

# 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

Thursday, April 24, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Merle E. Golding of Augusta.

Journal of yesterday read and approved.

### From the House

Bill "An Act Giving Commissioner of Agriculture Authority to Establish Quarantines." (H. P. 1365) (L. D. 987)

(In the Senate on April 14th, 1947, passed to be engrossed as amended by House Amendment A in concurrence.)

Comes from the House, having been recalled from the Governor by Joint Order; enactment reconsidered, engrossing reconsidered; recommitted to the Committee on Agriculture in non-concurrence.

In the Senate, on motion by Mr. Denny of Lincoln, the Senate voted to recede from its former action whereby the bill was passed to be enacted and concur with the House on recommitting the bill to the Committee on Agriculture.

Sent forthwith to the Committee.

Mr. Morrill of Cumberland was granted unanimous consent to address the Senate.

Mr. MORRILL of Cumberland: Mr. President, I am a little embarrassed this morning as I have not been properly prepared to introduce to you a very lovely young lady and I also find myself in the position of presenting you this morning with one of my own products which I didn't know I was to do. However, the young lady comes from Cumberland county as these products do. So that is that. We did not have a Cumberland County day. I did not get around to find out why. We decided we ought to have a Cumberland County day as everybody else has had a County day. So we decided that inasmuch as we had had some beans and corn we would vary your diet with some beef stew. You will also find on your desks a little magazine called the "Pine Cone" in which you will find a short biography of Burnham and Morrill Company. So much for that.

We also have with us a charming young lady who represents the

apple industry and whom you all know by the name of Apple Annie. Apple Annie is the title given to some girl who is chosen annually to represent the apple industry. The choice is an elimination contest held in the apple growing counties of the state. The choice last January was Miss Wilma Robinson of Raymond, Maine. Her assignment is to appear in various public places and in marketing circles for the purpose of building up interest in the use, distribution and sale of Maine apples.

This program is planned and carried out each season by a statewide committee known as the Maine Apple committee which is made up of growers and members of various state wide fruit growing interests. The purpose of her visit here at this time is to acquaint the State House family with the fact that Maine apples hold their quality well into the spring and that consumer size packages are now being used extensively in the marketing of apples.

The fruit distributed on the desks is grown, packed and presented by the Maine Fruit Growing Interests and not by any individual or company.

Apple Annie is here. Her name is Wilma Robinson of Raymond and I hope she will be recognized.

The PRESIDENT: In behalf of the Senate, the Chair desires to thank the Senator, first for calling to our attention and bringing here to the Senate Chamber a sample of his product but more especially for introducing to the Senate "Apple Annie" and the Chair will request the Senator from Cumberland, Senator Morrill, to conduct the young lady to the rostrum.

This was done amidst the applause of the Senate, the members rising.

### Joint Order

Re. Copies of Laws of 1945 and Revised Statutes used by members of Committee on Legal Affairs, to be presented to them. (H. P. 1719)

Which was read and passed in concurrence.

### House Committee Reports

The Committee on Salaries and Fees on Bill "An Act Relating to the Payment of Fines and Costs and the Salary of the Judge of the

Municipal Court in the Town of East Livermore now Livermore Falls," (H. P. 950) (L. D. 555) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate, on motion by Mr. Barnes of Aroostook the report and accompanying papers were laid upon the table pending consideration of the report.

The Committee on Ways and Bridges on Bill "An Act Relating to a State Police Barrack in the County of Cumberland," (H. P. 358) (L. D. 228) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate, on motion by Mr. Cross of Kennebec, the "Ought to Pass" report was adopted and the bill was given its first reading; Committee Amendment A was read and indefinitely postponed in concurrence, and the bill was tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of the University of Maine," (H. P. 325) (L. D. 203) reported that the same ought not to pass.

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

In the Senate, on motion by Mr. Savage of Somerset, the report and accompanying papers were laid upon the table pending consideration of the report.

The Committee on Taxation on Bill "An Act Relating to the Gasoline Tax," (H. P. 1604) (L. D. 1264) reported the same in a new draft (H. P. 1715) (L. D. 1441) under the same title, and that it ought to pass.

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

The Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of Various Officers of Franklin County," (H. P. 876) (L.

D. 488) reported the same in a new draft (H. P. 1698) (L. D. 1415) under the same title, and that it ought to pass.

(On motion by Mr. Crosby of Franklin, tabled pending consideration)

The Committee on Claims on "Resolve in Favor of Maurice Watson of Monticello," (H. P. 42) (L. D. 41) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted in concurrence, and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for a second reading.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Portland Junior College," (H. P. 414) (L. D. 244) reported that the same ought not to pass.

