

# 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 29, 1947

The Senate was called to order by the President.

Prayer by the Reverend Cymbrid Hughes of Augusta.

Journal of yesterday read and approved.

## From the House

Bill "An Act Relating to the Salaries of Various Officers of Franklin County," (H. P. 1698) (L. D. 1415)

(In the Senate, on April 25th, 1947 passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

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

In the Senate, on motion by Mr. Crosby of Franklin, the Senate voted to insist and join with the House in a Committee of Conference and the President appointed as members of such committee on the part of the Senate, Senators: Crosby of Franklin, Dunbar of Washington, Cleaves of Cumberland.

At this point, the President designated the Senator from Aroostook, Senator Blanchard as President pro tem of the Senate, and that Senator was escorted to the rostrum by the Sergeant-at-Arms, the President retiring.

The Committee on Appropriations and Finacial Affairs on "Resolve to Authorize a Forest Survey for the State of Maine," (H. P. 1047) (L. D. 686) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted in concurrence and the resolve read once; Committee Amendment A was read and adopted in concurrence and under suspension of the rules, the resolve was given its second reading and passed to be engrossed in concurrence.

The Committee on Claims on "Resolve in Favor of Marie P. Bennett, of Auburn," (H. P. 594) (L. D. 366) reported that the same ought to pass as amended by Committee Amendment "A".

On motion by Mr. Welch of Aroostook, the report and accom-

panying papers were laid upon the table pending adoption of the report.

## Senate Committee Reports

Mr. Barnes from the Committee on Salaries and Fees to which was recommitted, Bill "An Act Relating to Certain Fees of State Police Officers," (S. P. 295) (L. D. 798) reported that the same ought not to pass.

Which report was read and adopted.

Mr. Boucher from the Committee on Welfare on Bill "An Act Relating to Aid to Dependent Children," (S. P. 495) (L. D. 1363) reported the same in a new draft (S. P. 544) (L. D. 1466) under the same title, and that it ought to pass.

Mr. Williams from the same Committee on Bill "An Act Relating to Old Age Recipients," (S. P. 460) (L. D. 1295) reported the same in a new draft (S. P. 543) (L. D. 1467) under a new title, Bill "An Act Relating to Adoption of Neglected Children" and that it ought to pass.

Mr. McKusick from the same Committee on Bill "An Act Relating to Old Age Assistance," (S. P. 496) (L. D. 1364) reported the same in a new draft (S. P. 542) (L. D. 1468) under the same title, and that it ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Old Age Assistance Payments," (S. P. 461) (L. D. 1296) reported the same in a new draft (S. P. 541) (L. D. 1465) under a new title, Bill "An Act Relating to Neglected Children," and that it ought to pass.

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

Mr. Batchelder from the Committee on Legal Affairs on Bill "An Act to Change the Charter of the City of Calais," (S. P. 490) (L. D. 1356) reported that the same ought to pass as amended by Committee Amendment "B".

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

## Passed to be Engrossed

"Resolve in Favor of Leon Bemis

of Farmingdale." (S. P. 540) (L. D. 1458)

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

Sent down for concurrence.

Bill "An Act Relating to Eligibility of Certain Veterans for Assistance." (S. P. 287) (L. D. 802)

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

Sent down for concurrence.

At this point, President Varney resumed the Chair, Mr. Blanchard of Aroostook retiring amidst the applause of the Senate.

#### Orders of the Day

On motion by Mr. Dunbar of Washington, the Senate voted to take from the table, Bill, An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon (S. P. 510) (L. D. 1396) tabled by that Senator on April 28th pending passage to be engrossed; and that Senator presented Senate Amendment "B" and moved its adoption.

"Senate Amendment "B" to S. P. 510, L. D. 1396. Amend said bill by inserting after the underlined figure \$3 in the tenth paragraph of that part designated 47-A thereof the following underlined words and figures: 'for those residents over 21 years of age and \$1 for those residents under 21 years of age.'

Senate Amendment "B" was adopted, and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Dube of Androscoggin, the Senate voted to take from the table, Bill, An Act to Incorporate the Franco-American Loan Corporation of Lewiston (S. P. 504) (L. D. 1384) tabled by that Senator on April 23rd pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Batchelder of York, the Senate voted to take from the table, House Report "Ought to Pass in New Draft" from the Committee on Public Utilities on Bill, An Act to Amend the Charter of Winthrop Water District (H. P. 1640) (L. D. 1324) tabled by that Senator on April 23rd pending consideration of the report.

Mr. BATCHELDER: Mr. President, this bill came before our

Committee, to amend the charter of the Winthrop Water District to provide for a sewer district in the town of Winthrop. This hearing was well attended by a great many of the people from Winthrop and conditions, as I understand it, there were quite bad and it got to a point where the State department said something must be done due to pollution of one of the ponds there from mills and from residences that were emptying into it. At that time there was some opposition due to the fact it might be necessary to make this a compulsory measure. A great many of the people who appeared before us were willing to go along on a voluntary plan, not making it compulsory for everybody to have to empty into this particular sewer. We understood there were conditions there which would make it quite hard for some people due to the fact there was a ledge in front of their property and it would be difficult to empty into the sewer. In other cases, due to financial conditions, some might not be able to use the sewer and it was thought best to leave it more or less on a voluntary basis. With that thought in mind, it was felt probably at least 80% of the people might empty into and use the sewer.

As I understand it, this bill was reported out by our committee unanimously to make it voluntary. We have an amendment which was presented in the House, which is House Amendment "A" which adds after the word "use" the words "and or availability", and with those particular words it would make it necessary for anybody whose property it passed by to have to empty into the sewer. Apparently from conditions that have been stated, it was felt that those who could not avail themselves of the use of the sewer and those who for some particular reason might not be willing to join the others, it would probably defeat the purpose of the bill.

This bill, as it is before us, carries a referendum and I think in view of the fact that they actually need this sewer quite badly, I hope the amendment will be defeated so as to allow passage of the original bill. I move the indefinite postponement of the House Amendment "A".

The PRESIDENT: The Chair will state for the information of the Senate that this bill comes from the House, the House having adopted

the "Ought to pass in new draft" report of the committee, and the bill was passed to be engrossed as amended by House Amendment A and House Amendment C.

Thereupon, the "Ought to pass in new draft" report of the committee was adopted, and the bill was given its first reading.

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

House Amendment "C" was read and adopted in concurrence; and under suspension of the rules the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dunbar of Washington, the Senate voted to take from the table, House Report from the Committee on Judiciary, Majority Report "Ought Not to Pass"; Minority Report "Ought to Pass" on Bill, An Act Relating to Inheritance and Estate Taxes (H. P. 1391) (L. D. 1010) tabled by that Senator on April 11th pending consideration of either report.

Mr. DUNBAR of Washington: Mr. President, I move acceptance of the majority report, "ought not to pass" and when the vote is taken I ask for a division. I arise this morning to debate this matter which has been on the table for some time, and with which the Senators are no doubt more or less familiar because, in my mind, I believe this bill has been lobbied by one of the smoothest heads of departments we have in the State House. But I hope your minds are sufficiently open that I may make some comments on this measure that may convince you that you ought to vote to adopt the majority report of the committee, "ought not to pass."

In discussing the main bill, I feel I should go back and try to outline to the Senate what I believe is a well conceived plan on the part of the State Assessor to take over a substantial number of these departments, and in making that analysis I want to go back, if you will permit me, and I assure you I will connect the matters—I want to go back to the last session of the legislature when practically one half of the Treasury Department of this State was lifted out of that department and carried upstairs to the State Assessor's Department and

the principal thing taken from that department was the collection of taxes. As you know, heretofore the wild land taxes of the State are assessed by the State Assessor and the Treasury Department does the collecting. Our forefathers were wise in setting up our form of government in seeing that there was a careful set-up of checks and balances, but that is disappearing and if this program continues, it will continue to further disappear.

Two years ago there was taken over by the State Assessor from the Treasury Department the collection of the Aeronautical Fund, Bank Stock tax, tax on corporations, tax on credit unions, fire investigation and prevention tax, tax on gasoline, tax on loan and buildings, premium tax on insurance companies, potato tax, tax on express companies, tax on parlor cars, tax on railroads, tax on savings banks, tax on telegraph companies, tax on telephone companies, tax on trust companies, use fuel tax and wild land tax. It was done in one fell swoop in 1945 and I suppose it was done under the guise of saving money; and I presume in this present plan they say they are going to save you money but I hope to convince you they are not going to save you anything. All they did after they took it over from the Treasury Department which had the collecting of it, and moving it upstairs, all they did was transfer three girls who had handled the work in the Treasury Department, upstairs to the Assessor's department.

