and fuel and receives also \$500 for cooking for prisoners in the jail; and I wish to say in regard to that, at the beginning of our last fiscal year there were no prisoners in the jail and at the end of the year there were none, and the average was about one prisoner for the year, and I saw in the papers recently that the county commissioners reported there were no prisoners in the jail at the present time. The delegation of five stands three to two; the majority opposing the raise for the sheriff, and regardless of what petitions have been presented, I know there is a very strong sentiment in Piscataquis against any raise in the sheriff's salary at the present time. For that reason I hope my motion will prevail. I ask that the vote be taken by a division.

Mr. HALL: Mr. President and Members of the Senate, I think probably it is understood that this is not the only bill the committee reported out that did not receive the recommendation of the county commissioners. There are many instances. I didn't want the Senators to think we favored the raise of salary because the commissioners didn't favor it. In many instances we have cut the salary down because we felt one should not be too far out of line with another. I think we have made a start on getting them in line so one won't be too low and another too high. They can come in two years from now and change them or continue to have them set up that way.

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

A division of the Senate was had.

Sixteen having voted in the affirmative and eleven opposed, the motion to indefinitely postpone in non-concurrence prevailed.

Sent down for concurrence.

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

On motion by Mr. Brown of Aroostook

Recessed until this afternoon at two o'clock.

After Recess

The Senate was called to order by the President.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table, Bill, An Act Relating to Registration of Voters (H. P. 1258) (L. D. 882) tabled by that Senator on April 4th pending passage to be engrossed in concurrence.

Mr. WELCH of Aroostook: Mr. President and members of the Senate; the objections which I had to this bill at the time it came up seem to have been ironed out. I thought it covered all towns in the State but apparently it covers only cities, and therefore, I have no opposition to this measure and I move it be passed to be engrossed.

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

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table, Resolve Authorizing the Commissioner of Agriculture to Employ Poultry Expert (H. P. 1047) (L. D. 655) tabled by that Senator on April 6th pending final passage.

Mr. BISHOP of Sagadahoc: Mr. President, I am about to move that this resolve be indefinitely postponed, and in support of that motion I wish to make a few remarks.

It has been my feeling, consistently, during my humble service in the legislature, that it is not fair or sound for private enterprise to call upon the State to finance special projects for them. The potato industry, which is an \$84,000,000 industry, have seen fit to tax themselves for their improvements. And so it is with the blueberry industry—they have seen fit to tax themselves and to amortize their projects. There is a \$30,000,000 livestock and dairy industry in this state, and in most every case they have financed their own program. Last fall a group of artificial insemina-

tion livestock breeders in this state had in mind to ask for a \$35,000 outright grant to buy land and to build a new central plant. They called in Senator Denny and myself, both cattle men and because we expected to be on the Committee on Agriculture, to see what we thought about the plan. They had been very successful financing and managing two similar projects, but all of a sudden they thought they would like to shake their responsibility and ask the State to help them out. We talked them out of it. The bill never appeared before the legislature. It was not sound or just.

The poultry industry in this state is a \$22,000,000 enterprise. I feel that the poultry men, the same as the others, are in a position to finance a small project of this kind themselves if they wish for or need it.

We have in this state too many different departments doing similar work. The Extension Service have poultry experts and they do a noteworthy job. The Department of Agriculture have the facilities, if they wish, to work on this. Now, it seems to me, if we set up another expert such as in this case, we are simply overlapping the work of some other department.

A few years ago we had a state sheep specialist. He didn't have work enough to warrant his existence, so we broadened it to make him a livestock specialist!

Too often it happens that all of a sudden these department or experts become so busy they need more help! I believe there is overlapping of work in too many cases. I am convinced, therefore, following the principle that this legislature has tried to follow, it is not necessary to create at this time a new poultry expert. I move indefinite postponement of the bill.

