

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

 Wednesday, April 18, 1945.

The Senate was called to order by the President.

Prayer by the Reverend Samuel H. W. Johnston of Gardiner.

Journal of yesterday read and approved.

 From the House:

Bill "An Act Relating to Inheritance Taxes." (H. P. 1385) (L. D. 1046)

(In the Senate, on April 11th, passed to be engrossed as amended by House Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "C" adopted, and the bill as amended by House Amendments "A" and "C" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Noyes of Hancock, the bill and accompanying papers were laid upon the table pending consideration.

Joint Order

 From the House:

ORDERED, the Senate concurring, that the Secretary of the Senate and Clerk of the House, respectively, furnish to members of the Senate and House of Representatives who were not members of the 91st Legislature, one copy of the Revised Statutes of 1944 as soon as available. (H. P. 1350)

Mr. BISHOP of Sagadahoc: Mr. President, might I inquire if this order means that the members of the 91st legislature will get a copy?

The PRESIDENT: The Chair will reply that it is not the province of the Chair to interpret the meaning of an order.

Thereupon, on motion by Mr. Bishop of Sagadahoc, the order was laid upon the table pending passage in concurrence.

 From the House:

Bill, "An Act Relating to the Salary of the Judge of Probate in Lincoln County" (H. P. 1430) (L. D. 1123)

(In the Senate on April 16, indefinitely postponed in non-concurrence.)

Comes from the House, that Body having adhered to its former action

whereby the bill was passed to be engrossed.

In the Senate, on motion by Mr. Denny of Lincoln, the Senate voted to adhere.

 Bill "An Act Relating to Clerk Hire in the Lincoln Municipal Court." (H. P. 677) (L. D. 325)

(In the Senate, on April 16th, indefinitely postponed in non-concurrence.)

Comes from the House, that body having adhered to its former action, whereby the bill was passed to be engrossed.

In the Senate, on motion by Mr. Denny of Lincoln, the Senate voted to adhere.

 Bill "An Act Relating to the Hunting and Trapping of Foxes." (S. P. 362) (L. D. 902)

(In the Senate on February 22nd, passed to be engrossed.)

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

In the Senate, on motion by Mr. Clement, the Senate voted to recede from its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, House Amendment A was read and indefinitely postponed in non-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 non-concurrence.

Sent down for concurrence.

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

(In the Senate on April 12th, passed to be engrossed.)

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

In the Senate:

Mr. CLEAVES of Cumberland: Mr. President, I move that the Senate recede and concur.

Mr. NOYES of Hancock: Mr. President, we debated this issue at some length last week, and I cannot see any sense in debating it now. I will simply say that I hope the motion of the Senator from Cumberland, Senator Cleaves, does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Cleaves, that the Senate recede from its former action whereby the bill was passed to be engrossed, and concur with the House in the adoption of House Amendment A.

Mr. OWEN of Kennebec: Mr. President, I am simply going to ask if we may have House Amendment A read.

The Secretary read House Amendment A.

Mr. CROSS of Kennebec: Mr. President, as Senator Noyes has said, we have had sufficient discussion of this, and the issue was clearly defined. I would, however, like to make my own position clear with the members of the Senate.

As Chairman of the Committee on Motor Vehicles, and believing in the principles of reciprocity, and also realizing the situation in which the state finds itself in regard to revenue, I offered the new draft which has been before you. I still believe that the new draft might be a better solution for the state, but I still believe in the principles of reciprocity and I now find myself in an embarrassing position. If we stick to the new draft it is quite possible that we might lose reciprocity and I don't feel I want to see that done. I do feel we should have some form of reciprocity. While I still feel the new draft is a better method the thing has gone so far now that I am afraid that if we stick to the new draft, we will lose the bill, so I hope the motion of the Senator from Cumberland, Senator Cleaves to recede and concur will prevail.

Mr. HOWES of Penobscot: Mr. President, I would like to have this bill lie on the table.

A viva voce vote being had
The motion to table did not prevail.

Mr. CLEAVES of Cumberland: Mr. President, I don't believe it is necessary to go into the details on this bill as they were quite thoroughly covered a week ago. In my opinion, gentlemen of the Senate, if there was ever a sound piece of legislation before this Senate it is this one. This bill is for our people, our business men, our lumbermen, our fishermen, etc., so that they can have the privilege of expanding their markets and doing business, and we all know that the prosperity of the state is in direct

proportion to the prosperity of the individuals that make up the State. We know further, that if we are to prosper and expand our markets we must go out and get new business, and this bill will permit that.

I hope my motion will prevail.

Mr. HOWES of Penobscot: Mr. President, all that has been said and done doesn't change my mind. I am for reciprocity, always have been and always will be, and I will vote for it with both hands when we get some roads in the State of Maine.

I have seen these trucks come from Boston and tear our roads all to pieces. I put in two days getting a truck out of a state-aid road. I was hired by the Highway Department to do that job. Senators, I want you to understand when we got done there was no road there, and it hasn't got over it yet—the things that truck did to it. It was heavy and it was loaded with iron. It was a Boston truck and it was in there two days in the biggest rainstorm there ever was. I had to take my team out of the woods and they came to me to get me to pull him out. 15 horses could not pull him out. He was in to the housing. The road broke through and let him down. I hauled rocks and he swore and raved so much about the roads in Maine, I told him, "If you don't know any better than to come down here with that heavy truck on roads like this, you can just stay there," and I went home. That is one example. If you let these trucks come in on the roads east of Augusta, we will be awfully sorry. They go over a piece of road and you have got to go to work and try to get the ruts they have made out of the road.

I believe in reciprocity but I don't until we get something different for roads than we have in my section.

Mr. NOYES of Hancock: Mr. President, I don't want to debate this question again but I have not changed my mind about reciprocity and as far as losing the new draft is concerned, as a matter of procedure, I cannot agree with my good friend, Senator Cross. If this Senate insists on its action taken here last week and supports this new draft, the other Body naturally will insist — I am sorry, I should not have referred to the other Body. However, I know if this Senate does insist on its action and supports a measure which is the new draft before us, for a limit of 20,000 pounds,

that the bill will not be dead. There is one thing we didn't bring up here last week. If we adopt full reciprocity, Massachusetts already has large trucks ready to go. Maine, as was mentioned last week, has but a few. If there are any choice plums to be picked up, those Massachusetts trucks are in a position to acquire those rights. Maine truck owners find it difficult to purchase many heavy units at this time. Full reciprocity would certainly handicap Maine truckers in that manner, and I fully agree with the Senator from Penobscot, Senator Howes, that these heavy trucks will destroy a great deal of our highways. I contended last week and I still contend the maintenance cost of our highways is bound to rise. With the increased cost of maintenance, just as surely as night follows the day, you will have less money for road construction.

I cannot see where we would benefit and I certainly hope the motion of the Senator from Cumberland, Senator Cleaves, will not prevail.

Mr. CLEAVES: Mr. President and Members of the Senate, I have so many things to say it is hard to tell where to start in first. In the first place, in my business, and I think this is true of every one of you in this Senate, when you can't pay your bills readily, you don't sit in your office and look out the window, and bemoan the fact, but you go out and get some money. That is what we have got to do in Maine. We have got to go out and get business and increase our registration fees and the revenue from the gas tax so as to build highways.

The discussion has all been predicated on the destruction of the roads, which is really secondary, because general progress should be to the front.

I wish to bring out that some months ago there was issued an executive order that all trucks carrying war materials were increased up to 40,000 pounds. These enormous trucks go over the federal aid roads between cities.

I brought out in the discussion the other day that the trucks, the big ones, must be registered and certified by the Interstate Commerce Commission and it is practically impossible to get permits at the present time for the big trucks to come in.

I hope my motion will prevail.

Mr. SMITH of Knox: Mr. President and Members of the Senate, the past two years while I was at the Camden shipyard we had hauled 12 engines over the road. These engines weighed 47,500 pounds. They were hauled on special trailers and I cannot see where the roads were hurt any and the bridges held them up all right.

Mr. CROSS of Kennebec: Mr. President, I'd like for just a moment to make sure my position is clear on this. The Senator from Hancock, Senator Noyes, says he has not changed his mind. I want to make clear to the Senate that I have not changed my mind.

In offering the new draft, I was offering reciprocity, and if the new draft had failed in the committee and they had not endorsed it, I would have been for the "Ought to Pass" report, and that is the reason I, perhaps being a pessimist, thinking the action of the unmentionable Body in the rear, is sufficient evidence, and some Senators here I have talked to also feel that this will fail here if we stick to the new draft, I, therefore, will vote with the Senator from Cumberland, Senator Cleaves.

Mr. MCKUSICK of Piscataquis: Mr. President and Members of the Senate; my position in this matter has not changed in the least. I am in favor of reciprocity when we can afford it but I do not believe the condition of our roads and our finances warrant it at the present time.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Cleaves, that the Senate recede from its action whereby the bill was passed to be engrossed, and concur with the House in the adoption of House Amendment "A".

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

A division of the Senate was had.

Eighteen having voted in the affirmative and twelve opposed, the motion to recede and concur prevailed.

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

"Resolve Authorizing Preparation of a Digest of the Opinions of the Law Court." (S. P. 346) (L. D. 894)
(In the Senate on April 10th passed to be engrossed.)

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

In the Senate, on motion by Mr. Dow of Oxford, the Senate voted to recede from its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, House Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

House Committee Reports

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Close Time on Deer in the Counties of Hancock and Washington," (H. P. 1131) (L. D. 678) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and passed to be engrossed.

In the Senate:

Mr. WILLEY of Hancock: Mr. President and Members of the Senate, I move that we substitute the bill for the report and move its passage. In support of this motion I would like to bring to the attention of the members that it has been customary during this session to leave local problems to the delegations concerned. I feel that this extension of ten days to our hunting season in Hancock and Washington should be left up to the people of these counties and their representatives. Of a delegation of 18 in these two counties, 16 members have gone on record in favor of this bill.

The counties surrounding us now have this extra ten days and we feel we are entitled to the same consideration. Certainly our delegations would not ask for something we thought would be detrimental to our hunting. If we are wrong it will be us that will be principally affected.

It is with this thought that I ask you to extend to us the privilege to decide for ourselves.

Mr. WELCH of Aroostook: Mr. President and Members of the Senate, as a member of the Committee on Inland Fisheries and Game, I rise to defend the committee's action on this bill. We had this bill before us for some time. The hearing was held, I believe, on March 14th. We didn't report the bill out

for some time, until we felt we had all the necessary information to enable us to make a recommendation to the legislature for action which would be for the best interests of those two counties and the State of Maine, as a whole.

This bill calls for an extension of the open season in Washington and Hancock counties, giving them ten days in December, and at the present time, the uniform closing date for the State is November 30th. The deer kill for these two counties, as reported to the department last year was 7,218 deer. Now, there is an area of 4,050 square miles and that means you kill almost two deer for every acre in those two counties, including all cleared land and everything. If you extend this season, if you will look this over a little you will find it is an average of about 250 deer a day. If you extend the season another ten days, and assuming there were no more hunters, but everyone has allowed there would probably be about double the number of hunters in there—if you extend it ten days you will have another 2500 deer killed, which would bring the figure to around 10,000 for the two counties.

It was the unanimous decision of the Committee on Inland Fisheries and Game that this is more deer than they can produce down there and if they are allowed a deer kill of this size, the deer population will soon become depleted.

I was on the committee in 1939 when the uniform date was established. At the time their closing date in Washington and Hancock was December 15th. Since the uniform date has been established, the deer kill has increased in the two counties.

Now, the question we must decide is, do you want to give these two counties a ten days' extension in the hunting season when the rest of the state is closed? It has been mentioned that some of the other counties have now a ten day extension. That is right, but the ten days are in October, and this same proposition was offered to Washington and Hancock Counties in 1939. They have been offered the same season again this year, to start their hunting season on October 20th instead of November 1st.

I assure you if we do, the deer kill will be greatly increased in these two counties and there are about fifty percent of the hunters coming into the state now—fifty

percent of the out of state hunters are coming to those counties and enjoying good hunting, but we feel if the bill is substituted for the unanimous "Ought Not to Pass" report of the committee, your deer stock will be depleted, and therefore, the outside hunters will not be interested in coming.

I hope the motion of the Senator from Hancock, Senator Willey, does not prevail.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I rise this morning in opposition to the motion of the Senator from Hancock, Senator Willey, that there be forced on to the County of Hancock, and particularly on the County of Washington, a ten day extension of the right to hunt deer in this state, when all the other fourteen counties of the state are closed on November 30.

I note that the Senator has argued that sixteen of the eighteen representatives and senators from these two counties in this legislature are in favor of this measure. From my canvas that I made of the delegates I do not find those figures to be correct. His County, I believe, is unanimous in extending the period to ten days extra. Washington County is far from being unanimous. I believe in the conservation of the game of this state. I believe in the conservation of game back in Hancock and Washington Counties and if it was not for the fact that I want to save, or try to save Hancock County from themselves, I would be offering an amendment even at this time to take Washington County out of it, and let Hancock County have it and ruin the game and at the proper time, if it should get to the stage where the Senators feel that Hancock County should have it, I shall at that time offer an amendment to take Washington County out of it.

If they want to ruin their game in Hancock, that is up to them but it is not fair to the rest of the state regardless of what they want, because the game of the state regardless of where it may be, until it is reduced to private ownership, is the property of the state and should be conserved wherever it may be found. Washington County today or at the report at the close of the last season—I went back that far and could have gone further—but for the last six years at least, Washington County has led the

list, in the number of deer killed in the state.

It is being advertised as the best deer County in Maine and being so advertised they come to our County every fall, numerous hunters come to our County from within and without the state, and those numbers are naturally increasing. Now we have been able to stand the drain but we cannot stand in my opinion ten days additional. We had this law, these Counties did, back in 1929-1938 from November 1st to December 15—five days extra, and it was found that during that period of time our game was becoming depleted and the citizens of Hancock and Washington Counties came to this legislature and asked to be protected and in 1939 it was changed back so that we only have the month of November in these two counties and that is all we can afford to stand and conserve the game and give to the sportsman, and I say sportsman—I don't mean the poacher, I mean the real true sportsman a chance to come and hunt for thirty days in our County and we will endeavor to provide him with game.

I don't know what the situation is going to be in our County this fall for game. We have had a hard winter there; we have had deep snow and I don't know how well the game has survived, but don't wish this on to Washington County. For heaven's sake don't wish it on to us.

I know why they want it and I will give you the figures pretty soon and they should not have it in Hancock, because how easy it would be for a hunter to shoot a deer just over the line in Washington County, it being the adjoining county, and drag it back into Hancock County before some warden could come along and catch him with his hunt.

Now the Senator gave you the correct figures, Senator Welch, and I have gone back for six years and I have taken the deer kill because I want to show you the figures in these two counties as to why we don't want to change this hunting season.

We are the first county in the state. Hancock County is not. But it is a good game county nevertheless. But in 1939 there were taken out of Hancock County 2466 deer and in the same year there were taken out of Washington County 4501 deer. In 1940 taken out of

Hancock 2491 deer, and the same year, taken out of Washington County 3714 deer. In 1941 taken out of Hancock 2262 deer and taken out of Washington 3543 deer. 1942, taken out of Hancock, 2480 deer; out of Washington 3921. In 1943 taken out of Hancock 2736 deer; and out of Washington 4236. In 1944, taken out of Hancock, 3093 deer; and out of Washington 4125 deer.

If you add these figures together you will find the total in Hancock County was 15,538 and for those same six years in Washington County the total was 24,040.

Divide that by six and you get the average yearly take out of Hancock County, 2,589; while the average taken out of Washington was 4,000.

Now let us reduce that further. Let us take it per day. If you have thirty days open season, and Sunday of course is closed season, during those thirty days you will have four Sundays, leaving 26 days of hunting, and in Hancock the average per day is 99 plus—I have called it 100 per day; while in Washington, based on our figures, the average would be 154 deer per day. Give them ten days more and that of course includes Sundays. Nine additional days of hunting based on those figures would mean 900 more deer on the average to be killed in Hancock County while in Washington on those same figures for those nine days, it would be 1,386 more deer. That does not, in my opinion, even then tell the full story, because that is based on an average. In my opinion the figure will double that, because everybody in Maine who is a hunter, if he has not got his deer in the County in which he lives, and this is true of sportsmen outside the state, knowing that those two counties are open for ten additional days in December, will go there and make it a dumping ground for hunters in this state, invading those counties. The result has got to be an increase in the number of hunters. Therefore your average has got to go up.

