

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 22, 1947.

The Senate was called to order by the President.

Prayer by the Reverend David W. Hickland of Gardiner.

Journal of yesterday read and approved.

From the House

Bill "An Act Relating to Tuition for Pupils from Towns Not Maintaining a Standard Secondary School." (H. P. 1651) (L. D. 1349)

(In the Senate, on April 2nd, 1947, passed to be engrossed in concurrence.)

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

In the Senate, on motion by Mr. Leavitt of Cumberland, the bill and accompanying papers were laid upon the table pending consideration of House Amendment A.

House Committee Reports

The Committee on Appropriations and Financial Affairs on "Resolve Relating to Impounded Bank Accounts of Kennebec Bridge Fund." (H. P. 1483) (L. D. 1084) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on "Resolve Opening the South Branch of Dead River and Tributaries (Except Nash Stream) to both Fly and Bait Fishing." (H. P. 908) (L. D. 607) reported that the same ought to pass.

The same Committee on "Resolve Closing Saddleback Stream to all Fishing." (H. P. 906) (L. D. 605) reported that the same ought to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Regulation of Smelt Fishing in Casco Bay." (H. P. 1519) (L. D. 1142) reported that the same ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Salary of the Register of Deeds of Kennebec County." (H. P. 1086) (L. D. 704) reported that the same ought to pass.

The Committee on Towns on Bill "An Act Relating to Election of Town Auditors." (H. P. 513) (L. D.

308) reported that the same ought to pass.

Which reports were severally read and adopted in concurrence, the bills read once and tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Open Season for Trapping Beaver during the Month of January of Each Year." (H. P. 1166) (L. D. 843) reported the same in a new draft (H. P. 1706) (L. D. 1429) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relative to Open Season on Partridge and Pheasants." (H. P. 1061) (L. D. 693) reported the same in a new draft (H. P. 1705) (L. D. 1428) under the same title, and that it ought to pass.

The Committee on Legal Affairs on Bill "An Act to Amend the Act Providing for the Board of Commissioners of Police for the City of Augusta." (H. P. 849) (L. D. 505) reported the same in a new draft (H. P. 1707) (L. D. 1432) under the same title, and that it ought to pass.

The Committee on Maine Publicity on Bill "An Act Relating to Billboards." (H. P. 1390) (L. D. 1009) reported the same in a new draft (H. P. 1702) (L. D. 1425) under the same title and that it ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve, Sale of Hatcheries and Feeding Station Property Authorized." (H. P. 956) (L. D. 626) reported the same in a new draft (H. P. 1703) (L. D. 1426) under the same title, and that it ought to pass.

The Committee on Ways and Bridges on Bill "An Act Relating to the Town Road Improvement Fund." (H. P. 1528) (L. D. 1121) reported the same in a new draft (H. P. 1689) (L. D. 1406) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to State Owned Cars." (H. P. 1331) (L. D. 896) reported the same in a new draft (H. P. 1704) (L. D. 1427) 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 tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on Bill "An

Act Relating to Permanent State Trust Funds," (H. P. 1479) (L. D. 1080) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Claims on "Resolve in Favor of W. S. Christie, of Orneville," (H. P. 1049) (L. D. 688) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence and the bills as amended were tomorrow assigned for second reading.

The Majority of the Committee on Labor on Bill "An Act to Protect the Public Interest in and to Facilitate the Settlement of Controversies Between Employers and Employees," (H. P. 1625) (L. D. 1299) reported the same in a new draft (H. P. 1668) (L. D. 1404) under the same title, and that it ought to pass.

(signed)

Senator: HOPKINS of Kennebec
Representatives:

BROWN of Unity
SHARPE of Anson
CHASE of Cape Elizabeth
COLLINS of Caribou
MARSHALL of York

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

(signed)

Senator: HASKELL of Penobscot

Comes from the House, the Majority Report read and adopted, and the bill in new draft passed to be engrossed.

In the Senate, on motion by Mr. Hopkins of Kennebec, the reports and accompanying papers were laid on the table pending consideration of the reports, and especially assigned for tomorrow.

The Senator from York, Senator Batchelder was granted unanimous consent to address the Senate.

Mr. BATCHELDER of York: Mr. President, I am about to ask unanimous consent to introduce a bill which will permit the Bates Manufacturing Company to take over the Bates Company. I might say that the Bates Manufacturing Company is the company doing business in the city of Lewiston. They own subsidiary companies which are operating in Augusta and Biddeford

and if they are allowed to merge it would be a considerable saving in the way of income taxes which in these times is very essential for companies employing a lot of people here in the state of Maine. It was thought that possibly this might be accomplished without this legislation, under the general law, but it is now found that it cannot be accomplished without much complication and if this bill is allowed to go along at this particular time, it will probably be referred to the Legal Affairs Committee and while we are still hearing some bills in that committee, I don't think this will affect the final adjournment of the legislature. Therefore, I ask unanimous consent to introduce the bill.

Thereupon, bill, An Act to Increase the Purposes and Powers of the Bates Manufacturing Company and to authorize it to acquire the Assets of the Bates Company was received by unanimous consent and on further motion by the same Senator was referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

Senate Committee Reports

Mr. Leavitt from the Committee on Public Health on Bill "An Act Relating to Control of Tuberculosis," (S. P. 445) (L. D. 1246) reported the same in a new draft (S. P. 529) (L. D. 1437) under the same title, and that it ought to pass.

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

Mr. Blanchard from the Committee on Legal Affairs on Bill "An Act to Amend the Charter of the City of Augusta by Providing for the Appropriation of School Funds by the City Council," (S. P. 215) (L. D. 572) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted and the bill read once; Committee Amendment "A" was adopted without reading and the bill as amended was tomorrow assigned for second reading.

Passed to be Engrossed

"Resolve in Favor of the University of Maine for General Operations." (H. P. 79) (L. D. 67)

Bill "An Act to Increase the Salary of the Judge of the Norway Municipal Court." (H. P. 629) (L. D. 389)

Bill "An Act Relating to the Salary of the Adjutant-General." (H. P. 688) (L. D. 444)

Bill "An Act Relating to Assistant Probation Officer and Clerk Hire for Probation Office in Androscoggin County." (H. P. 690) (L. D. 446)

Bill "An Act Relating to Clerk Hire in the Office of Register of Probate in Androscoggin County." (H. P. 691) (L. D. 447)

Bill "An Act Relating to the Salary of the Recorder of the Augusta Municipal Court." (H. P. 877) (L. D. 489)

Bill "An Act Increasing the Salary of the Sheriff of Cumberland County." (H. P. 948) (L. D. 533)

Bill "An Act Relative to the Salary of the Recorder of the York-shire Municipal Court." (H. P. 952) (L. D. 624)

Bill "An Act to Increase the Salaries of the Judge and Clerk and the Clerk Hire of the Auburn Municipal Court." (H. P. 953) (L. D. 557)

Bill "An Act Increasing the Salary of the Deputy Clerk of Courts in Penobscot County." (H. P. 983) (L. D. 634)

Bill "An Act to Increase the Salary of the Register of Deeds of Piscataquis County." (H. P. 1087) (L. D. 705)

Bill "An Act to Increase the Salary of the County Treasurer of Kennebec County." (H. P. 1085) (L. D. 703)

Bill "An Act to Increase the Salary of the Judge of Probate in Penobscot County." (H. P. 1204) (L. D. 824)

Bill "An Act Relating to Fees of Sheriffs and Their Deputies." (H. P. 1207) (L. D. 853)

(On motion by Mr. Barnes of Aroostook, tabled pending passage to be engrossed.)

