

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Thursday, April 19, 1945.

The Senate was called to order by the President.

Prayer by the Rev. Wesley U. Riedel of Augusta.

Journal of yesterday read and approved.

From the House:

"Resolve Authorizing Commissioner of Agriculture to Employ Poultry Expert." (H. P. 1047) (L. D. 655)

(In the Senate on April 12th, finally passed and signed by the President.)

Comes from the House, having been recalled from the Governor by Joint Order, Final Passage reconsidered, and the bill indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Clements of Waldo, the Senate voted to recede from its former action and concur with the House in the indefinite postponement of the resolve.

From the House:

Bill "An Act to Incorporate the Portland Wharf District." (H. P. 1328) (L. D. 972)

(In the Senate on April 4th, passed to be engrossed in concurrence.)

Comes from the House, passage to be enacted reconsidered, and the bill indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Batchelder of York, the Senate voted to recede from its former action and concur with the House in the indefinite postponement of the bill.

From the House:

Bill "An Act to Permit Establishment of Area Schools." (H. P. 938) (L. D. 541)

(In the Senate on April 17th, passed to be engrossed in non-concurrence.)

Comes from the House, that body having adhered to its former action whereby the report was indefinitely postponed.

In the Senate:

Mr. HOWES of Penobscot: Mr. President, I move we recede and concur with the House in the indefinite postponement of this bill.

Mr. OWEN of Kennebec: I move, Mr. President, that the Senate adhere.

The PRESIDENT: The Chair will state that the question before the Senate is on the motion of the Senator from Penobscot, Senator Howes, that the Senate recede from its former action whereby this bill was passed to be engrossed and concur with the House in the indefinite postponement of the bill.

Thereupon, on motion by Mr. Morrill of Cumberland the bill was laid upon the table pending the motion to recede and concur.

From the House:

"Remonstrance of Alma D. Abbott and 116 others of Summer against L. D. 541, Bill 'An Act to Permit Establishment of Area Secondary Schools'." (H. P. 1482)

Which was read and placed on file in concurrence.

From the House:

Bill "An Act Relating to Salaries and Expenses of Members of the State Liquor Commission." (H. P. 1467) (L. D. 1170)

(In the Senate on April 17th passed to be engrossed as amended by House Amendment "A" in non-concurrence.)

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

Messrs: WESTON of Farmingdale
ROLLINS of Greenville
CARPENTER of Augusta

In the Senate:

Mr. HALL of Franklin: Mr. President, I move that the Senate insist and join in the Committee of Conference with the House.

The motion to insist and join prevailed and the Chair appointed as members of such Committee on the part of the Senate, Senators Hall of Franklin, Cleaves of Cumberland, Smith of Knox.

From the House:

Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer." (H. P. 1338) (L. D. 989)

(In the Senate on April 17th passed to be engrossed in non-concurrence.)

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

Messrs: DORSEY of Fort Fairfield
BREWSTER of Presque Isle
WRIGHT of Limestone

In the Senate:

On motion by Mr. Bishop of Sagadahoc, the Senate voted to insist and join with the House in a Committee of Conference, and the President appointed as members of such committee on the part of the Senate, Senators Bishop of Sagadahoc, Denny of Lincoln and Good of Aroostook.

From the House:

Bill "An Act to Create the Town Road Improvement Fund." (S. P. 352) (L. D. 891)

(In the Senate, on April 11th, bill substituted for the report and passed to be engrossed.)

Comes from the House, bill substituted for the report, and the bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.)

In the Senate, on motion by Mr. Cross of Kennebec, the Senate voted to insist and ask for a committee of conference.

House Committee Reports

The Committee on Legal Affairs on Bill "An Act Relating to the Enforcement and Collection of Dog Licenses," (H. P. 1290) (L. D. 936) reported the same in a new draft (H. P. 1478) (L. D. 1184) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Amending the Charter of the Town of Norridgewock School District," (H. P. 1469) (L. D. 1162) reported the same in a new draft (H. P. 1481) (L. D. 1185) under the same title, and that it ought to pass.

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

The Committee on Education to which was recommitted the following resolves:

"Resolve in Favor of Bridgton Academy," (S. P. 309) (L. D. 856)

"Resolve in Favor of Corinna Union Academy." (H. P. 418)

"Resolve in Favor of Limington Academy." (H. P. 504)

"Resolve in Favor of Parsonsfield Seminary." (H. P. 505)

"Resolve in Favor of Litchfield Academy." (H. P. 632)

"Resolve in Favor of Monmouth Academy." (H. P. 633)

"Resolve in Favor of Greely Institute." (H. P. 726)

"Resolve in Favor of Patten Academy." (H. P. 806)

"Resolve in Favor of Coburn Classical Institute." (H. P. 807)

"Resolve in Favor of Leavitt Institute." (H. P. 1064)

"Resolve in Favor of East Corinth Academy." (H. P. 1124)

"Resolve in Favor of Lincoln Academy." (H. P. 1178)

Reported the same in a Consolidated Resolve (H. P. 1479) (L. D. 1186) under a new title "Resolve in Favor of Several Academies, Institutes and Seminaries," and that it Ought to Pass.

Which report was read and adopted in concurrence and the New Draft read once, under suspension of the rules read a second time and passed to be engrossed in concurrence.

Senate Committee Reports

Mr. McKusick from the Committee on Mines and Mining submitted its Final Report.

Mr. Good from the Committee on State Sanatoriums submitted its Final Report.

Mr. Washburn from the Committee on Sea and Shore Fisheries submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians," (S. P. 135) (L. D. 340) reported that they are unable to agree.

Which report was read and accepted.

Sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill

"An Act Relating to Licensing Automobile Dealers," (H. P. 1322) (L. D. 965) reported that they are unable to agree.

Which report was read and accepted.

Sent down for concurrence.

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

The same Senator from the Committee on Public Utilities submitted its Final Report.

The same Senator from the Committee on Legal Affairs submitted its Final Report.

Mr. Cross from the Committee on Motor Vehicles submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Salary of the Sheriff of Piscataquis County," (H. P. 738) (L. D. 406) reported that they are unable to agree.

Which report was read and accepted.

Sent down for concurrence.

Passed to be Engrossed

"Resolve Providing for Certain Construction at the Bangor State Hospital." (S. P. 292) (L. D. 719)

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

Sent down for concurrence.

Passed to be Enacted

Bill "An Act Relating to School Superintendents." (S. P. 431) (L. D. 1151)

(On motion by Mr. Bishop of Sagadahoc tabled pending passage to be enacted.)

Bill "An Act Relating to Powers of Attorney and Other Instruments by Persons in the Armed Forces." (S. P. 432) (L. D. 1148)

Bill "An Act Relating to Public Administrators." (S. P. 433) (L. D. 1150)

Bill "An Act to Incorporate the 'General Mortgage Company.'" (S. P. 434) (L. D. 1152)

Finally Passed

"Resolve, for the Purchase of One Hundred Copies of 'The Length

and Breadth of Maine.'" (S. P. 93) (L. D. 135)

"Resolve, Providing for Purchase of Land for the Pownal State School." (S. P. 436) (L. D. 1153)

Passed to be Enacted

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

Bill "An Act Amending the Unemployment Compensation Act as to Employer's Experience Classifications." (H. P. 1077) (L. D. 926)

Bill "An Act Amending the Unemployment Compensation Law as to Unemployment Compensation Fund." (H. P. 1253) (L. D. 878)

Bill "An Act Relating to Bounty on Porcupines." (H. P. 1342) (L. D. 993)

On motion by Mr. Sterling of Somerset the Senate voted, under suspension of the rules, to reconsider its former action whereby the bill was passed to be engrossed.

The same Senator thereupon presented Senate Amendment A to Senate Amendment A and moved its adoption:

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

Amend said Amendment by striking out the 2nd and 3rd paragraphs thereof and inserting in place thereof the following:

"R. S., c. 27, § 2-A, additional. Chapter 27 of the revised statutes is hereby amended by adding thereto a new section to be numbered 2-A, to read as follows:"

Further amend said Bill by striking out at the beginning of the 2nd paragraph of said Bill the following: "Sec. 78." and inserting in place thereof the following: "Sec. 2-A."

Mr. BROWN of Aroostook: Mr. President, in view of the great number of amendments to this bill I am going to move the indefinite postponement of the bill. I am doing so for two reasons. First, because it is a very serious strain on a budget already greatly expanded, and secondly because all of our territorial surroundings, New Brunswick, Quebec and New Hampshire, are breeding grounds for porcupines which will be continually coming over into Maine territory. Not only that, but we will be paying bounty on a great many porcupines that will be killed in the

woods adjacent to the state of Maine. People will not only kill porcupines in the woods of Aroostook and Washington counties but they will stray over into Canada and kill them and bring them into Maine for the bounty. In fact, I think it will become a racket, and I therefore move the indefinite postponement of the bill.

The PRESIDENT: The Chair will state that the question before the Senate at the present time is on the motion of the Senator from Somerset, Senator Sterling, that Senate Amendment A as amended by Senate Amendment A thereto be adopted. A motion to amend takes precedence over a motion to indefinitely postpone.

The motion to adopt prevailed.

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

Mr. MCKUSICK of Piscataquis: Mr. President, we have been trying to give protection to the resources of Aroostook County by buying potatoes and so on, but it has been brought out that porcupines do not eat potatoes and I feel that we should give some recognition to the other industries of the state. Even though there are porcupines in New Brunswick and other adjacent territories we still need to protect our crops against the porcupines in Maine. Therefore, I hope that the motion of the Senator from Aroostook, Senator Brown, does not prevail.

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

A viva voce vote being doubted by the Chair

A division of the Senate was had. Nineteen having voted in the affirmative and ten opposed, the motion to indefinitely postpone prevailed.

Passed to be Enacted

Bill "An Act to Grant a New Charter to the City of Rockland." (H. P. 1425) (L. D. 1113)

Bill "An Act Authorizing Towns to Cooperate with Highway Commission in Maintaining Town Roads and with Federal Government and Commission in Building Secondary Roads." (H. P. 1437) (L. D. 1118)

Bill "An Act Relating to Salary of Justices of the Supreme Judicial and the Superior Courts." (S. P. 1466) L. D. 1167)

Mr. BISHOP of Sagadahoc: Mr. President, for the purpose of offering an amendment and to help clear up a great deal of confusion, I move that the Senate reconsider its former action whereby this bill was passed to be engrossed.

The PRESIDENT: The Chair will state the motion to reconsider is not in order; reconsideration having been previously moved it cannot be moved again.

Mr. BISHOP: Mr. President, I move the indefinite postponement of this bill, and in defense of my motion I wish to make a few remarks.

I know that it is a bold thing to do to attempt to change this bill or to discuss the merits of it, perhaps, but I was anxious to present an amendment, hoping it would clarify the situation and give to the Senate an opportunity of accepting or rejecting it on its merits.

The present salaries of the members of the Bench start at \$7500 and we are proposing to raise that to \$9500. The next group have a salary of \$8,000 and it is proposed to raise their salary to \$10,000, with the Chief Justice to get \$11,000. The present statute provides that justices retiring at three-quarters of their salary must serve one seven-year term and be seventy years of age.

At the present time it is very difficult to get anyone to accept the appointment before reaching the age of sixty, or usually sixty-three, so that he can serve the seven years, attain the age of seventy and then retire at from \$5700 to \$6000 a year!! It seems to me that this is out of line with other pensions.

Teachers, for example, who serve thirty years—the same teachers who taught most of the attorneys and the justices their A-B-C's and the first twelve years of their education on salaries ranging away below \$1,000 a year, after thirty years of diligent and faithful service, retire on \$375 a year! Now, this is such a rank injustice that the pensions have no equity whatsoever.