Now, one other item. That is this. When the deer season opens in our county you will hear it discussed upon the streets, "I wonder what the death toll will be this year? How many will be killed in Washington County? How many deaths?" And we are indeed fortunate if that number can be held

down to four or five that will lose their lives.

Now, you put on nine more days of extra hunting and that hunter who has not been able to kill his deer, knowing he has just nine days left will come down to our County of Washington, or to Hancock County to get a deer and you are going to find him more of a so-called hair-trigger fellow than the fellow who hunts for thirty days and knows he has thirty days to get his deer. He will shoot at the first object he sees moving and won't take the time to wait to see whether or not it is a deer or a human being and you are bound to increase the deaths if you put on ten more days of hunting in Washington County. That certainly will happen.

Another thing to show that there will be more deer killed. Of course we have snow in November, but the chance of getting snow for the first ten days in December is greater than the chance of getting it in November, and then what happens? No, your sportsman is not there, not the true sportsman that wants to give the game a chance and match his wits with the deer, but when that snow comes,—aha! Here is his chance! On go his snowshoes if they are necessary, he takes the track of the deer and he follows it just as far as he goes, and the deer doesn't have a chance to escape and finally he is caught up with and killed. That is another argument as to why the average has got to go up.

Now in Washington County, I don't have letters or telegrams before me, members of the Senate, but I have been reliably informed and can quote—we have in Washington County some game organizations. We have the Calais Rod and Gun Club in Calais, Maine, one of the largest game clubs in our county. We have the Naraguagas Fish and Game Association located in Cherryfield in the western part of the county. We have the Machias Valley Sportsman's Club in the central part of the County. Those three game organizations, regardless of how the members of this legislature may feel about it, those game organizations are opposed to this legislation so far at least as it applies to Washington County, because that is all they can speak for.

I have some information here that I can back that up with, from

the largest game organization in the county, and that is the Calais Game Club. I have a letter here from Dr. J. H. McTague, under date of April 17: "A great number of Calais sportsmen are definitely opposed to passage of bill opening Washington County to December deer hunting."

I have one from Judge Dudley: "Please oppose December deer hunting." And I also have one from Hadley F. Weeks, President of the Calais Rod and Gun Club, in which he says in his wire of April 17: "Some time ago I was informed that a bill was coming before the legislature to increase the deer hunting season in Washington County to December 10. I have contacted a large number of the Calais Rod and Gun Club members and have found them all very much opposed to such a bill. In 1943 our club was instrumental in having the deer season shortened, and am sure the sentiment is strongly in favor of keeping it so."

Now just because of the movement in this legislature, and don't forget I have been in close contact with it because when I have not been contacting someone, they have been contacting me and I know what has been going on from the time the bill went in. They want it in Hancock County, and realizing that Washington County is a good game county, that it leads Hancock, from the figures I gave you, substantially, they have interested some members to go along, to put Washington in and I have been opposed to it from the time the bill was offered.

I hunt deer very, very little myself but I want to conserve the game, and the people of our county want to conserve the game and you cannot conserve it this way. You cannot eat your cake and have it too and you pass this bill and I am going to say that in three years' time, and I want to be fair, I think it would be shorter than three years, you would find Washington County somewhere down in the middle or below that in the list of leading game counties of the state.

We have attractions in Washington County, plenty of them, to bring people into our county and to sell to them the attractions that we have. But we have not been able to attract them to come in during the summer time but we have, through our game, through the deer season been able to get

them in during the fall and during that time we have been able to sell to the people outside, the other attractions that we have in Washington County and that is the good salmon fishing and trout fishing and by that we hope we can now start to bring up and interest other people from outside to come to our county in the summertime and fish.

Now, you might say I am selfish and say, "Why don't you let Hancock County have it?" I want to say if it comes to that step, reluctantly, I will give up, but as I said before, I want to save and conserve the game, and save Hancock County from themselves so I hope, Senators, that the motion of the Senator from Hancock County, Senator Willey, that the bill be substituted for the report of the committee, will not be adopted.

Mr. NOYES of Hancock: Mr. President, I can really say I didn't intend to speak on this bill, but after a man gets up and alludes to the Senators and delegation from Hancock and the people from Hancock County as my good friend from Washington, Senator Dunbar, did, I feel I should say a few words.

I should say on the floor of the Senate that I disagree almost entirely with every word he said with the exception of two things. One thing he said was that the chances are better that we will have snow in December than in November, and the other was that he hunts deer very little; and I agree with him on those two things, because I feel that deer hunting is a little bit out of his line. He is a good man in law. However, it is evident he has not read the bill, as it doesn't provide for ten days in December. It provides for nine days in December. You can turn to Legislative Document No. 678 and verify that. It is beside the point, more or less. However, it is a good idea to read this legislation when we are talking about it.

As far as Hancock and Washington counties are concerned, while Washington is getting advertising, Hancock County gets a little advertising also. He would have you believe Washington is better than Hancock. True, they kill more deer, but it is a larger area. I have not the figures as to the area but if you want to take the deer kill and divide by the respective areas, you will find that Hancock is ahead of the good county of Washington.

Now, I am interested in this bill as a conservation measure. So is the Senator. I was interested in the remark of the Senator from Aroostook, Senator Welch, that we kill more deer in November than we formerly killed in six weeks of hunting.

Here is what happens when you hunt on bare ground as we are doing in the early part of November and as you people in the northern counties are doing in the latter part of October—you are going hunting and you wound a large percentage of the deer you shoot at. A large percent of them are wounded, get away, and later die. He is lost to the hunter whether he lies there and rots or whether he is brought out by some family who is half starved and able to sustain life with the venison. Now, the Senator from Washington, Senator Dunbar, says they go out on the snow, put on their snowshoes and take a track and start out and they chase the poor little deer until he is exhausted and then they run up and hit him in the head with a club.

That isn't the way they do it on snow. In fact, who ever hears of a person on snowshoes in Hancock or Washington county the first of December? It might happen once in a hundred years. Here is what happens. We go out, four, five, six, seven or eight of us and finally someone shoots at a deer. He doesn't fall down and so we go along looking for his tracks but find no blood for perhaps a hundred yards. I have chased a wounded deer all day on snow. If it had been on bare ground we would have left and gone to the next place. You actually kill more deer on bare ground than you do on snow, and that is not counting the deer that crawl away and die. Figures will verify that.

You cannot tell me anything about going hunting early when leaves are on the trees and compare it with going hunting later after the trees are clear. You cannot tell me it is safer to hunt with the foliage on the trees. I know better than that, and anyone with one ounce of common sense also know better than that.

We had those 15 days in December and I used to hunt. I have hunted for several years. At the end of 1939 we had more deer than when we inaugurated that system in 1927 or 1928.

They say, in speaking of the reasons that we should have the nine days extra down there, that they are going to come down from the other fourteen counties and kill the deer. Let me tell you this, if you fellows are coming to Hancock and Washington to go hunting, don't come in December because you won't have any luck unless you happen to have been coming there a good many years. The local fellows use the nine days in December to do their hunting. What happens under the present set-up, the local fellows instead of hunting in December, do their hunting the first of November and then go out the last week and get another one—and the wife usually goes along with them.

It is a peculiar thing, but I can stand up here and say to you that if we have a longer season we can conserve the game, but that is the way work out in those two counties, and I sincerely hope the motion of the Senator from Hancock, Senator Willey, does prevail.

Mr. WASHBURN of Washington: Mr. President, ladies and gentlemen; I want to support the position taken by my colleague from Washington, Senator Dunbar. I am not in any sense a hunter, myself, but I know a lot of good people who are, and it has been my privilege, even the past few days and particularly over the last week-end to contact some of the real hunters of our county—what my colleague chooses to call the "real sportsmen"—and they are unanimously opposed to any extension in time for deer killing in our county. I hope there will be no such extension.

Mr. WILLEY of Hancock: Mr. President, the Senator from Washington, Senator Dunbar, made the remark that his county felt differently than what I spoke of—ten men in his delegation and eight of those went on record for this bill. Whether strings have been pulled so they changed their minds, I do not know. I know in Hancock County we feel the same as we did. I appreciate the interest he takes in our county, yet I feel if Washington doesn't want to continue on the same plan, he can offer an amendment to that effect; but Hancock wants to continue.

Mr. WELCH: Mr. President, I want to once again call to your attention that we did hold this in committee while gathering information from sources which we felt

were very reliable, and as you know, it is the unanimous "Ought not to pass" report of the committee.

One thing not mentioned here is that the deer population in all counties in all sections of the State does run in cycles. Apparently this accounts for the high point now and it may be in ten years there will be still far less deer than there are now, due to that reason.

I just want to point out one thing, which has been mentioned, and that is, under the present law they go out the first of the season and then they go out the latter part of the season and kill another—and now they want ten days extra to get one more.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Willey, that the bill be substituted for the "Ought Not to Pass" report of the committee.

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

A division of the Senate was had.

Eight having voted in the affirmative and fifteen opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, on motion by Mr. Welch of Aroostook, the "Ought Not to Pass" report of the committee was adopted in non-concurrence.

Sent down for concurrence.

The Committee on Judiciary on Bill "An Act Relating to the Poll-Tax" (H. P. 524) (L. D. 255) reported that the same ought not to pass.

Which report was read and adopted in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Commissioner of Agriculture." (H. P. 996) (L. D. 596) reported that the same ought to pass.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, the more I see of the reports that come from the Committee on Salaries and Fees the more convinced I am that Dr. Tyson, Superintendent of the Maine State Hospital, was right in his welcoming remarks to our committee a few nights ago. Our committee made an extra and unannounced visit to the State Hospital and when we got there we were greeted by these words, "You folks at the legislature

are more insane than the patients at my hospital."

Now, I am sincere. I am wondering if we here in this legislature have gone stark mad. With all due respect to the members of the Committee on Salaries and Fees, with my deepest appreciation of the problems with which they had to struggle and the pressure put on them, it seems to me they have gone completely haywire on the whole salary question.

Whenever possible I appeared before the Salaries and Fees Committee. In my humble way I tried my level best to convince them that large hikes in top salaried positions were not justified. I tried to convince them that personalities should be left out of the picture. The whole set-up should have been considered purely upon the duties of the office, purely upon what it would cost to hire a competent replacement. Let's not fool ourselves. There is no such thing as an indispensable man. There always will be candidates, good candidates, capable candidates and plenty of them.

Certainly Carl Smith is a very able man and I like him very, very much but he sought the job. He put on a strenuous campaign. The salary was \$4500 a year and he knew it. He served one four-year term and he ran for re-election. He was re-elected and accepted the position less than three and a half months ago.

By this bill we would jump the salary of the Commissioner of Agriculture \$1500. It is unequalled for. It is not sound. It is not fair. It is not fair, especially to 70,000 boys and girls in the Armed Service.

I say we have gone haywire in this legislature because we have not made the sacrifice that those 70,000 boys and girls have made. They went into the Service at \$50 a month, 24 hours a day and they gave everything. They have not had any increase. I think that we, here on the home front, who live in luxury at this time should not ask these ungodly salary increases. I tell you I am disturbed about it.

In going through this little "snoop book" I found 109 salaries above \$4,000; 45 above \$5,000; 23 above \$6,000. 13 above \$7,500 and 7 above \$8,000. That is right here in the State of Maine!

This same Committee on Salaries and Fees that jumped all these salaries turned thumbs down on the

Governor's increase. The argument for other increases was because of increased work of the department. Some departments have \$250,000 to \$500,000 appropriations so those gentlemen are considered worth five, six, seven and eight thousand dollars. But the Governor, who handles a \$40,000,000 business isn't justified to have an increase—and he has 45 subordinates who get a bigger salary than he does! Now, it is inconsistent, and I say there is something wrong.

When we consider the boys in the Service and when we consider the duties of the Governor, and when we consider the security of the offices of the departmental heads, I say these \$1500 and \$2000 increases are not justified and that we are not keeping faith with our 70,000 boys and girls to say nothing of the 800,000 people in the State of Maine whom we represent.

I have an amendment that I propose to offer when the time is proper. May I offer it now, Mr. President?

The PRESIDENT: The Chair will state it will not be in order until the committee report is accepted.

Thereupon, the "Ought to Pass" report of the Committee was adopted in concurrence, and the bill was given its first reading.

Mr. Bishop of Sagadahoc presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to H. P. 996, L. D. 596. Bill, An Act Relating to the Salary of the Commissioner of Agriculture. Amend said bill by striking out the figures '\$6,000' and inserting in place thereof the figures '\$5,000.' Further amend said bill by adding at the end thereof: '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 extend the present statute for a period of two years only, after which period the present statute shall return to full force and effect.'"

Mr. HALL of Franklin: Mr. President and members of the Senate, as Chairman of the Committee on Salaries and Fees—or the "Insane Committee" perhaps it might be called—I'd like to say just a word in support of our action on this report. I have wondered sometimes after holding these hearings on these several bills if the time was coming when we might just as well abolish hearings and pay no attention to them. I think this was

as large a hearing as we had and I think every agricultural organization in the State of Maine must have been represented, or at least, it seemed that they were all represented, and they all spoke in favor of this bill. There was no opposition whatever. The amount of work of this department head has been enlarged a great deal. I do not think the average person realizes it but we know we are forcing Agriculture to do everything we can think of in the State of Maine. These are serious times and what the Commissioner has done to help the farmers in harvesting their crops and in many other ways was very well expressed at the hearing, and therefore, I hope Senate Amendment "A" will not be adopted.

Mr. CLEAVES of Cumberland: Mr. President, I want to back up the Chairman of the Salaries and Fees Committee. If there was ever a committee in this legislature that had a tough job, it was this committee. We heard over 200 bills and the committee worked hard and I feel our judgment on these bills has been good and if the Senator from Sagadahoc, Senator Bishop, thinks we are nuts, I would like to have him on that committee because I think he would be nuttier than we are after he attended the hearings.

Now, as to this matter of Agriculture. This State has one of the finest men, the most able men in the East as Commissioner of Agriculture and while I will go along with Senator Bishop in his thought that there is no indispensable man, I do feel we should take pride in keeping the good men we do have. I would prefer to pay \$10,000 a year to an employee who I thought through aggressiveness and smartness could make \$10,000 for me than to employ a man for \$5,000 and have him lose \$10,000 for me.

I hope the motion to adopt Senate Amendment "A" will not prevail.

Mr. BISHOP: Mr. President, may I repeat the statement I made? With all due respect to the Committee on Salaries and Fees, and with deepest appreciation of the problems with which they have had to struggle and the pressure put on them, it seems to me they have gone completely haywire on this salary question.

I am not accusing anyone of being "nuts". It was the remark of

the superintendent of our insane hospital.

I did appear at that hearing. There was a list of salary increases. I didn't speak against all of them. I simply suggested \$5,000 should be the maximum salary. If it were an emergency the increase should be for a temporary period only. If it were permanent the increase should be effective at the beginning of the next term.

I am willing to abide by the majority but I think we have to consider this group of boys and girls in the Service who are working for \$50 a month and who cannot ask for salary increases. They are the ones who are making it possible for us to survive in Maine and draw these salaries.

Mr. BROWN of Aroostook: Mr. President, I recognize fully the virtue in the words of Senator Bishop, but I differ with him on this matter of the amendment to reduce the proposed increase. We have in Maine a Commissioner of Agriculture—and we have always had good Commissioners—and he is a man who is a practical farmer and owns a large farm, a man who has actually sacrificed even at this salary because we have many, many farmers in the State of Maine who are earning during these times far more than \$6,000 a year.

We have gone through troublesome times during this war in agriculture, and we have always found a friend and powerful ally in Carl Smith, and I feel that a man should be paid something according to the size of his job and he should be paid according to his ability, and I hope this amendment will not prevail.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, I don't hesitate a minute to say the agricultural industry in the State has always had a great respect for the Department of Agriculture in their sound and helpful policy. Taking the several agricultural interests and combining them, we have the major and predominating industry in the State. I think you will all agree with that. I agree with the two former speakers, there is no indispensable man. For the last 12 years I have held that position. However, we do need a man to head this industry who is the best man that the State of Maine can find, and there can be no question about that.