Bill "An Act Relating to Compensation of Stenographers in Probate Courts." (H. P. 1209) (L. D. 827)

Bill "An Act to Increase the Salary of the Insurance Commissioner." (H. P. 1317) (L. D. 914)

Bill "An Act Relating to Duties of Governor-Elect with Advisory Committee on Budget." (H. P. 1318) (L. D. 915)

Bill "An Act Relating to Complainant and Witness Fees and Costs of Police Officers and Constables." (H. P. 1357) (L. D. 958)

Bill "An Act Relating to Clerk Hire in Office of Register of Deeds in Androscoggin County." (H. P. 1405) (L. D. 1020)

Bill "An Act Relating to Clerk Hire in the Office of Clerk of Courts in Androscoggin County." (H. P. 1408) (L. D. 1021)

Bill "An Act Relating to Clerk Hire in the Office of the County Treasurer and County Commissioners in Androscoggin County." (H. P. 1407) (L. D. 1022)

Bill "An Act Relating to Compensation of Members of the Maine-New Hampshire Interstate Bridge Authority." (H. P. 1452) (L. D. 1049)

Bill "An Act to Incorporate the Town of Lebanon School District." (H. P. 1693) (L. D. 1419)

Bill "An Act Permitting Bowling on Sunday." (H. P. 1694) (L. D. 1414)

Bill "An Act Governing the Regulations for Traveling Amusement Shows and Circuses." (H. P. 1695) (L. D. 1413)

Bill "An Act Creating the Fort Fairfield Utilities District." (H. P. 1696) (L. D. 1420)

Bill "An Act Relating to Fees of Registers of Deeds." (H. P. 1699) (L. D. 1416)

(On motion by Mr. Haskell of Penobscot, tabled pending passage to be engrossed.)

Bill "An Act Relating to Clerk Hire in County Offices in Somerset County." (H. P. 1700) (L. D. 1417)

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

Bill "An Act Relating to Fees of the Sealers of Weights and Measures." (H. P. 624) (L. D. 384)

Bill "An Act to Amend the Charter of the City of Augusta." (H. P. 951) (L. D. 553)

Bill "An Act Increasing the Salary of the County Commissioners in Penobscot County." (H. P. 1088) (L. D. 706)

"Resolve in Favor of Wendell Boutillier of Oakfield." (H. P. 1146) (L. D. 762)

Bill "An Act to Increase the Salary of the Register of Probate in Penobscot County." (H. P. 1205) (L. D. 825)

Bill "An Act to Increase the Salary of the County Treasurer in Penobscot County." (H. P. 1404) (L. D. 825)

Bill "An Act to Incorporate the North Jay Water District." (H. P. 1471) (L. D. 1075)

Bill "An Act Relating to Impounded Bank Accounts of the Per-

manent School Fund." (H. P. 1480) (L. D. 1081)

"Resolve Relating to Lands Reserved for Public Uses Trusts." (H. P. 1482) (L. D. 1083)

Bill "An Act to Incorporate the New Gloucester Water Company." (H. P. 1614) (L. D. 1280)

Bill "An Act Regulating Lights on Motor Vehicles." (H. P. 1628) (L. D. 1300)

Which were severally read a second time and passed to be engrossed, as amended, in concurrence.

"Resolve Designating U. S. Route No. 1 in Maine as a Blue Star Memorial Highway." (S. P. 521) (L. D. 1422)

"Resolve Providing for a Fish Screen at Outlet of Kewayden Lake in the Town of Stoneham in the County of Oxford." (S. P. 524) (L. D. 1424)

Bill "An Act to Revise the Sea and Shore Fisheries Laws." (S. P. 525) (L. D. 1430)

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

Sent down for concurrence.

Bill "An Act Relating to the Advisory Council for the Hospital Survey Act." (S. P. 449) (L. D. 1253)

Which was read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

Tabled Pending Passage to be Enacted

Bill "An Act Increasing the Salaries of the County Attorney and Assistant County Attorney of Cumberland County." (S. P. 134) (L. D. 280) (Tabled by Senator Williams of Penobscot.)

Bill "An Act to Provide for Maintenance and Operation of State Technical and Vocational Schools." (S. P. 275) (L. D. 815)

(Tabled by Senator Savage of Somerset.)

"Resolve, Providing for a Fish Screen at Outlet of Cobboscontee Lake, in the Town of Manchester." (H. P. 1664) (L. D. 1367)

(Tabled by Senator Savage of Somerset.)

"Resolve, Directing Commissioner of Sea and Shore Fisheries to Make Study of Life and Habits of Seals." (S. P. 118) (L. D. 355)

(Tabled by Senator Savage of Somerset)

"Resolve, in Favor of a Special Recess Committee to Study the Creation of Domestic and Family Courts and Report to the Legislature." (S. P. 283) (L. D. 806)

(Tabled by Senator Williams of Penobscot.)

"Resolve, to Continue the Interim Commission to Study Methods to Assure Greater Productivity of the Forest Lands of the State." (S. P. 442) (L. D. 1253)

(Tabled by Senator Cleaves of Cumberland.)

Bill "An Act Relating to Salary of State Auditor." (H. P. 22) (L. D. 12)

(Tabled by Senator Cleaves of Cumberland)

Bill "An Act Relative to Bounty on Bobcat, Loupcervier and Canada Lynx." (H. P. 1624) (L. D. 1284)

(Tabled by Senator Williams of Penobscot.)

Finally Passed

"Resolve, Granting a Pension to Mary E. Dunbar, of Portland." (H. P. 1665) (L. D. 1365)

Orders of the Day

The President laid before the Senate, Bill, An Act Providing Additional Highway Funds (H. P. 1678) (L. D. 1394) tabled by Mr. Bishop of Sagadahoc on April 21st pending passage to be engrossed, and today assigned.

Mr. BISHOP of Sagadahoc: Mr. President, and members of the Senate; last Friday this bill went sailing through this body without a word to analyze the needs or merits of the case. It seems to me that any measure that proposes to increase our present high tax by fifty percent is worthy of some explanation and very careful discussion. The first sentence in the bill states, "Whereas, the present highway program requires immediate funds in order to match federal funds for the construction of highways and to carry out necessary maintenance of highways," it appears that the sole purpose of the increase in gas tax is designed for matching funds. There seems to be some question whether or not the need is as we have had it presented to us. It has been changed two or three times in the last few weeks and it seems to me that this whole matter should be very carefully discussed. Some people tell me it is a "trial balloon" to see what we

can and will do, but nevertheless I feel we should analyze the bill.

On the fifth page, Section 7 outlines the proposed diversion or allocation of the million dollars that will be taken from this expected increased revenue. It seems to me that is not justified. If we need this money for our highway program and for matching federal funds then the whole amount should be used for that purpose, and I have had prepared an amendment to strike out the whole of Section 7—to have it deleted from the bill. This may be the answer to our highway program and if we need it for matching then I don't object, but I feel every dollar that comes from that increase should go for matching purposes. If we strike out Section 7, then Section 8 is unnecessary. That section has to do with the constitutionality of the Act. If there is any question about the constitutionality, we are not justified in diverting this one million dollars.

My amendment which I propose, and which I hope will be adopted, strikes out Section 7 and 8 and moves Section 9 up in the place of Section 7. I hope it will be adopted.

The Secretary read Senate Amendment "A."

"Senate Amendment 'A' to H. P. 1678, L. D. 1394, Bill, 'An Act Providing Additional Highway Funds.' Amend said Bill by striking out all of Section 7 and Section 8 thereof. Further amend said Bill by renumbering Section 9 to be Section 7."

Mr. NOYES of Hancock: Mr. President and members of the Senate: I move that Senate Amendment "A" be indefinitely postponed. The Senator from Sagadahoc, Senator Bishop, has pointed out that his understanding is that this gasoline tax should be used to match funds. In one sense that is correct, but when it comes to matching funds we not only match federal funds on the part of the State, but cities and towns of the State of Maine match State funds on the part of the towns.

If you will look at your highway bill, you will find that they recommended the sum of one million dollars for State Aid roads. As most of you undoubtedly know, when our cities and towns wish to build a piece of State Aid road they are required, according to their valuation, to raise money either in their town meeting or by their city government to match State funds.

They are required to send money here to Augusta to get back to the town and city money they have already paid in the form of gas tax. Likewise when the State matches federal funds, we are doing the same thing.

It seems to me the people who are opposing the refunding are losing sight of one of the greatest problems that is facing the State of Maine and this legislature—the problem of a high real estate tax.

We have several bills before this Legislature, the purpose of which is to relieve municipalities from a certain amount of their already high taxes. If you will bear with me for a moment, I would like to point out to you the reason why we have the excessive real estate tax that we do have in the State of Maine. The reasons are two-fold; One, the highway. Two, the school. It is safe to say in the majority of our municipalities 75 percent of the dollars raised are for school or highway purposes. The great majority of the municipalities have a tax rate of more than 60 mills, which is the State average as of 1947, and 25 percent of that tax is for highway purposes. It may interest the Senate to know that in 1946 the various municipalities of the State of Maine taxed real estate for more money than was paid into the State of Maine by the gas tax. They raised \$420,000 for patrolling, which is the law which requires towns to raise \$40 a mile for so called maintenance. The towns and cities of the State of Maine raised \$2,986,000 for snow removal. It includes plowing and hauling away the snow on our city streets. They are taxed \$180,000 for maintenance of third class roads. Likewise, they taxed themselves \$2,678,000 for town ways and bridges. In addition to that, they raised \$666,000 for State Aid. That makes a total of roughly over \$7,000,000 which real estate paid in highway taxes—taxes on real estate.