The first I knew in this session that there was going to be another raid to take over another department was when one member of the Appropriations Committee informed me that the State Assessor had appeared before their committee and said he could save the State of Maine \$8,000 a year by taking over the Inheritance Tax department—another assessing department and another collecting agency.

And right here, to show you that you have no check or balance so far as knowing what this man is doing—and please bear this in mind, Senators, I consider Mr. Stevens a very able assessor and I consider him to be an honest man and an upright man—but I would like to call to your attention to this: We have heard quoted around here this winter in connection with the Welfare Department, the auditing firm of Ernst & Ernst, and we know they

are capable and able auditors. Under a law passed in 1945 we set up machinery whereby there would be an independent audit of the affairs of State government once in four years, and that audit was made in 1946 under this 1945 Act, and I want to read to you what Ernst & Ernst said when they got to the Assessing department in regard to what was done in the Treasurer's office because it is what they mean—particularly the last four or five lines of the report. I am quoting now from the report on file in the Governor's office, entitled "Tax Collector." "The Tax Commissioner is responsible for the assessment, abatement and collection of certain classes of taxes. Our audit of the Tax Commissioner's accounts and records included a review of the assessment records, proof of abatements, collection of the accounts, and test check of the unpaid balances by comparison of trial balances of the individual accounts and circularization of a selected list of unpaid balances at June 30, 1946. In our review of the unpaid balances we gave consideration to the age of the balances, and found no accumulation of old accounts. While we found the records and accounts in the Tax Collector's office in excellent condition, we direct your attention to the fact that it is not ordinarily considered accepted practice with respect to internal control to permit the assessment, abatement and collection of tax accounts to be centered within one department."

Now, you think that over. It is Ernst & Ernst. Although we have done this by act of Legislature in 1945, I think at that time it was permitted by the State Treasurer who was then perhaps entering his illness and not knowing what was taking place, and was willing to seek the path of least resistance, and we have set up here in one department the assessing and collecting of certain moneys of the State and as Ernst & Ernst say, the chances of checks and balances are gone.

Now, we are very careful in our towns. We have not taken it away from our towns and cities. It may be all right to do it here but under Chapter 80 of the Revised Statutes, section 12, the last sentence thereof reads: "Treasurers and collectors of towns shall not be selectmen or assessors until they have completed their duties as treasurers and collectors and had a final settlement

with the town. The treasurer and collector of taxes of cities and towns may be one and the same person." Very carefully they guarded you that you should not have in towns and cities an assessor of taxes and collector of taxes as one and the same party. That is what we are doing here or started to do in 1945, and now we are having another matter here today, and I am saying to you if this matter goes through I see no reason why in 1949 there would not be a move made by the State Assessor to take over the registration of automobiles. There is no reason in the world why it should not be taken over as well as this item and other items taken over. It would be down his alley. That is the trouble, Senators. You take a person who has been a town manager and he gets used to that system of government and when he come to State government, as our State Assessor has come he wants to take over all departments and handle them, and as I have heard our State Tax Assessor say "stream-line them."

All right. Go ahead. Here is another one. I speak about it because it is a law department. It has been in the Attorney General's department since its inception. There is nothing wrong about it. It is being handled properly. If there is any inefficiency it is because of the new man in the office who hasn't got his feet under him. When you had Phil Stubbs here you had an able and efficient man, and no one would have dared take it away from him because he had too many friends around this legislature. He was an able man. But Senators, sometime in later years, in the future when I am gone, you may have a State Tax Assessor or you may have an employee within the department with the set-up we have got, see that there is good opportunity to just pick some funds up there and lay them aside in some other place. Why, there is the best opportunity to do it under this set-up, much better opportunity to do it than Mr. Runnells had to do it only a few years ago. If he had had that set-up a few years ago and been the head of it, I believe he could have got away with it and never have been caught because all real estate taxes originate first in the Probate court, I cannot see any reason, with the files coming up here, and being paid

to one department and not to the Treasurer of State, I cannot see any reason why it would not be possible for the entire file together with the check to disappear and it might be years, if ever, for it to be caught. The only way I know of for it to be caught would be to canvass through the Probate court, if you knew the estate on which the tax was paid. I am serious about it.

Now, to show you this is a well conceived plan, I want to quote from a copy of a letter written December 23, 1943 to Frank I. Cowan, then Attorney General of the State, by Clement F. Robinson, a former Attorney General. As I read the letter—I am not quoting from all of it but only that part relating to the question before us, although in this, as the other matter that happened two years ago, there is reference as well. It seems that the State Tax Assessor had filed with the Attorney General, Mr. Cowan, a memorandum of certain things he wanted to do and Mr. Cowan had confidence in Mr. Robinson, and particularly on the inheritance tax part of it, wrote to him, and I am now quoting from the first paragraph: "I appreciate the privilege of reading the memorandum of the State Tax Assessor under date of December 11, 1943, and am glad to give you my reaction to it. His plan, as I understand it, has four main divisions:" For the purpose of my argument now I am taking up "A" and "B".

"(A) A combination into one department of the assessing, billing and collecting features of present state taxes, which at present are split functionally between his department and others." That is the one he took over, and we permitted him to have that opportunity two years ago. Now this is the next one, this year: "(B) A transfer to his department of the assessment and collection of inheritance taxes, now handled by your department. This, incidentally, would give him access to an attorney from your staff, deputed to locate in his department's offices, from which access he is confident he would get much needed legal advice without inconvenience to anyone concerned."

That is on inheritance taxes. What does Mr. Robinson say in regard to that? ("B) As to the transfer of the inheritance tax, you well know my feeling of utter op-

position. Just because income comes into the state doesn't mean that the source from which it comes and the manner of getting it in require that it should be handled by a particular official who is handling the collection of other income. Definite reasons for leaving the inheritance tax assessing and collecting where they are, are the same as they have been whenever this proposition has been made in the past. The whole inheritance tax law was revised ten years ago by a distinguished committee, and their revision was adopted by the legislature without undotting an 'i' or uncrossing a 't'. That committee were unanimous for retaining the present system. Why? Well, the inheritance tax is settled by lawyers through the probate court." Yes, it is settled by lawyers and when I come to settle an inheritance tax I want to talk to a lawyer and want to talk with someone who knows my language and I don't want to talk with a layman in regard to settling a legal proposition, in settling an inheritance tax which might become complicated. Sometimes you have to sit down with the inheritance tax commissioner, whoever he might be, and you might have a situation where under the rules of law you cannot figure it out exactly right and in those cases you are permitted to make compromises, and I want to talk with a lawyer when I settle an estate, as I do, in my own county.

Again quoting: "With a lawyer whose status is wholly that of an assistant to the attorney general they can deal effectively; he has a prestige which a mere subordinate to the tax assessor would lack. An almost unique feature of the Maine law is the compromising power with reference to inheritance taxes. Only a person with the prestige of being subordinate to the attorney general alone should have such power. Of course, the success of the present system in Maine is largely due to the remarkable man who for long has carried it on — Mr. Stubbs. He is due for early retirement. It is my belief that a successor of his characteristics would be more readily obtainable as an assistant to the attorney general and to nobody else, than as a cog in the wheel of the assessing department. In a nutshell —the present system works well,—far better than it does in many states, as I know from personal ex-

periences. At the moment I have taxes pending both in Maine and in New York. Changes of political administration in the tax assessing department in New York delayed decision for a long time. Mr. Stubbs is ready to decide on the spot the Maine aspect of the case when it is in shape to be presented to him. If the system works well, why change it? I understand that the state tax assessor's primary reason for changing it is to get the advantage of easy accessibility to a lawyer located in his departmental offices. That alone should not be a reason for junking the present system, any more than the mere prima facie consistency of having the state tax assessor in charge of all state taxes should be such a reason, if the various taxes have different incidence. Calling a thing a tax doesn't mean that it is just like all other taxes." Of course, it is not in this instance. Now, that is from Mr. Robinson, one of the leading lawyers of this State and you know how he feels about it.

Now, they will tell you, I presume, as they told me, that the new man that came in, the new inheritance tax commissioner, came before the Appropriations Committee and he asked for, I believe if I have the figures correctly, \$25,000. I suppose he did just the same as everybody else does in these departments. He asked for it, hoping that when the committee cut it down he would get somewhere near the amount of money he needed, and he may not have needed anywhere near \$25,000, and I understand the Committee cut him to \$22,750. Now, if I am further informed correctly, and in the hearing before our Committee the State Tax Assessor says he can do this job for \$14,000, thereby saving \$8750 a year. That is the argument I presume will be used here this morning. Is it worth it? Well, if he can do it for \$14,000—they are already paying in the department for salaries alone \$16,859.44, so somebody has got to be laid off. There is no question about that because that is what they are paying now.