We have heard before that any such a position has a certain honor that goes with it, and I don't hesitate a minute to say that the industry is not looking for a man who is looking for honor. We want a sound, hard-working and well qualified man for this position and the State requires it and needs it. I believe we should pay a suitable salary to get such a man. I hope the motion of the Senator from Sagadahoc, Senator Bishop, does not prevail.

Mr. BISHOP: Mr. President, I am just wondering how in the world we ever got Commissioner Smith at \$4500 and how in the world he ever did the wonderful job he has done—and I agree he has—at that low figure!! It is something to think about.

That job was sought after and won, and he sought re-election and won. Now that doesn't justify the increase. It doesn't warrant the increase. It doesn't make the man one iota better. If he wants the job it won't make him one nickel's worth better. If the job deserves a better salary how in the world did we exist so long, and how in the world did we get the present Commissioner? It is something you must analyze for yourselves.

Mr. HOWES of Penobscot: Mr. President, I happen to come from Penobscot County. Carl Smith lives 11 miles from me. I have known him all my life. He is a good man. We all recognize that. I am not in favor of paying him over \$5,000 though, and that is a \$500 raise for him, and it is sufficient.

I come from a county where we lost half a million dollars last year. We have been led to believe, but it isn't so, that the county at large is prosperous. We had the greatest loss I have ever seen last year. I have seen 90 acres of peas harrowed right up, sweet corn plowed under, potato crops lost—and so I think he was lucky to get this job last year. I do not know about his business but I know if I had been in the crop business instead of the cattle business I might have gone broke. The situation is desperate. I believe the figure of half a million dollars' loss is very low. I have a cousin who had 93 acres and another had 74 and worked all day and all night and certainly tried to back up the boys overseas.

The only criticism I have heard of this legislature is the enormous

raises in salaries we have given. While Mr. Smith and I are friends and I have known him all these years, I am not in favor of giving him over \$5,000.

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

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

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

The Committee on Public Health on Bill "An Act Requiring School Employees to File Health Certificates" (H. P. 843) (L. D. 436) reported the same in a new draft, (H. P. 1476) (L. D. 1182) under the same title, and that it ought to pass.

Which report was read and adopted in concurrence, the bill given its first reading, and under suspension of the rules, given its second reading and passed to be engrossed in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of the Officers of the Legislature," (H. P. 1167) (L. D. 807) reported the same in a new draft (H. P. 1460) (L. D. 1160) under the same title and that it ought to pass.

Mr. BISHOP of Sagadahoc: Mr. President, I move that this bill be indefinitely postponed.

Mr. HALL of Franklin: Mr. President and members of the Senate, I feel I should rise again on this bill. This is another one about in the same category, raising salaries. We have raised our salaries and I do not know why the officers should not be recognized in this bill. In the new draft it gives the clerk of the House custody of all legislative property and materials. I think in the past we have heard a lot about what happens to the property of the legislature and the expense it has been to replace it and start a new session. This bill gives him custody of all legislative property and he is held responsible for it. Also when the legislature is in special session, he gets no extra salary. It is all figured in this salary that is recommended for the time the legislature

is not in session, so I do not think it will be as much as some would expect. So I hope the motion of the Senator from Sagadahoc, Senator Bishop, does not prevail.

Mr. HOPKINS of Kennebec: Mr. President, since the discussion of this bill on the acceptance of the report, I'd like to read the last sentence of section 7 of the bill to see if the members can understand what it means and to make sure the committees believe it to be the proper language: "He shall receive a salary of \$2,500 in full for all official services by him performed during the regular session of the legislature and a salary at the rate of \$2,500 annually when the legislature is not in session, with no additional compensation for services performed at special sessions."

The question arises in my mind—is the session annual when we come here for three or four months, or isn't it? Does he receive \$2500 per annum without additional compensation or does it mean he receives \$7500 for two years of service?

Mr. HALL: Mr. President, I take it this way—he receives his salary during the session of the legislature of \$2500 during the regular session, then after the session is adjourned he receives a salary for the remainder of the year at the rate of \$2500 per year, the same as if the legislature is in session. That would be for two-thirds of the year. He would be paid at the rate of \$2500 per year for his duties, in this section 7.

Mr. SMITH of Knox: In answer to a question asked—this is really an annual salary of \$3750.

Mr. CROSS of Kennebec: Mr. President, in connection with this bill, there are several things not clear in my mind and I doubt if they are clear to any member here. In the first place, apparently the person affected in the two branches is the Clerk of the House. The Secretary of the Senate received only \$500 more for his duties, which seems to be considerable, and also includes any special sessions. It does give him quite a few things to do and does give only a \$500 increase.

In section 7 of the bill there seems to be a lot of latitude in regard to the Clerk of the House. I think he has had a lot of latitude in the past, as we all know. But in here are pretty broad powers and may do almost anything he sees fit

while we are not in session. He appears to be answerable to no one. It says he may "dispose of surplus or obsolete material" etc., "approve accounts for payment, and perform such duties and make such reports as the legislature, or either branch thereof, may direct." Why he should keep his office in the state house open on the days that the Governor and Council are in session, I do not know. It seems to me the whole thing, as the Senator from Sagadahoc, Senator Bishop, said, is slightly haywire. I cannot see any necessity for it and I hope the motion to indefinitely postpone will prevail.

Mr. BROWN of Aroostook: Mr. President, I wish to speak briefly on this bill. Some of the duties of the Clerk he has always performed. Under this bill he would become the agent of the legislature while the legislature was not in session, and I think a great many people in the legislature do not realize the smooth operation of the legislature depends upon the Clerk of the House. He comes up a month or so before the regular session and makes the necessary arrangements. We have furniture which we have to buy every year because there is no one to take care of it. It is borrowed for other offices and when we come back we have no furniture and sometimes he has to go and buy furniture and get everything in readiness so that when we get here everything is ready for us.

Outside of that, he makes from 10 to 20 trips a year from his office to this building to confer with the Governor and Council for matters they want to know about. He has no recompense for that.

This puts him on a yearly basis where he is, as I say, the representative or agent of the legislature, and as I see it, with the great amount of work that he has, he should be put on a yearly basis.

The Clerk, as I understand it, has been here about 18 years, and the manner in which it is handled has been worked out by him so that we have a very efficient system.

I hope the legislature will not indefinitely postpone this bill.

Mr. SMITH of Knox: Mr. President and members of the Senate, this year there was over a thousand dollars' worth of supplies bought that he had nothing to do with, and they are still waiting to be used. Among them are eight desks. If he had been on full time,

this material would not have been bought.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, I do not look upon this as a raise in salary. I look upon it as an investment in smooth legislation. If we can accelerate this legislation and have it ready for us when we get here it doesn't take long for the State to make up the expense of \$2500 we pay him. It is a good investment, and I think will make thousands of dollars for this state during the legislative session.

Mr. BROWN: Mr. President, one thing I meant to mention—under this bill he would receive no special compensation for special sessions of the legislature. The last four years when we have had from one to three special sessions of the legislature the Clerk comes up for a week or two getting things ready in order that when we get here we may carry on the business promptly and efficiently and we pay the clerk for it. If it is three or four days it means three or four weeks for the Clerk, and I anticipate before the next session we will have at least one special and maybe several special sessions. Under this bill he would receive no extra compensation, and this salary would cover it, and I think it is a wise investment for the State of Maine to put it on a full time basis.

Mr. McKUSICK of Piscataquis: Mr. President, for the sake of information, I would like to inquire what the compensation would be? Would it be about \$7000 for the biennium?

Mr. OWEN of Kennebec: Mr. President, as I read this bill in regard to the salary my arithmetic leads me to believe he would receive during the time the legislature is in session \$2500 and also at that rate for the remaining eight months which is two-thirds of a year. For the year legislature is not in session he would receive \$2500. I wonder whether it is what the committee intended for that part of the bill to mean.

Mr. HALL of Franklin: Mr. President, I think it is correct, but the year the legislature is in session I see no reason he should not be paid on the same basis as he would be the year the legislature is not in session. We might have a special session. It might not all be expense. Let's look at the good side of things. If we had a special session he would not have any extra

pay. It would be figured on the rate of \$2500 the remainder of the year. I see no real harm in that.

Mr. SMITH: Mr. President, just one thing—I will say the Secretary of the Senate was invited to our hearing and it met with his approval in every way.

Mr. CROSS: Mr. President, I have a very high respect for the Clerk of the House and I have known him for years, and I also have respect for his ability to take care of himself. I do not think ever in the past he has suffered unduly from lack of salary for special sessions. I think perhaps you would see from the record which I do not have here to substantiate my remarks, that he has been well paid for any special sessions we have had, along with other special officers of the legislature.

There is no intention to work him for nothing. I have no objection to an increase in salary. I think the bill, as drawn, is ambiguous and I think it is completely haywire. There is no question as to his authority. I invite you to talk to any member of the State House staff and you will find he has never been questioned as to what he needs, what he should have—or if he was questioned, he always won his point.

I repeat, I have very high respect for his ability to take care of himself under any conditions. I do not think we need this bill.

Mr. BISHOP of Sagadahoc: Mr. President, I was bewildered yesterday in my mathematics. I am still bewildered. It must be me. Legislators get \$850 for the session now and the Secretary of the Senate and Clerk of the House get \$2000. Now, I do not know whether it is fair or what we might call equity. I do not know if they contribute two and a half times more effort than we do—perhaps they do. Legislative employees have a pension status. For three or three and a half months' service they get 24 months' pension status the same as any other State employee. There is some security that folks in elective office don't get.

If you remember, I proposed changing the pension status for legislative employees but it met with disapproval from the Judiciary Committee and from the Legislature. So they have that extra compensation.

I appeared before the Committee on this measure. Again comes the

question of the indispensable man. How much could we replace any officer for? I have talked with some pretty good authorities. I suggested at that hearing that the Secretary of the Senate be paid \$1600. There was nothing personal in the suggestion. I suggested that the Clerk of the House get \$2400. That was not personal. I do recognize the Clerk of the House has extra duties, an extra large group to care for. He is very accommodating. He will come up here from his home any time. If you ask for a paper or a petition from the file, he gets it for you and he receives nothing for it. I recognize it and I believe \$1600 to \$2400 is a pretty sound salary figure.

The member of the Salaries and Fees Committee who also presented this measure, came to me two days later and said, "Bishop, I think you are right. Anything you say is all right and I will go along with it." Before I had a chance to repeat what I had said, this new bill appeared!!

I think it is time we checked this salary spending. It is very easy to spend the other fellows' money and I think we should consider this question on its merits.

The same question comes up again. For 18 years this legislature has gone along so smoothly! How in the world could it go so smoothly, on that low salary, and now why the demand for twice as much?

During the last special session you Senators drew \$14.70 for your three days' humble effort! The Secretary of the Senate drew \$153 for those three days!! The Secretary's stenographer drew \$83. The doorkeeper drew \$32! Now, we are talking about the Clerk of the House, but this covers the whole field.

I may be wrong, I may be unpopular. Maybe my discussion isn't sound. But I think we had better check on this. I hope my motion to indefinitely postpone does prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, that the report of the committee be indefinitely postponed.

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

Thereupon, on motion by Mr. Bishop of Sagadahoc, the report of

the committee was adopted and under suspension of the rules the bill was given its two several readings and passed to be engrossed, in concurrence.

The Committee on Inland Fisheries and Game on "Resolve to Simplify the Ice Fishing Laws by Counties," (H. P. 1134) (L. D. 790) reported that the same ought to pass as amended by Committee Amendment A submitted herewith.

Which report was read and adopted in concurrence, and the bill read once; Committee Amendment A was read and adopted and, under suspension of the rules, the bill as so amended was read a second time and passed to be engrossed in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Bank Commissioner," (H. P. 993) (L. D. 593) reported that the same 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 adopted in concurrence and the bill was given its first reading; House Amendment A was read.

Mr. HALL of Franklin: Mr. President, I move the indefinite postponement of House Amendment A. This question is on a hearing, it was all proponents. But it was well proven that a man to hold this office should be well educated and one of the best men in the banking business. He has supervision over 11 of the savings banks and trust companies in the state and I think it is safe to say that any officer in banks gets a much larger salary than he does, and he has the supervision of them.

I don't think that is any too large a salary for a man adapted to the job. I would say the salary of the Banking Commissioner has not been raised since 1923 and I think we will all agree that many things have happened since that time.

Mr. BISHOP of Sagadahoc: Mr. President, I believe that House Amendment A is a good amendment and I hope it is adopted. I hope the motion to indefinitely postpone does not prevail.

Mr. SMITH of Knox: Mr. President, Just for information I will say that the present Banking Commissioner left a \$6,000 job to come down here and take a \$5,000.

The PRESIDENT: The question before the Senate is on the indefinite postponement of House Amendment A. Is the Senate ready for the question?

A viva voce vote being had

The motion prevailed, and House Amendment A was indefinitely postponed in non-concurrence.

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

Sent down for concurrence.

The Committee on Bill "An Act Relating to the Salary of the Commissioner of Inland Fisheries and Game," (H. P. 1003) (L. D. 551) reported that the same ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment B.

In the Senate, the report was adopted in concurrence and the bill was given its first reading. House Amendment B was read.

Mr. CLEAVES of Cumberland: Mr. President, I move the indefinite postponement of House Amendment B.

Mr. BISHOP of Sagadahoc: I move that the Senate adopt this amendment.

The PRESIDENT: The Chair will state that there is already a motion pending before the Senate to indefinitely postpone House Amendment B.

Mr. BISHOP: Mr. President, am I not correct in assuming that a motion to take concurrent action with the other Body of the legislature has precedence over any other motion.

The PRESIDENT: The Chair will state that the Senator is not correct.

Mr. WELCH of Aroostook: Mr. President, I agree with the Senator from Cumberland in the indefinite postponement of House Amendment B. The present Commissioner has served the state for 17 years most of that time at a salary of around \$4,000. During that period the service employees in his department have increased approximately from 100 to a working force of 240. The deer kill in the state has increased from 8,000 to an average of 23,000. He has been working for fish planting which has become very successful all over the state. He inaugurated the pheasant breeding and liberation program which is bringing thousands of dollars in the

state. He has located and is now working on sites for new hatcheries and he is recognized all over the eastern part of the country as an outstanding commissioner in his views on fish and game conservation.

There are other states in the market for Mr. Stobie and this is not sales talk either. The Commissioner of Fish and Game works 7 days a week and many nights. The biggest thing in Commissioner Stobie is the 100% loyalty he has from the members of the department and the citizens of the state and we can not afford to lose a man with his experience, and especially at this time, when there is so much post war work to be done.

Another thing, the wardens were doing which was never heard of a few years ago, that is, having the duty of deputy sheriff. It is their duty to perform any duties that ten years ago were never heard of. It was the game wardens who caught the escaped German prisoners this winter, and in my opinion I know that this Commissioner has given back to the state and employees a sum worth far more than the amount of salary he has received.

I hope the motion to indefinitely postpone House Amendment A prevails.

The PRESIDENT: The question before the Senate is on the indefinite postponement of House Amendment B.

A viva voce vote being had

The motion prevailed.

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

Sent down for concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Secretary of State" (H. P. 49) (L. D. 20) reported that the same 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 adopted in concurrence and the bill was given its first reading; House Amendment A was read.

Mr. HALL of Franklin: Mr. President, I move the indefinite postponement of House Amendment A and in support of that motion I will say that I do not think there is any department any more de-

serving of a raise in salary than the Secretary of State. This amendment would do nothing but decrease the salary. I see no reason for putting on a two year limitation because I think his work will not be decreased any. I was on the Salaries and Fees Committee two years ago. They came in with this two year question and I think it would be a matter of coming in two years from now to ask to keep the same salary. And I therefore move the indefinite postponement of House Amendment A.

Mr. BISHOP of Sagadahoc: Mr. President, for once I am ready to agree with the Salaries and Fees Committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Hall, that the Senate indefinitely postpone House Amendment A. Is the Senate ready for the question?

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I feel like a converted sinner.