It may interest you to know that back some years ago before we had motor vehicles that these various towns and cities were likewise raising taxes for this purpose. How much did they raise? In 1909 the total tax was \$1,562,000. In 1932 it was \$4,253,000 and in 1946 it is \$7,000,000. What I am trying to point out to you is that the motor vehicle has created this highway problem.

I have on my desk a copy of an

editorial from the Lewiston Evening Journal and a letter from my good friend, Roy Snowden. I think for the purposes of the record I need to correct some of these statements. First of all, "Malcom P. Noyes, Republican from Franklin County, chairman of the Taxation committee of the 93rd Legislature"—Malcom P. Noyes happens to be from another county. I will apologize to the County of Franklin for having a Senator who has such economically unsound ideas. It says, "Noyes is bitten by the pay-as-you-go bug for permanent improvements." Now, Noyes will retract every word if the gentleman or gentlemen who write these editorials will show him a permanent highway. I claim there is no such animal. There are two reasons for that. One is the increasing traffic and the increasing weight of that traffic upon our Maine highways. It is well illustrated by the bill before this current session, a bill to increase the weight by 10,000 pounds. Second, the geography of the State of Maine and the climate of the State of Maine are such that frost conditions make a permanent highway an impossibility and it is mere wishful thinking that you could ever have a permanent highway. Future generations must maintain your highway system. As your highways are built, your costs of maintenance necessarily must increase. That is the burden that future generations are going to bear here in the State of Maine.

Back in 1943 we passed a Constitutional amendment which provided that all of the gasoline tax and all of the registration fees and licenses for motor vehicles should be used for highway purposes. Whether that amendment was right or wrong is not for us to say. However, I will make an additional statement. It is my contention that under a situation such as this, the automobile and the truck are paying no taxes at all. They are paying no taxes at all. They are simply paying for the road upon which they ride. The automobile and the truck without a road has no value. In itself it is a thing of beauty and would not sell for very much money. So I say regardless of whether the tax is four cents or six cents or twenty cents a gallon, while that money is used for highway purposes, the user of that highway has very little ground to object.

I have one other point I wish to bring out but it has temporarily slipped my mind. However, I will close by saying that as long as the State of Maine is located as it is, on the 45th degree of latitude, with a climate such as we have, devoting more than \$4,000,000 a year of its revenue for the removal of snow, which \$4,000,000 is roughly equivalent to the two cent increase in gas tax we are asking for, the increase from four to six cents is not at all excessive.

Mr. WELCH of Aroostook: Mr. President and members of the Senate: I hesitate somewhat to rise at this time. There have been some remarks made that the figures from the Committee on Ways and Bridges are a little confusing. I also noted that in the same letter which my friend, the Senator from Hancock, Senator Noyes, just referred to, I saw where we got a little spanning in that.

The changes to which some criticism has been offered are in our maintenance set-up. We have found it a little difficult to set up our highway program so far because we do not know exactly what we are going to have to work with. The recommendations of the budget of the committee in the bill, Legislative Document 593 are for \$4,000,000 for maintenance. If you will look back to your report of the Research Committee, you will find that we spent last year \$4,604,000 for maintenance. Now, does anybody think our roads were too well maintained last year? I don't think they were. There was not much more than half a job done on them. For that reason alone we are trying to raise that figure from between six to seven million dollars. This amount will only offset the increase in wages. Wages in this department for workers out on the highway have increased from thirty-five to seventy-five cents an hour. So when you try to tell people that you can get along and do the job with the same amount of money—to me it just doesn't make sense.

In regard to this bill which we are voting on at the present time, it is one which came out of the Taxation Committee with a unanimous report, "Ought to Pass." I know this committee put in a lot of hard work on this and a lot of time was spent on it, and I, for one, am willing to go along with it as it came from the Committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that Senate Amendment "A" be indefinitely postponed.

Mr. BISHOP: Mr. President, I merely rise to inquire if we can indefinitely postpone an amendment that has not been adopted yet?

The PRESIDENT: The Chair will state the question is on consideration of Senate Amendment "A". A motion to indefinitely postpone is in order.

Mr. CROSS of Kennebec: Mr. President, I think there is one point we should bring out thoroughly in regard to this bill, perhaps not particularly in regard to the amendment, but the bill as a whole with the amendment. This highway situation has been discussed very thoroughly in the Senate. You will recall the suggestion which was left on your desks some days ago. The Ways and Bridges Committee attempted to show you just why there was a necessity for more funds from some form of taxation or bonds or both, and I agree heartily with the Senator from Hancock, Senator Noyes, in his discussion of the very heavy burden upon the towns, which the highways of the State bear. It is also true it is a very heavy burden upon the State, and this projection attempted to show you that regardless of the fact that there has been marked increases in revenue over the past year, and indicated over the next two years, there is still a shortage in the regular workings of the department.

Even with the increased revenue, we are unable to continue our usual program, and as the Senator from Aroostook, Senator Welch, has pointed out, the cost of snow removal and maintenance from the State angle has permeated far beyond the increased revenue; so we do find ourselves, even with new revenue, in this position—we cannot match federal funds. It is the principal reason, perhaps, for the gas tax increase, and we cannot provide State Aid, matching funds for State Aid and third class road improvements. So you see the thing goes beyond the federal matching funds into a regular State program which this State has always carried on in conjunction with the towns. In other words, without some form of

taxation, we must do no construction of any kind.

On the reverse side of the picture, the figure of maintenance is a very significant one. The Ways and Bridges Committee has considered the matter very carefully and has set the maintenance figure at about one third to one half more than has been spent in previous years. This is the result of the dangerous situation of having had no proper maintenance through the War years and having had no new construction during the last four or five years. Newly constructed roads, as you all know, require little or no maintenance for the first few years and this is the significant fact concerning the rise in maintenance cost, because we have had no new construction, maintenance costs will rise and continue to rise until we take up the slack by new construction.

I wish to point out to the Senate that regardless of whether this tax bill passes or not, and even if we used the whole of it for matching funds, we still would have a shortage in State activities, so probably a well-rounded program would require both this revenue and bonds for construction. With these bonds, which I think we would all agree is a good capital investment, we must have more revenue to amortize those bonds. There is not sufficient revenue under existing taxation to handle the program of the State and amortize any bonded debt.

Mr. BISHOP: Mr. President, there have been several statements made here. I would like to refer to the first on which the Senator from Hancock and Franklin, Senator Noyes, mentioned in regard to real estate taxes in municipalities. It has been my experience and I think it has been yours, to divert any money and send it back promiscuously to towns and cities, it doesn't reduce or relieve real estate one dollar. It will be absorbed and the tax rate will continue on as it is. It seems we should have some kind of definite program and know what we will need and where we are headed. If this is needed for funds to match federal funds, it is one thing. If it is used for part of it to be sent back to towns and cities, then it is another. On top of any that we need to float a bond issue, how are we going to pay it off and amortize it, and use other money for some other purpose? It is esti-

mated this year and next the income from the gasoline tax will be two or three million dollars more than they estimated. The original budget request was \$11,829,000. We knew what the snow removal costs were and what the program was, if we have any. The Committee's projective gave \$14,413,000, which indicates to me that we are still pretty vague on what our plan of program is.

Whether or not this amendment is adopted, it has brought out what I wanted—some discussion on the bill.

Mr. NOYES of Hancock: Mr. President, I want to thank the Senator from Sagadahoc, Senator Bishop, for bringing up the point which slipped my mind. It is regarding towns and cities not realizing any relief from this million dollars, which goes back, so to speak. It is a thought that has been agitated around these corridors for some time and I want to say it has been my experience in these small towns, in the vast majority of cases, you have men who are as capable of spending money as we are, and I doubt if my town received a thousand dollars from the gasoline tax, that that thousand dollars will be used for highway purposes and will relieve my town from the necessity of raising any money for snow removal or if it will relieve my town of the necessity of raising \$40 a mile for maintenance of State-aid roads.