(Signed)

Senators:

SAVAGE of Somerset  
WILLIAMS of Penobscot

Representatives:

BREWER of Presque Isle  
SEGER of Kittery  
BIRD of Rockland  
POULIN of Waterville

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

(Signed)

Senator:

CLEAVES of Cumberland

Representatives:

BOWKER of Portland  
FINNEGAN of Bangor  
BROWN of Unity

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

In the Senate, on motion by Mr. Morrill of Cumberland, the reports and accompanying papers were laid upon the table pending consideration of the reports.

The PRESIDENT: The Chair understands that the young lady desires to visit the House and the Chair will request the Senator from Waldo, Senator Greeley to escort her to the Hall of the House.

This was done amidst the applause of the Senate, the members rising.

**First Reading of a Printed Bill**

"Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons." (S. P. 511) (L. D. 1445)

Which was read once, and tomorrow assigned for second reading.

**State Committee Reports**

Mr. MacKinnon from the Committee on Claims on "Resolve in Favor of the Maine Distributors, Inc.," (S. P. 192) (L. D. 1444) reported that the same ought to pass.

Which report was read and adopted, the resolve read once and tomorrow assigned for second reading.

Mr. Blanchard from the Committee on Federal Relations on Bill "An Act to Effect Certain Changes in Administrative Procedure Under the Unemployment Compensation Law," (S. P. 330) (L. D. 973) reported the same in a new draft (S. P. 533) (L. D. 1443) under the same title and that it ought to pass.

Mr. McKusick from the Committee on Towns on Bill "An Act Relating to Annual Audit of Towns Under Two Thousand Population," (S. P. 394) (L. D. 1107) under a new title, Bill "An Act Relating to Annual Audit of Towns," and that it ought to pass.

Which reports were severally read and adopted, the bill in new draft read once, and tomorrow assigned for second reading.

**Passed to be Engrossed**

Bill "An Act Relating to State Normal Schools' Reserve Accounts." (H. P. 1708) (L. D. 1434)

"Resolve Relating to Impounded Bank Accounts." (H. P. 1709) (L. D. 1435)

Bill "An Act Relating to the Manufacture and Sale of Bedding and Upholstered Furniture." (H. P. 1714) (L. D. 1439)

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

Bill "An Act to Establish the Old Orchard Beach Sewage District." (H. P. 1595) (L. D. 1248)

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

Bill "An Act Relating to the En-

richment of Flour and Bread." (S. P. 243) (L. D. 660)

Which was read a second time and passed to be engrossed. Sent down for concurrence.

"Resolve in Favor of Arthur H. Ashmore of Camden." (S. P. 252) (L. D. 714)

Bill "An Act Relative to Closed Season on Deer on Swan's Island, in the County of Hancock." (S. P. 277) (L. D. 817)

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

Sent down for concurrence.

Bill "An Act Relating to Elections in the City of Biddeford." (S. P. 368) (L. D. 1042)

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

"Senate Amendment 'A' to S. P. 368, L. D. 1042, Bill, An Act Relating to Elections in the City of Biddeford.

"Amend said bill by adding at the end thereof the following: 'This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its submission to the legal voters of the city of Biddeford at the next general election therein. For the purpose of such election, the city clerk shall reduce the subject matter of this act to the following question: 'Shall An Act Relating to Elections in the City of Biddeford, passed by the 93rd legislature, be approved?', and the voters shall indicate by a cross, placed within a square upon their ballots, over the words 'Yes' or 'No' their opinion of the same. This act shall take effect for all purposes of this act immediately upon the acceptance of this act at the above election. The result of the vote shall be declared by the municipal officers and certificate thereof filed by the city clerk with the secretary of state.'"

Mr. BATCHELDER of York: Mr. President and members of the Senate, I rise to speak on this question because when this bill in 1933 was originally created giving the citizens of Biddeford the right to have special privileges it was not granted to any other city or town in the state. I think the same rule should apply to Biddeford in order to put them in the same category as the other cities and towns. I don't know why they should have any special privileges. At that time no referen-

dum was attached to the bill and yet they were allowed to have only two parties. I think if that privilege was right at that time it should be right now. It may be argued on home rule that probably it should be submitted to the voters of the city of Biddeford but at that time that opportunity was not given. Now you might say why shouldn't the people of Biddeford be given the opportunity to vote on this particular question.