I have in this session today been strongly opposed to much salary increases. I am not opposed to a reasonable salary increase. After hearing all the testimony from the Salaries and Fees Committee and seeing the overwhelming vote of the members of the Senate, I can see in the minds of most of us that these salaries should go up. I think I have been converted and I would like to see the Senate consistent. Practically every request for salary increases has been met 100% but it is unfortunate that the gentleman who introduced this bill for the Secretary of the State did not shoot high enough. He only raised it \$1,000. I have every respect for all the gentlemen concerned in the previous bills but I do not feel the Senate would be consistent in passing this out for \$5,000 when we have been raising other department heads to \$6,000.

The Secretary of State's department is just as important in my mind as the Bank Commissioner; just as important as the Department of Agriculture or the Fish and Game, and will be just as important after the war, if not more so, and I would like, Mr. President, for the purpose of offering an amendment, to table this amendment until later in the day when I shall offer Senate Amendment A.

The motion prevailed, and the bill and accompanying papers were

laid upon the table pending assignment for second reading.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of the Unemployment Compensation Commission," (H. P. 1305) (L. D. 949) reported that the same 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 adopted in concurrence and the bill was given its first reading. House Amendment A was read.

Thereupon, on motion by Mr. Smith of Knox, House Amendment A was indefinitely postponed in non-concurrence, 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. Brown of Aroostook

Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

The Committee on Judiciary on Bill "An Act Extending the Workmen's Compensation Act to Cover Occupational Diseases," (H. P. 1238) (L. D. 864) reported the same in a new draft (H. P. 1445) (L. D. 1137) under the same title, and that it ought to pass.

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

In the Senate:

Mr. HOWES of Penobscot: Mr. President, I wish to speak very briefly on this bill. Back in 1939 when I was on the Labor Committee we heard this bill, and after listening to all the arguments on all sides of the question we sent it out "Ought Not to Pass." Many things enter into it. There is more or less dynamite in this bill. I want to cite a few illustrations. In my town there is a man who has been in the sanatorium at Fairfield. He wanted to go to war and he was ordered to come back within a year for a check-up. Instead of coming back he went to war and he got by with it and was in the Army two

years before they found out he had tuberculosis. That happened in my town. The minute they discharged him we had to pay \$10 a week for his board and have been paying it ever since he got home. That is one of the things to think about. This man got by in the Army.

There are many things like that which enter into the picture and I think we should be careful about voting for anything along this line.

I am not going to make any lengthy speech but I do know I have heard a lot about this. There was a big hearing when I was here before and as I say, we sent the bill out "Ought Not to Pass." I am sure anyone that runs these places and employs these people who may be taken sick or are injured, if they were to blame for it they would be willing to pay, but there are so many things have crawled into this, I think it is a dangerous bill. I do not know as I should say anything more for it or against it, but that is the way I feel.

Mr. SMITH of Knox: Mr. President and members of the Senate, the first thing I will do is move for the indefinite postponement of this bill. First I am going to read a letter from the Snow Shipyards, Rockland, Maine.

"Dear Senator:

"I understand that there is coming up for your consideration shortly, a bill in Legislature, which would include Occupational Disease in our present Compensation Law. We consider its specifications of occupational diseases to be most unreasonable, and we have been unable as yet to find a representative of an insurance company, who was able to give us any idea as to what the ultimate compensation rate might be under such a law.

"The post war outlook for Maine industry, including our ship building and repair work, does not look very promising, if we are to be saddled with a direct and contingent liability, such as this law would invoke. It surely eliminates us as a competitive bidder against yards in other states who do not have an occupational law in such a form as this.

"I was fortunate enough to be present at the hearing on this bill before the Judiciary Committee, and I am at a loss to understand how that Committee could conscientiously report such a discriminatory bill to our state legislature for their

consideration. The hearing was, as you know, attended by a large group of business men from practically all phases of industry conducted in this state, and their opposition was not with any idea of selfishness toward their employees, but with the view of keeping Maine Industry on a sound competitive footing with other sections of this country. It was brought out emphatically at the hearing that our agricultural employees, our individual fishermen, and lobstermen, which three categories constitute a large percentage of our population, would not be covered in any way by such a proposed law. Thus, as before, I say that the occupational disease bill would be very discriminatory.

"In view of the foregoing, I have no alternative but to request you, as our Senator, to oppose this bill.

Yours very truly

(Signed)

Harold S. Leach, Vice President
Snow Shipyards Inc."

Now, first the Committee report "Ought to Pass" is entirely out of line with the evidence presented at the hearing. As I remember there were three proponents representing Labor unions and over forty opponents representing industry.

Now for the bill. This bill is supposed to help the worker but in my opinion has backfired in that it does not help but hurts instead, as I will try and explain.

Under this bill workers who are now working under the present compensation laws will have to take a rigid examination required by the Insurance Co. before we can get insurance under this new law, many of these employees will not be able to pass this test, thus automatically lose their position.

We talk Post War planning for the returning soldiers—now I am talking of your son and mine who will be returning we hope—and will be needing jobs, and yet, by this law there are those who would erect this barrier against these very same boys especially those with a medical discharge, they would be out of luck entirely.

Canners, shipyards and most any business you could name, they just couldn't take the risk without insurance and the insurance company would not insure without examination so what chance would this boy have.

So Senators that is my plea for G. I. Joe and when we vote let's

vote him into a job and not out of one.

Mr. DOW of Oxford: Mr. President and members of the Senate: What few remarks I have to make on this bill, I wish to divide into two classes—those things I know about and those things I have to take on information and belief.

This bill first came to the Committee on Judiciary as Legislative Document No. 864. It was agreed, I think, by most everyone concerned that Legislative Document 864 was too broad coverage and if we are going to have occupational diseases in this State we should not start with such broad coverage at the start. So the Committee reported out Legislative Document 1037. After it got onto the floor of the Legislature it met considerable opposition because it was considered too broad. Here is where I start on the "information" part. It was called to my attention that the coverage listed in the back of Legislative Document 1180, which is the House Amendment which became L. D. 1180 in your book—it was drawn by a group of interested people, interested from both sides of the fence, both from the employers' side and from the employees' side. I have been informed that representatives of insurance companies, representatives of management and representatives of labor have agreed—I do not mean all-inclusive—to certain representatives from those groups cooperated in drafting this bill which is a compromise. In effect it is a new bill, and I am informed it was so drafted.

I am not an expert but I am informed as so drafted it applies to the thirteen diseases listed on pages 4, 5 and 6 of Legislative Document 1180.

To answer Senator Howes, I think he will find the original bill which provided for a number of years when this could be traced back, has been changed in L. D. 1180 to one year because it reads as follows: "Compensation shall not be payable for incapacity by reason of occupational diseases unless such incapacity results within one year after the last injurious exposure to such disease in the employment." So it is limited down to one year. It also, so I am informed, confines it to diseases listed on those pages.

Now, it seems to me that somewhere, some Party within the last two years wrote a platform and in that platform recommended that

the benefits of Workmen's Compensation be broadened to some extent, at least, to include occupational diseases I have been informed, and I had forgotten it, that the Governor's message made some mention of this particular problem. If I am wrong, my information was wrong.

It seems to me if we are going to have this occupational disease law at all, this may be a good way to start. I really think, personally that the time is coming in the not too far distant future when we are going to have occupational diseases in pretty broad coverage. I do not think there is any question. I am convinced it is true. If it is true, I think this might be taken in small doses so we could get used to it. Sometimes it doesn't hurt so much to take them that way as to take them all at once. I am willing to take a little at a time, thinking we will get it all pretty soon.

As far as helping Labor is concerned, I am informed one of the groups of organized labor in the State—I have been informed the representative of that group has said this meets with his approval. I have talked with the sponsor of the bill within the last twenty minutes and he informs me it meets with his approval, so it seems to me the question is this—do we want coverage for occupational diseases or not? If we don't and this body votes that way, I will abide by the wish of that body. If we don't, and they don't have anything better to offer, I think we should accept this. I am willing to abide by the wishes of this body, and I hope the motion of Senator Smith does not prevail.

Mr. SMITH of Knox: Mr. President and members of the Senate; whoever wrote the platform simply forgot the soldier. So much for that.

Now, I met three soldiers on the street in Rockland last Saturday. They were looking in the window of the Central Maine Power Company and in that window was a sign that read: "Twill be a great day in our life the day our 256 employees in the Service come home to stay and go back on our payrolls." One of the soldiers said, "Guess they did not know about this Occupational Disease bill that could knock the hopes of some of these same boys into a high hat." The other said, "When the service man comes

home, maybe he has been a prisoner, broken in health and spirit and needs a job to put him back on his feet. This bill says, 'No. You can't help this man with a job.' What will he do—go to selling apples like after the last war?" I agree with him. Sure, we can sign a waiver giving all our rights of justice and freedom away. Now, wouldn't that be a hell of a thing to do to this or that boy who has had the best part of his life taken away from him through no fault of his own in order that you and I can live in security and freedom. If this bill goes through there is no justice for the soldier.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, a year ago last March, I had the honor and distinction of being elected as one of five by the Chairman of the Republican State Committee, to make a tentative draft of a platform for our party to be submitted to the Committee on Resolutions at the convention that was to follow some time in April. The other members of that committee were Mrs. Cora Roberts of Westbrook, Cecil Siddall of Sanford, Benjamin Blanchard of Bangor and Robert Willimason of Augusta. We met here in this city and spent an evening, an afternoon and a following evening, and part of the next forenoon in getting together a draft of a platform that we were to go to the people with in the coming election. There was submitted to us at that time by labor, many requests to be placed in our party platform. We knew and felt that we should have to do something for labor. And we finally agreed upon two propositions. One, in which we recognized the doctrine of collective bargaining and the other, that we favored some sort of legislation to provide for coverage for occupational diseases.

At that time you want to remember, Senators, it was a Presidential year and we had the election before us. We know how much the federal administration had offered and done for labor and the bid they were going to make to Labor for their vote in the coming September.

That platform, Senators, did not only apply to the election of a Governor and a Congressman, but it also applied to the election of each one of us. That platform, the tentative platform was taken by our committee to the Committee on

Resolutions and was chosen at the convention and I happened to be a member of the Committee on Resolutions from my city. Mr. Williamson was likewise. That platform was submitted to the thirty-two members of the Committee on Resolutions and they never changed an "i" in it.

They accepted it word for word and it was gone over carefully. Each plank discussed carefully. And we brought it out the next day on the floor of the convention and as each plank was read, and particularly this plank, in making our bid for the labor vote, it received more applause than any other plank in the platform. We went to the election and as a result, elected a Governor by 76,000 majority in this state. You elected a Senate of 31 Republicans and two Democrats and the House overwhelmingly Republican.

Now that the election is over, are you going to break faith with the labor vote? If you are, get ready to fold up your tents, because two years from now you will turn the state Democratic. You cannot break faith that way. Labor, to show you the independence of their vote, as I stated once before in this session, going from 76,000 Republican in September to a rising 14,800 in November shows independent voting.

Let us not break faith. Labor put in here under the platform a bill that went a long, long way. It was vigorously opposed and when it came out of committee we had cut it considerably. We had taken back every amendment that was suggested by the employer and labor met and accepted it. So today you have this bill that recognizes the doctrine of coverage for occupational diseases in this state as promised in our platform and covering 13 diseases.

Now, our Governor realizing that he was elected upon a platform upon which he wants to keep faith with the people, says in his message, let me read it to you on page 10.

"Maine laws at present limit compensation to accidents but make no provision for occupational diseases contracted by exposure of more than a single day. In view of both the Republican platform and the report of the Legislative Recess Committee favoring legislation on this subject the Legislature should give this matter favorable consideration. Workmen's Compensation is now compulsory in 23

states and in my opinion Maine should join this group."

The Governor is attempting to keep faith with the people that elected him upon this one plank in the platform as well as the others, and I want to keep faith. I don't want it said of me that I broke faith if this bill is defeated and two years from now we likewise put it into our platform that we are in favor of coverage for occupational diseases, and then try to get elected again on that.

I don't believe, Senators, regardless of how you may personally feel, I cannot believe and I don't believe you are going to break faith.

Mr. President, I move that when the vote is taken it be taken by the Yeas and Nays.

Mr. SMITH of Knox: Mr. President and members of the Senate, they say it is a pretty poor bill that cannot stand on its own feet but has to fall back on the platform to put it over. I still say let's vote the soldier into a job and not out of one. I still stick to that.

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

Mr. GOOD of Aroostook: Mr. President, I am wondering about this bill. I am not too familiar with it. I have tried to make a small study of it but I will have to be frank and admit I do not know too much about it at the present time. I have checked with probably the greatest minds we have in this State House here, and I refer to the agents listed here and some of them tell me—and I rely on their judgment—that this is a bad bill.

I have tried to analyze these 13 items they have here and it is really too much for me. I can not get them clear, but I am wondering if this bill isn't dangerous at this present time. Maybe if the War was over and we knew what effect it would have on the boys, we might know how far it would go. But I wonder if we know at the present time how far it should go.

As far as the Democratic Party coming in and taking things over, I am not worried a particle whether it passes or doesn't pass. I do not think it will disturb us. I think we will have something to answer for whether we pass this or not, according to the legislation we have already passed in the last few

hours. But I wonder now if we want to go on record and pass something we are not familiar with and not know exactly how it will prove out. I am a little reluctant to refer to the boys as Senator Smith has referred to them but nevertheless, they have got to be dealt with and there is no question about it.

If I want to hire a man and he may be defective and cannot pass the test, then I cannot hire him. I am wondering if it will be too far reaching or not.

I have great respect for the committee. Probably they have as great minds as there are in the Senate. They probably felt this bill was proper. I cannot for a minute question it. But I wonder if we are not going too far.

As for the Governor saying in his Inaugural message that it should become a law — that isn't disturbing to me. The Senators and Representatives are making the laws. No one is telling them what to do. We are telling people what laws we want made and we expect them to abide by them. If we put on the statute books something it is almost impossible for the boys to live up to or deprive them from a job they are entitled to, I think we are going too far. At this time I am not in favor of it. It may be lack of knowledge that I am taking this stand, but if I am not sure of anything, I give my colleague, Senator Smith, the benefit of the doubt, that he is on the right course.

I hope the motion will prevail.

Mr. LEAVITT of Cumberland: Mr. President, I am very much in sympathy with some of the statements of Senator Good, that we are passing a law we do not understand but if that is the criterion of every law introduced in this legislature since we started, we would not have passed as many as we have.

I am very much mystified at Senator Smith's statement, although I have followed him and thought he was very sound up to this time. Section 66 says, "Examination of employees. An employer may request" — he doesn't have to — "any of his employees, or any prospective employees, to be examined for the purpose of ascertaining if any of them are in any degree affected by an occupational disease or peculiarly susceptible thereto. Refusal to submit to such examination shall bar such employee or prospective employee from compensation or

other benefits provided by this law" etc. It doesn't prevent him from being hired and doesn't prevent compensation from other laws but simply bars him from this occupational disease benefit.

I cannot see how anyone can say that a man who is in our armed forces at the present time cannot come back here and be employed. His employer doesn't have to even demand he be examined, and secondly, the only penalty if examined and it is found he has an occupational disease, is that he will not come under the provisions and benefits of this particular law. I do not see what we are talking about as to what the confusion is.

The law is simple and we promised thousands and thousands of people who voted for us that we would pass something like this for them. You remember that old saying that you can fool some of the people some of the time but you can't fool all of the people all of the time. I think it is very apt at this time. We promised Labor before the election that we would do certain things and then we come up here, and on the ground that we do not understand what we are talking about say we cannot give fulfillment of the promise which we made.

Mr. SMITH: Mr. President, I was given permission about an hour ago by the insurance companies to say they would absolutely insist upon examinations before they would issue insurance.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I also am not too familiar with this bill and I would like at this time to ask a question which one of the members of the committee which passed this, may answer if he wishes. I would like to know if this does involve farmers who are hiring one or two men on farms?

Mr. DOW of Oxford: Mr. President, through the Chair I'd like to answer the question in a way that will be satisfactory to the Senator. In Legislative Document No. 1180, section 59 says: "Definition of 'occupational disease.' Whenever used in this law the term 'occupational disease' shall be construed to mean only a disease set forth in section 69" — which is this group on pages 4, 5, and 6 — "which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process or employment and which arises

out of and in the course of employment."