I realize the difference in their positions, and I realize the importance of the position of our justices, and I am not opposed to any adequate salary. I don't care if it is ten thousand or twelve thousand or even twenty-five thousand dol-

lars. If that is what it takes to get the type of men needed, I wouldn't object to it. Perhaps, if the salaries could be readjusted we would get younger, more active and perhaps more capable men on the Bench.

My amendment proposed to freeze the salaries of the present justices, whose who are now serving, at their present salaries and at their present pension rate because they, being the deliberate type of men that they are with their eyes on this thing from the time they start in the legal profession, have accepted the present salaries and pensions for years and years, knowing just what they were. And it does not seem fair to raise those salaries two thousand dollars because that is not going to increase the efficiency or the ability of the present justices one iota. If they are doing their job they are giving all they have now. If they are not doing their job they are not worthy of the increase in salary.

The amendment went on from there to set up a new salary structure so that any new justice who would be appointed from now on would get an increase in salary without the pension. Now, at around forty to forty-five years of age it is possible for a person to buy a six thousand dollar annuity, to mature at age seventy, for around six hundred dollars a year. With a two thousand dollar increase in salary they could buy that annuity and provide for their own future and still have fourteen hundred dollars left.

At around fifty years of age that cost increases some, and so on up to the age of seventy, but in any case they would still be ahead of the game and supporting themselves. Eventually, after the present justices retire or are called away, the pension would eliminate itself and then they would be purely on a salary basis. I feel that is the only sound, fair and just way to handle this thing, and, inasmuch as I was not permitted to present the amendment, I do hope the bill will be indefinitely postponed so that perhaps in two years from now or at some special session it can be given more study or analysis and the structure rearranged. Perhaps ten thousand isn't enough. Let us make it whatever it should be. Let us attempt somehow to get away from the unfair, unjust six thou-

sand dollar pension. So I move the indefinite postponement of this measure and I plead with you once more to lend me your support.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, I am just an ordinary layman. What I know about law could be put in a tall hat and never be noticed and as an ordinary layman I believe that any of us, should we get into a legal entanglement, which might happen any time, want to have the assurance and security of knowing that we are going to be treated fairly by the best brains that the state of Maine can produce.

Now, I know a little something about appointments on the Bench and I know that the man who should go to the Bench must be a man of experience and a man who has covered many fields of law, and a man who has reached the point where his personal income is a great deal more than the salary of the Bench. Hence, if we are going to have good men on the Bench we must pay them a salary that is in line with their ability. I hope that the motion of the Senator from Sagadahoc, Senator Bishop, does not prevail.

Mr. BISHOP: Mr. President, the argument of the Senator from Cumberland, Senator Cleaves, says, in effect, that the present justices are not fair and are not competent to render fair decisions because they were appointed at the present salary.

They accepted it, they aimed for it, they wanted it and they are serving and doing a marvelous job.

Now, to say that they are not giving us justice, which the remarks of the Senator from Cumberland insinuate, is very, very unfair, and the mere fact that we are laymen should not prevent our right to discuss and act upon this. We are the representatives, we are the people the voters sent here, and if they didn't want laymen they should have sent some other type of people. So the only thing left is that we must analyze this on its merits. If we are laymen we must do the best we can.

Mr. DOW of Oxford: Mr. President and members of the Senate, so that you may have a fair picture of the measure we are voting on I want to add one or two things that have not been mentioned. One is, I think we all realize that a person who goes on the Bench, the Su-

preme Judicial or the Superior, in most cases has arrived at that peak in his profession where the income he is receiving from his private practice is so much more than the salary he gets on the Bench that he makes a personal sacrifice, and two of the reasons why he is willing to do so are the honor that goes with it and the pension at the end, which is a deferred compensation for what he has lost financially by going on the Bench. I don't believe there is a lawyer in Maine who doesn't hope that at some time he will be on the Bench in one of those courts. The pension they get afterwards is not paid them for nothing. In most cases it is the deferred compensation for what they lose for taking the position of judge.

I also would like to make it clear that we have three branches of government, the legislative, the judicial and the executive, and that this branch we are discussing stands on its own feet and has its own dignity and its own appointments.

As far as the amendment offered by the Senator from Sagadahoc, Senator Bishop, is concerned, it is possible that had we the time to go into it in good shape something might be worked out, but I hope the members of the Senate will not lose sight of the fact that we are talking about an amendment which is not before us. I think that is all I have to say. I hope the motion to indefinitely postpone does not prevail.

Mr. BISHOP: Mr. President, I tried to make it clear that the amendment was not being discussed, but I would like to point out that once the salary is increased it is impossible to decrease it except by Constitutional amendment. So it seems to me before we make any changes, if we are not clear in our minds what they ought to be, we should leave it until such time as we are ready to make those changes. I still say that if it is deferred salaries they are losing and then getting it in a pension then let us make the salary for the job sufficient to take care of it. I don't object if it goes to twenty thousand, or whatever it ought to be, let us make it that but let us first face the facts, whatever they are, and not beat around the bush. That is a cowardly way of facing it.

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

Senator Bishop, that the bill be indefinitely postponed.

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

A division of the Senate was had.

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

Bill "An Act Relating to Pollution in Cobbosseecontee and Annabessacook Lakes." (H. P. 1471) (L. D. 1173)

Finally Passed

"Resolve, Authorizing Purchase of Jefferson Camps." (H. P. 1424) (L. D. 1097)

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

"Resolve, in Relation to Status of Certain Persons in re Teachers' Retirement Association." (H. P. 1472) (L. D. 1175)

"Resolve, Relating to Appointment of Special Committee to Study Proposals to Establish Technical and Vocational Institutes." (H. P. 1473) (L. D. 1176)

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter, House Report from the Committee on Salaries and Fees, "Leave to Withdraw" on bill, An Act Adjusting the Salaries of the Employees in the Classified Service of the State (H. P. 1365) (L. D. 1018), tabled on April 6th by the Senator from Kennebec, Senator Cross, pending consideration of the report.

Mr. CROSS of Kennebec: Mr. President, I wish to move that the bill be substituted for the report. Mr. President and members of the Senate, I would like to make my position clear, if possible, on this bill. I do not think it answers all the questions that the employees of this state house and other institutions of the state would like. I have no desire to sabotage a classified service nor to upset the financial structure of the state. I do not desire to embarrass the Salaries and Fees Committee nor the Appropriations Committee but I do feel that the action of this Branch in other matters before it in the past definitely pointed the way to a salary increase of state employees.

The Salaries and Fees Committee has reported out bill after bill "Ought to Pass" and I believe that on their records there is only one they have reported out "Not to Pass," and that was the salary of the chief executive. In regard to that, I do not hold any brief for their action nor do I quarrel with their decision. Presumably they felt that the cost of living and the jobs themselves warranted increases and that they merited a substantial increase. With this thought in mind and with the supposition, on my part at least, that if we do not do something for the lower paid employees the morale of the departments will suffer, I would ask that you substitute the bill for the report and if this motion should succeed I will move to concur with the House in the adoption of House Amendment A.

I do not feel that this will upset the financial picture to any great extent, as already in the budget we have set up approximately eight hundred thousand dollars extra to take care of salary increases under the Personnel Board, and this amount would probably be deducted from that amount. I do not know how the bill will be handled if it is passed. I would leave it in the hands of the committee but I still feel that this Senate should be consistent and that if we raise the one group we should make some attempt to raise the other.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Cross, that the Senate substitute the bill for the report.

Mr. OWEN of Kennebec: Mr. President, I feel that my position makes it necessary for me to discuss this very briefly for a moment. As my colleague has said, the matter of salary increases for the state employees was provided for in the budget and it was anticipated that the appropriations bill would contain somewhere around eight hundred thousand dollars, which is what the heads of departments have requested, which would be marked for increases in wages for employees.

I appreciate the compliment paid to the members of the Appropriations Committee but even if that were so I am doubtful whether or not we would be able to segregate those exact figures for each department and increase the amount which each department has requested by

the exact amount and take care of the increases in salaries by this new method. That is one objection to this bill. The reason that increases for the salaries of the heads of departments were not included is simply that the salaries of heads of departments are covered by statute and the budget committee had no right to recommend in its report these increases in salaries of heads of departments and it had to be done by legislative enactment. Otherwise we would be in the same position in regard to these resolves, or in these acts which have been passed.

An objection has been expressed that this bill completely ignores the employees of the state who are at the present time receiving over forty dollars a week and are not heads of departments. It sort of leaves them out in the cold, but we do not consider that a part of the work of the Appropriation Committee.

Another objection, which is not the concern of the Appropriation Committee, is that the employees who have just received a merit increase within a short time would get the same increase under this bill as one who might never have received any increase, and an employee who has been working for the state for a long time would not be increased any more than one who might have been here only a few weeks. It would be pretty difficult to arrive at an equitable increase of salaries for state employees here by a bill that can be written on one page. I therefore hope that the report of the committee will be accepted.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, probably the members of the Senate are finding it difficult to understand why all three senators from Kennebec are speaking on this bill. I believe Mark Twain once said that man is the only animal that blushes, or needs to. There is so much I would like to know about the salaries in Maine that I blush in ignorance.

Yesterday a member of the legislature gave me some memoranda on salaries and I want to give you some of the information in it. I have not had an opportunity to verify it but I assume it is correct. He said that under this House Amendment, which we will consider, I assume, later, that there are eighteen hundred employees covered in the brack-

ets of less than forty dollars a week and the amount that would be required under the amendment would be \$375,000 for the next two years. I am sorry I did not ask whether he meant per year or for the biennium.

The Chairman of the Committee on Appropriations mentioned the amount that has been set up to take care of the raises under the merit system. I believe the amount was a million and six hundred twenty-five thousand dollars for the next two years.

Now does this amendment, or doesn't it, take half or nearly half of the money set up for merit raises and raise the salaries by direct legislation? If this covers only those under forty dollars a week, will there still be enough money left to cover also those above forty dollars a week who are equally entitled to some wage adjustment?

I have been interested to know what the state has done with the salary schedule during the past four or five years. Perhaps if I weren't a "freshman" here I would know the answer. This memorandum I received yesterday said that since January, 1941, the Personnel Board's recommendations have resulted in average salary raises of approximately sixty-four percent and that the raises in salaries fixed by the legislature have been about the same.

I give this information simply because as a new man I would like to know. I believe these answers should have been available to the Senate before we received the matters we acted on yesterday. I think this should be in the mind of every senator before we pass on the measure we are now discussing.

Mr. OWEN of Kennebec: Mr. President, may I add one more word which I think out of justice to the whole picture before you should be said? In their requests to the Budget Committee the different heads of departments asked for their increases for personnel and included in that amount not only the amount of money necessary to give increases to these new employees but they also had in mind former employees now serving in the armed forces and that this would very likely bring them back to those positions which they formerly held, and it would be very difficult to segregate these two factors out of our present appropriation bill.

Mr. HALL of Franklin: Mr. President, as Chairman of the Committee on Salaries and Fees I feel that I should say a word of explanation on the action that the committee took on this bill.

In the first place, I think I am safe in saying that the Committee on Salaries and Fees has been rather in favor of raising some salaries and one reason why this bill was introduced into the legislature was because in studying our bills we failed to see where there was any bill before the legislature to take care of these employees in the lower brackets. Perhaps we didn't get far enough to find out but anyway this bill was introduced so we could give them some protection.

After it was introduced we tried to find out if there was anything being done about it so we met with the Appropriations Committee and in meeting with them we learned that the department heads had been before that committee and asked in their budgets for so much increase to be made in salaries, and it was presumed that they had asked enough to take care of the amounts they thought justified.