This is a matter pertaining to York county and possibly some of you don't realize the conditions that may exist there but if this question were submitted back to the people there it is certain that the Democratic party is now in power there and I might say they are exercising certain powers and that we know what the result of the vote, if this bill is submitted back with a referendum would be and I hope that this bill does not have passage with an amendment. If it goes back with a referendum what is going to be the result? Simply to keep in effect this special privilege of granting only two parties that exists nowhere else in the state.

I understand there are a great many Democrats as well as Republicans who do not desire this particular change and I hope that the referendum amendment is not attached to this bill because back in 1933 they did not grant that privilege.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, if a wrong was done in 1933 by the legislature according to Biddeford a wrong procedure of election I don't think a second wrong should be done in 1947, because that certainly would not make it right. The Senator from York says that this bill would bring the elections in Biddeford to their natural course. I can't quite agree with him on that. If I read the bill right, as I understand it, it is patterned on the bill in Lewiston. It is not a partisan election, it is non-partisan, with no party designation and a run-off election so as to give a final majority to the winner.

Now if the law passed in 1933 was wrong and a bill was brought in to correct that law I would not oppose such a measure whereby the caucus of Biddeford would be patterned on the other cities and towns in Maine, but that is not the case in this bill. This bill destroys par-

ty caucuses in Biddeford both Democratic and Republican and makes it a non-partisan affair with a run-off election. We like that system in Lewiston. We are the only city that has it and I say if Biddeford wants it let's give them a chance to vote on it. If they accept it I will be more than glad to speak at the request of any member of the legislature or anybody else from Biddeford, to explain to them what this bill means and how it operates in Lewiston but I don't think this legislature should try to push down the throats of the citizens of Biddeford this bill if they don't care for it. I say let us keep home rule and a two party system and give Biddeford the right to control its own way of electing its municipal officers.

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

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had. Sixteen having voted in the affirmative and nineteen opposed, the motion to adopt Senate Amendment A did not prevail.

Thereupon, the bill was given its second reading and passed to be engrossed as previously amended by Committee Amendment A in concurrence.

#### Passed to be Enacted

Bill "An Act Relating to Local Option Provisions." (S. P. 503) (L. D. 1382)

"Resolve, Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Somerset County to C. Max Hilton, of Greenville." (S. P. 163) (L. D. 402)

"Resolve, Providing for Construction of Homes for Physicians at the Augusta State Hospital." (S. P. 271) (L. D. 814)

(On motion by Mr. Savage of Cumberland tabled pending final passage.)

"Resolve, in Favor of Alfred Winick of Boston, Massachusetts." (S. P. 489) (L. D. 1353)

Bill "An Act Relating to Fire, Marine and Inland Marine Insurance Rate Regulation." (H. P. 64) (L. D. 49)

(On motion by Mr. Leavitt of Cumberland tabled pending passage to be enacted.)

Bill "An Act Relating to Casualty and Surety Insurance Rate Regulation." (H. P. 65) (L. D. 50)

(On motion by Mr. Leavitt of Cumberland tabled pending passage to be enacted.)

Bill "An Act Providing for Fire Escapes with the Approval Thereof of the Insurance Commissioner or Fire Inspector." (H. P. 444) (L. D. 252)

Bill "An Act Relating to Weights and Measures." (H. P. 582) (L. D. 405)

Bill "An Act Providing for the Perambulation of the Maine and New Hampshire Boundary Line." (H. P. 850) (L. D. 506)

(On motion by Mr. Savage of Somerset, tabled pending passage to be enacted.)

Bill "An Act to Provide a Retirement System for State Employees." (H. P. 1180) (L. D. 837)

(On motion by Mr. Cleaves of Cumberland, tabled pending passage to be enacted.)

Bill "An Act Relating to Town, City, and Village By-Laws and Ordinances Relating to Buildings and Structures." (H. P. 1188) (L. D. 778)

Bill "An Act Creating a School District for the Oakfield-Merrill-Smyrna-Dyer Brook Community." (H. P. 1627) (L. D. 1301)

Bill "An Act Relating to Meetings of Certain School Districts." (H. P. 1654) (L. D. 1347)

Bill "An Act to Regulate Public Dance Halls." (H. P. 1685) (L. D. 1400)

"Resolve, in Favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary War." (H. P. 1497) (L. D. 1122)

(On motion by Mr. Cleaves of Cumberland, tabled pending final passage.)

"Resolve, Authorizing Maine State Park Commission to Lease Mount Blue State Park to Town of Weld." (H. P. 1683) (L. D. 1401)

### Orders of the Day

Mr. Cleaves of Cumberland was granted unanimous consent to address the Senate.