I will say in answer to Senator Welch that if the farm work results in any of the 13 diseases listed on pages 4, 5 and 6, he would be under it.

Mr. LEAVITT: Mr. President, I have been given to understand on very good authority, Agriculture is absolutely exempt.

Mr. DOW: Mr. President, I was mistaken on that and I think it applies to five also.

Mr. CLEAVES: Mr. President, I would like to ask for information from anyone wanting this proposed legislation. I would like to know if there are any figures on how much this would cost the employers of the State of Maine.

Mr. DUNBAR: Mr. President, I cannot answer the Senator from Cumberland, Senator Cleaves. I cannot tell you what the additional cost would be to the employers. It would be something, certainly, but under the law we have in this State, whatever the extra premium may be that the employer would have to pay, the State of Maine would get back from that premium two percent of it that is paid into the State Treasury because two percent of all premiums collected on insurance sold is paid back to the State of Maine.

Mr. GOOD: Mr. President, I suppose this bill includes those 13 articles here. We use formaldehyde on our farms. We use phosphoric acid. We take potash and nitrogen and phosphoric acid and mix them together and we use them when we get ready to spray for ring rot and bacteria wilt—we use formaldehyde. We have to dilute it and use it in our business on the farm. Maybe things are a little different than they were 40 or 50 years ago, but the complication of diseases has been such it has become almost scientific and you almost have to be a doctor to know how to use these things. However, we do have to use these things and if it is going to cause trouble I still think it is wrong.

Mr. LEAVITT: Mr. President, may I ask for information from Senator Good, if he would be willing to answer? Are his workmen in Aroostook in the agricultural field, are they under workmen's compensation?

The PRESIDENT: The Senator may reply if he desires.

Mr. GOOD: I don't think so but I would not say for sure.

Mr. LEAVITT: This bill here is nothing but an amendment to the Workmen's Compensation Act. Therefore, any person who is now under the Workmen's Compensation Act will be affected by this.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Smith that the bill be indefinitely postponed. Is the Senate ready for the question?

Mr. DUNBAR: Mr. President, I ask for the Yeas and Nays.

The PRESIDENT: The Senator from Washington, Senator Dunbar has requested that when the vote is taken, it be taken by the Yeas and Nays. Under the constitution, to order the Yeas and Nays requires the affirmative vote of one-fifth the members of the Senate. Is the Senate ready for the question?

A division of the Senate was had.

Obviously more than one-fifth having risen, the Yeas and Nays were ordered.

The Secretary called the roll.

Yea: Senators: Good, Howes, Noyes, Smith, Spear, Sterling, Welch, Willey—8.

Nay: Senators: Batchelder, Bishop, Boucher, Cleaves, Clements, Clough, Cross, Currier, Denny, Dow, Dunbar, Gould, Hall, Hopkins, Leavitt, McCusick, Morrill, Owen, Savage, Sawyard, Townsend, Washburn—22.

Absent: Senators: Brown, Dorr—2.

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

Thereupon, on motion by Mr. Dow of Oxford, the "Ought to Pass" report of the committee was adopted 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 Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Forest Commissioner," (H. P. 990) (L. D. 590) reported the same in a new draft (H. P. 1464) (L. D. 1168) under the same title, 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 adopted in concurrence and the bill was given its first reading. House Amendment A was read.

Thereupon, on motion by Mr. Cleaves of Cumberland, House Amendment A was indefinitely postponed 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.

The Committee on Agriculture on Bill, "An Act Relating to Keeping Certain Animals Confined," (H. P. 919) (L. D. 560) reported the same in a new draft (H. P. 1426) (L. D. 1106) under the same title, 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 adopted in concurrence and the bill was given its first reading. House Amendment A was read, and on motion by Mr. Brown of Aroostook, the bill and accompanying papers were laid upon the table pending adoption of House Amendment A in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Fees of Town Clerks for Fishing and Hunting Licenses," (H. P. 988) (L. D. 588) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report, and the bill passed to be engrossed as amended by House Amendments A and C.

In the Senate:

Mr. WELCH of Aroostook: Mr. President and members of the Senate I want to explain briefly the action of the Committee, and our reason for the unanimous "Ought Not to Pass" report on this bill. The original bill, Legislative Document 588, An Act Relating to Fees of Town Clerks for Fishing and Hunting Licenses. This bill as it came before the committee would increase the fees which the town clerks now receive for making out hunting and fishing licenses, from fifteen cents to twenty-five cents. Instead of the department receiving one dollar and the town clerk receiving fifteen cents, under this bill the town clerk

would have received twenty-five cents and the department would have received but ninety cents. This would have amounted to a reduction in revenue to the department of some nineteen to twenty thousand dollars.

Now the bill has been substituted for the report and the bill amended so that instead of all hunting and fishing licenses—and I will only mention the resident hunting and fishing licenses, but the same thing applies to all other licenses—instead of the fee being \$1.15 it would now be \$1.25.

In other words, the same figure, as regards loss of revenue to the Department of \$19,000 or \$20,000—the department, under the proposed amendment will not lose any revenue but it will cost the fellows buying licenses some nineteen or twenty thousand dollars more which will go to the town clerks. I simply want to explain to the Senate how the bill works, and I move acceptance of the Committee report, Ought Not to Pass.

Mr. McKUSICK of Piscataquis: Mr. President and members of the Senate. At the hearing I opposed an increase in the fee for hunting and fishing licenses. A bill was put into increase the resident licenses to \$2.15. This new bill increasing fees for town clerks I am very much in favor of. I am not a town clerk at the present time but I have been for ten years, and as you probably all know, the compensation which the town clerks receive from the town for the keeping of the town records is very small, just nominal, and the compensation of the town clerks come largely from the fees they get, and the fees for hunting and fishing licenses are out of line. Fees for recording chattel mortgages, etc., dog licenses, etc., have all been increased but fees for hunting and fishing licenses have not been increased. I feel out of justice to town clerks who are doing a good job, who are on call day and night, I feel the report of the committee should not be accepted, but the bill should be substituted for the report and amended as provided by the amendment presented.

Mr. WELCH: Mr. President, I am not at all greatly concerned over this measure. It is to me of small importance, but I might further explain the reason why the committee issued the report that we all have before us. It is a

measure which would have increased the hunting and fishing licenses, and that bill was reported "Ought Not to Pass" at this time as we didn't think it was right to increase the hunting and fishing licenses at this time. However, this would increase the licenses and should another legislature wish to increase the licenses to give more revenue to the Department the fishermen and hunters are going to wonder if licenses are going to be put up every season.

To further substantiate our report, I checked with one city that was issuing over 2,000 licenses and they said they were not interested in the increase.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Welch, that the Senate adopt the "Ought Not to Pass" report of the committee.

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

Twenty having voted in the affirmative and five opposed, the motion to adopt the "Ought Not to Pass" report, in non-concurrence, prevailed.

Sent down for concurrence.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Bounty on Seals," (H. P. 1337) (L. D. 986) reported that the same ought to pass 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 Amendments B and C.

In the Senate, on motion by Mr. Washburn of Washington, the report of the committee was accepted in concurrence and the bill was given its first reading; Committee Amendment A was indefinitely postponed in concurrence; House Amendments B and C were read and adopted in concurrence, and, under suspension of the rules, the bill as amended by House Amendments B and C was given its second reading and passed to be engrossed in concurrence.

The Majority of the Committee in Labor on Bill "An Act Relating to Hours of Labor for State Employees," (H. P. 1259) L. D. 883) re-

ported that the same be referred to the 93rd Legislature.

(signed)

Senators:

HOPKINS of Kennebec
SPEAR of Cumberland
GOULD of Androscoggin

Representatives:

BROWN of Unity
HASKELL of Bangor
WEEKS of Waterville
JONES of Waterville

The Minority of the same Committee on the same subject matter reported the same in a new draft (H. P. 1470) (L. D. 1179) under the same title, and that it ought to pass.

(signed)

Representatives:

MARSHALL of York
RENOUF of Biddeford
POULIN of Rumford

Comes from the House the Minority Report adopted, and the bill passed to be engrossed.

In the Senate:

Mr. CROSS of Kennebec: Mr. President, I move the minority report, "Ought to Pass in New Draft" be adopted.

Mr. HOPKINS of Kennebec: Mr. President, this bill before use gave the committee a great deal of work and we gave it our most conscientious effort and the report is the result of those efforts. In consideration of it, we had a large amount of information which came to our hands which I think would be of interest to the Senate.

The new draft which we are considering and acting upon simply separates out four institutions of the 12 institutions in the Department of Institutions and legislates for them.

Now, if there are employees in the other nine institutions that need the benefits that might come to those in the four cited, it is questionable whether the bill is sound. I personally, and I am sure other members, have no objection to substituting the bill for the report.

I will give you the information we have, for your consideration. Quite a large number of proponents appeared for the bill, largely connected with State institutions. Mr. Gribbin appeared and Dr. Foster across the river, appeared. Mr. Chase appeared, Mr. Hyde from the School for Boys, and Representative Bell in connection with the State Prison.

We had a large number of communications, 14 from the Fairfield Sanatorium, 4 from the Bangor Hospital, 43 from Thomaston, 9 from the State School for Boys, 18 from the State School for Girls and 21 from the State Hospital, and some of the quotations are quite interesting. One quotation says, "The Augusta Hospital has 34 attendants now compared with 86 in 1941. Could go on three shifts with 79." From the State School for Boys: "Men in cottages work 70 to 80 hours and get every other week end off. Night watchmen have time off once a week and then work 24 hours continuously." From the State Prison: "Guards put in 10 to 12 hours daily, and night guards work 12 hours." From the Superintendent of the State School for Boys: "Most don't work 48 hours, but few work considerably longer." One employee charges that administrative head is "hostile to employees' association, jealous of power, and adopts policy of non-appeasement."

When we received this bill, we took it up with Mr. Greenleaf, Commissioner of Institutional Service and talked about it at considerable length and I have a letter I would like to read to you:

"Dear Senator Hopkins:

"Poll of superintendents of the thirteen state institutions relative to the increase in cost of operation should the 48 hour law become effective, or should the institutions be required to pay overtime based on the present weekly salaries to their employees for all hours worked over 48, indicates that adoption of a 48 hour week would add approximately \$325,526 to the cost of operation of state institutions and that there would be an increase of more than \$115,000 necessary over present budgets to pay overtime for all hours worked over 48 per week.

"It is extremely doubtful that sufficient additional employees could be found to enable the adoption of a 48 hour week in institutions even if the law did become effective.

"Superintendents' figures indicate that in order to adopt a 48 hour week, it will be necessary to employ 310 additional employees over and above the present number working in state institutions. Even at normal times, the adoption of a 48 hour week would require the

addition of at least 188 new employees.

"In view of the current manpower shortage and the renewed recruitment of nurses for the armed service, I do not believe it would be possible to find employees at this time to carry out a 48 hour week in institutions. I do believe, however, that after the war a 48 hour week in institutions, or some equivalent arrangement, will be forthcoming. I am inclined to believe that had the state adopted the shorter work week and increased institutional salaries prior to the war, some of our present serious manpower shortage would have been averted.

"The above figures do not include members of the professional staffs of the institutions, and it is not my feeling that these people should be included on any fixed work week any more than the superintendents, assistant superintendents and certain other employees in higher brackets.

"No state institution would have sufficient funds in its present budget to pay overtime on current salaries, except the Augusta State Hospital.

"In addition, it would be impossible to house the necessary additional employees at the Pownall State School, Augusta State Hospital, Bangor State Hospital, Western Maine Sanatorium, Central Maine Sanatorium and the State Reformatory for Women, unless additional housing units were built and money for them provided. Even if funds were provided for this construction, it is very unlikely that these buildings could be built at this time because of restrictions upon new construction during the war.

"From the above, it is apparent that should this proposal become a law, substantial increases to the institutional budgets would be necessary and it is also my opinion that this department would have to request the Governor to sign an Executive Order holding the effectiveness of such legislation in abeyance for the duration or until such time as employees are available in sufficient numbers to carry out the provisions of the law.

"I trust the above information will be helpful to your committee. As I have stated, the figures are approximations. I am inclined to believe that the total figure for the

cost of paying overtime on current salaries would run nearer \$125,000.

"Yours very truly,

HARRISON C. GREENLEAF,
Commissioner Institutional
Service."

Now, Mr. Greenleaf supplied us also with a schedule showing the additional employees needed at each institution, the additional cost to each institution, and also a note as to whether or not they might be available.

The worst, of course, is the Augusta State Hospital. We had more correspondence with that institution than any other. The additional employees needed over the present: 113 and over normal would be 47. At the Bangor State Hospital the condition is nowhere near as bad: over present number 23 and over normal 21. Pownal is the second worst institution. They need over present 72 and over normal 23. I do not think it is necessary to read the whole of them as most have employees or could find them, but the total, as I said, would be 310 and over normal 188.

The approximate additional cost as I told you, Mr. Greenleaf estimated would be \$365,000 and gave a figure of \$130,000 over current salaries. He has mentioned that the employees are not available in Augusta, the place most needed. It is doubtful if they can be found at Bangor, and are not available at Pownal, Central Maine Sanatorium, Northern Maine Sanatorium, Western Maine Sanatorium, State Prison or Reformatory for Men. I won't go over them all but that is the way the schedule goes.

Of course, the committee was faced immediately with the problem of adjusting this bill with the practical situation that faces the State. We are most sympathetic, just as you are, to any employee working long hours in the State of Maine, and we think, as you do, that they should be compensated for long hours. But it would not produce additional employees for the Augusta State Hospital and that is the place they are needed the most. If it would produce the additional employees, I suppose I would favor this in its entirety.

It seemed to us it was wise to refer this to the next regular session of the legislature and see that there was sufficient money in the Institutional Service so that the

overtime payments could be made, and make it a purely administrative matter until such time as employees are available, and that is the procedure which the committee recommended.

I personally appeared before the Budget Committee and they set up an additional \$40,000 to take care of the employees in the several institutions. There is enough money already to take care of the Augusta State Hospital the first year of the biennium.

I talked two hours with one of the officers of the State Employees' Association and I think from my conversation with him the question is whether the payments will be made and whether it can be handled under the normal procedure. I told Mr. Greenleaf it was the way to handle it. I felt if the money was available there should be enough administrative leadership in the institutions to take care of the problem.

The Senate is faced with the problem of whether you think as I do, that the bill in new draft is not good law because it singles out four institutions from 13. There might be and I believe there are people in the other nine institutions who need this relief just as much as the four singled out, and if there is a single employee in the other institution who will not receive the same treatment as those in the four institutions taken care of in the new draft, I question the soundness of it.

Anyway, the legislature should act so as to convey our interest, that we do appreciate the service they give to the State of Maine, that we do believe they should be properly compensated. Our actions should say that to them no matter what we do in the bill.

The relations of the committee with the State employees is most pleasant and I feel confident the legislature will solve this problem.

Mr. BISHOP of Sagadahoc: Mr. President and Members of the Senate, I ask your tolerance and forbearance for just a few minutes that I may explain some of the problems that face us.

In the first place, the working conditions at each of the 13 institutions are all different. There are no two alike. The conditions at the four mentioned, in the new draft, however, are somewhat similar.

Now, as chairman of the Committee on Insane or State Hospitals, and as chairman of the Committee on Pownal State School, it has been my privilege to have visited those various institutions at all times of the day and night. I'd like to tell you the picture and the situation as it exists.

At the Bangor State Hospital, at the Augusta State Hospital and at the Pownal State School you have a group of patients that are entirely dependent upon the employees. They are not able in most every case to care for themselves. The patients in the other institutions are more or less capable of looking out for themselves. At Bangor they have nearly a full enrollment. They have their work divided up in such a manner that they do not have to put in too much overtime, but some, however, because of the very nature of the work. Some of the patients have to be attended just as you would attend a baby.

The Bangor Hospital was designed originally for 600 and later enlarged to take care of 980 patients. They have now nearly 1200 patients there. You can just picture the congested condition and what it means for those employees to carry on that extra work.

Over here across the river, at the Augusta State Hospital, it was designed for 1200 patients. They have there more than 1500 patients. They used to have in the neighborhood of 300 employees. At the present time they are a way below 200, but somehow they still carry on.