Of course, the grapevine has been working, and perhaps I have been as much responsible as anyone else in trying to get the information, but since the bill has gone in the employees of the Inheritance Tax department have been upset and no one knew whether the job was safe

but they have been given assurance, so Mr. Boyd Bailey the Insurance Tax Commissioner, told me, they need not worry about their jobs because they would all be taken over by the Tax Assessor, all of them, so "don't worry about your jobs." Now, if they are going to be taken over by the State Tax Assessor then they are not going to save a single cop-per.

Mr. Napolitano, who is in that department, a lawyer and a capable lawyer, who has done good work will be on the list of those who probably will have to go. He alone last year collected from different sources—I cannot seem to find the memorandum which I had—he collected through different sources over \$70,000 in delinquent taxes alone. Do you want to take that from a lawyer and give it to a layman?

To show the Appropriations Committee they didn't need to give Mr. Bailey over here but \$22,750—in 1945 his appropriation was \$21,000 and his expenses were \$18,000—I am giving round figures—so he had an unexpended lapsed balance of \$2741. The situation is not changed insofar as costs between 1945 and 1947 in that department are concerned. This year he had the same appropriation of \$21,000. Of course the year isn't up until July but it is estimated he will spend \$21,000. In other words, he didn't need this amount.

The Tax Assessor is not going to save you money. He wants to take it over and build it up. Now, in that department he has 29 including himself. If he takes over this other department he will have seven or eight more to add onto it.

Now what will happen? I will tell you what will happen, in my opinion. You know we have a State Equalization of Tax law in this State, and I don't know how many men he has but he has men who go to the different towns and cities and go to the office of the Register of Deeds and read the revenue stamps and then they get in an automobile and travel by the best residential part of the town and look over the houses—they don't go in, but they look them over. They don't go into the outskirts. If they go by this year and your house is not painted and next year you are fortunate or unfortunate enough so you have paid \$200 in the way of paint, they will up the valu-



ation of your property \$500. They have set it up, these men—they are not local men—they come from somewhere in the State and I have picked off just a few figures to show you how it is working, and what in my opinion the Tax Assessor intends to do with that organization if he gets this department, and if he thinks he will have to add to it instead of trying to get along with what he has got.

The city of Lewiston might be interested to know that you returned in 1946 a valuation of \$34,070,090 and the State taxing department has upped it \$3,725,910 that you are paying State tax on. The little town of Chapman in Aroostook county—you were returning \$177,491 and the State Assessor has upped it \$21,509. In Houlton you returned \$4,790,372 and he has upped it \$472,628. Presque Isle returned \$5,387,964 and he has upped it on Presque Isle \$363,036. In Windham you returned \$2,515,401 and he has upped it on Windham \$334,599. These are the experts who have done this. I have not the figures on Portland but I have Portland in the book gotten out in 1942 and you had considerable raise there and I have no doubt but what it has kept pace.

Augusta was returning \$13,761,475 and it has been upped \$1,139,525. Gardiner—they used Gardiner pretty well—\$4,657,742 and it was upped \$78,258. In Waterville you returned \$13,653,430 and the department has upped it \$1,305,570. Damariscotta returned \$752,062.50 and that has been upped \$232,938. Mexico was \$1,326,820 and it has been upped \$97,180. Oxford was \$541,710 and it has been raised \$105,290. Bangor returned \$28,407,516 and it has been upped \$1,515,484. And the little town of Clifton returning \$70,000 as the total valuation could not be left alone and has been upped \$14,462. Bowdoinham was \$463,000—they used you pretty well in Bowdoinham and only upped you \$32,773. Anson \$963,187, has been upped \$70,813. Skowhegan returning \$5,133,135 has been upped \$1,152,865. Machias—I don't know whether I am doing the people of Machias a good turn or not—I doubt it because they will probably make up for it next year—Machias returned \$759,490 and it has been upped \$115,510. Senators, there is not an industry in the town unless

you want to call the liquor store an industry.

Buxton returned \$1,625,547 and it has been upped \$143,453. Kittery returned \$2,542,965 and that has been raised \$158,000. Now, I think this is the prize one—Parsonsfield returned \$439,565 and they raised it \$290,435.

Now, that is the list. You say, what has it got to do with the inheritance tax? I will tell you what it has to do with inheritance taxes. These men used to go over the different towns and look at real estate and raise the valuation of the State so as to keep the state tax rate down, for no other reason, will be used as snoopers to go into every estate handled in the Probate court to upset the inventories as returned by our appraisers, and we will be fighting this department in our probate courts and in the Supreme court of probate if we pass this law until some legislature in its wisdom sees fit to repeal it. All, you say, for the sake of saving \$8,000 a year to the State. If we lawyers have to go into the probate court and fight to sustain inventories over these men who will arbitrarily put these figures on, don't think we are going to render that service for nothing. We will charge for it. There are a good many estates pending in the probate courts in the 16 counties. If I remember right, it is said that all property in the State of Maine passes through the probate court once every 20 years. So you will be saving, we will say for the sake of argument, \$8,000 a year, and you will put on the widows and children back in the probate courts ten times that and more, under the guise of thinking you are saving something.

Well, they say to me, "Senator, you are alarmed—unduly alarmed. It won't happen. No, it won't happen." Well, fortunately or unfortunately it has happened and it was rather an odd thing it should happen to me in the estate I was handling just before this legislature convened. I was handling down there a substantial estate for Washington county and we returned an inventory of real estate of \$10,482.27. I am reading now from the Inheritance Tax report that was handed to me, and we returned goods and chattels \$25,000 and we returned rights and credits \$28,000. Those are round figures, but we

returned a total of that estate \$62,610.82.

When I got this report back—if you get it back—the Inheritance Tax commissioner goes over it and if he puts his okay on it you are ready to pay the tax; it came back and it was upped on real estate alone—nothing on anything else. This figure of \$10,482.27 returned by the appraiser—and the appraiser was the treasurer of the Machias Savings Bank, and I will tell you why we wanted a careful appraiser on this estate—and that figure of \$10,482.27 was upped to \$14,460.00 with no comment. My partner, when he received it said, "You might as well take it lying down." I said, "Not on your life will I take it. I know how it was appraised. I knew we would run over \$60,000 as total assets and when you run over \$60,000, as all lawyers know, the federal government comes in and you would be liable to tax if the total estate including life insurance exceeds \$60,000.

I wanted an appraisal from that man because he comes round to see you and comes to see you in your office. No one came to see me to show it should be marked up. I wanted an appraisal I could justify and the principal reason was that this estate, the greater part of it when it came to final distribution went to two nephews under the will and those nephews are entitled to only \$500 each and they pay a tax of eight percent on the balance received. In this instance it might interest you to know that we paid in that estate a tax to the State of Maine on that \$50,000 estate—we paid a tax of \$4,665.26. If I had taken this lying down those two young men would have paid an extra tax, extra money of \$328.21 and it would have absolutely been stolen, and I will prove it to you.

I got that in December. When I got to Augusta I put it in my pocket and I went down to the Inheritance Tax commissioner and I said, "Will you tell me what happened?" "Well," he said, we thought the property was worth more than that, the real estate." I said, "Who is we? No one came to me." Then he told me what he did. He solicited the services of the man I have been telling about upstairs in the tax assessor's office to come down to the town of Jonesport where this property is, to look it over and report back to him, and he reported

that raise in taxes. I was interested in looking it over because he put only \$100 but it would be \$8.00 to be added on, by including an additional house lot on Main Street not listed in the inventory. I said, "No it isn't. I want to show you where that property is because we don't own any vacant house lot on Main Street or in Jonesport. By what authority of law did you have to take a man out of one department and send him down to assess the tax?" He thought he had the right to do it. I questioned it. I said, "Now let me tell you how this inventory was arrived at. First of all, I had the treasurer of the Machias Savings Bank whom I had used many times to appraise property. The property consisted principally of one fifth interest in a sardine factory and that was specialized property and I didn't feel that our appraiser had sufficient knowledge of sardine property to get a correct figure." Senators, I wanted an appraisal that was right. I wanted one as high as I could get it, not low, for the reason that the young men were going to sell out to the surviving partners. I didn't want it so high they would be scared away, but high enough so that they would buy it, because the boys were not going to stay in the sardine business. I picked out the two best men I could get, Maitland Norwood of Booth Fisheries Company, Eastport and Jonas Wass of Machiasport Packing Company. We went to Jonesport and I went with them and stayed a day at the sardine property. We stayed until the tide went out so they could get under the building to see what conditions were. When they got through they made the appraisal and it was the appraisal made in the inventory.