Mr. CLEAVES: Mr. President and members of the Senate, in order to facilitate the thinking of the legislature as regards the finances of the State, your Appropriations Committee is planning to have on your desks Monday our final con-

clusions as regards the administration of the various departments of State. This is going to show our finances at the moment to be a million and a half dollars in the red. With it we will give our up to date status of the appropriations bills, those who have tabled, those that are in transit and those voted out "ought not to pass". Finally, we will give you the final figure as we see it from what we can project. We feel if it can be on your desks Monday it will materially assist your thinking during the rest of the week, and we seriously hope we can end up next week.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table Bill, An Act Relating to Billboards (H. P. 1702) (L. D. 1425) tabled by that Senator on April 23rd pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed, in concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table, House Report from the Committee on Appropriations and Financial Affairs on Resolve in Favor of the University of Maine (H. P. 325) (L. D. 203) tabled by that Senator earlier in today's session pending acceptance of the report

Mr. SAVAGE: Mr. President, I move the acceptance of the Committee report "Ought Not to Pass", but to strengthen this I will say the Committee, in going over this, found we had resolves and bills in there for various schools in the amount of \$700,000. We didn't feel that the State of Maine at this time was able to spend this amount of money. We felt they all had merit and if we had the money, something could be done about it. My own personal views are that there are several secondary schools that have much more merit than this bill does. We have already killed several bills for the University of Maine, for buildings and that sort of thing and also buildings in our other institutions, and I feel if those have to go by the wayside, this bill should also, and so I move the acceptance of the committee report, "Ought not to pass".

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I think this is the first

time in my three sessions here I have arisen to oppose a unanimous report of any committee, but I feel this morning I am justified in doing so in regard to this particular bill, the purpose of which is to re-establish the law school at the University of Maine and asking an appropriation therefor in the amount of \$35,000 per year for the next two years.

There used to be a law school at the University of Maine. It was established, I believe, in the year 1899 or 1900 and it continued to until about the year 1920. At that time, besides the college of law at the University of Maine, which was maintained at Bangor, there was also a college of pharmacy at the University of Maine. They are both now gone. And there was a medical school at Brunswick and that has gone, and some of us feel that it would be well to try to establish some of these schools to give the boys and girls of Maine the opportunity to go to school in this state. As it is at the present time there is no law school nearer to us than the city of Boston.

The University of Maine law school was a good law school. It depended upon the lawyers living in Bangor for legal instruction other than for the dean of the law school, and we had good instructors in those days. The first dean of the law school, if my memory serves me correctly was Dean Gardiner, and the lawyers of this Senate will know about him because he is the man who got out the work, "Gardiner on Wills," the textbook. He was followed by Dean Waltz who served until 1917 or early 1918 and he was followed by Mr. Peabody in Portland. The instructions in those days we depended upon at the University of Maine law school, — one was Edgar M. Simpson of Bangor, still living, and one of the ablest lawyers in the State of Maine, and an able instructor. Another was at that time a practicing lawyer of Bangor, George H. Wooster, who afterward become a judge of the Supreme Judicial Court of this State. And then we had Forest J. Martin who lectured on common law pleadings, and the lawyers of this state know of his work of "Martin on Pleadings," a handbook we use practically every day in our practice of the law, particularly if we have court cases. Any student who attended the classes of those

three men, if they could not gain some knowledge of the law — there was something wrong with the student.

The law school was valuable because you were close to your instructors. It was different from Harvard, which is a wonderful school and is financially able to pay for high grade instructors, and different from Boston University. Because of the largeness of those schools you could not get as close to the instructors as you could in the smaller college of law at the University of Maine. We got the benefit of being drilled in Maine law and Maine statutes, Maine common law.

During the period the law school operated it turned out men, some of whom are living today, that have made a name for themselves throughout the State, and if you will bear with me for a few minutes I'd like to run over a few of these names that have occurred to me since this bill was introduced.