Mr. CLEMENTS of Waldo: Mr. President and Members of the Senate, I am very much surprised to hear this opposition as this is the first time to my knowledge that the poultrymen of the State have ever come to the legislature for any personal assistance. Twenty-three years ago when the poultry industry in this state was faced with a disease problem that threatened to annihilate the industry from the State of Maine, did the poultrymen go to the Department of Agriculture? Did

they go to the legislature for assistance? No. My brother and myself went to the University of Maine and said to them, "If you will do the work we will pay for it" and it has been done that way ever since. At the present time the poultrymen of Maine are paying out over \$30,000 a year to protect their poultry from the ravages of this disease.

A previous legislature and we, at this session, have passed a bill calling for \$500,000 simply to suppress a disease in the animal industry, for the dairymen of this state. I am surprised that a dairyman would make the motion that has just been made.

I hope the motion does not prevail.

Mr. DENNY of Lincoln: Mr. President, I cannot go along with the Senator from Sagadahoc, Senator Bishop, on his argument that the potato industry has taxed itself to supply their own men or that the dairy and livestock industry have supplied their own departmental head in the state. The potato industry taxes itself mainly for the advertising of Maine potatoes. The livestock and dairy industry already have a man in the Department of Agriculture, and the potato men also have a man in the person of Mr. Newdick in the department.

The poultry business doing a \$30,000,000 business in the State is certainly worthy of some representation in the Department of Agriculture along with the representation that the other agricultural interests have.

Therefore, for that reason, I hope the motion of the Senator from Sagadahoc, Senator Bishop, does not prevail.

Mr. BISHOP: Mr. President, the Department of Agriculture already has a poultry expert who works in cooperation with the State out at Highmoor Farm. They have a full time man and a full time force working on the egg laying contest program. I believe if this new expert is desirable the Department could be broadened to cover this. I am not opposed to their increasing their appropriation to cover this, if they wish. To set this up in the statutes, however, it will mean a permanent program. It is very difficult to remove a law from the statutes once it is put on. I believe it can be handled in another way without setting up a new statute.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, to indefinitely postpone this resolve.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Clements of Waldo, the resolve was finally passed.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table, Senate Report "Ought Not to Pass" from the Committee on Pensions on bill, An Act Relating to Maximum Pensions (S. P. 367) (L. D. 929) tabled by that Senator on March 29 pending acceptance of the report.

Mr. BISHOP: Mr. President, I am sure that the motion which I shall make, following a few remarks, will be accepted by this group!

This question of pension has been very disturbing to me for a long, long while. The bill that is before us now which was reported "Ought Not to Pass", sets a \$1200 maximum on all non-contributory pensions. My motive in presenting that bill was to create disturbance and discussion enough so that we would become excited over the pension problems facing the State of Maine and perhaps attempt to do something about it.

At the present time in this state, we have eleven different pension plans. Ten of those are non-contributory. It seems to me that they are unsound, unfair and unjust. They range from \$60 to \$6,000 a year! I am not going to relate what they are, but I have a few ideas I would like to present. I bring up the matter at this time, because of the ought to pass report that was on our calendar this morning from the Committee on Judiciary. I don't know what will happen to that; I hope it passes. I do feel, however, that they have at last come to realize that there is something which needs to be done to correct our inequitable laws.

Now, this pension set-up to begin with, disturbs me. I cannot make out whether a pension is designed as a reward for service, or as a means of security in our declining

and less productive years. If it is the former, then let's adjust salaries to take care of the situation. If it is the latter, then \$60.00 is far too low; and \$6,000 is far too high.

For a long, long time this pension question, to a great many of us, has been a source of much annoyance, and very disturbing. I believe that a minimum salary scale, coupled with self-supporting pension plan is the only sound, workable, and possible solution. Eventually, I hope the contributory pensions will carry their own load. The non-contributory pensions, on the other hand, are the ones that are most unsound, unfair and really dangerous to the well-being of our whole system. With all these things in mind, I presented to this legislature this bill which would limit any and every non-contributory pension to not more than \$1200.00 per year.

For years and years, the federal government did not pay in excess of \$1200.00 no matter what the salary of the employee was. But the broadening of the bill to study the teachers' retirement, to include all pensions in the state, I think will be the solution to the problem.