Now, I learned a man had shown up there. I learned it through one of the assessors who said he came to see him. He said he didn't ask any questions, just wanted him to point out certain property in the town. He didn't tell him what his business was, but he went to this sardine factory and got out of his automobile and stood there not over five minutes, looking the place over and then got in his automobile and drove away. Then he went up to the coal yard property that has been abandoned and did likewise. There was a piece of land across the road that has been cut over, part field and part woodlot. He

didn't get out of the car at all, but upped the value on that.

When I questioned it to the State Inheritance Tax Commissioner he said, "I am sorry. I guess there was a mistake made." I said, "I guess there is." He said, "I will call Mr. Stevens" and while I was there he called him and told him what I had said to him. I knew what he was saying but I didn't know what Mr. Stevens was saying to the Inheritance Tax Commissioner, but when he got through he said "Mr. Stevens wants to talk with you." Knowing then he had this tax bill in, I could see how he felt about it—now wasn't this good luck, with this situation and Dunbar in the Senate? He said to me, "Senator, tell Mr. Bailey to forget that raise because when my man came back he reported to me that he didn't know anything about the value of sardine property." I said to Mr. Stevens, "Why did you up it?" The result of it was, Senators, I paid a tax on the return as made by our appraisers.

Now, that is what you are heading into. You are liable, if you pass this bill—if you think you are saving a measly \$8,000, but you are not going to save anything if they are telling the truth. But you are putting an additional tax, just as sure as I am talking to you now, on the different estates pending in this State because the lawyers will have to be fighting inventories. I hope all of you sitting here today will leave estates when you depart this life, and when you do you don't want anybody from the State Tax Assessor's office to put a false valuation on the property so the money will come out of your widow or children or other relatives.

Now, I have spoken too long, but it is the story. It is a legal department. It belongs in the Attorney General's office, as I have said, where it has been since its inception. It is being run all right under the supervision of the Attorney General of this State. Let's not take it away just to please a man and give him a larger department and carry it into a lay department. I hope that you will support my motion to adopt the majority report "ought not to pass."

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, I wish that I could agree that our general economy in the last year had remained unchanged.

If it had remained unchanged we would not be \$1,067,000 over and above our budget in our State legislature. It has been my observation that the cost of administration of our homes and administration of our businesses and departments of this State have grown alarmingly this last year. I sometimes think some of our departments of the State could show Washington a lesson in bureaucracy but when the Senator from Washington, Senator Dunbar, speaks of streamlining, I am with him 100%. The more streamlined we can be in the State of Maine the less it will cost us to administer in the State of Maine. This bill has been discussed pro and con on several occasions in the Appropriations Committee. We went into it very thoroughly. We were looking for increased efficiency and we were looking for revenue. It seems to me rather too bad that this legislature will look gleefully upon a bill that calls for expenditures and frown upon any bill which may save the State a little money. Under the present set-up the Attorney General's department has charge of inheritance taxes. There doesn't seem to me any logical reason that the Attorney General's department should have charge of it. Under the present set-up there are two assistant attorney generals, assisting in the administering of this tax. Gentleman, you don't buy assistant attorney generals for peanuts. We believe from what we have learned and the discussions we have had, that increased efficiency will come out of this when it goes to the Bureau of Taxation.

I do want to bring out one point and bring it out very strongly, that the Bureau of Taxation is a bureau set up under the Tax Assessor, but he is not the man who is going to administer it. He administers it, yes, but his bureau is the one who takes care of it. When it comes to saving \$8,000, I must tell you that I, myself and the entire Appropriations Committee look favorably upon any bill which will have this State money. We believe this bill is a good bill and I hope the motion of the Senator from Washington, Senator Dunbar, fails.

Mr. McKUSICK of Piscataquis: Mr. President and members of the Senate, the Senator from Washington, Senator Dunbar spoke about the skill with which this bill has

been lobbied. I would also compliment him on the skill with which he has presented his case. It shows long experience in speaking to a jury. I also appreciate the little slap at the little town of Parkman, and I suppose at the Senator from Piscataquis but I would prefer that he had his figures a little more accurate. I happened just a few days ago, at the request of the selectmen, to inquire what the state tax valuation on which the state tax would be assessed would be this year and I found that it is \$255,000 and not \$290,000 as I understand the figures were given. Our valuation for years has run very close to the state valuation. We try to get an honest valuation. I think this year our assessors have found a little more property. Much to our surprise our stock and cattle had increased rather than diminished so our valuation this year was slightly over \$250,000. You can check back under various tax assessors and I think you will find the situation as I have said, that our local valuation has run very close to state valuation for years, and I would also be willing for the Senator to go up to my own town. It is a farming town with no industry.

I also wish to speak about another matter. The name of the Tax Commissioner has been brought into this discussion. I don't know whether all of you know that he was drafted by Governor Sewall to come down here. He did not seek the office and I don't know whether you know that at that time he was getting \$500 more salary as town manager of the town of Milo and superintendent of the water district, then he got here.

He came here at a salary of \$5000 with a gentlemen's agreement that Governor Sewall would try to get him the other \$500. I bring that up in case you possibly don't know.

There are several things that have been brought up here that I wish to comment on. One is the matter of the collection of inheritance taxes by any other agency than the Attorney General's department. I understand there are only three states in the United States where the inheritance taxes are collected by the Attorney General's department. So we have plenty of precedent.

The matter has been brought up about the collection of taxes by the same agency that assess them. In the United States of the 586 state taxes, taxes collected at state level 486 are collected by the same agency

that assess them. That is 83%. And only 100 or 17%, are collected by different agencies. We have had mentioned the efficiency of the former Inheritance Tax Division under Mr. Stubbs. His name has been brought in. And the good Senator from Washington county has quoted one case in which perhaps there was a mistake in valuation. Some time ago I happened to be speaking with one member of the legislature, a member who is present, who gave me an instance of the efficiency with which the inheritance tax division had operated in the past. He said he was a member of the Legislature in 1931 and he was asked to call at the inheritance tax division and he was questioned in regard to the estate of a man in his town who had died and he gave them all the information at his command, and hoped that the matter was settled. The estate was of practically no importance. The man was poor. But he said that very much to his surprise, in 1933 he was called in again and asked for the same information instead of that information being placed on file. That is an example of the efficiency with which our inheritance tax division has been operating in the past.

It was also mentioned that the inheritance tax division would not need as much money as was suggested in the appropriation and that salaries would be the same. But if I remember correctly in 1945 the Downs bill was passed increasing salaries of state employees and in the special session a special allowance of \$7.20 a week was made so it would seem that the salary allowance would be increasing, take more money.

The matter of Ernst and Ernst and their relation to the department has been brought up. Here is a statement from A. T. Wilkinson. He says: "I might add that I took the opportunity at a meeting of the council this week to emphasize the fact, as stated in our report, that we find your department very efficiently managed and the accounts in excellent condition."

Another matter mentioned is that the attorneys like to do business with another attorney. You understand the set-up. There will be a Deputy Attorney General set up in the Taxation Department. The attorneys would have an opportunity

to do business with another attorney.

Another thing that has been said is that the state autos in the inheritance tax division, which is no small expense, that expense would be saved. So that all in all, if you are in favor of efficiency—and I don't need to tell you that our present tax department is efficiently managed—and if you are in favor of economy I think you will vote for this change and I don't believe you would want to go along with the idea that if a department or board is once created you can never abolish it for the reason that it will cause a decrease in state employees. I don't believe you would want to go along with that idea. As you all know, in all these departments there is a constant turnover of employees, so that the employees of the inheritance tax division could be absorbed in the Taxation Department without anyone losing a job. I hope that when the vote is taken you will vote in favor of this change.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, this bill has been quite thoroughly discussed by the Senator from Washington, but purely, as I see it, on a personal angle. I do agree with one statement that he made that we do have, and he recognized that fact, a very efficient state tax assessor, and I don't think any Senator here will disagree with that fact. But beyond that I can't go in agreement with him.