We have in the House James B. Perkins of Boothbay Harbor. We have Justice Raymond Fellows of the Maine Supreme Court. They are graduates of the University of Maine college of law. His brother, Congressman Frank Fellows is a graduate, as is Judge Murray of the Superior Court, Judge Beliveau of the Superior Court, Judge Tirrell of the Superior Court, James Maxwell, James Gillin, Abraham Rudman, George Eaton, Benjamin W. Blanchard of Bangor; Clerk of the House Harvey Pease, Frank Preti, S. Arthur Paul, Franz Burkett, former attorney general of this State, Mayo Payson, Carroll Skillin and the late T. A. Sanders of Portland, Thomas Weeks of Waterville, James Boyle of the Public Utilities Commission, Percy Clark and William B. Blaisdell of Ellsworth, Ed Bridgman of Bath, former Congressman John E. Nelson of Augusta, Granville Gray, chairman of the Industrial Accident Commission, Carl Weick of Presque Isle, the late Winfield Scott Brown of Mars Hill, Secretary of State Harold Goss, Joe Harvey of Biddeford, Cecil Siddell of Sanford, Elmer Burnham of Kittery, the late Ralph Ingalls of Portland, Frank Libby serving in the department, of the Public Utilities Commission, his brother Harry Libby who became judge of the municipal court in Portland, Robert DeWolfe likewise judge in the same



court, Forrest Snow of Blue Hill, Charles Smalley of Rockland. I had the privilege of becoming a graduate of the same law school, and but for that law school at that time I would not have been able to have obtained a legal education. I feel there are boys in the State of Maine today who like myself at that time, are not able to go to a larger school, and they might make good lawyers.

This school can be run on \$35,000 a year. This school was so well thought of by the late D. D. Steward of Somerset county that under his will he provided for a building in Bangor. I understand the building has since been sold but the money is still with the University of Maine. He gave a library to the college, and he was not a graduate of the school.

It would seem to me that we could spare \$35,000 a year to maintain this school. In Bangor if the school is operated there, and it should be to save expense, you would have the benefit of local instructors. There are, in Bangor today many able lawyers who would be glad to give of their time for a small remuneration, to teach in that school for two or three hours a week. The school, when I attended it, was in the old Exchange building on the corner of State and Exchange Streets. We had the second floor and it consisted of only two class rooms, a dean's office, library and smoking room.

I'd like to see the law school re-established. As the Senator from Somerset, Senator Savage, has stated, and I believe if I understood him correctly, he said the committee, as such, did not oppose the school. What is bothering them is the financing. This legislature has not yet adjourned, and we don't know what we may have for finances, and so at least I hope that the Senators will go along with me and vote against the motion of Senator Savage, and carry this bill along to the place where all bills seem to be now arriving, to wait for Bastille Day. I hope the motion of the Senator from Somerset, Senator Savage, does not prevail.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, as a member of the Bar in the State of Maine and serving with my good friend, the Senator from Washington, Senator Dunbar—he is now graduated from the executive committee and I am now on that committee of the State Bar Associa-

tion, I agree with everything he has said as to the advisability of a law school in the State of Maine but I am afraid, Mr. President and members of this Senate, that we are losing sight of something. This legislature is faced with a problem that hasn't faced any legislature of which I have been a member. In previous sessions of the legislature which I have attended, we have come here to Augusta with a surplus, but in this particular year we are faced with a deficit.

The budget committee of the Governor placed the deficit on ordinary expenses at some \$6,000,000 and the Appropriations Committee by paring and cutting out the fluff has reduced it down to where they think it is \$3,000,000 deficit—in the red. I have watched with alarm some of the things that have gone on in this legislature. I have compared the Appropriations Committee—and it is not an enviable job — with the game we used to play when we were youngsters — “bull in the ring” — they know they have been faced with a problem and they have to dodge here and there to try to break through the circle. They, perhaps have acted differently from what some of us would have, if we had been on the Appropriations Committee, on some of the measures, and I have seen this legislature in the past few days take action on state institutions where I have been advised and believe that we have inmates lying around in corridors, on mattresses on the floor for lack of beds.

Now I would like to see a law school in the State of Maine some time when we have money enough to take care of it. My good friend, the Senator from Washington county has mentioned a few of the men who graduated from the Maine Law School in the past. They are able men. There is no question about it. They have added largely to the Bar and the Bench in the State of Maine but there are men who did not have the advantage of any law school, such as the late Chief Justice Dunn, ex-Chief Justice Charles P. Barnes, retired Chief Justice Harry Mansur, and others.

I think we can get along perhaps for a couple of years without a law school in the State of Maine. We have before this legislature a bill to appropriate money for a medical school in the State of Maine; probably a worthy bill—and I want you

to get me straight on this: The law school bill is a worthy bill, something I would like to see come to pass, but until such time as we have enough money to provide for it, I think we can get along without it. I think myself that the careful study made of the financial picture of the state by the legislative research committee, of which the chairman of the Appropriations Committee is a member, is worthy of our consideration. They have spent eight months on this. We have been down here for three months during the first two months of which we did not do perhaps too much deep thinking on this matter. This state faces a financial problem.