Mr. ELA of Somerset: Mr. President, if this bill passes in its present form, it will provide \$3,000,000 for the State highway program and nearly \$1,000,000 for highway purposes under the supervision of the Highway Commission backing the municipalities.

Now, it may well be that of all the measures introduced into this legislature for the relief of taxpayers on their personal and real estate taxes, it may possibly be that this is the only one which will provide substantial relief. It may well be that if you do not recognize the fact that some relief for highway purposes is needed on the municipal level, that you will pass no bill at all. \$3,000,000 or nearly that would certainly go a long way toward solving the highway situation on the State level. If the preamble in the bill has some omissions which might be deemed vital, they could be added there rather than

striking out all items later in the bill which might be inconsistent with the preamble.

Mr. BISHOP: Mr. President, I apologize for rising four times, but it seems this is a one man battle, so I have to carry the load, myself. The fact, I think has been overlooked, that there is such a thing as taxing a commodity to the extent that it might not bring the revenue we anticipate.

Now, when we get a tax which is double that of our neighboring States, and the highest tax of any State east of the Mississippi and north of the Mason-Dixon line, we may be taxing ourselves out of existence. Other States nearby may make an issue of this and this great Vacationland of ours may be sidetracked by summer tourists and they will work up through Vermont and the other States and not come to Maine because of the excessive tax on gasoline. It is just human nature for people to avoid a tax like this. As a matter of fact, three weeks ago I was in Massachusetts and just before I left that State I filled my tank to the brim. I keep it nearly full anyway, but I knew I was buying gas for quite a bit less than I could buy it when I came across the border. I will admit it. Others might not. It is a common occurrence. You see big trucks put on extra auxiliary tanks so that they do not have to buy gasoline in Maine. I doubt if we will get the amount of revenue we anticipate from the increased tax. There is a time you come to the limit, and I think we might be doing the same thing now.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Noyes, to indefinitely postpone Senate Amendment "A".

A viva voce vote being had, the motion prevailed and Senate Amendment "A" was indefinitely postponed.

Mr. BISHOP: Mr. President and members of the Senate, I didn't expect that amendment would get by, but I do feel that we have overlooked something in this bill, something we do in every tax measure. We never put a time limit on it. Now, if this has merit and if we need this money, just as soon as we have accomplished the purpose we have set out to do, I believe this tax should come off and we should turn back to the present level. I

have another amendment, Senate Amendment "B", which puts a definite time limit on this act, a three year limitation. I present Senate Amendment "B" and move its adoption.

The Secretary read Senate Amendment "B":

"Senate Amendment 'B' to H. P. 1678, L. D. 1394, Bill, 'An Act Providing Additional Highway Funds'. Amend said Bill by adding at the end of Section 9 thereof the following: 'The provisions of this act shall be in effect until September 1, 1950. It is the intent of the legislature to change the present statutes until September 1, 1950, after which time the present statutes shall return to full force and effect.'"

Mr. NOYES of Hancock: Mr. President, I have not heard much discussion on the possibility of a temporary tax, so I am perhaps unprepared to debate this. I will say, however, I am opposed to the amendment. I don't like the three years part of it in the first place. As far as any limitation of increase in the gasoline tax is concerned, for one, I am tired and sick of subsidizing the highway program by a tax on real estate and if your emergency of matching federal funds is met and at the end of two years or three years we have money available, I would prefer to see, instead of a million dollars reallocated to the towns and cities, I would rather see three million dollars reallocated to the towns and cities. I believe we have got to come to some kind of an agreement as to just how much of the highway burden should be borne by real estate and how much should be borne by the motor vehicle.

Now, it is my contention that your state highway, your State Highway, your State-aid highway, the maintenance thereof, and the snow removal from the same, should be borne by the motor vehicle, and that your town bridges and ways should be paid for by a tax on real estate. Now, whether I am correct is open to debate but it may be of interest to know if a program like that were followed, the present real estate tax for highway purposes would be reduced about 50% and at the same time the real estate tax for highway purposes would be increased about 60% over what it was before we had the automobile problem.

Mr. BISHOP: Mr. President, I think we are again losing sight of the people we are trying to serve. I have spent a few evenings the past week discussing these tax measures before various groups over my county. I talked with a group in Bath last Thursday evening. There were 35 or 40 present. At first hand they were definitely opposed to the gasoline tax. After I explained it to them and outlined the federal matching program and they found out it was their money they paid to the federal government, they were a little more receptive. They were also opposed to an indefinite tax with no time limit. But before we finished, they voted unanimously in favor of a tax if there were a time limit on it.

Last Friday evening I spoke before Grangers, and I will say they are not influenced too much by the State Grange—they are pretty much individualists, and we took a poll of the group and there were some 200 present and they again voted about fifty-fifty for the gas tax if there was a time limit on it.

After all, we are representing our people and we know what our people do with tax measures and how they feel about tax measures that go on indefinitely and most tax measures do. It seems to me we ought to be a little cautious here and adopt a time limit.

Mr. CROSS of Kennebec: Mr. President and members of the Senate: In regard to this situation which has been outlined to you this morning, I think we should consider seriously this amendment which has been offered.

None of us can see ahead beyond a reasonable time. We do not know whether this period of inflation which appears to be on us now in highway costs, will continue. It may very well be that two or three years from now the situation may be entirely different than it appears to be. Perhaps the revenue will be higher than we expect, although I think we have taken the highest that we can have. In the interim there will be another session of the legislature which can examine the situation and if we find highway costs have decreased sufficiently so we can live, then the additional gas tax and other revenue can end in 1950. If we find the towns are in as bad shape as they are now and the highway department is still short of funds, any succeeding legis-

lature may take such steps as they deem wise at the time and with such information as they have at the time. Personally, I am ready to go along with the Senator from Sagadahoc, Senator Bishop, on this amendment.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment "B."

A viva voce vote being doubted, a division of the Senate was had. Thirteen having voted in the affirmative and seventeen opposed, the amendment was not adopted.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, if it appears in order to offer amendments to this Section 7 of Legislative Document 1394, I think at this time I will offer an amendment. I am a little disturbed on the way the Committee has decided to distribute the funds. I believe if we are going to try in any respect, by this Act, to call a halt on the highway program in the State by the increase of real estate taxes, we should be very careful about how this Section 7 is worded.

Now, accepting the House Amendment — it is based upon three factors — mileage, population, and registration fees. I do not want to be unfair in this matter at all, but it seems to me two of these factors are not a fair representation of how this money should be distributed, if it is to be distributed on a State wide basis, and it appears to me there is only one factor on which we can fairly distribute this money back to municipalities, and it is on the basis of mileage.

Because of this fact, there are towns in the State in which there is a large registration of motor vehicles. There might be quite a large population in some of these sections and yet the mileage of that community is very small. For an example of that, I am going to refer to two communities in Penobscot County, which I represent in the House of Representatives. One is the town of Veazie and the other is the town of Greenbush. In the town of Greenbush I have been unable to find the exact mileage but it is something like two miles through the town and a few side streets. The first time I came to the legislature I talked to the selectmen in the two towns, asking what they wanted and they said, "Don't ask for a resolve for our town. We don't need any. Give it

to a town that needs it. Incidentally Veazie had a tax rate last year of 52 mills. The town of Greenbush has a State-aid highway running along and you have probably traveled over it, and at the present time there is a State highway that goes across in a direct line. It is being used by the residents of northern Penobscot and Aroostook and the traveling public in general. It is being maintained purely for the good of the traveling public and not for the good of that particular town. Running at right angles to that main State highway is a State-aid road which is the beginning of a long stretch of a forest road that goes back some 40 miles in the wilderness and is traveled in great volumes in the fall. I imagine many of the Senators have been there in the fall during the hunting season. It is also used in the winter when there are many large trucks on that road, trucks of corporations that pay no tax whatever in the town of Greenbush — at least I know of three, whose registration fees are paid in Brewer, Great Works, Old Town, Millinocket and other towns.

From that brief illustration — not because they are isolated examples but because they are typical examples, I believe the only fair way if this money is to be turned back to the municipalities, it should be on one factor and that is mileage, and I think if we are going to be fair about it we should also include city streets in the mileage basis.