So now I think the question arises, which is the better qualified to adjust the salaries of the employees under the department heads, the legislature which is here around four months every two years or the department heads in charge of their employees the year around?

Mr. GOOD of Aroostook: Mr. President, I didn't enter into this discussion but there is a question in my mind which I have learned is so and I am not sure yet but I understand that every department has set up in their budget enough to take care of the increases in salaries of the employees of the state. Now, if that is true, then it doesn't seem as though we ought to raise each one another two hundred dollars because it might be unfair. Some will say it is left entirely to the Personnel Board. I think that may be true. But if the Personnel Board does not do its work properly then I think it is time to change the Personnel Board, or the personnel in the Personnel Board.

I said to an employee the other day, "What did the Personnel Board do for you after we left in the last legislature and had authorized them to increase the salaries of the employees?" And he said, "I

got seven cents a day increase." I said, "Do you mean to tell me that you got only seven cents a day?" And he said, "I got an increase of eighty-four cents every two weeks in my salary." Then one man said that the head of his department "has never gone in and asked for any raise for my group while other heads of departments have asked for raises and got them on a level scale." Now, I say the department heads haven't got to do that. That is not their business. Their business is to see that their employees suit them, and in my estimation it is the Personnel Board's business to see that they are raised and got up to the level with the others. If the Personnel Board is falling down on the job then I believe it is our duty to change the personnel in the Personnel Board and see if we can't get a group of men in that board who will take care of that.

I think there has been no need of this controversy. I don't think there has been any need of this controversy about the raises in salary, if the Personnel Board had attended to their business as they should have but it doesn't appear to me that they know exactly where the classification comes. The Personnel system may be right but I think it is mighty poor operating, if you want me to express my opinion, and I think the Salaries and Fees committee has worked hard for a long time trying to adjust this. I don't think it has been adjusted fairly so far but I don't know as they can do it, or any other group of men. I think the blame lies entirely with the Personnel Board and if they had attended to their business we would not be in this position.

If there is an amount set up to take care of the lower brackets I say that that is good and that we should let the Personnel Board take care of it and we should see that they do. If not, then I say it is unfair to raise these salaries to four thousand and five thousand and six thousand and up to ten thousand and leave out the boys and girls who are getting eight to twenty dollars a week and not give them anything.

I think it is unfair and unjust and I think we should work out something even if we have to take another week to do it.

Mr. LEAVITT of Cumberland: Mr. President, the Senator from Aroostook, Senator Good has just

pointed out that the Personnel Board perhaps did not raise salaries of state employees during the last two or three years as much as they should but we must remember that the budget in the last two sessions has not been set up with enough money to give large increases.

I understand that the budget as set up at the present time does allow for increases which will unfetter the hands of the Personnel Board so they can give the increases. The legislature sets the salaries of the executives and it is the business of the legislature to do so, and we should leave the raising of salaries of the lower brackets in the hands of these executives. I believe we should absolutely support the report of the Committee on Salaries and Fees.

Mr. GOOD: Mr. President, if my memory serves me right, in the last special session of the legislature when we were here I think there was money enough provided whereby the lower brackets under thirty dollars a week, or forty dollars a week—I won't be sure about that—could receive raises in salaries, and more than seven cents a day, if you please, every one of them, and bring them up to where they should be. I think the Personnel Board knew that politics entered into this bill and that it started somewhere in this legislature. I don't know in which end of the building it started, but let that be as it may. I think it is a shame to kick around the employees of the state over a little politics because someone thinks they might aspire to come back here. I think we should stand on our own feet and show the employees of this state that we want them to have what belongs to them, and I think the money is here for them and I think we should see that they get it.

Mr. BISHOP of Sagadahoc: Mr. President, for the most part I agree with our present governor. I do, however, feel obliged to take issue with one of his statements in his inaugural address, and I quote: "It is obvious that some salaries of department heads set by the legislature are now out of line. In considering government salaries it is always easy to obtain small raises for large numbers of people because it is good practical politics. Conversely it is difficult to get substantial raises for small numbers of people no matter how able these

people are because that is not good practical politics."

Our action thus far on the salaries of departmental heads would indicate that we are following very bad political practices. Nevertheless, I fail to see how we can justify our action up to the present time. I am therefore in favor of some consideration for the people along down the line who do the work. I hope the motion of the Senator from Kennebec, Senator Cross, does prevail.

Mr. HOPKINS: Mr. President, I would like to raise two more questions in the hope that the discussion of the more experienced members of the Senate will provide the answers.

The memoranda received yesterday stated that during the same period, that is, since January, 1941, seven hundred and ninety employees who are still in the classified service and have been during that period have received an average increase in pay of sixty-four percent. I raise the question of whether that is true, and if so, whether it is a fair adjustment, and if it is a fair adjustment then if adjustments have been made among the various individuals involved.

Mr. CROSS: Mr. President, I have been greatly interested listening to the various remarks of the members of the Senate and I would like to take exception to the remarks of the Senator from Aroostook, Senator Good, regarding politics. I have heard the talk around the corridors that this is a political measure. I have played politics in this House and Senate as I think most of us have, but if you have any capacity to believe what I tell you today, I am absolutely sincere in my stand on this bill. As far as the politics go, I don't care whether I come back here or not or whether this bill makes or breaks me. I don't want to come back on that basis. I rather resent the word "politics", if it was aimed at me.

Now, in talking politics, I do say this. I am elected to represent the people of Kennebec County in this Senate. A large majority of the people in Kennebec County, particularly in Augusta, work for the state. Those people are my constituents. I see no slightest reason why I should not work to protect their interests if at the same time I do not sabotage the interests of the state. So much for politics.

Now let us take some of the arguments pro and con. I tell you frankly I hold no brief for this bill. I do not think it is the answer. I think it is just a stop-gap. But I do think that the laborer is worthy of his hire and that the ones in the lower brackets are the ones who suffer. The department heads that we have discussed here were discussed, I believe, entirely on their merits. There was no talk in this Senate about the cost of living in regard to these department heads. You don't starve to death on four thousand dollars a year. The cost of living is a factor but not a deciding factor in the discussion of salaries in those brackets. You won't starve to death on forty dollars a week but you will find it pretty hard living at eighteen or nineteen in these times.

Now we have decided the department heads on merit. The Personnel Board sets up their classification strictly in regard to merit. We call it the Merit System, and we have these brackets, one over the other. Each worker in the state house or in other institutions of the state has that incentive to climb from bracket to bracket, and I say to you senators that most of these increases we have had quoted us today have been merit increases, just as we voted yesterday for merit increases for heads of departments. We felt they should have more because the jobs required more service. All the raises in the past three years have been entirely on that basis, the basis of merit. Today a man might receive forty dollars a week and three years ago he was receiving thirty dollars. He has climbed, step by step, through the brackets, and now in a great many instances he has reached his peak as set by the Personnel Board; there is no other bracket he can step into and therefore there is no other help for him to combat the higher cost of living except through the blanket increase by the legislature.

The Personnel Board has gone as far as it can in this matter. They can go no further under their present setup. I understand they have worked for years on some form of selectivity in the classified services, in the brackets, to give them some leeway on these salaries, but as we have the situation today the thing is not selective. The top bracket of a man or woman may be twenty or fifty dollars a week but when they

have reached the peak in their class that is as far as the Personnel Board can take them, as far as they can go.

Now, another angle. This thing is full of angles, and had ones. As I understand the Personnel Board and the classified service—and I think they are very much abused in most cases—they have set up what they think is a fair classification. Each employee must have the recommendation of the head of his department before he can receive this raise of merit. That is as it should be. No one knows better than the head of the department but we do have the unfortunate situation that some heads of departments are aggressive; they are in sympathy with their employees and they want them to have more money if they deserve it. They go to the Personnel Board and say, "This man deserves more money; we want him to have it and he must have it or we will lose him."

Some other head of a department—and I know a number of them—is not as aggressive. He feels that, "we have gotten along very well so far; let us continue that way." He may even have some personal feeling against the employee, and the Personnel Board can do nothing against the wishes of the department head. And that employee has no other alternative than to leave that department. He may have been there for years and have a pension there and he doesn't want to leave and the only hope for him is through some such bill as this.

It is not the answer. We cannot decide on a fair method in the short time we are here. We have got to have faith in the classified service and in the Personnel Board and in the department heads. But I do know that past legislatures have tried to solve this problem. Four years ago we put in a ten percent increase, as I recall, on those under \$30 a week. I know of instances where department heads were in the mood, where men or women getting \$27 a week who would have come in the \$30 bracket, were given a dollar a week to save the state money. I don't think that is fair. It was not the intention of the legislature but those people were put up a dollar or a dollar and a half a week, just enough so they could not get the 10%. Some were put up fifty cents a week.

The same thing can happen, and probably will, on this bill because there is a ceiling of \$40, so \$38 is the top salary that they can get.

I would like to see enough money appropriated for the two years so that everybody can share equally but out of deference to the committee and realizing its problems. I have gone along with the House Amendment, which does not set up a great deal of money. But purely and simply, I ask you to consider this question on whether you feel that the cost of living is a factor in the lower brackets and if you do I remind you that this amendment has a two year limit and we hope that in two years the cost of living will be down. I believe this bill has merit and I wish that the members of the Senate would disregard the plea of politics and decide this bill purely on the cost of living and on the merits of the bill.

Mr. GOOD: Mr. President, I hope I did not convey to this honorable body of men that the Senator from Kennebec, Senator Cross was entering into politics. If I did, I am sorry. I did not mean it at all. I think he was the furthest from my mind in regard to that. I think I know where this originated. It was not in this branch. I have my own feeling about it and if I did convey that impression to the members of the Senate, that the Senator from Kennebec, Senator Cross or the committee was entering any politics, I am sorry.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Cross, that the Senate substitute the bill for the "Leave to Withdraw" report of the committee.

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

A division of the Senate was had.

Seventeen having voted in the affirmative and fourteen opposed, the motion to substitute prevailed, and the bill was given its first reading.

Thereupon, on motion by Mr. Cross of Kennebec, 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.

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

To Permit Establishment of Area Schools (H. P. 938) (L. D. 541) tabled by that Senator earlier in today's session pending motion by the Senator from Penobscot, Senator Howes, that the Senate recede and concur with the House in the indefinite postponement of the bill and that Senator yielded to the Senator from Cumberland, Senator Leavitt.

Mr. LEAVITT of Cumberland: Mr. President I wish to thank the Senator from Cumberland, Senator Howes, for tabling this bill until I came in but in view of all that has passed on this bill I see nothing to do but to concur with the motion that has been made to concur with the House in the indefinite postponement of this bill. It is a good bill and I think it would have done a great deal for education in the state of Maine and I think that with these few remarks I will give it proper burial.

The motion to recede and concur prevailed.

On motion by Mr. Sterling of Somerset, the Senate voted to take from the table House Report from the Committee on Education "Ought to Pass as Amended by Committee Amendment A" on bill An Act Relating to Permanent School Fund" (H. P. 937) (L. D. 540) tabled by that Senator on April 11 pending adoption of Committee Amendment A in concurrence; and on further motion by the same Senator Committee Amendment A was read and adopted and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table bill, An Act Relating to Keeping Certain Animals Confined (H. P. 1426) (L. D. 1106) tabled by that Senator on April 18 pending adoption of House Amendment A in concurrence.

Mr. BROWN of Aroostook: Mr. President, I want to say that I am opposed to House Amendment A and without it I would be still more opposed to the bill and therefore I am opposed to the bill itself.

The amendment has to do with the keeping of farm animals and reads: "Certain animals to be confined. Penalty. Owners and keepers of sheep or cattle shall ade-

quately enclose and confine such animals so as to prevent them from running outside of such enclosure. Second, if any damage is caused by reason of such animals running at large the owner or keeper shall be punished by a fine of not more than \$25."