I have differed with some of the bills that came out from the Appropriations Committee "Ought Not to Pass" but I bring you back to that picture of "Bull-in-the-Ring" trying to break out of this financial circle that surrounds us. And I say to you, Mr. President and members of the Senate, that we should pay some attention to the work that the Research Committee and the work that the Appropriations Committee have done and until such time as we have the money to spend we shouldn't go along with some of these measures until we have fully considered and discussed the financial picture.

We are in the red, as I see it, at least three million dollars, if we do not enact one single appropriation measure in this legislature. Now what are you going to do in the way of enacting taxes to face this problem? I don't know, but this bill, much as I love my profession and as great a respect as I have for my colleague from Washington county and the other able members of the Bar who graduated from the law school in the old days, I say we should not pass this bill at this time.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, I don't oppose the law school and I think there are few who do oppose it. However, I cannot see the logic in adding another course or another college to the University of Maine until this legislature makes available to the University of Maine the other needs they are asking for particularly in the building program. I well realize too, that there is a small fund at the University of Maine and that there is a library, perhaps not quite up to date, which

would be suitable for starting a law school, but do you realize that the University of Maine because of the lack of building space and of classroom space has found it necessary to hold classes in the evening? It seems to me that first we must get the house in order up there before we begin to add any new commitment. I think the whole problem of the University of Maine has been somewhat confused.

We have heard the objections to appropriating more money for the University of Maine because it has been classified as higher education and there is such great need for more money for lower education in the State of Maine.

However, I think that is an incorrect analysis of the problem. The problem at the University of Maine is fundamentally a veterans' problem. Had it not been for the war and the returning veterans, the University of Maine could have gotten along on the mill tax and the building program and the necessary expenses of running that institution.

Furthermore, the legislature and the Governor and Council have authorized and instructed the University of Maine to take care of the veterans and as a result of that this problem has arisen. I have been consistently opposed to a cash bonus, for two reasons. First, I have not felt that the State of Maine could give to the veterans an honest and forthright cash bonus without placing an unfair and too great a burden on the veterans in paying the bill, particularly when we realized that ninety odd thousand veterans are going to be the taxpayers of tomorrow and would pay most of the bill.

In the second place I have been opposed to the veterans' bonus because the State of Maine is offering other benefits, and one of the greatest of those benefits is the privilege of attending the University of Maine. It is true that perhaps only three or four thousand veterans may avail themselves of this privilege but still it is there for those veterans and it is an obligation which the state has assumed and which I think the state should see through. Therefore, the University of Maine being a state agency and the problem at the University of Maine being a veterans' problem and the building situation up there coming first, it seems to me it is

not logical for this legislature to make new commitments and endow new courses at the University of Maine, at least until we take care of the most urgent and pressing needs of the present time.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, just another word. The Senator from Lincoln, Senator Denny, spoke of the veterans and recalled to my mind what I intended to say previously, that there are now three veterans from my home town of Machias, taking advantage of the facilities of the federal government and are studying law in Boston, two at Boston University and one at Boston College. All three have written me during this session asking me to support this measure to establish a college of law at the University of Maine and that if such a college were established they would immediately transfer to this state.

Now, I did not have in mind, and I thought it was understood in my original talk to you, of maintaining this law school in any building on the campus of the University of Maine. The law school undoubtedly would be established where it was when it used to operate in Bangor and you wouldn't have any trouble in leasing the necessary room space in that city whereby the school could be established.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I have listened to the arguments of the Appropriations Committee since we started this legislature about the fact that we had no money and that we have got to stay on the budget. If you will look at page 3 of the General Fund, it shows that after we get all through this next biennium they say they are going to have a surplus of \$3,227,000. Perhaps the figures are not right. In fact, I have heard people say they are not right, but at least that is what the Budget Committee says in the book they have given us as legislators here, that the budget, if we appropriate exactly on the budget, when they get through at the end of the biennium they will have \$3,227,000 that they haven't spent.

We all know that we are giving one of the items which is necessary, absolutely necessary, we are giving \$500,000 more so they can buy more liquor, have inventory of liquor and have bigger liquor stores. They

have three million dollars there already, but that is important. That pays the State of Maine a great dividend. Why, we earn 16% on that money and that is a great dividend. Now, when you listen to the gentleman from Washington county name the people who have graduated from that law school and when you realize the dividends that the State of Maine has got from those men in their service and then sit here and argue whether or not we can afford \$35,000 a year to run a law school, somebody is crazy.