Now, as to what should be done with the money, I am not in sympathy with the idea of turning back a million dollars to the municipalities and say, "Use it any way you wish as long as the Highway Commission will allow you to do it that way." We have definite defined highways, definite plans at the present time for which state and town money shall be used. I would say to take one of the categories and place the money on that one category, or more, if there is more than enough in the individual community to take care of that category.

I have taken in this amendment, snow removal, because I think it might be better for the State-aid and third class roads because it is a problem of the larger municipalities as well as the smaller ones, and would take in the mileage on the

city streets and other ways on which snow is removed. To take care of a case where a town would receive more money than was necessary for the provision of snow removal I have added that it should be for the maintenance of State-aid highways — that portion which the town now makes up.

With that brief explanation of this amendment, I would like to offer Senate Amendment "C" and move its adoption.

The Secretary read Senate Amendment "C":

"Senate Amendment 'C' to H. P. 1678, L. D. 1394, Bill, An Act Providing Additional Highway Funds. Amend said bill by striking out all of Section 7 thereof and inserting in place thereof the following: Section 7, R. S. C 20 Amended. Section 7 of Chapter 20 of the Revised Statutes is hereby amended by adding at the end thereof the following: There shall be paid by the State from the general highway fund to the towns annually, commencing June 1, 1948 one million dollars from the proceeds of the gasoline tax, such payment to be made on the basis of the following factor: I. The total number of miles of highways, streets and ways in each town which are cleared of snow during the winter by the State or town in relation to the number of miles of highways, streets and ways in the State which are cleared of snow during the winter season by the State or any political subdivision thereof. Such payments shall be expended for the cost of snow removal under the supervision of the State Highway Commission. All unexpended balances of such payments shall be expended for the cost of maintenance of State-aid highways under the supervision of the State Highway Commission."

Mr. HASKELL of Penobscot: Mr. President, I assume as the third member of the Committee on Taxation it may be my turn to explain why I don't think this amendment ought to be adopted by the Senate. It has been stated correctly that the bill had many executive sessions, and to me the impressive thing in our committee's conclusion was the unanimous acknowledgment that there was some relationship between the source from which the tax dollar came to the communities and that to which the dollar was paid out. In giving you

these figures I will first acknowledge that they are not absolutely accurate but are approximate and are round figures.

If you will take a typical large city in the State and determine it pays a dollar in increased gas tax, if you use the four factors of mileage, registration, population, and valuation, that large city gets back seventy-five cents of the dollar the citizens pay. The committee unanimously agreed it had sense and reason. The House in its wisdom has given the rule to us in a little different form and has brought it down to about fifty cents, and I can agree there may be some justice in cutting out valuation and there might be justice in cutting out population, but when it goes on to mileage I think it is taking it a little too far. The mileage in some of the larger towns and cities is substantially the same as it is in the smallest towns, and the larger towns and larger cities have about the same snow removal problem as far as miles are concerned, but certainly we have a lot more road responsibility per mile than do the small towns for the reason that the highway program as set up does a substantial part of the smaller towns' highway work.

In our Committee on Taxation we had several representatives from small towns and they fairly and honestly acknowledged that it ought to be considered. I think when you jump from one dollar to twenty-five cents to the small towns, you are going too far in taking money away from the source in which it comes. I think the cities are doing a relatively complete job in acknowledging responsibility to the smaller towns. I am fearful if you go the whole way and put it on mileage alone, you are making it a pretty difficult bill for the cities to accept. I am sure they are going to be willing to pay out to the towns a fair share as related to payments but I think if you are going too far they will say that it just isn't fair, and I think a one-factor distribution is carrying it a little too far and so I hope that Senate Amendment "C" will not be adopted.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment "C".

A viva voce vote being doubted, a division of the Senate was had. Nine having voted in the affirmative and twenty-one opposed, Sen-

ate Amendment "C" was not adopted.

Thereupon, the bill was passed to be engrossed in concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, Bill, An Act Relating to Fees of Registers of Deeds (H. P. 1699) (L. D. 1416) tabled by that Senator earlier in today's session pending passage to be engrossed.

Mr. HASKELL: Mr. President, I offer Senate Amendment "A" and move its adoption. In offering this amendment I will briefly explain that an error in the committee draft was pointed out and it was pointed out to us that we had created an inconsistency with another section of the statutes, and that is the reason the amendment is offered.

The Secretary read Senate Amendment "A":

"Senate Amendment 'A' to H. P. 1699, L. D. 1416, Bill, An Act Relating to Fees of Registers of Deeds. Amend said bill by striking out in the 4th paragraph from the end thereof, the stricken out and underlined figures as follows: '\$1.50' and inserting in place thereof the figure '\$1.'"

Thereupon, Senate Amendment "A" was adopted.

Upon motion by Mr. Ela of Somerset, the bill as so amended was laid upon the table pending passage to be engrossed.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, bill, An Act Relating to Increasing the Maximum Payment in Old Age Assistance (S. P. 487) (L. D. 1355) tabled by that Senator on April 3 pending passage to be engrossed.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this is the bill that seeks to increase the maximum old age assistance allowance from \$40 to \$45 a month. It comes to you with the unanimous committee report "Ought to Pass in New Draft." I won't take your time to debate the merits of the \$40 to \$45 increase except to state that that was put in to permit the state to take advantage of the increased ceiling permitted by the federal government since last September.

In tabling the new draft I met the question of what the addition

suggested in the new draft by the committee would be. Very briefly I will read them. First, they have provided that "An application shall not be considered unless accompanied by an individual sworn statement." I certainly have no quarrel with that. The second change adds the words 'and such facts together with statements including full information regarding ability to work, income, assets and liabilities, shall be sworn to in the application by the applicant.' I certainly have no quarrel with that and I think it is the intent of the statutes as they exist that these facts be honestly determined but I did question the words 'ability to work' and I questioned them for two or three reasons. In the first place, by putting the words 'ability to work' in the statutes, I think it is fair to those who must administer the act to tell them whether or not the words 'ability to work' shall be a yardstick in determining eligibility. That, the new draft does not do. I visualize two years from now, some applications where some honest applicant had said, "I am able to work" yet he was granted aid because work may not have been available and for other reasons. I also visualize many deserving applicants who would hesitate to make application if they had just a little bit of ability to work left in them, and I thought that maybe the majority of the legislature did not want to set into our statutes a provision that all potential old age recipients must stay in the harness until they drop.

In tabling, I realized an investigation was going on and yet if as a result of that investigation substantial evidence was found to support such terms as "featherbed tramps" which we have heard sometimes in the corridors, I would leave it in there to strengthen the law if necessary. But the result of that study convinced me that ability to work was not the factor that led to criticism of the department. As I analyzed the report case by case, I think I found only one case where ability to work was brought into the picture and in that case they found a gentleman 70 years of age who was earning \$8 a week. Other than that one case there was no criticism of ability to work. For that reason I have discussed the matter with the Senate members of the committee and they have indicated to me that

they are in accord with an amendment to take it out.

My second thought in going over these two amendments is that we all agree that the applicants should file statements regarding their own personal balance sheets and if they should also file statements regarding the personal balance sheets of their relatives it certainly is fair and just to require the recipients who are now on the rolls to do the same thing. To me there is very little justice in saying, "Those of you who are under the wire need not file sworn statements and you need not have your relatives furnish evidence of their inability to pay, but new applicants shall."

Again, as I read the reports of the Welfare Committee, I was impressed with the fact that most of the criticism which they found dealt with the relatives and their ability to pay. So I think if you want to effectuate the result of the survey it is proper and right for the legislature to write into the statute a provision that all present recipients shall file the same sworn statement and I have an amendment to that effect.

I also have an amendment which strikes out 'ability to work.' The acceptance of these two amendments, I think, will serve not only to clarify the bill as it is written but can also very effectively direct the administration in clearing up the things they have pointed out in their study of old age assistance as deficiencies, if such deficiencies exist. So I present Senate Amendment A and move its adoption:

"Senate Amendment A to S. P. 487, L. D. 1355, bill, An Act Relating to Increasing the Maximum Payment in Old Age Assistance. Amend said bill by striking out in the 7th line of section 2 thereof the underlined words 'ability to work.'"

Which amendment was adopted.

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

"Senate Amendment B to S. P. 487, L. D. 1355, Bill, An Act Relating to Increasing the Maximum Payment in Old Age Assistance.