I think the facts which he has given us have been distorted and I would like to quote to you some of the things he has said. I will take them, perhaps, in reverse and some of his later remarks I will talk about first. In regard to the equalization board of the State of Maine and in regard to the state tax and the assessment thereof, I would point out to you what he has ignored and that is that the state tax assessor does not assess the state tax. The State Equalization Board assess the tax on the towns in the State of Maine. The State Tax Assessor is merely a member of that Board and there are two other members appointed by the Governor, bi-partisan appointments by the way, and therefore, Mr. Stevens himself should not be crucified with the state tax assessment.

I would also point out that the

law on the statute books requires the state equalization board to set a fair and just tax and I think they do their best to do that. Of course the law on municipalities does the same thing and I think you realize the problems of the local tax assessors well enough to know that they will never be up with the state assessors. They never plan to be up with them. And no matter where you raise or lower the state tax assessment you will always find local ones lower.

Now as to the questions of the Senator from Washington as to the chance for evasions, for stealing, which will exist under this law, I would point out to him the statute which requires the State Tax Assessor to turn over each day the receipts of his office to the State Treasurer. In other words, no money is ever lying around more than 24 hours in the State Tax Assessors Department. Furthermore, practically every penny which comes into the department comes in by check and I point out to you as practical men that no one is going to very easily steal checks made out to the State of Maine and cash them to his personal advantage. I think that is a statement with which you will all agree.

Furthermore if you still have any doubts of your state employees, or your tax assessor, I would further point out to you that every member of his department is bonded, with especially high bonds on those who open the mail where the checks are received. If we believe in our state employees and the system of bonding, we would say that the thing is covered as well as it possibly can be covered. I would also point out to you that the same situation exists in our State Treasury Department. They handle more money than is handled in the State Tax Assessors office and the chances for evasion are just as good there as in any other department. So much for that.

In regard to the statement of Ernst and Ernst, I was rather amused by that. We hired Ernst and Ernst to do a State audit. They have a high reputation as municipal auditors in the State of Maine. But on inquiry with their man who was down here I found they had never audited any other state than the State of Maine except the State of Michigan. In other words, they had absolutely no experience in

state auditing and I think you all realize that the method of accounting in the State of Maine are completely different from the method of accounting in the municipalities.

I would also point out, which has already been stated by the Senator from Piscataquis, that your Ernst and Ernst report not only speaks highly of the administration of the State Tax Assessor but it doesn't find fault with anything in his department. They merely make a passing quotation which reflects their experience in municipal affairs regarding the assessment and collection of taxes, and as you know, about three-fourths of the other states in the union concentrate their taxation and assessment collection within the same department.

I am a great hand, as I think you will realize, to go by what our forefathers have done, but when that thing stands in the way of true progress, I think there is no reason why we should not change it. We have had in the past a great many bureaus set up and if you will recall the workings of the State of Maine back in the days of our forefathers you will find the amount of money expended and collected was very minor and gradually through the years, as it has been in Washington, Bureau after Bureau has been created and piled one upon the other until you have a horrible collection of overlapping agencies both in Washington and in this state.

We have at the present time, the situation which you all know of in the Health and Welfare Department, a situation which is comparable to what I have just spoken of, a complete overlapping of activities within one department instead of there being separate departments within the one department and each one of those special bureaus has been created by successive legislatures with no attempt to subordinate or correlate the whole activity of the department. Consequently we have a wasteful and inefficient department. I think you will all agree to that.

We have this situation here today which prompts me to rise and speak on this bill. We have one administrator who has brought to the attention of this state legislature, as it is his duty to do, his conception of how the state could save, not much money, but a reasonable

amount and to increase the efficiency of his and another department. Now are we to take idly this attempt of an administrator to increase the efficiency of the State of Maine and say to him, "No, we want to do as we have done for years; we want to continue the wasteful and inefficient methods of our forefathers as they have been piled up on us through the years; we don't want any change, we want this thing to continue as it is; we don't care how much money you spend, the sky is the limit." Do you think this example, if we do that, is going to be conducive to good government by other administrators?

I have talked with many department heads. They are all good friends of mine. I live with them. I think their chief reason against lowering the budget is the fear that if they ask for a lower budget this year they will be cut again next year and they won't be able to operate. It is a pernicious system by which we make appropriations. If one man is honest one year and makes savings in his department, he is immediately attacked by saying that he had too much before—a very specious argument.

We have to legislate for two years ahead. Any appropriation we make is bound to be a certain amount of guess work but when a man guesses too low he has got to be responsible for his work and when I say to you the State Tax Assessor has asked for less money to operate these two bureaus if they are put into his department and that man is responsible and that man alone, under our statutes, as he must live within the income we give him. So there is no question but what the State will save. He has already said he will operate it under that amount. It is his responsibility to do it.

As to the state employees who might be transferred, and any fears which may have been put in their minds by someone who has spoken here, I would say to you that the Tax Assessor has said to me and to those employees that he will not do away with their jobs. He wants them to be there and this is the way in which he can absorb it: There are at the present time 29 employees in the State Tax Department. Two years ago there were 27. After reorganization of which we have heard, there were 30. Due

to the human element which occurs in all offices, that department has lost two employees and will probably lose another one. Those have not been replaced because the Tax Assessor has, as we have heard, streamlined his department. He has been able to do more work with less people than he was doing before. That is efficiency in government. If we were in business today we would hire a man who would take advantage of his efficiency in our own business. We would expect him to be responsible for that efficiency. If he failed to produce it he would no longer be in our employ.

I think it is high time that the State of Maine ran its business on the same basis. If we have a good administrator we should encourage him. If we can consolidate some of our bureaus we should consolidate them.

We also have this situation which has been brought up as to the Assistant Attorney General. There is no question but one Assistant Attorney General would be sufficient for this department. What is happening now in the Personnel Department is that the second Assistant Attorney General is touring the state doing clerical work. The work that this man is doing, any intelligent man could do. The work of this department is 85% clerical and 15% legal. The amount of legal knowledge necessary should be available from one Assistant Attorney General. The other one could probably be absorbed into the over-worked Attorney General's Department.

We have quite a number of assistant attorney generals. We could probably use one more. Yes, we can always seem to use one more but I point out to you an item in the Press Herald speaking of the Attorney General and the Inheritance Tax Department. It says here in one place that Napolitano who is Assistant Attorney General in the Inheritance Tax Division, it spoke of his good work in the Division and goes on to say that in his spare time he has done many other things of benefit to the state including writs of habeas corpus and writs of error brought by prisoners at the State Prison at Thomaston. Whatever activities he has done in his spare time, I don't know, but it is apparent that he does have time on his hands.

I hope you will agree with me that good business administration in this state should be encouraged and not slapped in the face and that you will vote against the motion of the Senator from Washington, Senator Dunbar.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I did not charge and it is not true that there is any wastefulness or inefficiency in the handling of the Inheritance Tax Department where it is. I am interested because now we have it in the record and I have not distorted to this Senate any facts. I think too much of my reputation to attempt to distort facts to intelligent men and women of this Senate. I don't do business that way. But the fact is now out, it is now in the record what I did say, that they need not worry about their jobs in the department because they would be taken over up here and if they were going to be taken over up here I could not see for the life of me where you are going to save any money. Because if you are paying a man over there ten dollars and you transfer him and pay him ten dollars, you tell me where you will save anything. I am not a mathematician but I have at least got a little bit of commonsense.

Now as to Mr. Napolitano and whether what he is doing could be handled by a layman. Well, a layman can't practise laws under the laws of the State of Maine as yet. To give you a right to practice in the courts of this state you must be a member of the Bar in good standing.

I have found the memorandum that I didn't have when I made my first address. The figures Mr. Napolitano collected last year in that department was \$70,000 in delinquent taxes. That is one. Estates in litigation—that means estates involved in legal procedure which a layman cannot handle—is the second, and the third that made up the total is estates involving domiciliary disputes. Those are all highly legal matters.

I was not aware that perhaps in my zeal I made reference to the good Senator from Piscataquis, Senator McKusick. I wasn't aware that I did, but if I did say anything that he has taken offense to, I want to apologize.

Mr. LEAVITT of Cumberland:  
Mr. President I had not intended

to get into this debate but we are talking now about saving money for the State of Maine. Last year, in the last biennium rather, the Taxation Bureau asked for \$124,000. The coming year they are asking for \$132,000. That is \$8,000 more so they are going to save \$8,000 by giving this over to the tax assessors. They say, "We are going to save money because of the fact that the Tax Assessor can do this and spend less money for employees." It has already been admitted that either these employees will be absorbed in the Tax Department or they can still use them in the Attorney General's Department or some other department. There is no way that this legislature is ever going to know whether we save money on this proposition. At the present time they are collecting money over in the Attorney General's Department where it is at the present time. It maybe that they can spend less money in the Tax Department but they may collect less money. How will we know any is going to be saved at all?