If \$500,000 is a good investment to put into buying more liquor so that more people can get drunk and we cannot afford \$35,000 for a law school, as I say, somebody is crazy.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Savage that the Senate adopt the "Ought Not to Pass" report of the Committee.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had. Fifteen having voted in the affirmative and thirteen opposed, the motion prevailed, and the "Ought Not to Pass" report of the Committee was adopted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Cross of Kennebec the Senate voted to take from the table bill, An Act Relating to Fees for Licenses for Recreational Camps and Roadside Places (S. P. 285) (L. D. 804) tabled by that Senator on April 23 pending consideration.

The PRESIDENT: The Chair will state for the information of the Senate that the bill passed to be engrossed in the Senate now comes to the Senate having been passed to be engrossed in the House as amended by House Amendment A in non-concurrence.

Thereupon, on motion by Mr. Ela of Somerset, the Senate voted to recede from its former action whereby this bill was passed to be engrossed and concur with the House in the adoption of House Amendment and the passage of the bill to be engrossed as amended by House Amendment A in concurrence.

On motion by Mr. Cross of Kennebec

Recessed until this afternoon at four o'clock.

### After Recess

The Senate was called to order by the President.

On motion by Mr. Dunbar of Washington, the Senate voted to take from the table bill, An Act Relating to Bonds of State Officials and Employees (H. P. 440) (L. D. 259) tabled by that Senator on April 18 pending passage to be enacted; and on further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby this bill was passed to be engrossed.

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

"Senate Amendment A to L. D. 259. Amend said bill by inserting before the last sentence of section 1 thereof the following underlined sentence, **'the condition of any bond covering state officials and employees shall be to faithfully discharge the duties of the office or employment of such official or employee.'**"

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. Leavitt of Cumberland, the Senate voted to take from the table bill, An Act Relating to Fire, Marine and Inland Marine Insurance Rate Regulation (H. P. 64) (L. D. 49) 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. Leavitt of Cumberland, the Senate voted to take from the table bill, An Act Relating to Casualty and Surety Insurance Rate Regulation (H. P. 65) (L. D. 50) 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.

Mr. HOPKINS of Kennebec: Mr. President, having voted with the majority earlier in the day to adopt the ought not to pass report of the committee on L. D. 203, Resolve in Favor of the University of Maine. I move that we reconsider our ac-

tion whereby we adopted the ought not to pass report of the Committee on Appropriations and Financial Affairs.

I have moved reconsideration on this measure because it seemed to me that we have a number of important measures before us having to do with the University of Maine. I would like to see these measures all brought together for proper consideration. It was not my privilege to graduate from the University of Maine Law School although I did at one time take courses there when I was on the faculty at the university. I know a great deal about the history of the law school. The problem today as I see it at the University of Maine is to get the facilities there properly adjusted to take up the veteran load we have asked them to assume. That is the first problem at the University.

It is estimated that the peak of the veterans load will not occur until 1950 and I think if we can handle the number of students that we are going to be asked to handle at the university from now until 1950 we shall have to provide more facilities than we have there at the present time. After the peak of the veterans load is past we should have facilities there which can be used for other purposes. I think it is the intent or at least the thought of the Senator from Washington that if the law school could be re-established on some small basis, perhaps off the campus — I am sure it could not be put on the campus at the present time — that it would supply educational opportunities for veterans who are looking for an opportunity to get legal training and that then the veteran peak load is over we could give consideration to moving the law school on to the campus where we should have facilities to handle it.

The congestion in law schools in this country at the present time is very severe. I know because I have a son-in-law who after serving throughout the entire duration of the war and graduating from Bowdoin College and wishing to be educated in the law had to make application in three law schools before he was able to finally be admitted. He is now studying law at Columbia University.

In the matter of furnishing education for veterans it is important that every type of education be supplied to the various veterans as

they may make their choice. Possibly Maine will want to educate young men in the law later on. Perhaps that would be a part of our program. We may again have the medical school in Maine. I am not sure about that. But I hope my motion will prevail and I ask for a division.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, I understand that the purpose of this reconsideration is to permit this bill to go along and then when it comes back to the Senate again if we find that the provisions have not been made at the University of Maine I am perfectly willing to let it go along and then take another vote on it. I think it is perhaps only fair to do that, as long as there is a possibility that proper provisions can be made up there. That is my only objection to the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Hopkins that the Senate reconsider its vote taken earlier in today's session whereby the "Ought Not to Pass" report of the Committee on Appropriations and Financial Affairs was adopted and a division of the Senate has been asked.