A week ago last Monday night the Committee on State Hospitals went over to make an unexpected visit. We had heard of conditions that existed and we wanted to see with our own eyes. We found this: four buildings over there, each one housing in the neighborhood of 250 to 275 patients. There are four floors in each building and each floor, or each ward, has from 60 to 70 patients. Now, the situation that used to exist, they had two attendants on each floor in the day time, with a supervisor. At night time they had one attendant on each floor with a supervisor. Today they have one attendant on three floors and the supervisor on the fourth floor supervises the building during the day. At night, from six o'clock to six in the morning they have no attendants at all. One woman

trips those wards every hour. She lets herself in at one end of the ward and out the other and finds anything and everything. The few employees left are just hanging on by the thread of life, just hoping that something will be done for them. They have doubled and trebled their work over there, and through loyalty, pure loyalty, they have hung to the ship.

I tell you, fellow Senators, that the human organism can stand just about so much. They work 12 hours a day, 7 days a week as they are shorthanded and have only half the crew they used to have. They don't get extra compensation for that. In the first place, they cannot possibly do the job but they are doing their best. It is a miracle to me how they do what they do.

This is a fine gesture to leave it for the administration to work out. They have not worked it out, and gestures are not enough. With 1500 mentally sick patients running at large all night, with no one to care for them, it is a desperate situation. The attendants are just on the edge of bursting. You can see it all over them. I think it is absolutely necessary that we do something. It is a crisis.

These two mental institutions, the Pownal School and the State Prison are different from the rest. There has been money set up in the budget to take care of this increase at the two state hospitals and at Pownal, and I understand there is going to be enough for the State Prison. Something must be done. Just picture, if you will, what would happen if these people played out and if they couldn't go on. 1500 patients left at the mercy of the world!

This new draft deserves to pass. Perhaps it isn't going to attract any new employees right now. No, but those who stand by deserve some consideration. Once a week they have moving pictures. The day help are expected to stay on three, four or five hours extra and take care of the show—patients going and coming. They do it extra and get no compensation for it. Now, you work 12 hours a day seven days a week and think how you would like it.

Now, it has been mentioned that the upper brackets should have the same consideration as the lower brackets. The superintendents and assistants are at liberty to go and come at will. They may be away a week, but the employees stay there

from six-twenty in the morning until six-twenty at night; and from six-twenty at night until six-twenty in the morning. They are locked in the wards and in the buildings.

I tell you, it is a serious situation and after I have been there and after the committee has visited those places we quiver just thinking of the possibilities of what might happen. I plead with you to give favorable consideration to the minority report, "Ought to Pass" in new draft.

Mr. SMITH of Knox: Mr. President and members of the Senate; for once I agree with the Senator from Sagadahoc, Senator Bishop, although he accused me yesterday of sticking my hand in the pork barrel. I would like to go on record as favoring this minority report.

Mr. SAVAGE of Somerset: Mr. President, it seems to me this bill happened to fall in the hands of a hard-hearted committee. This morning and this afternoon we raised the salaries of eight department heads. They were getting good salaries, anywhere from four to five thousand dollars, and we boosted them a thousand to fifteen hundred dollars. Now, we are dealing with a group who are getting very low wages. Are we going to say they are not entitled to a raise? I'd like to go along with the motion of Senator Cross.

Mr. HOWES of Penobscot: Mr. President, I want to agree with Mr. Mr. Savage.

Mr. CROSS: Mr. President and members of the Senate, I'd like to back up Kennebec County as we were on the verge of getting the "Three Musketeers" label, voting together all the session, but I differ very strongly with my brother Senator from Kennebec, Senator Hopkins, in regard to this matter.

In common with Senator Bishop, I have seen these conditions with my own eyes and probably have more feeling about it than someone who has not seen these things.

As to the original bill, I think it would have been a fine thing to have passed the original bill but it did involve a great deal of money and the committee saw fit to split and bring out this new draft. At the present time this is the only thing before us and I believe in this new draft are most flagrant examples of the necessity of such a move.

The Chairman of the Committee on Labor says we cannot get these employees at this time to put those institutions on a 48 hour week. Ladies and gentlemen, there is no thought in this bill that we could do such a thing. Manpower is too short at this time but why should we penalize those people, holding the fort in those institutions, by not recognizing the amount of work they put into it by at least paying them a reasonable amount in addition to what they already get? They are working 12 hours and more for less than most people get for a 48 hour week. Why they stick, I don't know.

I know a lot of the people personally at the State Hospital. They have worked there for years. They know if they leave they will forfeit their pension rights, and if they go back in a few years the job won't be there and they will be too old for other jobs, and so they stick, hoping we will do something for them. They do not object to 12 hours, but of course, they don't like it any better than the rest of us do.

The morale in the departments is high but if we do nothing for them, I think the morale will collapse like a balloon and we will be faced with a very unfortunate condition. I do not know what they would do in the event of such a thing. Of course, there is no question that these jobs would not attract a very high type of personnel. I do not know who would want to work in those institutions, but I know there are those who are working there long hours and not being paid a reasonable wage.

As the Senator from Somerset, Senator Savage said, we discussed thoroughly the vote on salary increases for department heads. They are merited, no doubt, but if they are merited, I say these are merited, and if we don't hold out some hope for these people, I don't know what will happen. I don't like to attempt to visualize what will happen. After all, is the laborer worthy of his hire, or is he not?

The Chairman of the Committee has said you should not leave this place without giving some encouragement to these people that something will be done. The past two years have gone by, and to my knowledge and belief, very little has been done. Some adjustments have been made, but not nearly enough. I do not think we should

leave this Senate without having fairly decided on the merits of this question and I urge you to vote entirely on the merits of the new draft and not be swayed by the suggestion that this is selecting but a few institutions. They are flagrant cases and an entirely different type than the other institutions.

Mr. GOULD of Androscoggin: Mr. President, I would like to ask the Senator from Sagadahoc, Senator Bishop, a question. I think I understood him to say the money was provided for. I signed this report because I understood we could not get the money to provide for an increase. I would like to know if it is provided for.

The PRESIDENT: The Senator may ask his question through the Chair, and the Senator from Sagadahoc, Senator Bishop, may answer if he desires.

Mr. BISHOP: I understand the amount necessary to take care of this increased cost has been set up in the budget.

Mr. HOPKINS: Mr. President, I am not sure whether I did a bad job for the committee, giving the information on this measure, or not. Certainly nothing has been said by either Senator Bishop or Senator Cross at variance with the thoughts of the committee.

We realize this situation exists and we do not know but some of the Senators who have been here longer knew of it before, but we learned about it in short time. Some overtime is paid now and some institutions turned back large sums in their budgets, money which could have been spent to pay for overtime for the employees and probably should have been.

The statement was made by Senator Bishop, which I think would be confirmed by members of the committee from information that came to us, which demonstrated clearly the need for more employees. Legislation will not necessarily furnish those employees.

I have no personal objection to the new draft. I want this thing handled and settled in a way satisfactory to the workers. I will say again there are employees in other institutions not covered by the new draft, who will not have the same advantage, although working under the same conditions. I personally, am not satisfied with the bill. This problem is before us, and this takes care of the employees of but four

of the institutions. I think perhaps it can be handled better by administrative procedure than by legislation. Perhaps when the war is over we may not want to maintain a 48 hour week in the institutions. We may want to make it 40 hours for people who do high pressure work.

That is the problem before us. The new draft singles out four institutions where the conditions were the worst. I believe the judgment of the committee was sound in providing ample money for administrative procedure until employees are available. I hope I make myself clear and this will be handled properly and quickly.

Mr. SPEAR of Cumberland: Mr. President, I have not talked much this session and I didn't expect to speak on this bill. I don't think I have been lobbied any harder on anything than on this bill. I have tried to be fair. I promised to go to the Chairman of the Committee on Appropriations and try to intercede. I told them last night I would, but they didn't come here today. I want to defend my position for signing the majority report to refer to the next legislature. I have not tried to influence a vote. I am not going to try to now, but when legislation is introduced covering four institutions and ignoring nine institutions, it doesn't seem fair to me and I don't want to vote to legislate that way. I want to call attention to the institutions left out — Men's Reformatory, Women's Reformatory, State School for Girls, State School for Boys, State School for the Deaf, Fairfield, Presque Isle and Hebron, Military and Naval Children's Home,—all these have been ignored. My only objection to the minority report is that it doesn't go far enough and I think it will cause trouble if these other nine are left out.

Mr. BISHOP of Sagadahoc: Mr. President, I tried to point out that the conditions in the institutions are not similar, and that these mental institutions and the state prison have an entirely different type of patients. They have suggested it be done by administration, but it hasn't been done and you just cannot leave a job like this hanging for two years. It seems to me it is a cowardly way to face a crisis.

In regard to getting new employees: The main reason why they have so few employees at the Augusta State Hospital is because of the conditions that exist there. If

you make the conditions and the pay more attractive you could get more applicants who would take those jobs. It is true of every type of work but when they work 12 hours a day, seven days a week, people won't expose themselves to become employees there.

The Superintendent told us the other night that they are supposed to have every eighth day off; and that he owes 700 days of back time. They do not receive pay for it, but the folks still stay on even though they do not get their days off. While those conditions exist no one will apply for the jobs, but if they could get time off, there would be an increase in enrollment.

Mr. TOWNSEND of Penobscot: Mr. President, I want to go on record as being in favor of the motion made by Senator Cross. When the vote is taken, I request it be taken by division.

Mr. BATCHELDER of York: Mr. President, I believe this bill has some merit, in view of the fact this committee passed this along to the 93rd Legislature. I believe we have a duty to perform and I do not believe we should pass it over to another legislature. As I understand it, some employees are working long hours. That being the fact, I do not see why they should not be properly compensated for the work they are actually performing.

This body has gone on record as favoring quite a little increase for department heads. I believe we should take that into consideration at this time and pay a little more to the employees who are working under greater difficulties than department heads. As I understand it, the original bill provided for taking care of all the various departments but it appears apparently there are not sufficient funds to do it, but several different institutions are able and they have taken it into consideration in their budget and in going before the Appropriations Committee, and would be in a position to pay this increase. Therefore, I hope this minority report will be adopted.

Mr. OWEN of Kennebec: Mr. President, I want to make it unanimous from Kennebec County and express my opinion. It has been said on two or three occasions that sufficient money was set up in the budget to take care of the situation.

If my memory is correct, the budget has long since become a mess. At the present time they are still about half a million dollars, more or less, behind, but nevertheless, not as a member of the Appropriations Committee, but personally, I believe this is a project which should have A-1 priority. I think we can find the money to pay these people and I hope you will stand behind us when we have to take it away from somebody else.

Mr. CROSS of Kennebec: Mr. President, I want to say and repeat that trying to compare these with other institutions is not a good illustration, and you should not take into consideration anything but the four in the new draft. We recognize the need of others is great but if we can not do the whole job, let's do part of it. Two years from now we may be able to take care of the others. The situation is acute and this is the only means we have of settling it. It has been in the administration's hands two years or more and it has not been corrected. Let's see what we can do about it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Cross, to adopt the minority report.

A division of the Senate was had.

Twenty-eight having voted in the affirmative and none opposed, the Minority Report, "Ought to Pass in New Draft" was adopted, and under suspension of the rules, the bill was given its two several readings and passed to be engrossed, in concurrence.

The Majority of the Committee on Military Affairs on "Memorial to Memorialize Congress Upon Universal Military Training," (H. P. 1291) (L. D. 937) reported that the same be adopted.

(Signed)

Senators:

BATCHELDER of York
SAVAGE of Somerset

Representatives:

JENNINGS of Strong
MORNEAULT of Fort
Kent
JORDAN of South Port-
land
POULIN of Rumford
SOUTHARD of Bangor

The Minority of the same Committee on the same subject matter,

reported that the same be not adopted.

(signed)

Senator:

CURRIER of Androscoggin

Representatives:

WALSH of Lebanon

DOW of Eliot

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

In the Senate, on motion by Mr. Batchelder of York, the reports and accompanying papers were laid upon the table pending adoption of either report.

Senate Committee Reports

Mr. Denny from the Committee on Commerce submitted its Final Report.

Which report was read and accepted.

Sent down for concurrence.

Mr. Savage from the Committee on Appropriations and Financial Affairs on "Resolve Providing for Certain Construction at the Augusta State Hospital," (S. P. 291) (L. D. 720) reported the same in a new draft (S. P. 447) under same title, and that it ought to pass.

Which report was read and adopted, and the bill in new draft laid upon the table for printing under the joint rules.

Mr. Cleaves from the same Committee on "Resolve Providing for Certain Construction at the Bangor State Hospital," (S. P. 292) (L. D. 719) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted and the resolve was given its first reading. Committee Amendment A was read:

"Committee Amendment A to S. P. 292, L. D. 719, Resolve Providing for Certain Construction at the Bangor State Hospital. Amend said resolve by adding at the end of the last paragraph, before the period thereof, the following: 'and upon such conditions and restrictions as the Governor and Council may from time to time prescribe'".

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

Passed to Be Engrossed

Bill "An Act Relating to Appointment of Police Commission for City of Lewiston." (S. P. 141) (L. D. 346)

Bill "An Act Relating to Public Health." (S. P. 212) (L. D. 471)

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

Sent down for concurrence.

Passed to Be Enacted

An Act to Provide for Scientific Investigation with Blueberries (S. P. No. 72) (L. D. No. 68)

An Act relating to Salaries of Court Stenographers (S. P. No. 105) (L. D. No. 177)

An Act Clarifying the Law relating to Official Fees of Registers of Probate (S. P. No. 160) (L. D. No. 363)

An Act to Simplify the Financial Structure of the State (S. P. No. 192) (L. D. No. 489)

An Act relating to Contagious Diseases (S. P. No. 210) (L. D. No. 474)

An Act relating to Fees for Registers of Probate (S. P. No. 268) (L. D. No. 619)

An Act Creating the Greater Portland Public Development Commission (S. P. No. 323) (L. D. No. 828)

An Act Concerning Agricultural Cooperative Associations (S. P. No. 343) (L. D. No. 897)

An Act Governing the Production of Milk and Cream (S. P. No. 393) (L. D. No. 1016)

An Act relating to Licensing Hospitals and Related Institutions in the State of Maine (S. P. 405) (L. D. No. 1063)

An Act relating to Pari Mutuel Pools (S. P. No. 416) (L. D. No. 1111)

An Act relating to Clerk Hire in the County Offices in Knox County (S. P. No. 418) (L. D. No. 1101)

An Act relating to Complaint in Cases of Neglect of Children (S. P. No. 421) (L. D. No. 1105)

An Act relating to Snow Removal (H. P. No. 247) (L. D. No. 157)

An Act relating to Teachers' Retirement System (H. P. No. 423) (L. D. No. 165)

An Act relating to Presumption of Death (S. P. No. 425) (L. D. No. 1127)

An Act to Aid Towns in Controlling Forest Fires (S. P. No. 427) (L. D. No. 1128)

An Act relating to Examination and Registration of Osteopathic Physicians (S. P. No. 423) (L. D. No. 1129)

An Act relating to Small Claims (H. P. No. 241) (L. D. No. 92)

An Act relating to Maintenance of State Highways and State Aid Roads (H. P. No. 248) (L. D. No. 98)

An Act to Establish the Western Oxford Municipal Court (H. P. No. 515) (L. D. No. 204)

An Act relating to the Recorder of the Bath Municipal Court (H. P. No. 642) (L. D. No. 295)

An Act Regulating the Use of Certain Kinds of Firearms (H. P. No. 678) (L. D. No. 305)

An Act Amending the Charter of the city of Biddeford (H. P. No. 733) (L. D. No. 402)

An Act relating to the Practice of Dentistry (H. P. No. 734) (L. D. No. 392)

An Act to Confer Concurrent Jurisdiction on the Probate Court and Superior Court in Matters Concerning Custody and Support of Minor Children (H. P. No. 818) (L. D. No. 506)

An Act relating to State Bureau of Identification (H. P. No. 946) (L. D. No. 526)

An Act relating to Fees of Sheriffs and Expenses in Keeping Prisoners (H. P. No. 994) (L. D. No. 594)

An Act relating to Dangerous Occupations for Minors (H. P. No. 1079) (L. D. No. 690)