We do know they are asking for more money this year than they had last year. We also know that people have got to be shifted from one department to another or perhaps still kept where they are. I don't believe that this shift will save one nickel. Maybe it will but I don't believe it. I think it has been handled very efficiently where it is and I for one will vote to support the Senator from Washington in his motion.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, we are drawing toward, I hope the close of a long and busy session and tempers are apt to get a little bit short and frayed but in this particular matter I see no reason to. When this bill was heard before the committee, I first thought it would probably be a good thing. We were told it would save, I believe, if I recollect the testimony that was given before the committee, \$17,000 a year and we later found out this was to be just a transfer of personnel from one department to another, and I believe that it would not make any appreciable saving.

The matter of inheritance taxes, I believe to be a little bit different from ordinary matters of taxation. It is purely a matter that should be handled by lawyers. I realize the plan is to transfer the present in-

heritance tax Commissioner who is a lawyer over to the State Tax Assessor's Department but he will still be out of the legal department and in the Tax Assessor's Department. I have no doubt but what the State of Maine may perhaps get a few more dollars out of inheritance taxes by reason of this but I call your attention to this fact—and I don't want you as you vote on this matter to be blind to it—that our sole duty here in the Senate is not to save money to the State government. Granted, if it can be saved it is a good thing and I don't believe Senator Cleaves really meant what he said when he stated that he would be for any bill that would save the State of Maine \$8,000, because we are here not only representing the State of Maine trying to pass measures that will effect economy in state government but we have a responsibility to the people back home and I call your attention again to the fact. I think the number of years as I recall it is a little different. I will put it this way, that once on an average of every thirty years every bit of property in this state passes through the probate court and I say to you that in one instance at least, the instance that Senator Dunbar has mentioned we have seen how the assistants of the State Tax office may have worked a great hardship and I want to say now that I have not heard anybody here this morning taking any potshots at the State Tax Assessor. He is a very good man, and he is running his department well and I say that his action in this particular case that Senator Dunbar speaks of shows he did not intend to do anything wrong because he at once said, "Forget it" when he found out there had been a mistake made.

You pile too much work on any state official and it stands to reason that his efficiency diminishes. It is being run well where it is. Both these departments are being run well, but as a lawyer's job it should be in the legal department and I am not going to get excited about this matter at all or mad one way or the other.

I felt at one time it would be a good thing but I have been convinced that it isn't a good thing and should stay where it is and I am going along with my colleague from Washington county and I hope the Senators who vote will do the same thing and I hope they



will remember and not lose sight of the fact that we are not only trying to run offices so we can save money here in Augusta but that we also owe a duty to the people back home and that, in my opinion, outweighs the questionable streamlining we have talked about.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, like the Senator from Aroostook, Senator Barnes, I am not going to get excited about this matter, but having served on the Appropriations Committee a few terms it is rather odd when a department head comes before the Appropriations Committee of the legislature and tells us where they can save money. Only one department head did that during this session; and it did not appear to us to be idle talk, the fact he also told us he would get along on \$2000 less than the Budget Committee was giving him. No one accuses the Budget Committee of being too generous to this session of the legislature. True, it was six to eight thousand dollars more than he had two years ago, but you must also recall there was a \$7.20 cost of living increase which many of us had a chance to vote for last summer, which has increased the cost of those departments. Yet, through efficiency he could save that amount of money. I think maybe it is the time for us to decide, as the Senate of the State of Maine, whether we are interested in department heads who wish to be efficient, or are we interested in department heads that want to keep on increasing and increasing the cost of State government?

Fortunately, we have a Department of Finance and a Division of Taxation and a man who is interested in saving the State of Maine money and he has presented it, as I believe any state official should do if they can show where they can save money, and they should present it to the legislature to find out whether or not the legislature is interested. I think probably every argument that has been brought up against this change has been answered. Of course, I was amazed at the fact my town was pointed out as one of those whose State valuation was a few thousand dollars higher than the town places it. I could tell you some interesting things, but don't think I will, regarding valuation of the town, and I think probably all other gen-

tlemen of the Senate who have been town assessors could tell quite a lot about assessments in their own towns.

I only wish to say this: I think if we have a State Tax Assessor who has the courage and sincerity and forwardness to really put down on paper what he thinks can be accomplished, although it may be a political disadvantage to do it, I think he is the type of man I would like to see handle the inheritance taxes. I have nothing against dealing with attorneys and cannot see why it could not continue to a certain extent. It was pointed out an attorney collected \$70,000 out of \$900,000. You still have an attorney to handle those difficult matters. It might well be that we need some good tax official to have supervision over the collection of inheritance taxes. I am sure we all want to be fair to the estates and attorneys of our State, but should we not also be fair to the State of Maine? Should not we be careful, as Senators, that the inheritance tax is put in a division where their practice has been to go about actually doing what they are delegated by law to do regardless of whether my town likes it or your city likes it, or anyone else? So I think the argument of the able Senator from Washington, Senator Dunbar, has convinced me completely, and I believe many others, that we should go along on this bill and allow the inheritance taxes to be under the supervision of a fearless, efficient State official.

Mr. CROSS: Mr. President and members of the Senate, as a business man I like to quote figures. I didn't go into a breakdown of the saving on this thing because I didn't think it was necessary.

Since that has been brought out I will give you exact figures of how this figure of \$8,000 was arrived at. Total salaries in that department as of today amount to \$16,859.44. If you use the method which has been suggested the total salaries will be \$11,641.80. The saving arrived at will be by the use of only one assistant attorney general and his expense account, which is quite a substantial amount; and the gradual elimination over a period of time of at least one clerk which might be from the Tax Assessor's department or might possibly be from the present Inheritance Tax Division. As you know, in every de-

partment there is a continual turnover of clerks. Someone gets married, someone dies, someone retires, and within the next biennium I am sure under the law of averages there is bound to be one clerk in that division who might not be replaced.

I would point out one inescapable fact,—one reason for our pyramiding of costs has been this hiring of, shall we say, three people to do two men's work. It is a thing that goes on and each department is guilty of it. Someone is overworked and calls for more help. They hire a temporary clerk to get over the emergency and they don't like to let her go. They find some work somewhere and she never goes, and you continue to build up one bureau after another. It is a bureaucracy. I have failed to see in any other department symptoms of a decline in personnel but there has been a decline in personnel in the Tax Assessor's department and it will continue if efficient methods are maintained. I urge you to think seriously of your duty as Senators to the State of Maine. I don't think anyone will be injured by this change. In fact, there may be a benefit over a period of years, and I urge you to vote against the motion of the Senator from Washington, Senator Dunbar.

Mr. DUNBAR: Mr. President, this final word: My friend, the Senator from Kennebec, Senator Cross in his last remarks previous to these, stated, if I understand him correctly, that they had nothing to fear in the department; that they were all going to be taken over and would be taken over by the Assessor's department. Now we have got the place where the saving is going to be. They are not all going to be taken. Now, the man who will lose his job is Attorney Napolitano. He is going out. That is where they hope to make the saving. When he goes out, who are you going to have for an attorney to go to see, to handle the legal end of the inheritance tax matter? You surely must have an attorney.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Dunbar, that the Senate adopt the Majority Report of the Committee "Ought Not to Pass", and that Senator has asked that when the vote is taken it be taken by a division.

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

Thereupon, on motion by Mr. Cross of Kennebec, the Minority Report of the Committee "Ought to Pass" was adopted in concurrence and the bill was tomorrow assigned for second reading.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Military Affairs on Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying a Sliding Scale Bonus to Maine Members of the Military and Naval Forces in World War II. (S. P. 379) (L. D. 1062) tabled by that Senator on April 18 pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, bearing in mind that under Rule 8 any bill or resolve killed in one branch of the legislature thereupon dies in the other branch, and reminding you that I had proposed to finance these bonds and this bonus through an income tax which was introduced in the House at my request and which was reported to the House ought not to pass and disposed of in that Body, this bill now becomes inoperative so far as I can see through any procedure I might try to make here in the Senate. Therefore I move the adoption of the report of the committee.

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

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Military Affairs on bill, An Act to Provide for a Sliding Scale Bonus to Maine Veterans of World War II (S. P. 369) (L. D. 1040) tabled by that Senator on April 18, pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate as this is a companion bill to the previous one which I have just discussed, and for the same reason, and further bearing in mind that there are yet to be reported other bonus bills which I hope one

or the other will be reported favorably, I move the report of the committee be adopted.