A division of the Senate was had. Twenty having voted in the affirmative and none opposed, the motion to reconsider prevailed.

Thereupon, on motion by Mr. Hopkins of Kennebec, the bill was substituted for the report and under suspension of the rules was given its two several readings 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 Not to Pass" from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Changing the Election Date for Amendments to the Constitution (S. P. 127) (L. D. 286) tabled by that Senator on February 25th pending adoption of the report.

Mr. BISHOP: Mr. President and members of the Senate, this measure has had a long and troublesome journey. It has a famous history. This afternoon I feel rather ambitious and full of enthusiasm so I ask that you relax and be at ease for an hour or two.

I tabled this bill back in February—on the 25th—nearly two months ago, and pending the "ought not to pass" report from the Committee on Judiciary. After that report came out I approached the Senator from Penobscot, Senator Clough and asked the question what had happened and what caused the decision. For an answer I received, "Well, it was something pretty important but I don't remember right now. I will look it up and let you know." I went over and talked with the Senator from Aroostook, Senator Barnes and asked the same question and I received the same answer. I went over to the chairman of the committee, the Senator from Washington, Senator Dunbar, and asked the same question and received the same answer once more. About a week later I went back to the Senator from Penobscot, Senator Clough, and began to repeat my question. That was about eight weeks ago and I am still waiting for the answer.

Now, in view of the fact my batting average has been so good so far—as a matter of fact, I have 13 measures already signed by the Governor, and I feel so generous, I am going to move we adopt the report of the committee.

The motion prevailed and the "ought not to pass" report of the committee was adopted.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, House Report "Ought to Pass as Amended" from the Committee on Judiciary on Bill, An Act to Authorize the Creation of Public Bodies to be Known as Housing Authorities to Serve Urban Areas in the State (H. P. 842) (L. D. 537) tabled by that Senator on March 28th pending adoption of the report.

Mr. SPEAR: Mr. President, I move indefinite postponement of the report "ought to pass as amended." In support of this motion I want to state that this bill puts the taxpayers in the real estate business without a chance to vote on it. A community would be in competition with private business. About the only argument they have in favor of this, which I think is a mythical one, is that these projects will become slum areas.

Some odd 20 years ago I bought a village in Bath, Maine. It was a young village—it had not been built

long—and I will state to you it was a dilapidated looking village and it was being run by the United States of America. They had a man down there, supposed to look after it, to rent and sell houses, and allegedly he got \$100 a week. He hired someone else for \$25.00 and kept \$75.00 and got himself another job. There were eight of the houses rented. The rest were vacant, windows broken and lawns unkempt. I never saw such a slum area. No rent was being obtained from it.

I suppose certain people want to keep jobs and it is a worthy ambition, of course. I suppose they have hatched up this bill so another group of taxpayers will continue in office.

This bill is a general law to create a housing authority in every city or town having a population of over 10,000. Apparently this was done to get the votes of the small towns who would oppose this sort of law. Under this bill the people of a city or town would have nothing to say about it. The city council or board of selectmen, by resolution and without public notice could put into operation the housing authority by appointing commissioners. The commissioners would have the right to borrow, buy and build without any limit. They would have the power to take by eminent domain any land or buildings. The authority would have the power to accept any federal loan or gift. Its bonds would be tax exempt. By reason of these tax exemption privileges, the rents would be low and the authority would decide who would enjoy these low rents. Any private builder borrowing at the normal interest rates and expecting to pay taxes would face the con-

stant threat that the housing authority might build to compete with him. The purposes in this bill are broad enough to justify almost any action. By one sentence this bill would sweep aside every other law which would conflict with this law without even naming the laws which it would repeal or override. If this bill should become law, all that would be necessary in the future to create housing authority in every city or town regardless of size is to strike out the distorted definition of municipality as it now appears. A majority of a city council or board of selectmen in the cities and towns would have the power through the housing authority to take over most of the property in the city or town if they so desired. Such power as this has seldom been delegated to individuals.

A Portland paper dated March 16th quoted the Portland and South Portland city council as unwilling to go on record in favor of this bill.

When the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, to indefinitely postpone the Ought to Pass report of the committee.

A division of the Senate was had. Fourteen having voted in the affirmative and six opposed, the motion prevailed, and the bill and accompanying papers were indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Cross of Kennebec,

Adjourned until tomorrow morning at ten o'clock.