Now, that seems to me to be a rather peculiar and stringent regulation. I have kept cattle for a great many years. I am not a cattle dealer in the strict sense of the word because I am mainly a potato farmer, as most of us in Aroostook County are, but we are all owners of cattle and we attempt to keep them confined. But no matter how good fences we have, occasionally animals will get out of the pasture and in these times when it is hard to get labor and fencing it is rather difficult to keep your fences up all the time.

Under this measure the first part says, "shall be adequately enclosed so as to prevent them from running at large," and so forth, but I take that to mean that any animal that got outside of the fence would be running at large because if he did your fence is not adequate and therefore you would be liable under this bill. Previously, as the law has been, if any animal gets out and does any damage, if I own the animal I can be sued for the damage, whatever it may be. That is right and proper but this bill adds to that so that if any damage is caused by such action the owner can be punished by a fine of not less than \$25. In other words it isn't only a case of damages but it is also a case whereby a man shall be punished. It doesn't say, "may be", it says, "shall be", and if a man is haled into court, as he can be under this bill, the judge has no discretion in this matter except as to the fine and even if he only does impose a small fine the owner still has to pay the cost of court.

I think this is a very unreasonable and unjust bill. There may be some reason for it in peculiar circumstances but as a bill covering the whole state it is not a good bill and I therefore move the indefinite postponement of this bill.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, inasmuch as I was chairman of the committee that heard this bill and the bill was recommitted to our committee for a new draft, we spent a great deal of time on it.

The hearing was tremendously well attended and it took more than an hour to hear the evidence presented for and against this measure.

I would like at the outset to correct the Senator from Aroostook, Senator Brown. The amendment does not say, "not less than \$25", it says, "not more than \$25". It could be any amount from 1c up to \$25.

Now the bill originally was presented to keep in check bulls running at large and they are a menace for several reasons, mainly because it is dangerous to human life, and we felt it was necessary and proper that some sort of protection should be given to the public.

True, civil action is possible but it is a slow process and it is a difficult process. This is a quick and effective means of taking care of a difficult situation. For the most part, animal breeders and folks who have cattle and sheep do try to keep their fences in proper shape but should something happen—and most anything can happen—those animals might get out, and it is the duty of the owners of those animals to be responsible for them. Certainly an accident can happen and we are short of labor and it has been difficult to get fences but that is not so true at the present time. However, it does seem that he public deserves some sort of protection, some sort of effective protection, and I believe this bill has a lot of merit and will go a long way in providing that protection. So I hope the motion of the Senator from Aroostook, Senator Brown, does not prevail.

Mr. HOWES of Penobscot: Mr. President and members of the Senate, I think there is a lot of merit in this bill. There are several reasons why I think it should be passed. Are we going to let cattle run at large all over the country? Are we going to keep on raising, every time we come down here, a lot of money to take care of this business? The way things are going we would never catch up with the situation. I think this is a measure on which a good deal of horse sense could be used. I am sure once in a while my cattle get out. I always try to keep them confined as most of my neighbors do, but their cattle do get into my pasture and once in a while I have one get out but not very often.

I have in the past ten years been a breeder of Jersey cattle and I have had prize cows. At one time I had six calves sold for \$350 before they were born. One of my neighbors has a Hereford bull and I have had five pretty good calves from this bull. I think it is too bad when a man can't run his own business. It has been a terrible damage to me. All I did with those calves was to sell them to a butcher for \$2.00 apiece and today, on an average, I considered they would be worth \$75 apiece.

Most men try to look after their cattle. But some men don't. And to ask that every time a man's cow gets out he should be fined \$25 is not right and should never happen, but there are certain men who don't care. It is rather a strange set-up and we are trying to clear up the situation. I have a neighbor whose fence runs against my fence and two years ago his cattle got into my land. I have suffered a good deal of real damage. I am not the only one who is behind this. I think the Commissioner of Agriculture is behind it. We have got to have good fences and we are trying to keep them up and we have spent a lot of money to do it. But if we don't do better than we have done, we are not going to clear this thing up.

I hope the motion of the Senator from Aroostook, Senator Brown, will not prevail.

Mr. BROWN of Aroostook: Mr. President, I thoroughly sympathize with the Senator from Penobscot, Senator Howes, in his problem but if this is intended to be a bull bill why didn't we have a bull bill and have a provision to keep bulls under control at all times? But this bill applies to all kinds of animals and if the damage is done as the Senator says, then the fine up to \$25 is not going to do anything.

I don't like making an accident a misdemeanor because when a man's cattle get out by accident, as they often do, and as the Senator from Penobscot, Senator Howes, has admitted that his do, why should a man be haled into court and not only have to pay damages but also have to pay a fine. I don't see but what under the conditions he has given he has an action in court but I don't like the idea of making it also a criminal offense because if the cattle get out by accident the owner can be haled into court and fined and if he is only

fined \$1 he still has the humiliation of going into court and he still has to pay a fine.

Accidents are still going to happen and cattle are still going to get out. I believe that if we want a bill whereby bulls should be confined it would be a good thing but this is a levy on all livestock at all times and the man can be haled into court and made to pay a fine in addition to whatever the damages are. I don't think there should be both a civil and a criminal action for this offense so I still think this bill should be indefinitely postponed.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I thought we had a so-called "bull" bill in this legislature. I don't know just what became of it but as far as destroying property is concerned I could go along further with the original bill than I could with this amendment because horses and swine both can do as much damage as sheep and cattle. I think as regards the penalties, where it says that they should be punished by a fine is going a little too far. I hope the motion of the Senator from Aroostook, Senator Brown, will prevail.

Mr. DUNBAR of Washington: Mr. President, I didn't expect to be drawn into this farmers' proposition this morning but I am interested. I am wondering if we haven't got law enough to take care of the situation on stray animals by impounding them. And I quote from the Revised Statutes: "Any person injured in his land by sheep, swine, horses, asses, mules, goats or meat cattle in a common or general field or in a close by itself may recover his damage by taking up any of the beasts doing it and giving the notice provided in Section 11 or in an action of trespass against the person owning or having possession of the beasts at the time of the damage and there shall be a lien on said beasts and they may be attached in such action and held to respond to the judgment as in other cases whether owned by the defendant or only in his possession. But if the beasts were lawfully on the adjoining land and escaped therefrom in consequence of the neglect of the person suffering the damage to maintain his part of the partition fence, their owner shall not be liable therefor."

Doesn't that take care of this whole picture without enacting a law here that sets up a criminal process to make a man a criminal if his beasts should stray from his property on to some other person's property? When you say a fine of 1c, I have never heard of any court imposing a fine of 1c yet. They might make it a dollar and suspend the fine but they can impose the fine of \$25. However, that is not the thing that bothers me and I am wondering if the Senator from Sagadahoc, Senator Bishop, would want this to happen. We will say that he, by neglect or misfortune, lets an animal stray on another person's land. He is arrested and he goes into court and he pays a fine of \$5, or the fine is suspended. In any event, he has a criminal record that follows him all the rest of his days. And if at any time he appears in a court of law, either as a defendant or as the plaintiff or as a respondent or as a witness, in any case the attorney can put the question, to you, sir, in order to keep your testimony, "Have you ever been convicted of any crime?" And if your answer is no, you can then get ready for a more serious charge against you. And if your answer is yes, then the attorney has the right to ask you, "What was the fine?" That is as far as he can go but you have got to answer it.

Now, the Court in instructing the jury can say, "You can take that into consideration, members of the jury, whether or not you will detract from his testimony because of the fact that he had been convicted. I wouldn't say all attorneys would do that for a little crime of that kind but I have had them do it in cases I have been trying, in my experience, for lesser crimes than that."

And you have got to admit to the Court and to the whole world, "Yes, I was convicted ten years ago and I paid a fine for allowing a beast to stray". I don't believe you want it.

Mr. Bishop of Sagadahoc: Mr. President, the Senator from Washington quotes the statute. Under the present automobile responsibility law, if you have an accident you have apparently committed a crime. Most of us are going at some time to be criminals, I fear.

Now, we had two bills, the so-called "bull" bill and this confine-

ment bill. We tried to combine the two. True, the first bill had in it the word "asses". We cut that term out because it was confusing.

Mr. DOW of Oxford: Mr. President and members of the Senate, I will try to be brief but I object to this bill for numerous reasons that haven't been mentioned. I am not a keeper of cattle but I am glad there are people that do that because I like the meat.

This amendment which is a re-draft of the bill says that owners of straying cattle shall be punished by a fine of not more than \$25 and that supposes that a person is a criminal. Now, I think it is generally established that I am not responsible for the crime of another person unless I am mixed up in it. As a matter of fact, in the Revised Statutes a husband isn't liable for the debts of his wife contracted before marriage, nor for wrongs committed in which he takes no part. The husband is expressly excluded from being responsible therefor. I think if a person gives another intoxicating liquor and the person who takes the drink does some wrong, the person who gave the drink is liable for damage. But I object to giving animals the right to make me a criminal.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, apparently this is quite a controversial measure. Originally there was, as Senator Welch has said, introduced into the legislature, a so-called "bull" bill, and the purpose for introducing that, as I recall, was that in a certain section of the state on a certain street, that people had to pass to go to church and to school, and alongside of the church there was a pasture with a bull pastured in it who sometimes got out and scared the people.

Now, the bill that was referred to the Committee on Agriculture, which was called the fencing bill or the confinement bill, had some sound reasoning to it. In our efforts to control Bang's disease we ran into a lot of trouble with improper fences and it is almost impossible in any town to get men to repair fences and keep them repaired, and diseased animals get from one pasture into another and infect clean animals.

Now I have no particular interest in this except as a member of the Agricultural Committee signing the "Ought to Pass in New Draft"

report which was a combination of the two bills. As I said before in this session we had the so-called "bull" bill referred to the committee and along later in the session we had the so-called "confinement" bill referred to the committee. This House Amendment A appears to be the resulting calf. In our innocence and limited knowledge of the law, and as laymen trying to correct the law, this committee tried to be helpful and the people who are afraid of bulls running at large—there seemed to be people afraid of such bulls—and in our action to take care of that class of people we threatened the owners of such bulls with a fine of not more than \$100 or imprisonment not exceeding 90 days. Well, we have been unfortunate that this has been severely criticized as unconstitutional and also as bordering on the "isms" so I thought would like to find out just what classification this committee would fall into and in looking that up I found this little article called "The parable of the 'isms'".

It says, "Under Socialism you have two cows and you give one to your neighbors. Under Communism you have two cows and you give one to the government and the government gives you some of the milk. Under Fascism you have two cows and you keep the cow and give the milk to the government and then the government sells you the milk. Under New Dealism you have two cows and you shoot one and milk the other and then you pour the milk down the drain. Under Capitalism you have two cows and you sell one and buy a bull."

Now, I wonder what class our committee is in. A football once landed in a chicken yard and the old rooster called all the hens together and said to them, "Now I am not grumbling but I want you to understand and I want you to see this for yourselves." So they all looked at the football and the rooster said, "This is what they are doing in other places."

Now, this House Amendment that has come out is the calf that has emerged from the committee's effort to make two bills into one and it is the football that we want you to look at and do what you please with.

Mr. BISHOP of Sagadahoc: Mr. President, this bill now includes sheep and cattle. I want to assure you that a buck sheep as well as a

bull can be rather offensive. And in answer to the remarks of the Senator from Oxford, Senator Dow, I dislike to have our wives compared with cattle and sheep. Cattle and sheep are personal property, our wives are a little different.

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

A viva voce vote being had

The motion to indefinitely postpone prevailed.