Amend said Bill by adding at the end thereof the following:

'Sec. 3. R. S., c. 22, § 265, amended. Section 265 of chapter 22 of the revised statutes is hereby amended by adding at the end thereof the following:

'Any recipient of old age as-

sistance shall be disqualified from receiving old age assistance unless he files with the commissioner, on or before January 1, 1948, and annually thereafter during the month of December, the following information:

I. A sworn statement concerning income, assets and liabilities of the recipient, sworn to by the recipient:

II. An individual sworn statement of inability to support the recipient made on the part of each accessible adult child or spouse of said recipient, and such statements shall include full information regarding individual income, assets and liabilities.'

Thereupon, on motion by Mr. Welch of Aroostook, the bill and accompanying papers were laid upon the table pending consideration of Senate Amendment B.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs Majority Report "Ought Not to Pass", Minority Report "Ought to Pass as amended by Committee Amendment A" on Resolve Providing for Certain Construction at Pownal State School (S. P. 174) (L. D. 526) tabled by that Senator on April 18 pending motion of the Senator from Sagadahoc, Senator Bishop, that the Senate adopt the minority report.

The motion prevailed, the Minority Report "Ought to Pass as amended by Committee Amendment A" was adopted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 174, L. D. 526, Resolve Providing for Certain Construction at Pownal State School. Amend said resolve by striking out in the second and third line thereof the words 'unappropriated surplus of the general fund,' and inserting in place thereof the words 'Maine Post War Public Works Reserve'."

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

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Preventing Drinking in Public Places,

(S. P. 505) (L. D. 1391) tabled by that Senator on April 17 pending passage to be engrossed.

Mr. BARNES of Aroostook: Mr. President, I present Senate Amendment A and move its adoption.

"Senate Amendment A to S. P. 505, L. D. 1391, Bill An Act Preventing Drinking in Public Places."

Amend said Bill by inserting in the 2nd line of subsection I of that part designated "Sec. 96-A", after the first underlined word 'or', the underlined words 'any person in charge of a public place as hereinafter defined'.

Further amend said Bill by striking out in the 6th and 7th lines of subsection I of that part designated 'Sec. 96-A', the underlined words 'less than \$10 nor'

Further amend said Bill by striking out in the 7th line of subsection I of that part designated 'Sec. 96-A', the underlined figures '\$200' and inserting in place thereof the underlined figures '\$50'.

Further amend said Bill by striking out in the 2nd line of subsection II of that part designated 'Sec. 96-A' the underlined word 'building'.

Further amend said Bill by striking out in the 2nd line of subsection II of that part designated 'Sec. 96-A' the underlined word 'conveyance' and inserting in place thereof the underlined words 'common carrier'.

Further amend said Bill by striking out in the 3rd line of subsection II of that part designated 'Sec. 96-A' the underlined words 'or parking place'.

Further amend said Bill by striking out in the 3rd line of subsection II of that part designated 'Sec. 96-A' the underlined word 'or' and inserting in place thereof the underlined word 'and'.

Mr. BARNES of Aroostook: Mr. President, in the first place, I want to state that this amendment is entirely in accord with the intent and purpose of this bill, but I did feel as I read it that there were certain features of it that should be changed. I am not bothered by that argument against it that the law is not enforceable. I suppose there are many laws that are not completely enforceable but it seems to me that this bill if amended as my amendment suggests will be enforceable in large part, and will be a great help to the pressing problem that faces the young people of our state.

Now, if you will turn to L. D. 1391, I shall try to explain the amendment that I have suggested.

The bill reads, "Any person taking a drink of liquor or offering a drink of liquor to another or knowingly permitting drinking at or in a public place—." It seems to me, and I believe to many others, that anyone who was in any public place anywhere who might just be there sitting around and saw someone about to take a drink, that that would subject them to the penalty of this provision.

I have therefore inserted after the words "another or" the words "any person in charge of a public place knowingly permits" and so forth, so as to place the responsibility entirely on the person in charge of the public place.

The next amendment I have suggested is down in the next to the last line of Section 1 and I have suggested cutting out the words "less than \$10 nor." I have always been opposed and probably always shall be opposed to minimum fines. I have had enough experience with the enforcement of the law to know that in almost every crime that is committed, the circumstances vary so that the presiding judge who is deciding the case and imposing the penalty should have a discretion to exercise in the matter of the fine imposed and I therefore suggest striking out that minimum fine of \$10.

In the next suggestion, I have stricken out the maximum fine of \$200 and inserted in place thereof the figures '\$50'. I don't know just what lies behind this maximum fine. As you probably know, for drunken driving in the State of Maine, the penalty imposed for the first offense is \$100 and I could not see that taking a drink in a public place should require any more of a fine than \$50. I think that is plenty there.

The next suggestion occurs in Section 2 and it seemed to me that in the definition of "public place" meaning any building, is entirely too broad. The purpose and intent as I understand it lying behind this act is to prevent drinking around places of amusement such as dance halls and so forth and I therefore suggested cutting out the word "building."

I have further suggested changing the word "conveyance" to "common carrier" and I have suggested cut-

ting out the words "parking place" because that too, is so broad that I don't believe there would be any place in the State of Maine that a person could take a drink as the law now reads. I have also suggested taking out the word "or" where it occurs in the 3rd line of subsection 2 and inserting in its place the word "and" so that it will read "and grounds adjacent to." I think the purpose of the bill is to prevent drinking not only at dances but also on the grounds adjacent thereto. I might say this. I have talked with the Chairman of the Temperance Committee and I understand that the Committee is in accord with the changes I have suggested, and I also understand that Senator Morrill who is sponsoring this bill is also in accord with these suggestions. I move the adoption of Senate Amendment A.

Mr. MORRILL of Cumberland: Mr. President, I want to thank the Senator from Aroostook, Senator Barnes for his thorough discussion of the amendment and I wish to state that I am in accord with it. I have talked this amendment over with Henry Heselton who wrote the bill, and also with the Assistant Attorney General and they both believe that it accomplishes the purpose for which it was written and I see no objection to it. I think the amendment serves to clarify the bill. I hope Senator Barnes' motion prevails.

The motion prevailed and Senate Amendment A was adopted.

Mr. BISHOP of Sagadahoc: Mr. President, I have been told that a person who does not indulge in this beverage should not speak on the enforcement of a law against using it. I am just wondering if we are not just a little bit wrong in our approach to this question, if we are not being just a little bit hypocritical. Our legislative assemblies are held in a public place and there is a little indulgence at those parties. We are attempting to legislate morals here that are going to affect the other fellow and might kick back and affect us. I don't believe in the use of liquor. I always said that I'm a damned fool enough when I'm sober.

Now, this is what I believe is going to happen at these public places inasmuch as, in my opinion, you cannot control the consumption of liquor. There will be a carload of people with a bottle apiece and they

will go out at intermission or even perhaps between dances and rather than take just a nip or two as they have done in the past, they will have someone stand guard while they "kill" the bottle. And you will have people on the roads and people at dances in far worse condition than now. I just wonder if this problem isn't being attacked wrong end to.

Mr. MORRILL of Cumberland: Mr. President, I would like to point out to Senator Bishop in regard to the legislative assemblies that these assemblies are held at a place licensed to sell liquor. This bill would not affect them in the least.

I still insist that this is a measure that will put in the hands of the law enforcement officers a weapon they can use when they need it.

The PRESIDENT: Thereupon, the bill as amended by Senate Amendment A was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cross of Kennebec

Recessed until four o'clock this afternoon.

After Recess

The Senate was called to order by the President.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table bill, An Act Relating to Tuition for Pupils from Towns Not Maintaining a Standard Secondary School (H. P. 1651) (L. D. 1349) tabled by that Senator earlier in today's session pending passage to be engrossed.

Mr. LEAVITT of Cumberland: Mr. President, I move that the Senate adhere to its former action.

Mr. ELA of Somerset: Mr. President, I move that the Senate recede and concur with the House in the adoption of House Amendment A. I would say that this is a very vital matter for schools which are taking tuition students, and if there should be disagreement between the two branches of this legislature, the entire bill would be lost, and in my opinion irreparable damage would be done. All House Amendment A does is to exclude those schools which take tuition pupils from charging the increased tuition if the number of pupils is less than 20% of the enrollment of the school. I see no reason why, if a school

should take less than 20% tuition pupils, why they should not receive the same tuition as those which take a larger percentage.

The Secretary read House Amendment A.