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

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table House Report "Ought to Pass as amended by Committee Amendment A" from the Committee on Claims on Resolve in Favor of Marie P. Bennett, of Auburn (H. P. 594) (L. D. 366) tabled by that Senator earlier in today's session pending adoption of the report.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I am going to move the indefinite postponement of this resolve, and in explanation I will say that I feel, with many of the Senators that this should be explained. This committee amendment merely reduces the amount of the resolve. The claim under which this resolve was based was for loss of business to a filling station during the time when the highway was being paved in front of the filling station. Now I think that this could be built up to amounts which would be far beyond our wildest expectations. If you are going to pay people along the highway for loss of business during such times as highways are being rebuilt you are going to set a precedent here that will cost the state untold sums of money.

While, as I said, the amount in this claim is small, it is merely going to establish something by which every storekeeper or proprietor of a filling station or what have you along these highways that are being rebuilt will come in and ask for reimbursement. Therefore with this brief explanation I move the indefinite postponement of the committee report.

The motion prevailed and the report of the committee was indefinitely postponed in non-concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table House Report "Ought to Pass as amended by Committee Amendment A" from 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 Municip-

pal Court in the Town of East Livernore, now Livermore Falls (H. P. 950) (L. D. 555) tabled by that Senator on April 24 pending consideration of the report.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I am going to move the adoption of Committee Amendment A in non-concurrence. This bill sought to change the salary of this Judge from \$600 to \$1200. The matter was heard before the committee, given careful consideration both as to the amount of work which the Court was doing and the amount of fines and costs collected, due attention was paid to the proponents of the bill and the committee made a very careful study of it and decided that in this instance a doubling of this salary was not justified and we therefore came out with the unanimous report that it be amended by Committee Amendment A which would raise it from \$600 to \$900. I feel that that is just and I am standing here to defend the report of the committee and ask the members of the Senators to vote to adopt Committee Amendment A in non-concurrence.

The PRESIDENT: The Chair will state for the information of the Senate that the bill now comes from the House, that Body having adopted the "Ought to Pass" report of the Committee, and the bill was passed to be engrossed, Committee Amendment A having been indefinitely postponed. The question now before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that the Senate adopt Committee Amendment A.

Thereupon, the "Ought to Pass" report of the Committee was adopted and the bill was given its first reading; Committee Amendment A was adopted in non-concurrence and under suspension of the rules, the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Judiciary—Majority Report "Ought Not to Pass;" Minority Report "Ought to Pass in New Draft" (S. P. 526) (L. D. 1431) on bill, An Act Creating a State Administered Probation System (S. P. 425) (L. D. 1211) tabled by that

Senator on April 21 pending consideration of the reports.

Miss CLOUGH of Penobscot: I move that the Senate adopt the Majority Report "Ought to Pass" and in support of that motion, I will try to be brief, but I believe that this subject is worth a debate and I am encouraged to make a fight for this measure because I believe that a large number of our citizenry, including the judiciary, institutional heads, civic leaders, church men and women and the rank and file of taxpayers would welcome a strong and workable probation system in place of the present generally inadequate systems in operation in most of our counties. I believe that our party, in writing its platform, meant what it said when it included as one of its planks the: Recommendation to establish a state-administered probation system as remedy for increasing delinquency within the state. I believe that the Governor was deeply concerned at the increasing instances of juvenile delinquency throughout Maine—which he called the No. 1 problem of the State—and which caused him, at the behest of large numbers of citizens, to call together a group of twenty-five citizens representing broad interests throughout the State charging them to study into the matter with an eye to bringing about remedy as quickly as possible. From this group a committee to study an adequate probation system was formed in August of last year, of which I was privileged to be a member. After many meetings and considerable study, this committee felt that it needed the advice and help of experts on the subject and called in a member of the Child Welfare Services division of the Children's Bureau,—a person long familiar with Maine and its problems in this field—and a member of the National Probation Association. These persons, working in conjunction with each other, but approaching the problem from different angles, made a limited survey of the situation and shortly reported the inadequacy of probation services in the state and made certain recommendations. Our committee received the reports, deliberated lengthily upon them and while some of the members differed as to the best method of strengthening probation services for the state, all were united in their belief

that something must be done to improve the present system. The majority of the Committee voted to adopt a plan for a state administered system to be headed by a commission which would formulate policies and planning for an adequate probation system for the state and in other ways indicated the nature of the system which seemed to them to be most suitable to the needs. These recommendations they brought to the overall Committee of the Governor which accepted them by a majority vote and the Chairman of the Committee Justice Harry Mansur was empowered to appoint a committee of three persons to draft legislation incorporating these recommendations to be presented to the Legislature.

The bill before you is substantially that recommended by the Committee, based largely upon the law that our neighboring state of New Hampshire has so successfully administered for the past nine years and provides in the main the following:

1. The setting up of a probation commission of 3 members, one from the judiciary and two lay members of wide civic interest and experience, to be appointed by the Governor and Council and to serve staggered terms of office—

2. Duties and powers of the commission. The commission is empowered to formulate policies and programs for the development and supervision of an adequate probation system, providing in the main a program for specialized services for juvenile offenders, in-service training for the staff, and the appointment of a probation director qualified by personality, training and experience to direct an effective system.

3. Section three of the bill outlines the duties of the director who shall, with the approval of the commission, appoint probation officers in such number as to render adequate probation service throughout the state, to be drawn from classified lists established by the state personnel board.

4. Section 4 exempts the counties of Cumberland and Androscoggin which operate their systems under special statute, although there is nothing in the bill to prohibit these counties from joining in a state system when and if it becomes op-

erative and it seems desirable for them to do so.

A further section establishes the authority and duties of probation officers as a guide to their general program of performance.

The rest of the measure brings into line with the proposed law existing laws governing probation in order that there may be no conflicts.

For the operation of the system an amount of \$65,000 for each year of the biennium is requested from the general fund of the state.

Another bill, L. D. 1285 having largely the same basic aspects but outlining them more in detail was also introduced by my colleague from Penobscot, Senator Williams, at the request of the Maine League of Women Voters who have been studying this problem for some time. I hasten to state that the sponsors of both measures are in complete agreement but the bill that I have reported from Committee seems to me to have greater desirability because of its relative simplicity.

At the hearing on these bills, a group of earnest citizens appeared in their favor, stating their conviction that the only way to correct the existing system which provides that the Governor and Council shall appoint a probation officer for each county and assistant probation officers if desired, was to repeal the present statute and replace it with a state-administered system along the lines I have briefed. As you all know, the present probation officers serving the counties of our state are, with the exception of the two counties mentioned earlier — Cumberland and Androscoggin — part-time officers serving at an extremely low salary, living often so far away from other municipal courts of the counties that the judges have little if any use of them and have to place all probationers under their own supervision or find persons willing to take them on out of the goodness of their hearts. These persons are not required to have any qualifications other than to show good character.

Opposition to the measures was voiced at the hearing, first—as to the proposed method of establishing the system; second—by persons who are at present serving their counties as part-time probation officers who feared that they were being legislated out of their jobs. Of this last, nothing could be fur-

ther from the truth. It is generally recognized, I believe, that our present probation officers have rendered great service to their state by providing what probation service has been available in the past—for the most part on a voluntary basis. The bill as set up would permit these persons to continue their duties on a full-time basis if they so desired, merely by qualifying under the state personnel system with opportunity of receiving in-service training on the job.

The question was raised as to the economic value of such proposed system and here I say that we can only argue from what we know of existing systems comparable to this. Cumberland county, after long study and careful planning, established a system which is on a county level, much the same system as this would be on the state level. When the matter of setting up comparable systems for each county was proposed to our Committee in its study, we abandoned such plan because it was felt that good probation services should be made available to all the citizenry — a program best carried out through a state-administered system, serving in conjunction with the courts everywhere. Statistics gleaned from the records of the Cumberland county system show not only a steady use of the system by the courts but a decided saving to the taxpayers through the collection of fees and fines as incident to probation in restitution, non-support and desertion cases. The recent report of the cost of operation of the Cumberland County Probation System shows an approximate expenditure of \$11,000. Fines and costs and non-support money collected approximated \$30,000. These monies go for the support of families who would otherwise be on the state as ADC cases or in other ways the burden of the community or state. New Hampshire shows a picture similar to that of Cumberland county. When this bill was first proposed there and enacted into law in 1937 many skeptics were doubtful as to the advisability and practicability of such a plan. In the report of January, 1947, one of the drafters of the act states:

“It is gratifying to know that those doubts were long ago dispelled and that the Probation System established by the Statute in question, is being efficiently con-

ducted and now occupies an important and essential position in the administration of justice. That the system pays for itself is adequately demonstrated by the collection of hundreds of thousands of dollars from shiftless and irresponsible fathers for the support of their needy children — money which the taxpayer would have to pay from his own pocket if the Probation Department did not get it from these men."