And so, Mr. President, knowing that the bill itself did not and will not have the ghost of a show of passing, I feel it has helped in making us conscious of the inequalities of our non-contributory system. I now move that the Senate adopt the "Ought Not to Pass" report of the committee.

The motion to adopt the "Ought Not to Pass" report prevailed.

Sent down for concurrence.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table, Bill, An Act Amending Act to Create the Port of Portland Authority and to Change the Name to Maine Port Authority (S. P. 390) (L. D. 997) tabled by that Senator on March 23rd pending passage to be engrossed.

Mr. BROWN of Aroostook: Mr. President, I am going to move indefinite postponement of this bill for the reason it seems to me the main purpose of the bill is to substitute the name of Maine Port Authority for Port of Portland Authority. I don't know whether the people of Portland have become ashamed of their name and want to adopt the name of the State of Maine or not. I do not know what the purpose of this bill is. It may be for propaganda purposes to help

pass another bill which is coming along. Whether that is the purpose or not, I, for one do not see why they should be granted the privilege of being called the Maine Port Authority as there are quite a number of ports in Maine. Why should they call themselves the Maine Port Authority? It may be sometime this port authority will extend its authority over all ports in the State of Maine. In that event it might be well to recognize this Maine Port Authority, but at the present time it is not the Maine Port Authority, I doubt if it will ever be anything but the Port of Portland Authority. I do not like the idea of using the name of the State of Maine for one particular section of the State, for one port at the exclusion of all other ports; and for that reason, I move indefinite postponement of the bill.

Mr. LEAVITT of Cumberland; Mr. President and members of the Senate, a friend of mine just spoke to me and said there had not been a debate between Senator Brown and me for three days, and they are getting quite bored, so here we are.

Senator Brown imposes a very fine question here as to whether the people of Portland are ashamed of their name. I wish to tell him that the people of the city of Portland in Cumberland County are no more ashamed of the city and county from which they come, than he is ashamed of Aroostook. If he is ashamed of that county, then we are ashamed of ours. It is beside the point, however.

The reason for changing this name is not a piece of subterfuge or camouflage, or of someone trying to put something over on somebody.

This Port of Portland Authority was established by the State of Maine in order that the State of Maine would contribute to the building of certain terminals at Portland for the good of the State of Maine, not simply for the good of the city of Portland. If people will put aside their prejudices I think that they can be shown that the building of the present state pier at Portland, the one that was built 22 years ago, has benefited the entire State of Maine materially, especially in the saving of freight rates and the building up of Maine industries.

If the Port Authority was run by people from Portland and if the

members of that Board were appointed by the city council of Portland, then of course we would have to stand and say, "This is the Port of Portland Authority and we have no right to use the name of the State of Maine for it." But this Board is appointed by the Governor of the State of Maine and in the last twenty odd years there have been men from all over the State of Maine who have been members of that Board, and seldom have there been more than two of those people from Portland at any one time. At the present time the Board is composed of Henry F. Merrill of Portland, William S. Newell of Bath, Richard M. Hallett of Boothbay Harbor, John M. Toft of South Portland formerly of Lubec, and Mr. Clyde Morgan of Bangor who just replaced Mr. Thomas McDonald of Belfast.

Those gentlemen coming from all over the state of Maine are guiding the destiny of the Port of Portland Authority for the benefit of the entire State of Maine, not just for the benefit of the city of Portland.

The fact that the State of Maine is running the pier in itself should be enough reason to call it the Maine Port Authority instead of the Port of Portland Authority. That is the chief reason and one that I hope you will take into consideration when you vote on this measure.

There are two minor reasons. One is that there is another Port of Portland Authority and that is the authority of the Port of Portland, Oregon. You men not in the shipping business may not realize the tremendous confusion in having two Port of Portland authorities. You would not think that I would have checks and letters being sent to Portland, Oregon all the time. For instance, you have the Customs Board sending in papers to be filled out before goods are entered in Portland, and the Post Office Department in Washington and New York immediately throw them into the bag for Portland, Oregon, because they do not recognize such a little port as the one in Portland, Maine.