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

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, this 20% in here was a point argued pro and con in the committee for several days. I think I said that once before today but it still is a fact. In fact, I took the side of Senator Ela in the committee for quite a considerable length of time, but was finally convinced that I was wrong, and that this amendment should be in here. The reason behind it is this, that a school can take a certain number of pupils from whatever town where the school is established at no real extra expense to the school. For instance a large school like Portland high school could absorb sixty pupils without any expense per pupil where they would not have to hire any more teachers or build a new school or even put an addition on the school.

A small school which has an enrollment of perhaps 200 could easily take twenty to thirty new pupils and spread them throughout the classrooms without the need of hiring any new teachers or the expense of building new facilities, and so it was deemed in the committee that if not over 20% of the enrollment was from out of town or came in from some other town, it would not be necessary to give the additional fee. We have discussed that, as I said before, back and forth and had several executive sessions, and finally came out with this solution. I think it is sound. I will admit that it took a long time to convince me, but I have been convinced and I am willing to defend it.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, we have done something this year in regard to our tuition rates. They are frozen at \$125 per pupil. There were some of the larger schools that found that per capital costs exceeded the state limitation

and we went over those figures carefully. By and large there was great opposition to increasing the \$125 to \$150. We found in the larger schools that the tuition pupils exceeded 20% in every case. As a matter of fact it was more than that. First I stood for 25% enrollment of tuition students if we increased the rate to \$150 but I did consent to 20% because there was plenty of leeway there. As the Senator stated, most schools can absorb additional students and in most every case it is pretty much clear velvet to them. We felt this compromise here should take care of both situations and make it possible for schools with a large enrollment of tuition pupils to increase the charge, and smaller schools are taken care of where the enrollment is less than 20%. We increased the rate from \$100 which it was originally to \$125. There used to be a 15 to 1 ratio. We took care of that and took care of all these other smaller schools. There was some question in regard to the confusion in the industrial courses. If you look at the bill you will find that clearly stated and there can be no confusion and the committee finally agreed unanimously that this was a fair arrangement and reported it as such. I think it is proper that we adhere to our former action.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset that the Senate recede from its former action and concur with the House in the adoption of House Amendment A.

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

Thereupon, on motion by Mr. Leavitt of Cumberland, the Senate voted to adhere to its former action whereby the bill was passed to be engrossed.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table House Report from the Committee on Public Utilities Majority Report "Ought to Pass with Committee Amendment 'A' Minority Report "Ought Not to Pass" on bill, An Act to Incorporate the Lube Sewerage District (H. P. 465) (L. D. 271) tabled by that Senator on March 12 pending motion by the Senator from York, Senator Batchelder that the Senate adopt the Majority Report.

Mr. HOPKINS of Kennebec: Mr. President and members of the Sen-

ate, this bill was tabled because it carried the highest indebtedness of any similar charter before the Committee on Public Utilities. I have today, with the approval of the sponsors of the bill, prepared an amendment reducing this indebtedness somewhat, and I assume this will meet with the approval of the Chairman of the Committee. If the Majority Report is adopted, I shall present the amendment to the bill.

Thereupon, the Majority Report "Ought to Pass" with Committee Amendment "A" was adopted and the bill was given its first reading; Committee Amendment A was read and adopted and Mr. Hopkins of Kennebec presented Senate Amendment A and moved its adoption:

"Senate Amendment A to bill, An Act to Incorporate the Lubece Sewerage District. Amend said bill by striking out the words '\$250,000' in the 6th and 7th lines of Section 12 thereof, and inserting in place thereof the figures '\$200,000'.

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

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution to Limit the Indebtedness on Municipalities by Public or Quasi-Municipal Corporations to Fifteen Per Cent of the Last Regular Valuation of a City or Town (S. P. 527) (L. D. 1436) tabled by that Senator on April 21, pending assignment for second reading.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I believe this is a very important resolve. Of course, any amendment to the State law and to the Constitution is important and is entitled to our very careful consideration. When the Senate permitted me to introduce this resolve by unanimous consent, I explained briefly the purpose, and at the time I spoke briefly concerning the debt situation. One of the great tests which will have to be faced by communities and by states and by the federal government itself, will be the bonded indebtedness in the next few years. We will have to learn to live with what I choose to call plastic currency. No one knows what the gold standard did to our economy and we no longer have

control of the gold standard, if it was control.

When the resolve was introduced statistics were given on the 28 school district bills pending before the Legislature and it was stated that these district charters provided for indebtedness ranging all the way from one half to twenty per cent of the valuation of the various towns and they averaged 10.2 per cent of the valuation of the towns. Since that information was given I have made a brief study of the public utility charters which are pending before the legislature and I find of the 16 sewer, water and utility districts pending, nine have an average indebtedness of 12% valuation of the area served and six charters vary all the way from 3 to 23 per cent. Five of the charters have no debt limit in them whatever.

The bill which I just took from the table and which received passage, the Lubece Sewer District bill was tabled because it provided for the highest indebtedness of any one of the utility charters and I wanted to call the attention of the Senate to it. That charter, in original form, authorized indebtedness of 23% of the valuation of the town and the utility was to serve only 73% of the people in the town. It shows the tremendous indebtedness in some of the charters. I might say, in passing, the town of Lubece is one of the most solvent towns in the State with practically no indebtedness and it might possibly undertake a utility in which the indebtedness incurred was so much as 23% of the valuation.

It seems to be an accepted fact, and I assume it has been an accepted fact in the legislature for a long time, that towns cannot safely be allowed to incur debt without limit. I personally believe that any town, if they were given the right to do so, could borrow itself into insolvency.

The statistics I gave to you when the resolve was introduced relative to towns that had become insolvent and were handled by the municipal department here, and which have now freed themselves from debt, showed that towns do often get into serious financial difficulty. The attitude of people toward indebtedness reflect the attitude of people who control municipalities. When a municipality is well managed it usually keeps out of serious debt difficulties but when it falls into

the hands of people who do not give due consideration to indebtedness, it gets into trouble.

The city from which I come was in a dangerous debt position a few years ago when it had an indebtedness of \$1,080,000 and at the time its constitutional debt limit was \$650,000. It had over \$400,000 floating indebtedness at one time or another and many of its acts were illegal.

I want to take just a minute to say something about the history of this resolve which we have before us. The resolve was drawn in its original form with the assistance of the Attorney General's department. It was discussed with the Attorney General and his assistants, and was drawn by the Revisor and amended by myself and presented to the legislature for consideration in order to get the matter before us. After the resolve had been presented and it was referred to the Committee on Judiciary, an effort was made to get a redraft of this bill which would be in proper form for enactment should the legislature desire. It is always difficult to draw amendments to the Constitution of the State and it would be entirely outside the field of most persons here in the legislature. I will say that the assistance of what I consider one of the ablest and most experienced attorneys in the State was solicited and very generously given. He appeared before the committee with me and this resolve has been given very careful consideration by the Judiciary Committee.

I'd like to speak briefly on the need of the resolve. I think the Senators will all admit that most of the municipalities of this State are in need of many new services, services which they ought to have and which they should develop as rapidly as they safely can develop them. There are some six different types of charters which are appearing before the legislature, either quasi or public nature and there may be new types of these charters developed in the future and I am sure there will be more of them in the next few sessions of the legislature than we have had before us this winter. These charters overlap, of course. They do not follow geographical lines of municipalities. They contain sections of municipalities in many instances and when the charters

come before the legislature they come not to one committee but to several committees and there are no people in the legislature who have an opportunity, even if they had time, to analyze these various charters and discover what they are doing to the debt structure of the various municipalities which these corporations serve. I think it would be absolutely impossible to control these charters insofar as placing any limitation on the debt is concerned, through direct action of the legislature. We don't have that amount of time even if someone had the assigned duty of maintaining that control.

I'd like to also speak briefly on what I hoped would be accomplished by this amendment if it were approved by the legislature and approved by the people. In the first place, it would establish a yardstick on the indebtedness that municipalities could incur. That yardstick is subject to any variations which the legislature may apply to it from time to time, of course, and the provisions in this resolve may not be what the legislature desires. If the Senate agrees with me that the principle is something that should be accepted, then we have the problem of deciding if the limitations in the resolve are the ones we want. One would hope if this resolve was enacted and approved by the people, it would place responsibility upon municipal officers and upon those attorneys who draw charters for public and quasi - municipal corporations to analyze the structure of the towns over which the corporations are to supply service. It seems to be it is where the responsibility for the debt control should lie. It should result in a safe and orderly development of new facilities which most towns and cities of the State so greatly need.