The **PRESIDENT**: The Chair asks if there is any objection to the Secretary sending all matters which have been acted upon in the Senate this forenoon to the House for its consideration at the afternoon session. Is there objection? The Chair hears no objection.

On motion by Mr. Brown of Aroostook,

Recessed until this afternoon at two o'clock.

After Recess

The Senate was called to order by the President.

From the House, out of order and under suspension of the rules:

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

(In the Senate on April 17th, the bill was substituted for the report, and passed to be engrossed.)

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

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

From the House, out of order and under suspension of the rules:

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Additional Funds for Maine Post War Public Works Reserve," (H. P. 1171) (L. D. 735) 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 in concurrence, and under suspension of the rules, the bill as so amended was read a second time and passed to be engrossed in concurrence.

Mr. **SPEAR** from the Committee on Inland Fisheries and Game submitted its Final Report.

Which report was read and accepted.

Sent down for concurrence.

From the House, out of order and under suspension of the rules:

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

(In the Senate, on April 18th, indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed in concurrence, and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Good of Aroostook, the Senate voted to insist on its former action whereby it indefinitely postponed the bill, and ask for a Committee of conference.

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

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs, "Ought Not to Pass" on bill, An Act Relating to the Police Commission for the City of Lewiston (S. P. 142) (L. D. 348), tabled by that Senator on March 20th pending acceptance of the report.

Mr. **BOUCHER** of Androscoggin: Mr. President, I move that we accept the Ought Not to Pass report as this is a similar bill to the one that is going to the House at this time.

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Hall of Franklin the Senate voted to take from the table bill, An Act Relating to the Fees of Registers of Probate in re Petitions (S. P. 437) (L. D. 1155), tabled by that Senator on April 11th pending assignment for sec-

ond reading; and on further motion by the same senator the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland the Senate voted to take from the table bill, An Act Relating to Filling Congressional Vacancies (H. P. 1343) (L. D. 995), tabled by that Senator on April 4th pending consideration; and on further motion by the same Senator the Senate voted to 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.

Thereupon the same Senator presented Senate Amendment A and moved its adoption: "Amend said bill by adding at the end thereof the following: 'Section 3. Limitation of Act. This act shall remain in force for a period of two years only. It is the intent of the legislature to change the present statute for a period of two years only after which period the present statute shall return to full force and effect.'"

Mr. WELCH of Aroostook: Mr. President and members of the Senate, if I am in order I move that Senate Amendment A be indefinitely postponed. I think this bill has a lot of merit. In fact, it goes along with the Constitution of the United States and I can see no reason for putting on the two year limitation. In checking with the Secretary of State I find that it would take, in case of a vacancy, about four months to fill this vacancy under the present law for holding the elections, the primary and final elections, and I think it is very important that this bill should receive passage and I don't understand the necessity of the two year limitation.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Welch, that the Senate indefinitely postpone Senate Amendment A.

Mr. SPEAR: Mr. President, I yield the floor to the Senator from Oxford, Senator Dow, who may make an explanation.

Mr. DOW of Oxford: Mr. President and members of the Senate, this measure, legislative document 995, was heard by the Judiciary

Committee and reported out Ought to Pass. It has been on the table, as you know, for some time. I was consulted in connection with this bill along with the sponsor of the bill and I was told that dire things might happen, certain trades might be made, and so on, and an amendment was to be offered leaving this open for two years with the idea that at the end of two years if none of those terrible things happened it might be enacted for full time. And rather than have the whole bill killed, as I thought there was some indication that it might be, I felt I would rather have it go along with this amendment than to lose it entirely. If the Senate sees fit to enact it in its entirety I am perfectly willing.

Mr. WELCH of Aroostook: Mr. President, in view of this explanation, with the permission of the Senate, I withdraw my motion.

The PRESIDENT: The Senator from Aroostook, Senator Welch, withdraws his motion to indefinitely postpone Senate Amendment A. The question now before the Senate is on the motion of the Senator from Cumberland, Senator Spear, that Senate Amendment A be adopted.

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

Sent down for concurrence.

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

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table, House Report from the Committee on Judiciary, Majority Report "Ought to Pass in New Draft", Minority Report "Ought Not to Pass", on bill, An Act Relating to Limitation of the Financial Responsibility Law (H. P. 242) (L. D. 87), tabled by that Senator on April 11th pending motion of the Senator from Oxford, Senator Dow, to accept the majority report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, the reason I tabled this bill is that I introduced this law into the legislature four years ago. I would hate to see that law destroyed or impaired by any changes

in it. Two years ago a similar attempt was made to this one to amend the law about filing after a person has had an accident. I am in sympathy with a person who has had an accident and who holds insurance and under the present law is made to file and is also made to pay an extra premium for the filing, but I am not in sympathy with it to go along and kill this present law.

The majority of the committee feels that this amendment will not kill the law. I hope that their reasoning is right. They are attorneys and I am not, and for that reason, Mr. President, I now yield to the Senator from Oxford, Senator Dow.

Thereupon, on motion by Mr. Dow of Oxford the Senate voted to adopt the majority report "Ought to Pass in New Draft"; and the bill in new draft was given its first reading. On further motion by the same Senator, under suspension of the rules the bill in new draft was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Bishop of Sagadahoc the Senate voted to take from the table, bill, An Act Relating to School Superintendents (S. P. 431) (L. D. 1151) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table House Report from the Committee on Banks and Banking on bill, An Act to Authorize Outside Audit of State Books (H. P. 719) (L. D. 387), "Ought to Pass in New Draft" (H. P. 1457) tabled by that Senator on April 11 pending adoption of the report in concurrence.

Mr. WELCH of Aroostook: Mr. President, I am not going to speak at any great length on this bill but I feel there should be at least an explanation due to the fact that I have had it on the table for some time. I don't think the bill is of any value. It calls for an outside audit of the state books and I believe sets up the sum of around \$10,000. They say that is about what it will take to audit our state books at least once every four years. I am reminded that in a previous audit where we had out-

side auditors come in and audit our state books it cost about \$55,000 and I believe about \$50,000 of that was spent before they found what was wrong. Therefore I cannot see value in this bill. I am not going to make any motion but I don't think the legislation will be of any value.

Mr. DOW of Oxford: Mr. President and members of the Senate, this is not my bill but it did come out of the Committee on Banks and Banking, of which I am chairman, with a unanimous report. It is possible that the information given the committee influenced the committee to give a different report than the members of this body will support but I would like to tell you the information that was given us so that you can make up your minds as a committee of the whole, the way we did in the Committee on Banks and Banking.

I want to say that we met three or four times on this bill because there were quite a few angles to it and a lot of information we wanted, and I don't blame the Senator from Aroostook, Senator Welch, for wanting to know something about it. I understand that we do have a State Department of Audit which is called an Internal System of Audit here in the State House. I also understand that this contemplated outside audit so-called has nothing to do with trying to find dishonesty because if our internal audit doesn't pick up dishonest discrepancies and so forth, the remedy there is not to have an outside audit but to change our inside audit and have it more efficient.

We were told at the hearing on this bill that the value of this bill would be primarily along one line, that once in four years an audit would be made by auditors other than those employed by the State Department of Audit because these officers who come in and make a spot audit a check audit of books bring in new methods of auditing which are very valuable. These large accounting firms throughout the United States employ them and we were told by representatives of industry who have these outside audits that they have inside audits as well and that they have these outside audits because they receive from time to time new methods of auditing which are worth much more than the auditing costs.

Now, as far as having it once in every four years is concerned, when

the bill first came before us we didn't believe it was really necessary but the proponents of the bill wanted it and we reported it out in new draft. In the original bill, it said that the Governor and Council might be allowed at any time to have an audit and that once in four years they must have an audit. It seemed at first that possibly if we had a bill allowing the Governor and Council to have an audit when they wanted it that that would be all right but sober reflection will show that is wrong because if an incoming governor had an audit when he first came in he could be accused of trying to show something wrong with the previous administration, and if a governor going out had an outside audit it might be said that he was building himself up to run for another office; but if it was made compulsory once in four years there can be no question.

In talking about the audit that was made before I believe the Senator from Aroostook, Senator Welch, was talking about the audit made at the time of the Runnells episode by the firm of Ernst and Ernst, which is a well known firm of auditors. I talked downstairs with Mr. Mossman and I asked him if he had been able to find anywhere in the law any authority for the governor to employ outside auditors and he said it was the opinion of people who had studied it that there was none. And Mr. Mossman further informed me that he wrote to three large firms of auditors and received estimates from them and that the cost was around ten thousand dollars once in four years.

So the committee came to the conclusion that this audit, as far as finding dishonesty or discrepancies is concerned would not be for that purpose at all; it is to be used for finding new and improved ways of auditing which would be worth more than the cost of the audit. And, as I say, we were told by some representatives of industry that they had outside audits for that reason.

I think I have told the Senate the reasons that governed the committee on their decision in this matter.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I think there is a little confusion about this particular bill. In the set-up of the state department

we have a Controller and the Budget Department who carry on the financial duties of the state more or less as a financial part of a corporation would do and they themselves are auditing their own books to keep themselves in line the same as you would have an auditor in the bank or private corporation, but in order to check them and to have this outside audit which we are asking for, the legislature every two years, elects an auditor whose very job is to do exactly what we are now talking about. And if you will refer to the Book of the State which most of us receive in which they check over and tell us what they think of the different departments and the financial structure of the state, you will find that they consider that the state of Maine has a nearly ideal set-up in checking the financial transactions of the state, in that the legislature has an independent man that they hire themselves to be their auditor.

Now, of course, if we go back to the unfortunate Runnells affair people say it wasn't worth that price but I think that the investigations at that time proved definitely that it wasn't the auditors' fault that things didn't work out that time but it was due to the fact that the legislatures had not set up enough money so that the Auditing Department which they had created could do anything about making a special check, which is all this outside firm could do. So the legislature set up more money so that we can have an outside, complete audit of our books every four years instead of waiting until something happens.

Now, I feel that a good state auditor—and I believe we have had good state auditors in the last few years—those men of necessity keep informed of the latest practices of good auditing and accounting. I know from experience with several auditors that they are keeping up with the latest wrinkles in auditing.

So, I think that although the explanation we are given sounds good, actually we are throwing away the money, four thousand dollars every four years, and if you want to throw that money away I am perfectly willing.

Mr. DOW of Oxford: Mr. President, I don't want to start any debate because the issue can be decided as well on one motion as in any other way. I move the Ought

to Pass report of the committee be adopted.

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

On motion by Mr. Cross of Kennebec the Senate voted to take from the table, bill, An Act Relating to the Salary of the Secretary of State (H. P. 49) (L. D. 20), tabled by that Senator on April 18th pending assignment for second reading.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I am about to offer an amendment on this bill and as I have done several times in the past few days I am going to urge the Senate to be consistent and adopt this amendment. I offer Senate Amendment A and move its adoption.

The Secretary read the amendment: "Amend said bill by striking out the underlined figures \$5,000 in the second paragraph thereof and inserting in place thereof the underlined figures \$6,000."

A viva voce vote being had

Senate Amendment A was adopted.

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

Sent down for concurrence.

The PRESIDENT: At this time the Chair, on the disagreeing action of the two branches of the legislature on Legislative Document 364, bill, An Act Relating to Expense Accounts of the Deputy Fire Wardens and reports of Chief Fire Wardens, appoints as members of such Conference Committee on the part of the Senate, Senators: Good of Aroostook, Smith of Knox, Deny of Lincoln.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table bill An Act Relating to Preference in State Employment for Veterans (S. P. 249) (L. D. 635) tabled by that Senator on March 21 pending passage to be engrossed.