To get away from that confusion it is, I won't say essential, but it is very desirable to change from the Port of Portland Authority to the Maine Port Authority.

Another point which is perhaps not as important because of the fact that we do not necessarily have

to follow other states, but other states are following this trend. In Massachusetts, instead of naming that Authority the Boston Port Authority, they call it the Massachusetts Commonwealth Port Authority. The Port Authority in New York is not called the New York City Port Authority but is called instead, the New York State Authority. The Authority in Savannah is being changed to the Georgia Port Authority. They feel that where the funds come from the state, and the Board which is appointed is responsible to the state, that it should be named after the state.

Furthermore the Authority of the Port of Portland Authority extends to other parts of the state in its present form and they are allowed to do things and put on service to develop other ports, develop Bath, Rockland, Eastport and whatever port may ask for their development.

I wish to assure you once again, before closing, that it is not because we are ashamed of the Port of Portland or ashamed of the name but the name should be Maine Authority and so we ask for that authority. In talking about the name of the port, Senator Brown has overlooked the fact that besides changing the name, there is an exclusion of authority which is taken out of this bill which allows eminent domain over the entire waterfront of Portland instead of stopping at Maple Street. This piece of authority is being asked with the full consent of the Maine Central Railroad and the Boston and Maine who asked for this exclusion of authority when the bill was passed a few years ago, and it is very essential that that authority be given to Portland without any regard to the bill which may come in here at a later date. I do hope that you Senators will remember that this bill, although it does come into this legislature, has nothing to do with the Resolve which we will debate at a later date, and I respectfully hope that you will not support the motion of the Senator from Aroostook, Senator Brown.

Mr. BROWN: Mr. President, I am not going to make any further argument except to say that the comparison which has been drawn with other states is hardly proper inasmuch as New York has only one port, if I know my geography, and that is New York. Georgia has

only one and that is Savannah. If Portland were the only port in Maine there might be some comparison or some reason for us to follow those states if we wished. But this is a broad authority and while as has been said, the original port authority which was created quite a number of years ago, did give them authority to go into other ports, I do not understand they have done so to any marked degree. If they have got along so well so many years under the name of the Port of Portland Authority I do not see why at this time they should change it to the Maine Port Authority.

Mr. LEAVITT: Mr. President, when the vote is taken, I ask for a division; and just to answer one statement of the Senator from Aroostook, Senator Brown, there are other places in Georgia besides Savannah, although we think of Savannah as being the principal port. A great many people think of Portland, Maine as being the only port in Maine because of the fact that we do call it Portland. Perhaps if we called it the Maine Port Authority they would realize Portland is not the only place in Maine. I noticed also that the learned Senator from Aroostook, Senator Brown, didn't mention Massachusetts which has a great many ports. From his argument they should call it the Port of Boston.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Brown, that the bill be indefinitely postponed.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Leavitt of Cumberland, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table bill, An Act Authorizing Towns to Cooperate with Highway Commission in Maintaining Town Roads (H. P. 242) (L. D. 87) tabled by that Senator on April 10 pending passage to be engrossed in concurrence.

Mr. CROSS of Kennebec: Mr. President, I present Senate Amendment A and move its adoption:—

Senate Amendment "A" to H. P. 1437, L. D. 1118, Bill "An Act Au-

thorizing Towns to Cooperate with Highway Commission in Maintaining Town Roads."

Amend said Bill by adding to the title thereof, before the period, the following: 'and with Federal Government and Commission in Building Secondary Roads'.

Further amend said Bill by adding before the headnote at the beginning of the 1st paragraph after the enacting clause the following: 'Sec. 1.'

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

Sec. 2. R. S., c. 20, amended. Chapter 20 of the revised statutes is hereby amended by adding thereto the following section to be numbered 18-A and to read as follows:

'Sec. 18-A. Cooperation with public roads administration authorized. Municipal officers are hereby authorized to cooperate with the state highway commission and with the public roads administration in the designation and construction of such parts of any federal aid secondary highway roads that are or will be within their respective towns.'