An Act relating to Payment of Salaries and Wages of State Officers and Employees (H. P. No. 1188) (L. D. No. 749)

An Act Amending the Unemployment Compensation Law as to Benefits (H. P. No. 1231) (L. D. No. 857)

An Act Amending the Unemployment Compensation Law as to Payment of Benefits (H. P. No. 1247) (L. D. No. 872)

An Act relating to Registration of Voters (H. P. No. 1258) (L. D. No. 882)

An Act relating to Tax on Street Railroad Corporations and Street Railways (H. P. No. 1867) (L. D. No. 1027)

An Act relating to the Salary of the Register of Probate of Kennebec County and Clerk Hire in Such Office (H. P. No. 1374) (L. D. No. 1037)

An Act relating to Supplementary Assessments of State, County and Forestry District Taxes (H. P. No. 1376) (L. D. No. 1028)

An Act relating to Inheritance Taxes (H. P. No. 1385) (L. D. No. 1046)

An Act relating to the Salary of Judge of Probate of Hancock County (H. P. No. 1401) (L. D. No. 1072)

An Act to Increase the Salary of the County Treasurer of Cumberland County (H. P. No. 1402) (L. D. No. 1073)

An Act relating to Fees of Officer for Service for Delinquent Taxes (H. P. No. 1421) (L. D. No. 1093)

An Act relating to Salary of Register of Probate in Sagadahoc County (H. P. No. 1431) (L. D. No. 1114)

An Act relating to the Salary of the Judge of the Bath Municipal Court (H. P. No. 1432) (L. D. 1115)

An Act relating to Salary of the Judge and the Recorder of the Waldo County Municipal Court (H. P. No. 1433) (L. D. No. 1116)

An Act relating to Clerk Hire in County Offices in Sagadahoc County (H. P. No. 1435) (L. D. No. 1117)

An Act relating to State Employees' Retirement System (H. P. No. 1438) (L. D. No. 1119)

An Act relating to Fishing in Certain Rivers, Lakes and Ponds in Oxford County (H. P. No. 1440) (L. D. No. 1130)

An Act to Amend the Employees' Contributory Retirement System (H. P. No. 1441) (L. D. No. 1131)

An Act relating to Reporting by Drivers Involved in Accidents (H. P. No. 1444) (L. D. No. 1133)

An Act to Provide a Town Council and Manager Form of Government for the town of Limestone in the county of Aroostook (H. P. No. 1445) (L. D. No. 1134)

An Act relating to Public Safety Commission for Rumford Falls Village Corporation (H. P. No. 1446) (L. D. No. 1135)

An Act relating to the Salary of the Recorder of the Bath Municipal Court (H. P. No. 1447) (L. D. No. 1136)

An Act relating to the Forwarding of Contributions in the Maine Teachers' Retirement System (H. P. No. 1449) (L. D. No. 1138)

An Act relating to Open Season for Hunting (H. P. No. 1451) (L. D. No. 1139)

An Act relating to Vital Statistics (H. P. No. 1454) (L. D. No. 1140)

An Act to Incorporate the "Guardian Loan Co." (H. P. No. 1456) (L. D. No. 1156)

An Act Designating Certain Academies as High Schools and relating to Membership in the Maine

Teachers' Retirement System (H. P. No. 1458) (L. D. No. 1158)

An Act relating to the Salary of Various Officers of Waldo County (H. P. No. 1459) (L. D. 1159)

An Act relating to Automobile Travel by State Employees (H. P. N. 1461) (L. D. No. 1161)

Resolve relating to Retirement Pension for Percy E. Averill of Thomaston (S. P. 207) (L. D. No. 477)

Resolve, Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Aroostook County to George Emile Daigle and Adrian Daigle (H. P. No. 348) (L. D. No. 155)

Resolve in favor of Cornelius E. Conley of Lewiston (H. P. No. 1054) (L. D. No. 659)

Resolve in favor of the town of Smyrna (H. P. No. 1228) (L. D. No. 852)

Resolve in favor of town of Greenville to Correct Height of Overpass of the Canadian Pacific Railroad at Greenville Junction (H. P. No. 1312) (L. D. No. 861)

Resolve in favor of Catherine A. Nason, of Round Pond (H. P. No. 194) (L. D. No. 1142)

Resolve to Reimburse Wallgrass Plantation for Support of the Family of Edward Berube (H. P. No. 498) (L. D. 1143)

Resolve to Appoint a State Board for Approval of Institutions Offering Specialized Training (H. P. No. 941) (L. D. No. 543)

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

Resolve, Providing for the Payment of Certain Damages Caused by Protected Wild Animals (H. P. 1427) (L. D. 1107)

An Act Relating to Licensing Hospitals and Related Institutions in the state om Maine (S. P. 405) (L. D. 1063)

Miss CLOUGH of Penobscot: Mr. President, I would like to ask the Senate for reconsideration of this measure to permit me to introduce an amendment. I'd like to tell you about this amendment ahead of time. The first point concerns the license fees which will be charged. In order to make them as nearly self-supporting as possible, a flat fee of \$15 per hospital was worked out. This, as I understand it, would bring the amount to make it self-supporting within \$1000, and we felt the State would be willing to bear the rest, through the benefit which would accrue.

The second point of the amendment concerns the transfer of duties which, under the revision of the statutes were, I believe, put under Institution Service where they do not properly belong, and they are now reallocated to the Department of Health and Welfare, where they do properly belong.

Thereupon, on motion by Miss Clough, the rules were suspended and the Senate reconsidered its former action whereby the bill was passed to be engrossed.

Miss Clough presented Senate Amendment "A" and moved its adoption:

Senate Amendment "A" to S. P. 405, L. D. 1063, Bill "An Act Relating to Licensing Hospitals and Related Institutions in the State of Maine."

Amend said Bill by striking out, in the 4th line of that part designated "Sec. 253-E," the underlined figure "\$5" and inserting in place thereof the underlined figures '\$15'.

Further amend said Bill by adding thereto a new section to be numbered 3 to read as follows:

'Sec. 3. Transfer of duties. The duties imposed upon the department of institutional service under the provisions of sections 144 to 151, inclusive, of chapter 23 of the revised statutes are hereby transferred and imposed upon the department of health and welfare.'

Further amend said Bill by adding thereto a new section to be numbered 4, to read as follows:

'R. S., c. 23, sections 144-151, re-allocated. Sections 144 to 151 inclusive, of chapter 23 of the revised statutes are hereby reallocated as sections 21-A to 21-H, inclusive, of chapter 22 of the revised statutes.'

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

Sent down for concurrence.

Emergency Measure

Bill "An Act to Correct Typographical and Clerical Errors in the Revision." (S. P. 414) (L. D. 1100)

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed was passed to be enacted.

Emergency Measure

Bill "An Act Amending the Unemployment Compensation Law as to Benefits." (H. P. 132) (L. D. 858)

Which bill being an emergency measure and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Dunbar of Washington, the Senate voted to take from the table bill, An Act Imposing a Tax of One and one-quarter Mills per Pound on Blueberries for Conducting Research and Extension Work and Otherwise Improving the Blueberry Industry of the State (H. P. 304) (L. D. 112) tabled by that Senator on April 4 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table, Joint Order relative to the Revised Statutes for new members (H. P. 1350) tabled by that Senator earlier in today's session pending passage; and on further motion by the same Senator, the Order received a passage in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, House Report (H. P. 347) (L. D. 154) from the Committee on State Lands and Forest Preservation "Ought to Pass in New Draft" (H. P. 1474) (L. D. 1178) under new title of Resolve, Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Piscataquis County to Harry Greenleaf of Norway, tabled by that Senator on April 16; pending adoption of the report in concurrence; and on further motion by the same Senator, the report was adopted in concurrence 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. Boucher of Androscoggin, the Senate voted to take from the table (H. P. 1288) (L. D. 934) House Report "Ought to Pass in New Draft" from the Com-

mittee on Judiciary on bill, An Act Relating to the Sanitary Water Board (L. D. 1132) tabled by that Senator on April 10 pending adoption of the report in concurrence; and on further motion by the same Senator, the report was adopted in concurrence, and the bill was given its first reading

Mr. Boucher of Androscoggin offered Senate Amendment A and moved its adoption:

"Senate Amendment A to L. D. 1132. Amend said bill by adding the following words to Section 7 thereof 'nor shall any license granted under the provisions of this chapter constitute a defense to any action at law for damages.'"

Which amendment was adopted and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair notes in the Senate Chamber, the presence of the Honorable Speaker of the House and requests the Sergeant-at-arms to conduct the gentleman to a place at the right of the Chair.

Thereupon, the Honorable George B. Barnes, Speaker of the House, was escorted to a seat at the right of the President.

On motion by Mr. Good of Aroostook, the Senate voted to take from the table (H. P. 346) (L. D. 153) House Report from the Committee on State Lands and Forest Preservation, "Ought to Pass in New Draft (H. P. 1423) (L. D. 1096) on Resolve Authorizing the Forest Commissioner to Advertise and Sell Certain Stumpage in the Town of Ashland, tabled by that Senator on April 16 pending adoption of House Amendment A; and on further motion by the same Senator, House Amendment "A" was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Smith of Knox, the Senate voted to take from the table, Resolve to Create a Special Joint Committee to Study the Public Reserved Lots in the State (S. P. 441) (L. D. 1164) tabled by that Senator on April 16th pending passage to be engrossed; and that Senator yielded to the Senator from Aroostook, Senator Good.

Mr. GOOD of Aroostook: Mr. President, Senator Smith tabled this measure the other day for me. I was not sure whether I would be here or not. As you probably know, this originally was my bill. It came before the committee and I spoke in favor of it but the committee saw fit to change it and I agreed with it if they thought it was the way for it to go.

I want to say a few things about it. It has been dear to my heart the last six years. Every session I have been here I have tried to get some legislation through here, whereby we could control or conserve our state owned rights as school lots. Of course, most of you are probably familiar with the set-up. It was not until I came down here and ran across some information and commenced to look around and I discovered the State used to have something I thought was of vast importance to the State of Maine.

The lots were known as school lots when Maine was a district in Massachusetts. There was set up four different lots, 320 acres of land for the minister, 320 acres for the minister's maintenance, 320 acres for the school and 320 acres known as public lot. That was in 1728. Then in 1820 Maine became an independent state and she agreed to carry out the practice or rules and regulations that Massachusetts had set up. In 1831 Maine changed the laws providing for the disposition of these lots by various reasons, to take effect when Massachusetts consented to the arrangement. They voted to change the statutes but were not going to do it until Massachusetts agreed, and so Massachusetts, feeling it was Maine's business agreed to grant them in 1831 the privilege of changing the set-up of those lots including the preacher's lot of 320 acres and the preacher's maintenance lot of 320 acres, and combining the lots and making 1000 acres, taking the whole thing and merging in one and setting it off to be known as a school lot,—this school lot containing 1000 acres. In every township six miles square, constituting a town there is 1000 acres somewhere that belongs to the State, that is ours, and for the maintenance of schools. Those lots the legislature had set aside and provided that when these lots were sold the money was to be deposited in the State Treasury, bearing interest of 6% and credited to

the school account. So when that town became incorporated as a town the stuff sold from the lot was to be credited to the town for the maintenance of schools.

Now, in 1850 the legislature passed a law—even as we do here and I think we did this afternoon, that in years to come we will be sorry was passed—nevertheless they passed this law in 1850, which authorized the Land agent to sell the timber and grass on the reserved lands and gave the purchasers the right to cut and take away the timber until the township was organized as a plantation or incorporated as a town.

Ever since 1850 the land that is supposed to be ours which we have now—I might say there are 249 lots not located and 150 lots located.

Now, I might say right here when locating these lots in a township square, if the lot is located it might be up in the corner or it might be 1000 feet off in a corner, and it might be 1000 acres floating around in the township and never located, but the wild land owners have a perfect right to take and carry away all the gross and timber there is on the land for paying the taxes on it.

I contend the thing is all wrong and I said in committee that we had lost nearly \$200,000,000. That is a lot of money, and I think I am conservative. You may think it sounds funny, but nevertheless I received a letter the other day from a man in Montreal in the province of Quebec and he writes this letter to me. I never knew the man and never saw him. Here is what he says in his letter:

“Hon. Lee C. Good
Monticello, Maine

Dear Mr. Good:

“Thought I would write you a few lines to congratulate you for the stand you are taking with reference to the school lots which are supposed to be reserved in each unorganized township in the state as I noted by an article in the Lewiston Sun of March 21, 1945, and I hope you will be successful in obtaining approval of your bill to have these school lots properly surveyed and boundaries well defined and suitably marked to prevent further trespass by owners of the townships. Your move is certainly one in the right direction, and one that should have been taken years ago.

"I am speaking not only from my experience during a number of years as a surveyor and cruiser of timberlands, but also as a former owner of considerable areas of land in Maine, and therefore know where-of I speak.

"I believe your estimate of \$200,000,000 as the amount the state has lost during the past 125 years owing to the lack of proper supervision of these lands to be very conservative and much below the actual loss. Some of these lots have produced as high as 40 cords of pulpwood per acre on the average, and when we multiply this by \$4.00 per cord stumpage, which price has been paid by some of the pulp and paper companies in Maine during the past few years, the figures are astounding. By operating the cutting himself the owner has in many cases obtained a much higher price for the wood.

"The mere fact that the land owners themselves are much opposed to any legislation in this direction speaks for itself. The small amount paid the state in taxes is practically negligible in comparison to the value of timber taken off these lands by the owner.

"While I do not have the pleasure of knowing you personally it is indeed refreshing and encouraging to know that there is one Senator in Maine who has the interest of the state at heart and the courage to make a move in the right direction.

"Wishing you the best of success, and with kindest personal regards, I am

Yours very truly,
(Signed) George W. Barnjum."

I was told the other day by a certain man in a certain section, in a certain county—that is not too definite — he said this, "We are watching you in certain places to see if you are going to back down on this." I said, "They can keep on looking. When I start anything like this I carry it through."

I am opposed to the set-up they have today. If we have 224 lots that are not located and the State is only receiving the tax from it, then I believe it is high time somebody took the thing to heart and tried to locate these lots. If we have anything, let's get it, and if not, give them away and get rid of them. In my estimation that is what will happen and it probably won't be too long, either.

We realize at the present time there is a great need for pulp and these lands are being cut everywhere and landowners are not too careful about how small they take this lumber, but in my estimation and in my judgment, the time is coming when the land won't be worth the taxes and land owners won't pay but it will revert back to us and we will have something on our hands not worth a nickel and we will have lost revenue that we should have.

Maybe you don't know about this, but every time I get a chance I talk about it for I find I always learn something. Last Sunday I was in Sanford talking with a man 81 years of age. He was a very bright fellow. He said, "I bought a carload of poles of a man up in Bingham," I think he said. He said, "He made me a price and I asked him, 'Where are you going to cut?' and he said, 'I will cut them off a state owned lot'. I asked what stumpage he would have to pay and he said, 'Nothing. I just take them'. I got the poles and they were certainly beautiful poles." This happens right straight along. I can give you other examples if I want to.

Now in Aroostook they have 124-233 public lots, in Franklin 26,155, in Hancock 14,933, in Penobscot 36,295, in Piscataquis 84,949, in Oxford 11,764, in Somerset 74,180, in Washington 28,901. That is a total of public lots of 401,410 acres which is supposed to be ours.

Now, as I understand it, they call them joint-owned or State-owned lots. The land owners claim the right to take timber and grass from those lots. It might be true under this bill that they passed in 1850. I have no doubt they may have had the right back in 1850 before spruce ever grew or before the bud was planted, and they said to themselves, "We will have it for the next 100 years, and for 95 years they have taken the timber off and have paid the taxes and that is all they have been doing. They said, "Here, if you come across any gravel or camp sites we are entitled to our rights." So if I sell a camp site for \$600 the land owner says, "I want \$300" and we pay half of it. We get half and the state gets half. I contend it is all wrong. If we own the land we have a right to it. If we have a gravel pit worth anything and gravel is taken from it, if I understand correctly, they get

half the value of the gravel and the State gets half. They admit we own the lots but they say they own the timber and grass. I don't know why they should take half of the gravel and half of the camp site which would be \$300. I cannot see into it. I think it is all wrong.