The provisions of this resolve in its present form put a debt control of 15% on the valuation of the towns, on the indebtedness which may be incurred by these public and quasi-municipal corporations, not by one operation but by all of them as they overlap and there may be a number of them overlapping in certain parts or certain towns. This indebtedness is provided in addition to the present constitutional debt limit of 5% on towns of 40,000 population and 7½% on towns of over 40,000.

You will find in reading the resolve the language appears to be somewhat complicated. I believe the language is clear and understandable if one wishes to go to the effort of giving it careful thought, and I also believe it cannot be simplified. This language in this resolve was given ten days of very intensive thought by what I consider some of the best leading minds in the State and I believe accomplishes the purposes for which it was intended.

The Senate will remember there has been and still is before the legislature another resolve proposing to increase the debt limit on municipalities to ten percent, providing 5% on top of what is now permitted, to be used for school purposes. I'd like to suggest to the Senate that there is no way you can support municipal indebtedness except by establishment of some different legal entity than the municipality itself. In the case of my own city and the serious position we found ourselves in a number of years ago, concerning which I spoke to you, was partly because of indebtedness incurred in schools, and we are told that it isn't known, and I don't think anyone knows what is still owed for that part of the indebtedness incurred in those schools. We cannot distinguish the indebtedness from any other indebtedness which the municipality has.

Personally, I think the limitations in this resolve are about right. There are more people who have told me that they are too high than there are who say they are too low. I have had a number of people approach me, taking the opposite view. In any case, if the purpose is one which meets the approval of the Senate, I think we should discuss whether the limitations are as they should be. I believe the action is pending assignment for second reading.

Thereupon, on motion by Mr. Leavitt of Cumberland, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table Senate Report "Ought to Pass" from the Committee on Pensions on a consolidated resolve under the title of Resolve

Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons (S. P. 511) tabled by that Senator on April 11 pending consideration of the report.

Thereupon, the "Ought to Pass" report of the committee was adopted.

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

"Senate Amendment A to S. P. 511. Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons. Amend said resolve by deleting therefrom the following: 'Elsone E. Harford, Chelsea, \$25 per month for a period of 2 years'."

Which amendment was adopted.

Mr. Blanchard of Aroostook presented Senate Amendment B and moved its adoption:

"Senate Amendment B to S. P. 511. Amend said resolve so that the 3rd line from the end shall read as follows: 'Alfred Wik, Stockholm, \$20 per month. (Conservator recommended.)'."

Which amendment was adopted, and the bill as so amended was laid upon the table for printing under the joint rules.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table bill, An Act to Provide for Issuance of State Highway Bonds, (S. P. 467) (L. D. 1309) tabled by that Senator on March 25 pending passage to be engrossed; and on further motion by the same Senator, the bill was recommitted to the Committee on Ways and Bridges.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Salaries and Fees on bill, An Act Relating to Certain Fees of State Police Officers (S. P. 295) (L. D. 798) tabled by that Senator on April 17 pending consideration of the report; and on further motion by the same Senator, the bill was recommitted to the Committee on Salaries and Fees, and sent forthwith to the House.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table, bill, An Act Relating to Fees of Sheriffs and Their Deputies (H. P. 1207) (L. D. 853) tabled by that Senator earlier in

today's session pending passage to be engrossed.

Mr. BARNES of Arcostook: Mr. President, I shall present Senate Amendment A and move its adoption. This bill, L. D. 853, is an increase in the fees payable to sheriffs and their deputies. It is a laudable bill, I believe, in its purpose and I would go along with it except for one provision in it. As a matter of fact, four years ago I appeared before the Committee on Salaries and Fees in favor of increasing deputy sheriffs' fees in general. A provision I object to is contained in Section 1 of the bill which reads, "For attending Court and keeping the prisoner in criminal cases, \$7 a day." It was originally \$1.50 a day which has been stricken out and \$7 a day substituted therefor. Throughout the rest of the bill in all of its provisions the per diem charges of deputy sheriffs go up from \$5 to \$7 a day which is a \$2 increase and entirely reasonable, amounting to not quite a 50% increase, but in this case if I read it correctly it is a 233% increase and not only that but there is no way in which the high sheriff or the county commissioners could keep control of the situation and I conceive it could be true that in most cases when arrests are made by the deputy sheriff there could be a per diem charge of \$7 a day in each case and that would be an increase which would hardly be justified.

I therefore present Senate Amendment A and move its adoption:

"Senate Amendment A to L. D. 853 Amend said bill by striking out all of Section 1 thereof. Further amend said bill by renumbering Sections 2, 3, 4 and 5 to read sections 1, 2, 3, and 4."

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

Sent down for concurrence.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table House Report from the Committee on Education—Majority Report "Ought Not to Pass" Minority Report "Ought to Pass in New Draft" on bill An Act Relating to Conveyance of Elementary School Pupils (H. P. 337) (L. D. 210) tabled by that Senator on April 18 pending motion by the Senator from Sagadahoc that the Senate adopt the Minority Report

"Ought to Pass in New Draft."

Mr. DENNY of Lincoln: Mr. President and members of the Senate . . . I don't hesitate to speak on this bill because I think it is purely and wholly an issue between public schools and private schools, and religious differences have absolutely nothing to do with it. Public schools, of course, are supported by public funds, both state and local, and private schools by private funds entirely. It is the privilege of any parent to send his child to a public school, but if a parent elects to do that he certainly assumes all the obligations which it demands. I feel that this bill is just a wedge which will be used in the future to lead to a diversion of public funds. I understand the bill, from reading it, is purely permissive but I can see that has no real value as it is permissive only for the superintending school committee to take care of these other children if they see fit. I understand they have been doing that if they saw fit. I see no object and no value in this bill at all and I hope the motion of the Senator from Sagadahoc does not prevail.

Mr. BISHOP of Sagadahoc: Mr. President, we have in our statutes in section 8, chapter 37, these words: "The superintendent of schools in each town shall procure the conveyance of all elementary school pupils residing in his town a part or whole of the distance to or from the nearest suitable school for the number of weeks for which schools are maintained in each year when such pupils reside at such a distance from said school as in the judgment of the superintending school committee shall render such conveyance necessary."

That law was passed in 1897 and ever since then it has been a case in many communities whereby the school superintendent has chosen to haul all elementary school children when it was desirable to do so. For fifty years the privilege has not been abused. There are less than 15% of the children being transported. This is purely an economic measure. There are towns that have private schools. If it were not for those private schools, it would be necessary for the town and the taxpayers to provide other facilities, also to provide more buildings and more room, and if they did that they would also have to transport them. Because of that

many school committees have seen fit to haul these children. If you will look at the bill in your book you will find that it says, "The superintending school committee of any town in its discretion may permit any child of school age to ride on school busses which travel on established school bus routes."

It is purely a matter of economics. It is being done. There is some question whether it is proper to use public funds for this purpose. Only towns that share in equalization funds are subsidized by the state for this purpose and then it goes back to the purely local matter, and if a school committee — and I do grant that they have unlimited authority — ever see fit to decide to haul these school children, they may do so.

We don't quibble over police protection. We don't quibble over fire protection. We don't quibble over public funds for highways over which these children travel. At the present moment, I am working on — with the aid of part of my Committee on Education — allocating \$120,000 of public funds to aid academies which are purely private schools. No one objects to that. No one should. This is a purely economic measure. It is not a wedge in any way. It has not been infringed upon. It is not a religious issue. I believe it is good legislation. It clarifies the present stat-

ute. The Supreme Court has just ruled that it is legal and constitutional, and I believe it should be permissive in the state of Maine.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, that the Senate adopt the Minority Report "Ought to Pass in New Draft."

A viva voce vote being doubted by the Chair

A division of the Senate was had. Fifteen voted in the affirmative and fifteen opposed.

The PRESIDENT: The Chair is casting a vote to break the tie and wishes to state that the vote of the Chair does not necessarily reflect the views of the Chair on this particular matter but the Chair casts his vote in such direction as will tend to keep the matter alive and before the Senate for consideration on a future date. The Chair casts his vote in favor of the motion.

Sixteen having voted in the affirmative and fifteen opposed, the motion to adopt the Minority Report "Ought to Pass in New Draft" prevailed, and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Savage of Somerset

Adjourned until tomorrow morning at ten o'clock.