Mr. BROWN of Aroostook: Mr. President, I don't quite understand the purpose of the amendment. The sole purpose of this bill is to allow the towns to cooperate with the Highway Commission in maintaining town roads. It has been the practice and has been done a great many times in the past, that the Highway Commission cooperates with the towns in maintaining town roads. For instance, a town wants to tar a piece of road within the town limits but because they have not the proper equipment to tar it they buy the tar and ask the State Highway Department to use their equipment to put it on. In other cases because they want a small amount of tar they may ask the Highway Department to buy it as they buy in large quantities at a cheaper rate, and then they buy it from the State Highway Commission.

Also if a town wishes to fix up a piece of road sometimes on a matching proposition and they want their road fixed and are willing to go beyond a state aid commitment and are willing to furnish the money to build it, if the Highway Department will do the work, many times they do cooperate. This has been a common practice, or at least,

it has been done many times, and now they find because of some question in the auditing department, they are not allowed to do it, and this is simply to allow the towns and Highway Department to cooperate in fixing the town roads. I think perhaps the Senator from Kennebec, Senator Cross, had in mind some other bill. We have several bills having to do with cooperation of the federal government on other roads, and I can not see the need of this amendment for this particular piece of legislation. Perhaps Senator Cross can explain it a little further.

Mr. CROSS of Kennebec: Mr. President, I don't know whether or not the Senator from Aroostook, Senator Brown, is laboring under a misapprehension or not; but the bill which this is an amendment to is the new draft, Legislative Document 1118 which is a new draft of Legislative Document 513, which is substantially what is in the amendment. By some error, apparently, the new draft as brought out, did not accomplish what was in the original bill and that was merely an enabling act which would allow the towns to cooperate with the Highway Commission if and when they had federal money available. This amendment adds "and with Federal Government and Commission in Building Secondary Roads" which was not in the bill. This is permissive legislation and would give authority for cooperation with towns and the federal government in connection with any money available. I should have talked this over with the Senator from Aroostook, Senator Brown. I did talk it over with the Chairman of the Committee and I believed it was fully understood. If there is anything more I can explain, I would be glad to do so. I think the amendment is proper.

Mr. DORR of Oxford: Mr. President, I am fearful that the Senator from Aroostook, Senator Brown, is laboring under a misapprehension. This is a requirement of the federal government before they participate in any road project which has to be referred to by section and number in any contracts entered into with the federal government.

Mr. BROWN: Mr. President, I have no objection to the amendment. I simply wanted to know the reason for it. I am satisfied.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Cross, that Senate Amendment "A" be adopted.

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

Sent down for concurrence.

On motion by Mr. Owen of Kennebec, the Senate voted to take from the table bill, An Act Relating to Local Health Officers (S. P. 213) (L. D. 472) tabled by that Senator earlier in today's session pending passage to be engrossed; and on further motion by the same Senator, the Senate voted to reconsider its action taken earlier in the day whereby it adopted Committee Amendment A in concurrence.

Thereupon, Mr. Owen of Kennebec presented Senate Amendment A and moved its adoption:

"Senate Amendment A to S. P. 213, L. D. 472, bill, An Act Relating to Local Health Officers. Amend said bill by striking out in the first paragraph of Section 2 thereof, the underlined figures '\$1,500' and inserting in place thereof the underlined figures '\$800'."

Which amendment was adopted, and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to reconsider its action taken earlier in the session whereby it adopted the "Ought Not to Pass" report of the Committee on Education on "Resolve in Favor of Bridgton Academy" (S. P. 309) (L. D. 856).

Mr. BISHOP of Sagadahoc: Mr. President, I move that this bill be recommitted to the Committee on Education and in explanation I would state that there is another bill relating to legislative aid to academies and this bill must be recommitted and reported out with the other one.

The motion prevailed and the bill was recommitted to the Committee on Education.

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

On motion by Mr. Noyes of Hancock,

Adjourned until tomorrow morning at ten o'clock.