Miss CLOUGH of Penobscot: Mr. President, I want to say about this bill, that which has been so well said here before on another mat-

ter, in another way. I question the principle of preference in a career service believing that it is both un-American and undemocratic. However, I went along with the committee, stating that I planned to present an amendment to the bill at the proper time. This amendment is three-fold. It limits preference in state employment to male and female veterans only, and cuts out Sections B and C where, in the former section, preference is given to the wives of veterans who are disabled and cannot serve because of physical disability and in the latter Section C to widows of deceased veterans.

My reason for this is that I believe that if you extend it to wives and widows, you should in all fairness extend it to the mothers, sisters, daughters, or to anyone who might stand in the position of breadwinner to the disabled or deceased veteran's family; or to the husband, brother and so forth, of a disabled or deceased female veteran, to make it fair. This will take off the lid as there would be no end to the possibility in this direction, considering how this preference extends to veterans of the Spanish American war, Philippine insurrection, Boxer Rebellion, World War I and World War II. It seems to me only right that if you are going to grant preference to veterans you should limit it to veterans only.

The second point is that my amendment would limit the preference given to original veterans, not to promotion within the service for the reason that I believe if preference were not so limited and if preference were to apply also to promotions, it would be grossly unfair to those who have earned their promotions with hard work and loyal work, and are now asked to step aside while preference in promotion is extended to veterans.

The third part of the amendment would limit the duration for the extension of preference to a ten year period, allowing time enough for veterans to return from the theater of war, hospitals, training courses or wherever they might go following the war.

I believe no veteran wants to be in the position of competing with his son or daughter in a career secured in our state, as might be the case if some limitation were not put upon the duration of the act.

I have stated my reasons for offering this amendment as briefly as I could not to take up the time of the Senate in the expedition of our common task, and I hope the Senate will see fit to adopt the amendment for the reasons I have given.

Mr. President, I now present Senate Amendment A and move its adoption:

"Senate Amendment A to S. P. 249, L. D. 635, bill, An Act Relating to Preference in State Employment for Veterans.

"Amend said bill by striking out the 1st paragraph of that part of said bill designated as 'Sec. 12A.' and inserting in place thereof the following: 'Sec. 12A. Preference in state employment for veterans. Hereafter in making original appointments to any position in the classified service preference in appointment as hereinafter provided shall be given to honorably discharged male and female veterans.'

"Further amend said bill by striking out the 2 paragraphs of said bill designated as "B" and "C".

"Further amend said bill by adding at the end thereof a new paragraph to read as follows: 'The provisions of this section shall be in force and effect for a period of ten years only, dating from the date of cessation of hostilities as fixed by the United States government.'"

Mr. BATCHELDER of York: Mr. President, I might say that we have a great many agencies both state and federal working on behalf of the veterans trying to rehabilitate themselves after they come back and place them on an equal basis with other people at home. Now these different agencies had this in mind when this bill was introduced. I say that the bill was introduced at the request of Veteran's Service Committee of Maine, the personnel of which consists of Col. Malvern Stoddard, manager of Veterans Administration Facility at Togus; Fred W. Rowell, State Service Office, Dept. of Health and Welfare; Lt. Col. Richard F. Saville, Selective Headquarters; Solomon Crasnick, Dept. Service Office, The American Legion; Wallace Purnell, Dept. Service Office Veterans of Foreign Wars; Leroy N. Koonz, Director Vocational Rehabilitation, State Department of Education; Francis J. McDonnell, Veterans Employment Agency; John W. Greene, Associate Director U. S. Employment Service; Col. Earle A.

Reed, Vocational Rehabilitation Office Veterans Administration Facility; and James Walsh, Jr., Field Director, American Red Cross, Veterans Administration Facility; all of whom have for some time past been engaged in work in the rehabilitation of our veterans and their families.

It is their belief that special consideration should be given to our boys and girls when they return from our armed services in order to place them in employment with special consideration to the disabled and their families.

If veteran's preference extends only for a period of five or ten years after cessation of hostilities or after date of discharge, it would of course exclude preferences for all veterans of all wars except World War II, thereby making the law a preference act.

If this bill was changed whereby veteran's preference would not apply to wives or widows of veterans, then I have but this thought to leave with you, that the wife of a veteran who would apply to the State of Maine for employment would do so only because her husband is unable to work, and the support of the veteran's family falls upon her. Under these circumstances, I feel that the wife should be granted the same privileges as to preference in state employment as the veteran would be granted if qualified for state employment himself.

As to widows, you of course know that it is the general policy in veteran's legislation to extend the same preference to the widow of a veteran as would be extended to the veteran himself if living.

I feel that the interest of the State of Maine has been carefully protected so far as the employment of personnel is concerned under this act, in that veteran's preference does not apply until after a qualifying grade has been secured by the veterans or by examination by the Personnel Board.

The Public Law 359 of the 78th Congress which became effective June 17, 1944 and which governs veteran's preference in Federal Civil Service, grants five or ten points added rating before a qualifying mark is attained by the veteran. The Federal act also authorizes time spent in the armed service to be added to experience rating in qualifying for civil service employment.

The Federal Act also waives age, height and weight requirements unless it can be shown that those not having those requirements are definitely unemployable on the position sought. The Federal Act also provides that the names of preference eligibles shall be placed ahead of all those having the same rating. It further provides that the appointing officers passing over a veteran and selecting a non-veteran from the eligible list must file his reasons for doing so in writing, and a copy of these reasons must be available to the veteran on request.

The Federal Act also provides that Veteran preference shall extend to retention of personnel whenever the reduction in the particular force concerned becomes necessary. In other words, a veteran may not be dismissed for the purpose of reducing personnel and a non-veteran retained in employment.

The Maine Act under discussion does not embody any of these features.

Now, it has been always the policy of the state to grant, to take under consideration, the wives and widows of veterans and I see no reason why they should be omitted from this particular thing. Recently we had a talk after the adjourning of one of our sessions, from a young lady who was practicing nursing. She told us of her experiences in the armed service. You will recall how she said that veterans coming back into normal life found it almost impossible to get adjusted. I might say there are quite a number of people who have left their employment and who, on coming back to their employment, even amongst their fellow employees have seemed to be at considerable loss to get back on their jobs.

Quoting the words of our late President, Franklin Delano Roosevelt:

"I believe that the Federal Government, functioning in its capacity as an employer, should take the lead in assuring those who are in the armed services that when they return special consideration will be given to them in their efforts to obtain employment. It is absolutely impossible to take millions of our young men out of their normal pursuits for the purpose of fighting to preserve the Nation, and then expect them to resume their nor-

mal activities without having any special consideration shown them."

I hope the motion of the Senator from Penobscot, Senator Clough, does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Clough, that the Senate adopt Senate Amendment A.

A viva voce vote being had Senate Amendment A was not adopted.

Thereupon, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table House Report from the Committee on Legal Affairs, Majority Report "Ought to Pass with Committee Amendment A, Minority Report "Ought Not to Pass" on bill, An Act Relating to Horse Races (H. P. 1202) (L. D. 761) tabled by that Senator on April 4 pending adoption of either report.

Mr. BATCHELDER of York: Mr. President, I might say that this bill was heard before our Legal Affairs Committee and there was considerable said with relation to why this would be of much advantage to our state at this particular time. Certainly we are seeking considerable revenue. I might say that in other places such as Rockingham, New Hampshire and Narragansett, we have them and considerable money is taken in. I have some newspaper clippings which I would like to read:

"The proponents of the running race bill, really have several very strong arguments in favor of their plea. In the first place it would be illogical for the state to sanction trotting and pacing races, and turn thumbs down on the runners. It is no more wicked to be on a horse that gallops under saddle than on one that is hitched to a sulky. In the second place hundreds of race goers prefer the gallopers. Most important of all, however, to Maine under present conditions, is the revenue likely to accrue to the state from its percentage of the pari-mutuel take. In the past ten years, since pari-mutuels were legalized on harness racing, the state has received a gross of approximately \$500,000. This amount is likely to be realized on one meeting of the runners. Our sister state of New Hampshire collected

\$1,723,942 in 1944 from the pari-mutuel play on the running races at Rockingham Park."

I might say in relation to that, that recently this was under discussion in New Hampshire by the New Hampshire legislature and it was said there that it would amount to about three-quarters of a million dollars and that would make the revenue something like \$275,000 additional money.

"Can the state of Maine afford to throw away a million or a million and a half dollars when the revenue will be needed more and more every day as we go into a postwar period? That's a question the sponsors of the running race bill ask."

I have another clipping under date of April 5. This is an article by Austin Goodwin. I understand he is quite interested in sulky races:

"It's neither logical nor fair to discriminate against the runners. In so doing, the State is probably depriving itself of a considerable extra source of revenue, so much needed in the trying, postwar years to come, and it is depriving a large number of citizens of a special type of entertainment or racing which they prefer to other types. The Mile Track Association at Old Orchard Beach, which brought one of the most famous tracks of the United States back from oblivion, has a heavy investment at stake, and the stockholders, like any other business men, hope to put their stock on the right side of the ledger. They do not want to interfere with anyone else's business. They do not ask to hold running meets during the fair season. They seek, merely, to have one meet a year during a period of the early season, when no one else will be hurt by competition. Why shouldn't this association be given a break as well as all others throughout the state, which have been cashing in on spring and fall 'overcoat' harness meets, which have nothing to do with fairs?"

Another article under date of April 17:

"The stockholders of the Old Orchard track have sought dates sometime between May and the middle of July. But most important to Maine at this critical war time juncture is the probability that a considerable revenue would accrue to the state through their percentage of the pari-mutuel in-

take. Can we afford to toss, perhaps, half a million a year into the ash can to please a few die hard harness horsemen, who have contributed only that amount in ten years of their sport?"

Now as I understand it there seems to be some opposition to the summer fairs but this bill doesn't promote the operation of the runners or gallopers to race on a half mile track. It is limited to a mile track and the Fair Association hold their meetings from the first day of August on and this bill provides for the runners from May to July and does not interfere with the fair associations.

I believe we recently had a bill before this legislature in which it was asked for five percent from the pari mutuel fund in order to help to move the cattle, whereby they would receive approximately \$5,000.

Now if this bill were passed we don't estimate it would be a million and a half but it is possible it might be approximately half a million dollars. That being so, there would be considerable revenue to go back to the Fair Association. I can't see where it will be doing any great harm. We have people from Maine attending the races at Rockingham and Narragansett, and if the races are held at Old Orchard, that is a great summer resort with people coming in from Canada and all parts of the United States. I see no reason wherein this would not be a good bill to help provide some of the needed revenue for the state and I hope the bill will pass as reported out by a majority of the committee.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, I would like to speak for just a moment as a member of the Appropriations and Financial Affairs Committee. Our problems have not been very light, they have been perplexing. Every department has asked for an increase in their budget and every increase means a fixed overhead to this state for some years to come. It seemed rather pathetic to us down there in our meetings to figure on bills for revenue to the state only to find that the legislature had killed them and you and I know that we can't spend out without bringing money in or we will never have a balanced budget. And this half million dollars from horse racing looks pretty darned good to us and I would like to see the bill pass.

Mr. GOOD of Aroostook: Mr. President, I hesitate to speak on this matter for several reasons which probably I won't mention but I am not in favor of this measure. One reason in particular is that I enjoy looking at a harness race. I never did see a running race; that is, a legalized one. I am feeling that eventually if the galloping horses get in here it is only going to be a matter of a short time before the harness race horses are going to be completely driven out and we have nothing but the galloping races.