Let me read something I had put together for me. It will probably explain this a little more definitely.

It is about time that some of our legislators give a little more serious thought to our forest resources. We shall have to enact some form of legislation that will help preserve a part of what we have left of our forests if they are to be enjoyed by any future generation.

Nature, with her many forest insect pests, is making great inroads on our timber growth periodically. These cycles of death and destruction to our trees can be controlled better today with our force of entomologists than in the past if we appropriate the funds necessary for this work.

However, we have another more serious agent of destruction to contend with in recent years. The careless and thoughtless operators who take all merchantable timber for logging and pulp operations. They have no thought of leaving any seed trees for the future nor do they care much about how the shores of some of our most beautiful lakes look as long as they can build a dam and store up water for their driving operations. Many of our landowners seem to be chiefly concerned with the problem of selling off what stumpage they can as soon as possible in order to reduce their taxes. They seem to think that in order to be a business man they have got to squeeze every last dollar possible out of their timberlands today and let their successors take what is left tomorrow. In their interpretation of the Constitution of Maine they appear to be unmindful of any clause that may have been inserted to safeguard the interests of future generations.

When the wildland townships were surveyed in this state it was written into the Constitutional Amendment that there would be land reserved for all time in each such township. In each township of six miles square there would be reserved one thousand acres and in the same proportion for townships over or under this area. This acreage was to be made up of one or more lots known as reserved lots

but now more commonly known as public lots. These lots are for the benefit of the townships when they are organized as a plantation or incorporated as a town. These lots were to be representative of the growth on the whole township.

Most of these townships were either granted or sold outright to private interests while some were surveyed into lots of various sizes and the individual lots sold. There are some of the lots that never were sold and some that were sold came back to the state for unpaid taxes and have never been deeded.

In many of these townships the purchasers bought the grass and timber rights of the public lots thereon. For the grass and timber rights on these public lots the owner pays an annual tax on the valuation. The valuation of this timber is made up by the state tax assessors. Since 1821 the annual rate has been between .0015 and the present rate of .00725 mills.

In the Maine State Valuation book for 1944 it lists the total number of acres in public lots in the state at 324,655 acres with a total valuation of \$1,353,194 or approximately \$4.16 per acre. According to this same report Aroostook County has nearly one-third of the acreage of the public lots in the state. There are 100,316 acres with a valuation of \$471,776 or about \$4.50 per acre.

On some of the townships in northern and western Aroostook there has been quite a heavy cut of timber for over 20 years. According to existing law the public lots on these townships should not share in the profit derived from the sale of this stumpage which will amount to many thousands of dollars. It would be interesting to see the figures on the operations on these public lots and compare the value of the stumpage cut with what has been credited to the lots.

If you refer to pages 42 and 43 in the above mentioned valuation book you will notice the public lots in unorganized townships in Aroostook County. On these two pages are listed the townships, acreage of public lots and valuation of timber and grass.

This shows a valuation from 25c per acre on one lot to \$10.60 per acre on another lot. Now this means that on one public lot containing 875 acres the revenue is \$1.59 per year or over a period of 50 years it would be \$79.39. This

is the total amount of tax of any kind assessed against the landowners on this public lot. If you refer to page 286 in this book you can see what the tax rate has been for the past 124 years on all public lot rights.

In our state library you will find our transaction with the state of Massachusetts in the purchase of all their interest in Wild Lands in Maine. It is in House Documents No. 14 of the Public Documents of 1854. At this time the State of Maine purchased 1,198,330 acres of timberland at 31 1/3c per acre. Today some of this same land is worth 25c per acre. Cheap, isn't it? It would be very enlightening and well worth the time for each of us to read the History of the Wild Lands of Maine. This can be found in the State Library in the Forest Commissioner's Report for the year 1908, pages 36 to 93.

What was for the best interest of the state one hundred or more years ago doesn't bind us to continue for all time on the same basis. We must be either progressive or else become decadent in our legislation for the improvement of our forests.

When the townships in the state became organized as a plantation the fund created by the sale of grass and timber from the public lots thereon becomes a trust fund and is held in trust for the benefit of their schools. The State Treasurer holds this trust fund and annually turns over to the plantation the interest at the rate of six per cent. While it is in status of a plantation the Forest Commissioner administers the sale of grass and timber from the public lots, according to the law as set up for that purpose.

Now what we need most is legislation whereby the Forest Commissioner shall have the right to decide on the minimum diameter breast high of trees to be cut on the state's proportionate part of each township. It may be for the best interest of the state to allow a different diameter limit according to the location of the timber to be cut. The Forest Commissioner can do a lot to improve the conditions of our forests if he is backed by the proper legislation in his effort.

Now we also have some loopholes in our laws, or in the enforcement of same, on delinquent tax lots. These have sometimes been disposed of to other than the previous own-

ers at a loss to the state in taxes and interest, especially in wooded lots. Either the State Tax Assessor or the Forest Commissioner should be responsible for gathering the data and administering the disposal of same after authorization by the legislature. As it is now the legislative committee gets only a vague idea of the value of these lots due in part to the fact that they do not ask for an appraisal of same until the ground is covered with snow. They cannot ask for an appraisal of a lot until the resolve has been presented and at the most lots are covered with too much snow to know whether it has anything but trees or fields or both. These lots can now be acquired by payment of past due taxes, interest and costs to the State Assessor after the proper procedure by any legislature in session.

All unimproved land or timber lots, including any gravel pits, on these delinquent tax lots not redeemed within six years should remain forever forfeited to the state. In this way the state could again gain control of some of our forests outside of state parks.

With control of our tax delinquent lots that have timber and with more legislation and management in controlling our public lots in plantations we would soon have something saved for posterity.

Now, then, I want to say the Auditing Department gave me a list of how much we received from the state owned lands in 100 years, and we have received \$1,043,652.99 which is now in the State Treasury to take care of schools.

Now, I think we, as a group of people, are weak on some lines and that is in allowing the Forest Commissioner to be hired and paid partially from the land district and partially from the State. I think we should set aside or have what is known as a Land Agent or Forest Commissioner to look after our interests the same as we have a Commissioner of Finance or State Tax Assessor. I think he should be ours and should be paid for.

I want to show you some of the weaknesses that we have today and the thing I am disturbed about as much as anything—I wanted to introduce an amendment to this bill, but it was not germane to the bill and therefore it was impossible. We have a section in our county known as "D". A year ago there was a lumber company that wanted a

road put through from a road known as Boot-foot in the town of Bridgewater, continuing up into that locality and across the school lot or state owned lot. Remember, this was a year ago and they got the rights and put the road through 20 feet wide and completed the job and on April 5th, 1945 this legislature granted the Highway Commissioner the right to put the highway across. And it has been there a year and on April 5, 1945, the resolve was signed!

In the Year of our Lord, 1943 a bill was introduced in the legislature, and I think this is a special session but I am not sure about that. Let me read the statement of facts: "The forest commissioner has no authority to sell the stumpage on this state owned land. The trees on this lot are threatened with a disease and the stumpage should be sold at once to prevent a loss to the state." There was a delinquent tax on that 13,000 acres and the delinquent tax amounted to \$11,701.27. It was settled for \$2,364.13 and the state lost almost \$10,000. That was 13,000 acres of wild land or land diverted back to the State which was ours until the delinquent taxes were paid, and it is only right if the man had a right to the land previously and wanted to go back and pay up the taxes; and we have done it this year, given the privilege of buying the land up by paying delinquent taxes. They paid \$2,364 while the bill was \$11,701.27.

I have another one here. In the Year of Our Lord, 1942. There is no statement of facts on the back of that one. We granted the forest commissioner the right to sell a certain piece of land of 85 acres. I do not mean it was sold; I mean it was given away and deeded to this man, an 85 acre lot of state-owned land without a nickel—just because he had squatted on that piece of ground. If you want to give a couple or three acres, give it to him. But it was lying alongside seven other lots. The stumpage on six lots was sold for \$18,000 but we gave this to him.

I say we need a forest commissioner to look after the rights of the State of Maine. I am serious about this, ladies and gentlemen. It is about time we said to the Forest Commissioner, "We have got to have a man look after our rights and either you are going to do it

or we will have to look for a man who will.

In the town of Lincolnville—I do not know what direction it would be from here—a fire broke out and when the Forest Commissioner was called he allowed that tomorrow would be plenty of time to take care of it, but the fire got away and we, this year, paid a bill of \$1,-622.09 for fire damage in Lincolnville. I say it is not working right. That is my estimation. How long would you allow a man working in your employment to continue to do business like that? How long are we going to stand letting state owned land go to pieces?

The committee saw fit to bring out a bill, which may be something—bring out a bill whereby a committee can be set up and \$5000 set aside to settle the conditions of State-owned lands.

Probably this will be the last session I will be in the legislature because I am not running for another term. I may not get too far and may not live long enough to see it in the right hands, but I hope somebody who comes after me will take up the cudgel and see that these lands are set aside and that we will get what belongs to us. We are entitled to it and our children are entitled to it, and I think two hundred million dollars dropped into the school department today would be very acceptable to take care of the heavy burden we are bearing. You men realize these men have worked long and faithfully in this legislature and tried to economize in the Appropriations and Finance Committee—I am taking the supposition they have—and have been awake nights trying to figure how to balance the budget but it is not balanced yet and I am going to say if we dropped two hundred million dollars into the Treasury today it would help on our budget.

Our tax rate is soaring again and again and again, and what we have belongs to our children and belongs to us. Are we going to sit by and allow the people who own the land—we have not money enough to survey this land—allow them to take it from us? Gentlemen, it will be only a short time before there will not be any revenue from our wild lands and they won't be worth a nickel. I hope this bill will pass.

Thereupon, the bill was passed to be engrossed.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table, Bill, An Act Relating to Inheritance Taxes (H. P. 1385) (L. D. 1046) tabled by that Senator earlier in today's session pending consideration.

Mr. NOYES of Hancock: Mr. President, this bill comes to us from the House with House Amendment C. I am going to move indefinite postponement of House Amendment C and if that motion prevails, at the proper time I will offer Senate Amendment "A" and explain why.

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

House Amendment "C" was read.

Mr. NOYES: Mr. President, I move House Amendment "C" be indefinitely postponed. I have talked with the sponsor of House Amendment "C" and we have agreed to the amendment which I will present and I hope the motion prevails. I might say the purpose of the bill is to allow a child of a deceased parent an exemption of \$10,000. It would allow all of the grandchildren who are issues of a deceased child a total of \$10,000. If one had four grandchildren, each would have \$2500. As you probably know, the grandchild of a living parent is exempt \$5000. This simply amends and allows an adopted grandchild the same rights as a grandchild who is the issue of the parent.

House Amendment "C" was indefinitely postponed.

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

"Senate Amendment "A" to H. P. 1385, L. D. 1046, Bill "An Act Relating to Inheritance Taxes.

"Amend said Bill by striking out in the 15th line thereof the underlined word **'who is the issue'**

"Further amend said Bill by striking out the underlined word **'issue'** in the 23rd line thereof and inserting in place there the underlined word **'child'**"

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

Sent down for concurrence.

Mr. LEAVITT of Cumberland: Mr. President, may I inquire if Legislative Document No. 178, Bill, An Act to Regulate the Practice of Architecture and to Create a Board to Provide for the Examination and Registration of Architects, is in the possession of the Senate?

The PRESIDENT: The Chair will reply it is in the possession of the Senate, having been passed to be engrossed yesterday, as amended by Senate Amendment "B" with House Amendment "A" thereto.

Mr. LEAVITT: Mr. President, I move we reconsider our action of yesterday. This House Amendment "A" apparently was hastily drawn and I had assumed from the conversation I had with the author that he had cleared with the Revisor of Statutes on the amendment. I thought the reason I could not make much sense of it was the fact I am not a lawyer. However, upon studying the thing over, I found the Revisor had not seen it and it was not only unintelligible but not even a lawyer could make out what it meant. I ask that we reconsider our action of yesterday and I will submit an amendment which I believe is now plain English. I will read this to the Senate: "Amend said Senate Amendment "B" by adding at the end of section 2 thereof the following: 'members of organized groups of architects shall not be elected to the board in greater proportion than the number of their members is to the number of architects in the State.' In other words, what they are trying to protect is this: There is an organization of architects in the State which some people think will try to dominate this board. Therefore, they do not want to have them elect more men to that Board than they represent to the proportion of architects in the State. I therefore, ask that we reconsider our action of yesterday.

Thereupon, the Senate voted to reconsider its previous action whereby the bill was passed to be engrossed as amended by Senate Amendment "B" with House Amendment "A" thereto; and voted to reconsider its action whereby it adopted Senate Amendment "B" with House Amendment "A" thereto.

House Amendment "A" was indefinitely postponed in non-concurrence.

Mr. Leavitt presented Senate Amendment "A" to Senate Amendment "B" and moved its adoption:

Senate Amendment "A" to Senate Amendment "B" to S. P. 103, L. D. 178, Bill "An Act to Regulate the Practice of Architecture and to Create a Board to Provide for the Examination and Registration of Architects." (Senate Amendment "B" being L. D. 1112)

"Amend said Senate Amendment "B" by adding at the end of section 2 thereof the following:

'Members of organized groups of architects shall not be elected to the board in greater proportion than the number of their members is to the number of architects in the state.'"

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

Sent down for concurrence.

On motion by Mr. Sterling of Somerset, the Senate voted to take from the table, Bill, An Act Relating to the Prevention of Forest Fires (H. P. 1006) (L. D. 552) tabled by that Senator on April 16th pending adoption of Senate Amendment "B"; and on further motion by the same Senator, Senate Amendment "B" 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 take from the table, Senate Report, 'Ought Not to Pass' from the Committee on Salaries and Fees on Bill, An Act Relating to the Salary of the Governor (S. P. 164) (L. D. 367) tabled by that Senator on March 29th pending acceptance of the report.

Mr. BISHOP: Mr. President, I now move we substitute the original bill for the report of the committee, and in support of that motion I wish to state that I have not troubled to make a canvass of the members of this Senate to see whether or not you would support my motion. With this motion coming so close on the heels of our favorable action on increased salaries for nearly every other State department head, it did not seem necessary. I hope your generosity has not changed since our morning's session.

I offered to compromise with the Committee on Salaries and Fees. If they would hold in check the salaries of other department heads I would withdraw the bill. Instead, they reported "Ought to Pass" on all the other increases; but unfavorably on this measure.

In justice and fairness to all concerned, let us try to be consistent.

The Governor is the head of our state. He is the head of a forty million dollar business. I maintain, and honestly believe, that the salary of the Governor should be at least as great as any other state official.

Even before we accept the favorable reports from the Salaries and Fees Committee to increase other department heads, we had 45 public servants drawing more than the Governor.

We all know that it costs a great deal of money to campaign for and become nominated or elected to the office of Governor. True, it is a great honor, but under the present set-up with the low salary that exists, anyone other than a millionaire is barred from becoming Governor unless he is so involved by commitments and promises before he becomes Governor, that he can not do his job properly. It seems only fair that the salary of Governor should be greater than it is at the present time. At least, it should be as great as any other public official, as great as the salary of any of his subordinates. I hope my motion will prevail.

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 to substitute did not prevail.

Mr. BISHOP: Mr. President, may I ask if it is too late to withdraw the bill now?

The PRESIDENT: The Chair will state it is too late to withdraw this one.

Thereupon, on motion by Mr. Bishop of Sagadahoc, the "Ought Not to Pass" report of the committee was adopted.

Sent down for concurrence.

On motion by Mr. Good of Arroostook, the Senate voted to take from the table, Bill, An Act Relating to Expense Accounts of Deputy Fire Wardens and Reports of Chief

Fire Wardens (S. P. 161) (L. D. 364) tabled by that Senator on April 12th pending enactment.

Mr. GOOD of Aroostook: Mr President, I am going to move this bill be indefinitely postponed for one reason and one reason only, and that is it takes the approval out of the hands of the Governor and Council. That is what we have a Governor and Council for, to keep check on different departments and I am not in favor of the Forestry Department having

full control. I believe the Governor and Council should have a check. Therefore, I move the indefinite postponement of this bill.

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

Sent down for concurrence.

On motion by Mr. Savage of Somerset

Adjourned until tomorrow morning at ten o'clock.