We have had the harness race horses for years and years. Now, I am not in favor of gambling anyhow. Of course I admit the pari-mutuel is here and is probably no more harm than to put on running horses, as the Senator just said. But I don't favor getting our revenue from some gambling device. It seems as if about all we have heard now for the past few years is about the revenue we have got on liquor and on pari-mutuel, and practically all the revenue we are enlarging on is revenue from some source detrimental to our country rather than a benefit to it.

The Health and Welfare Department put out half a million dollars for health and welfare and today we are paying about seven million dollars for health and welfare, so it seems that we are just taking it out of one pocket and putting it in another, to say nothing of the thousands of boys and girls who have gone down the corridors with hearts broken. That is one source of revenue and we seem to be part of it and now we come in and say, "Let us inject something else, let us have running races and get some more revenue," and it looks to me as if it is only going to be a short time before we are going to get all of our revenue from some source like that.

I feel sure that there must be some other way that we can get revenue to take care of our expenses. I have heard it said from my good brother over here, for whom I have great respect, the Senator from Cumberland, about how hard they work on the Appropriations and Financial Affairs Committee and I think they have. There is no question about it, but about every time we have asked for money here they have granted it. They said, "We are going to give them the money." Now, of course,

we have got to have revenue. If we had cut down a little on some of our appropriations and some of our expenditures here we might not have had to get revenue from horse racing. They could have said, "We are not going to raise salaries this year." We have eleven million men now making great sacrifices all over the world, some of them working for fifty, sixty or a hundred dollars a month. They aren't complaining. And then we think some men are going to leave their jobs if we don't give them a raise of a thousand or fifteen hundred dollars. I don't believe they are so unpatriotic as that when boys are fighting everywhere for a hundred dollars a month or less. We can, without a doubt, get some revenue from this but I don't think this is the time to get it from horse racing. I have no objection; if the Senate wants to vote for it that is their business and I will feel just as friendly to them when we go out as when we came in that door but I am on record as against it. I think it is the wrong policy. We can never raise the morals of the State of Maine by legalized gambling. Therefore I hope the motion does not prevail.

Mr. SAYWARD of York: Mr. President and members of the Senate, Maine recognizes horse racing as a sport. I was particularly interested in what Senator Good has just said. I think we look upon Senator Good as an excellent revenue raiser. He certainly got a cigarette revenue that has done a great deal of good to this state. It amounted, I think, to somewhere about a million and a half. I don't smoke cigarettes but it seems to me that revenue raised through cigarette taxes isn't any worse than revenue raised from horse racing.

Now, I think it is very inconsistent to legalize one class of racing and deny legal status to another. We allow pari mutuel betting and that is looked upon as a sport and one of the greatest attractions of our fairs. The interest from taxes paid by horse racing is needed in state revenue. The money would come to a great extent from visitors from outside the state who come into our great Vacation Land, and I think we can use that money to great advantage. I believe that the motion of the Senator from York, Senator Batchelder, is one that we should follow.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I am not one of the—as so referred to—die-hard harness horsemen but I am opposed to this measure and I have several reasons which I probably will not take your time to enumerate.

I can remember when we did have, a few years back, a bill in here for dog racing and if we allow running horses we will soon have dog racing coming in, too, and when the vote is taken I ask for a division.

Mr. BROWN of Aroostook: Mr. President, along with my colleagues from Aroostook County I am opposed to this bill. It seems to me that horse racing as conducted today in the harness races is to a great extent done by State of Maine horses. We have quite an investment today throughout the state in horses and we have several men breeding trotting horses for sulky races. I don't know that at this time we have in this state any running horses. The entire outfit that is going to run horses will move into this state from outside. Running horses are probably the greatest gamble of any kind of racing and those people are coming in here with their running horses for what they can make out of it. Nobody ever made any money out of running horses except the fellows who bring them from outside and the professional gamblers. I am not in favor of those fellows who make a profession of it taking their horses from one state to another for what they can make out of it and therefore I am going along to oppose the bill.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I want to say just one word on this measure. Yesterday forenoon the chairman of the Appropriations Committee in a speech in the Senate said that we were one-half million dollars behind in the balancing of the budget, and we have got to find some revenue to make up that half million dollars or else someone is going to suffer with some bills that are around this legislature, or the taxpayers of Maine as a whole will suffer by an increased tax mill rate of over some seven and a quarter mills where it has been for several years. This is the only revenue measure in this legislature, and for one, I can't see any harm in it. In 1935, I believe, this state

went on record as believing in and adopting the policy of pari-mutuel betting on horse racing.

We were told at that time that it would help the agricultural fairs. It has to some extent, I believe, helped them, but I know that in many instances pari-mutuel betting on harness racing has put certain agricultural fairs out of business, and I refer to my own county in that respect. We were told at that time when we adopted the policy of pari-mutuel betting that it would have a tendency to create and raise Maine bred trotting horses and I think that I can stand here and not be challenged that you haven't raised a Maine bred trotting horse that is worthy of the name since we established pari-mutuel betting in 1935.

Now, having the principle established of betting on harness racing, please tell me what harm it is to bet on a horse that has a rider astride his back or a horse that is driven by a man behind him in a sulky. I can't see it. In these New England States at the present time you have the running races at Rockingham Park in Salem, New Hampshire and as the Senator from York stated, and I have likewise verified these figures, in 1944 there was put into the state of New Hampshire a million, and seven hundred odd thousand dollars from the pay to the state in pari-mutuel betting on running horses.

In this state under the pari-mutuel betting of harness racing you have taken in a little rising \$500,000 in ten years. Now you can be sure that once the principle is established you certainly won't have as many tracks where you have running horses as you will have and do now have race tracks where you have harness racing, because, as I understand it, for the runners you have at least got to have a mile track and there are no mile tracks in Maine, certainly, at the agricultural fairs, so-called.

They are half-mile tracks. You have one one-mile track at the present time, and that is at Old Orchard. You can't profitably run running horses on half-mile tracks, so your fairs won't be hurt any. You could do it but it doesn't make a good race and the owner of a good horse won't put him on there because the bends in the track are too much for the horse. They must have at least a mile track to make a decent race.

Now with the principle established, racing in Rockingham, racing at Suffolk Downs in Revere, racing at Narraganset Park in Rhode Island, do you know anything wrong about it? There are decent, highly respectable people who attend those races. Of course there are others who attend the fairs that go purely for the purpose of betting and for the chance of making money. We all look forward to it and follow it closely, at least I do, although I never saw a running race in my life except at the pictures in the movies, but we do listen to that great Kentucky Derby that is run in the state of Kentucky on, I believe, the first of May. Do you know or hear of anything wrong about that? They have pari-mutuel betting down there.

Following the Kentucky Derby, the next week you will find the same horses that ran in the Derby are taken down to the state of Maryland. Do you hear anything disgraceful about it or something dishonorable being done in Maryland because they have the running races there? There is nothing wrong about it here. It won't interfere with your fairs, if I understand it, because the races start not earlier than the first of May and they end by the first Monday in August, and we all know there are no fairs, that I know of, that are started in May prior to the first Monday in August. So it won't hurt the fairs.

I want to see this bill pass. I can't see any harm in it. I don't know that I ever bought a ticket. Perhaps I have, I think. Once at Bangor with a crowd that was there that wanted to bet and I went into a pool and we thought we might beat the game and earn enough to pay our way to Bangor and back. But we found to our sorrow that we didn't.

If people want to gamble they will gamble and you can't stop them. You can't stop people from gambling by legislation. They will gamble one way or another and if they are going to gamble, why not let the state of Maine get some revenue out of it? Maine is a great recreational state. Old Orchard, where these races will probably first start, is a beautiful summer resort and I can see people coming there from all over New England to attend these meetings and if we can pick up this sum-

mer through those races four or five hundred thousand dollars I say let's get it. We need it and we need it now. This is your opportunity. Beat this bill today and you will kick out of this legislature the only revenue producing measure in it and then someone is going to do some work to balance the budget, if the Chairman has the figures correct, as I believe he has.

The Senators from Aroostook for whom I have the highest regard have now got a bill through the legislature and safely tucked away of a hundred thousand dollars for a revolving fund to take care of the potato situation, and they rightly deserve it and they will pay it back, every dollar of it. Nevertheless it is taken out of revenue this year and we might take part of that back and help to finance the Aroostook seed potato proposition.

Today the Governor signed a bill in which I have been interested to establish a blueberry farm for the scientific investigation of blueberries. That is safely tucked away this morning with the Governor's signature carrying \$25,000. We will pay it back. The way it is set up it is going to take time to do it but I am not going to take \$25,000 out of the revenue of the State of Maine that wasn't set up in the budget; I am not going to take that away and then come back in here this afternoon and vote to throw out of the legislature a revenue producing measure. If you want to do it, all well and good, but you have got to balance the budget.

Now, don't forget that. And somebody is going to be cut or you are going to go out of here with a higher tax rate that will go back to the people. You can't—it is too late now—you can't introduce into this legislature a sales tax. You can't introduce into this legislature an income tax. But you have here, right in here today, a measure that will do no harm to anybody that will produce to this state four or five hundred thousand dollars, and I hope that the motion of the Senator from York, Senator Batchelder, prevails.

Mr. GOOD of Aroostook: Mr. President and members of the Senate, I hope that Senator Dunbar hasn't forgotten that Jim Byrnes, I think it was, issued an order that there wouldn't be any horse racing. I don't think it has been changed yet. If it has I don't

know it. This bill won't become a law for ninety days and I don't see where we can get any revenue out of this horse racing bill this year. And when the vote is taken I ask that it be taken by the Yeas and Nays.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, that the Senate adopt the Majority "Ought to Pass" Report of the Committee.

The Senator from Aroostook, Senator Good, has asked that when the vote is taken it be taken by the Yeas and Nays. Under the Constitution, it requires the affirmative vote of one-fifth of the members of the Senate, to order the Yeas and Nays.

A division of the Senate was had. Obviously more than one-fifth of the Senate having risen, the Yeas and Nays were ordered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, that the Senate adopt the Majority "Ought to Pass" Report of the Committee. The Yeas and Nays are ordered. Is the Senate ready for the question? The Secretary will call the roll.

The Secretary called the roll.

YEA: Senators: Batchelder, Bishop, Boucher, Cleaves, Clements, Cross, Currier, Denny, Dorr, Dunbar, Gould, Leavitt, Morrill, Noyes, Savage, Sayward, Smith, Spear, Sterling, Townsend, Washburn, Willey—22.

NAY: Senators: Brown, Clough, Dow, Good, Hall, Hopkins, Howes, McKusick, Owen, Welch—10.

Twenty-two having voted in the affirmative and ten opposed, the Majority Report of the Committee "Ought to Pass" was adopted in non-concurrence.

The bill was given its first reading.

Mr. BATCHELDER: Mr. President, in order to clear up a clerical error in the bill, I offer Senate Amendment A to Committee Amendment A and move its adoption.

The Secretary read the Amendment.

"Senate Amendment A to Committee Amendment A to H. P. 1202, L. D. 761, bill, An Act Relating to Horse Races. Amend said by striking out in the 9th line of that part designated as Section 9 the underlined words, 'a meeting of horse races' and inserting in place thereof 'meet of horse races'."

Thereupon, Senate Amendment A to Committee Amendment A was adopted, Committee Amendment A as amended by Senate Amendment A thereto 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 at this time, on the disagreeing action of the two branches of the legislature on Legislative Document 471, An Act Relating to Public Health, appoints as members on the part of the Senate of the Committee of Conference, Senators: Clough of Penobscot, Leavitt of Lincoln, Townsend of Penobscot.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Public Health, Majority Report "Ought to Pass with Committee Amendment A", Minority Report "Ought Not to Pass", on bill, An Act to Require the Enrichment of Flour and Bread to Meet Certain Standards of Vitamin and Mineral Content (S. P. 354) (L. D. 909) tabled by that Senator on April 16, pending motion by the Senator from Aroostook, Senator Brown, that the Minority Report be adopted; and that Senator yielded to the Senator from Penobscot, Senator Townsend.

Mr. TOWNSEND of Penobscot: Mr. President and Members of the Senate, never in our history have we been so conscious of the importance of the health and vigor of every man, woman and child for our national welfare. Never before have we known so thoroughly that this health and vigor cannot be achieved over night. They must be built from the day of birth and safeguarded every day of life. That we have not been doing the job as well as we must has been made plain by the large proportion of our young men in the prime of their physical lives who have been found unfit for military service.

Among all the factors influencing health and vigor, food is now recognized as outstanding. The Maine State Nutrition Committee representing groups and agencies in the State concerned with improving nutrition finds that we have three major food problems. One will be solved when every man, woman and

child gets the milk he needs every day. Another involves the consumption of much larger quantities of fruits and vegetables than are eaten on the average at present. The third cannot be met in any practical way until white flour and bread carry their share of the nutritional load.

For many years, health authorities have warned the people that modern roller milling removes from wheat vitamins and minerals that the human body needs and is not likely to get in sufficient quantity from other foods. Until 1941 the only alternative these authorities could advocate was a return to whole wheat bread and other whole wheat flour products. In spite of educational efforts of doctors and nutritionists and genuine attempts by bakers to make palatable whole wheat bread, this program has had little success. Not over two per cent of our wheat is eaten in the whole grain form. The people insist on white flour products.

Now another method which does not affect appearance or flavor of white flour and bread is available to restore them to their essential nutritional role. This involves adding the manufactured vitamins — thiamine, riboflavin and niacin — and the mineral iron to white flour at the time of milling, or as the commercial baker often prefers, to white bread in the dough stage. These are the constituents removed in milling that we need for good nutrition. Restoring them in this way makes white flour and bread do their share in producing good nutrition. This is proved by animal experiments which have been conducted at the Mayo Clinic, at the University of Kansas and elsewhere. It is also proved by the experience of the medical profession.

The cost of enriching all the white flour and bread we eat would amount to less than 18 cents per person per year and this amount is constantly decreasing as the manufacturing of vitamins becomes more economical. This adds less than 4 cents to the cost of a 25-pound bag of flour and less than 1/10 of a cent to the cost of a loaf of bread. In terms of the benefits to health and the proportion of the population affected, this is one of the cheapest health measures ever devised.

To insure the benefits of enrichment to the people who need them most this bill must be passed. At

present all white bread is required to be enriched under a federal war order which will lapse with the ending of the war. White flour is enriched on a voluntary basis. Checks show that from 2/3 to 3/4 of the white flour sold in our stores is enriched. But unfortunately some brands commonly bought by persons in moderate and low income groups are not enriched. Undoubtedly the same situation will develop with white bread when federal restrictions are removed if we do not pass this bill.

This bill is advocated by such national health agencies as The National Public Health Association, the National Research Council and the American Medical Association. It is also supported by the National Millers and Bakers Associations and by our own State of Maine Bakers Association.

The Maine State Nutrition Committee strongly urges passage of this proposed legislation as being the most effective method of eliminating one of our major nutrition problems.

I hope that the motion made by the Senator from Aroostook, Senator Brown, to accept the minority report "ought not to pass" does not prevail.

Mr. BROWN of Aroostook: Mr. President, when one attacks all the array of experts and professors and nutritionists as we have today in this bill, it is like a layman opposing a lawyer. I am reminded of a passage in the Bible, that says, "Man shall not live by bread alone." If bread were the only thing we ate then there might be some good reason for this bill but the most of us don't live by bread alone in these modern times and Nature provides vitamins for us in almost every other source of food.

Years ago we used to have a great racket known as the patent medicine racket and millions and millions of dollars were taken out of the people who bought these patent medicines under the glowing advertisements they had about them. Some of them would kill anything from a headache to ingrowing toenails, and people bought them for every possible ill and I presume that, since they had faith in them, they probably did them some good.

Now we have taking their place these vitamin complexes and we see in our papers and hear in radio talks advice to get vitamin pills, and yet the doctors will tell you the ma-

majority of people don't need vitamins and the most of them are contained anyway in the foods we eat. The same people behind the sale of vitamins are also behind this because if they can put vitamins in every loaf of bread it increases the sale of vitamins and there are millions of dollars to be made out of it.

One of the leading chemists in the state of Maine a few years ago, when they first commenced to talk about vitamins made a study of the different foods which contained vitamins and what a person might need for a balanced diet in order to get the necessary amount of vitamins. He spent considerable time on it and he made several talks before different medical associations and other people interested in the subject and it was recognized as an outstanding talk and someone made arrangements for him to talk over a radio network at Boston and so he prepared his address and sent it to them because they had to read it before it was broadcast to see whether or not they wanted it. Then he was notified that they weren't interested in his talk and couldn't give him any time on the radio, the reason being, of course, that the commercial advertisers of vitamins didn't want the people to know that they could get these vitamins in their ordinary diet.

Now, as to the need of the bill itself at this time and what it is going to cost. At the present time the proponents of the bill have told you that the federal government requires the placing of these vitamins in bread. I can understand—well, I don't understand everything from Washington but I can understand why in making up the soldiers' rations or war workers' rations where they are living away from home and eating hurriedly and quickly at lunch counters, but the fact remains anyway that the federal government at the present time, by an order which will last as long as the duration of the war, whatever they may be requiring of white flour, the so-called enriched white bread made and sold must contain vitamins.

The big bakers are capitalizing on all of this and are advertising that their bread contains these vitamins. We have in our state, of course, an agency under the Agricultural Department inspectors whose duty it is to inspect all food products and see that they are not misbranded so any bread today which is advertised

to contain vitamins must contain them, not only because of the federal regulations but also because of the Pure Food Act, which is of course, a federal legislation and also state legislation. So, no doubt the bread we are getting now does contain and advertised vitamins in continue to do so long after the war is over because once having established and advertised vitamins in bread they will continue to do it and people will probably become conscious of the advertising and will buy these advertised brands.

We had several meetings on this and we had Professor Soule who would be the enforcement agency and I never was able to get any clear understanding of what it would cost the state of Maine. He did say that the new equipment necessary, as near as he could find out, would cost about \$1400 and then he said they were short-handed of chemists and it would require at least another chemist to do the analyzing, and the expenses of that chemist, he was not willing to estimate and I asked him what he was paying his present chemist and he said three to four thousand dollars. I asked him if he could get another one at that price and he said he didn't know.

In another interview we tried to find out what it would cost to inspect this bread and again he was pretty indefinite. He did state, at one time I believe, that it wouldn't cost a great deal extra because he already had the men now going around taking samples of food. At another conference I understood him to say very definitely that probably \$2,000 would cover the cost of inspecting.

There is no appropriation set up for this bill. It is supposed to be taken out of the Department of Agriculture which is already more than loaded with activities but it seems to me that at this time, with the federal government enforcing this law and probably continuing to enforce it for two or three years more, and with the added fact that all the big bakers have gone into the process of using vitamins and advertising them, that they are not likely to stop advertising after the war, and because of the unnecessary expense even if it is only \$5,000 a year, which is the lowest figure we got out of it, we still haven't \$5,000 to spend on unnecessary things, because this is unnecessary and will continue to be so as long as the

federal government continues its present order and probably as long as we have soldiers and sailors in the field and munition workers in factories, which will be for some years.

Therefore I believe we should accept the "Ought Not to Pass" minority report.

Mr. TOWNSEND of Penobscot: Mr. President and members of the Senate, I would like to make reference to the matter of this vitamin problem and I will say that I do not believe the American Medical Association and other agencies are apt to endorse types of legislation that have rackets connected with them.

As to the cost, this morning I had a conference with the Commissioner of Agriculture trying to arrive at exact figures as to what this would cost because the inspector of that department had given us several different figures, and Mr. Smith said that the additional cost of equipment for a laboratory would be \$1450 and then he said \$1000 a year would be the cost of carrying out the provisions of the act and that there would be, in his opinion, no need of having more than that.

I do feel, and I have felt for a long time, that any effort on the part of the state government to try to bring about any improvement in the health of its citizens is one of the most important things it can be concerned with, and in my opinion this measure would do just that thing. I would like to say that certain members of the committee asked Mr. Soule the question directly if the passage of this bill and its carrying out would be a benefit to the citizens of Maine and he emphatically answered yes.

Mr. BROWN of Aroostook: Mr. President, it seems to me that Senator Townsend has later knowledge than I, or later testimony as to the costs but I am just wondering where the Commissioner of Agriculture got his costs from because Mr. Soule, the enforcement officer, told me, and other members of our committee won't deny it, that he had to have another chemist, which would cost him somewhere around three to four thousand dollars a year and then there would be the cost of inspecting the bread. This isn't like inspecting fertilizer which may be done once a year. It is a continual check which must be made with the source offering the bread and it is inconceivable to

me, and I think it is to you, that such service can be done for \$1000, to say nothing about the cost of the extra chemist which Mr. Soule assured us would be necessary. So I don't think the Commissioner of Agriculture in this case, as much as I have respect for his judgment and his opinions, could have consulted with Mr. Soule because we had him before the committee several times.

He was indefinite but we did get him to say he would have to have another chemist and that the cost of inspecting would probably be a couple of thousand dollars. It doesn't seem to me, in view of the federal protection we have at this time, that we need to spend \$5000 a year or more on this sort of thing.

Mr. TOWNSEND of Penobscot: Mr. President, I don't like to rise too many times today but in order to assure the Senator from Aroostook, Senator Brown, where I received the information as to the cost, I talked with Mr. Smith after he had been in conversation with Mr. Soule and the figure which he gave me of \$1000 a year has been agreed upon by both of them.

Miss CLOUGH of Penobscot: Mr. President and members of the Senate, I voted in favor of this measure because I thought it had merit and I still think so. I know that bread constitutes the chief diet of the people of the low income group in this state and if we can do anything to build up the health of our citizens, to make better teeth and better eyes and better limbs, I believe we should do that thing.

I was much impressed by the remarks that were made, although I couldn't be at the hearing, but in the remarks made by the nutritionist who came before the committee at a later date concerning what might happen to these war foods products he said they might be diminished at any time. There have already been some instances of manufacturers preparing enriched flour for market in states requiring enrichment and leaving the vitamins out of bread or flour made for sale in other states which do not require it and the same practice would be followed by many bakers selling white bread in more than one state.

I don't believe this would be an expensive item. I understood Mr. Soule to say that he might require another chemist. I also understood

him to say that the enforcement of the law would require nothing more than routine checking, which I believe they do now on many products. I do not believe the cost will be prohibitive and now that the state has made it possible for us to have in the state a revenue of untold possibilities I don't think we need worry about the cost. I hope the motion of the Senator from Aroostook, Senator Brown, will not prevail.

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

A division of the Senate was had.

Twelve having voted in the affirmative and sixteen opposed, the motion to adopt the Minority Report did not prevail.

Thereupon, on motion by Mr. Townsend of Penobscot, the Majority Report of the Committee "Ought to Pass as Amended" was

adopted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Amend said bill by adding after the word 'definitions' in the 4th line of said bill after the enacting clause, the following: 'Limitations.' Further amend said bill by adding at the end of the paragraph of said bill designated as 170-A a new paragraph to read as follows: 'The provisions of Section 170-A to 170-E inclusive, shall not apply to any flour manufactured in the state of Maine or to any bread stuff made therefrom.'"

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

Sent down for concurrence.

On motion by Mr. McKusick of Piscataquis,

Adjourned until tomorrow morning at ten o'clock.