When we regard our own State and see the numbers that are each year committed to our correctional institutions — last year the load was 581 persons for which an average per capita cost of \$961.72 was required of the taxpayers for their maintenance, I believe we would call the expense of the proposed system aimed at preventing such institutionalization, little enough.

We have proposed a yearly appropriation of \$65,000 for administering the system. This was not a figure plucked from thin air but was based upon an estimate of personnel and overhead expense as established by the New Hampshire system. When their program was started a yearly appropriation of \$25,000 was set up. This provided for a total of six probation officers and director. Maine's larger area and population would seem to require twice this number with additional amount for overhead expense for the maintenance of the state-administered plan. Last year New Hampshire which had, by reason of its developed system, spent a total amount of \$54,319.83 collected in fines and costs, restitution and support of dependents for the year a total of \$377,050.73.

This is what probation on a state-administered basis has accomplished for New Hampshire which is in character and make-up similar to our own state. A comparable system can, in the belief of many, accomplish the same for Maine. I believe that probation is not lenient but constructive . . . a salvaging process, saving the expenditure of many hundreds of thousands of dollars for prolonged institutional care. It is an investment in humanity for our state, saving the individual for future usefulness rather than incapacitating him for a life of probity. It is community and state protection — designed to put men to work to earn, rather than confining them at public expense.

Surely the report made by the Bird Committee in those many ADC cases reported as investigated has pointed up very clearly that deserted and neglected families are an extremely costly responsibility of the State. In my belief, an adequate probation system through its operation can keep the head of the family earning and paying for the support of his family, thus saving the family, the community and the state a decided burden.

I could relate many more examples than the few given here as to the practicability and desirability of such system as is proposed but I have probably talked too long as it is.

In the final analysis, I ask you, Senators, where the accent should fall? Shall we continue to put our money into prolonged institutional care of those whose re-education and re-training is at best doubtful of great or lasting success, or shall we put it into a program of prevention and adjustment in the salvaging of young lives and human productivity through the proposed State-administered probation system. The answer is clear to me. I trust it will be to you and therefore urge the adoption of the minority report of the Committee Ought To Pass.

Mr. WELCH of Aroostook: Mr. President, may we have the report of the committee read?

The Secretary read the report.

Mr. BARNES of Aroostook: Mr. President and members of the Senate in somewhat of an explanation of the action of the committee on this bill, I would like to say a few words. I feel that I have had a close personal touch with the subject matter contained in this bill as I have been practising law in Aroostook county for 18 years during six of which I was County Attorney.

In the first place—and I want to mention this and then I will go on to the merits of the bill—I want to mention to the members of the Senate that it appeared to the committee that this committee, the Governor's Committee or whatever you might call it, which was set up to study this proposition was not united on the bill. There was disputed between the members of the committee as to whether or not, if the probation system was to be set up for the purpose of taking care of our young people of this state,

it shouldn't be under the Department of Health and Welfare instead of a separate department in and of itself. So the Committee itself was not entirely united on the bill.

Now, a word or two as to how probation works, and I am not confining this to juveniles either. A person, no matter what his age, is brought before a court charged with a crime and is convicted. It then becomes necessary for the judge to pass sentence. Such sentences may be passed and the execution of the sentence may be suspended and the man or child placed on probation in the care of a probation officer, or no sentence may be passed, it may be continued for sentence and probation handed down. Now, the way that works in my county—and I don't pretend to speak for the other counties because I don't know about them—but in my county the man or child who is placed on probation reports regularly on a printed form to the probation officer. If the report doesn't come in the probation officer looks the man up to find out what the trouble is, and the person on probation usually has at least one chance to explain what he has been doing. That goes on for time the probation lasts and he is finally discharged. In other cases, particularly in the case of children, a special probation officer is appointed for a particular case, and that can always be done. Either the boy's minister or his scoutmaster or some citizen in the community who is interested in him can be appointed to look after him.

Now when we get down to the question of whether it is wise to enact legislation which will keep institutions from being filled up, I want to say there is nothing in the world to prevent the placing of those charged and convicted of crime on probation at the present moment. Every county has probation officers. Some have problems in relation to their probation officers. I understand that is so in Penobscot county and there was a bill in this legislature two years ago to try and correct that. I am sorry such a condition exists in that county but I don't think this is the answer. Insofar as collection of fines and collection of money is concerned there are provisions, and very adequate provisions, for taking care of that too under the present law because there is a condition of

probation whereby a man may be found guilty of non support of his family or children and he may be ordered to pay by the Court and placed on probation and if he doesn't pay, word goes to the probation officer who brings him in for hearing as to whether or not he had breached his probation. He can be given another chance or he can be jailed for failure to pay but usually he is given another chance.

This bill would set up a state administered probation system at an expense to the state of Maine of \$65,000 a year. That is the way the bill is written, but I want you to think for a moment, members of the Senate, of the expense to your own county in this bill. I don't know the problems of your counties but I will tell you a little about the problems in my county.

Aroostook county extends for a matter of some 165 miles from the most northerly to the southernmost part. There are six municipal courts in the county and about four trial justices, I think, and they are well scattered. The southernmost one is in Island Falls not far from the southern end of the county and the northernmost one is in Fort Kent which is at least 150 miles from that trial justice court. There are three municipal courts in the north-central part of the county, Caribou, Presque Isle and Fort Fairfield which are about 11 miles apart, and two up along the St. John River.

The proponents of this bill before the committee said that in order to have an effective probation system in Maine we should have trained and full-time men. The cost to my county now under the present system is a thousand dollars a year for a part time man who is a very excellent officer and looks after his job well, but I cannot conceive of a probation system such as this one which is suggested here as being of much value unless we had at least four officers in the County, one taking care of the towns along the river, two at least to take care of those three courts in the north-central part of the county and one in the southern end.

According to this bill they must be trained and full time men. Your guess is as good as mine as to how much it would cost to employ trained full-time men for a job of this sort. I put the question to one of the proponents of this bill and she thought that possibly three thousand dollars each would be sufficient.

I say that is low for a trained full-time man who is going to be any good. So in my county the cost would at once rise from one thousand dollars a year to at least twelve thousand dollars a year. Now, we haven't any problem in my county that would justify such a raise in expense.

It is nice to say that this system would empty our jails, or help to, or keep from filling up our institutions so fast or pay for itself in the collection of fines and costs but I am sure that the way the probation system works in my county at present, we have no great need of such a system because men and children can now be placed on probation and men who do not support their families can be ordered to do so and placed on probation and the big stick held over their heads of being brought in for sentence or having to serve their sentence is enough so that they keep up with their obligations.

I hate to disagree with my good friend the Senator from Penobscot county but I feel that I myself know more, at least in my own county, about the whole proposition than she does and I feel that some of the things that she expects this system to do at great cost to the state will not be done and I feel that at least in my county we have a fairly good system right now.

I therefore hope that the motion to accept the Minority Report of the Committee will fail.

Miss CLOUGH of Penobscot: Mr. President and members of the Senate, my colleague, the Senator from Aroostook, has stated that there are six municipal courts in the county of Aroostook. I have here the report of the probation officer of the county, who states in his report of March 6, 1947:

"I have tried to attend as many sessions as possible of the Houlton Municipal Court when respondents are to be placed on probation, but of course it is not possible for me to attend court in the other towns. Perhaps some time in the future a system may be worked out whereby the probation cases can be handled at some special day of the week, and thus it might be possible for the Probation Office to attend court in the other towns. Naturally, this would involve some extra expense for mileage, etc., but I believe it would be well worth while. Probation will naturally mean much more to a respondent when

he can meet and talk with the Probation Officer, and I know from practical experience that a personal contact at the start of a respondent's probation is very important. I am sending out some 65 questionnaires the first of each month, and the fact that nearly all are filled out and returned within five days seems to me to prove that this is the best way to contact the probationers who live out of this immediate territory."

He apparently has to carry on his duties by means of questionnaires in the rest of the county. I will say further that a member of our committee was one of the municipal court judges of Aroostook county, who said that the same opportunity of good probation that is made available for Cumberland county and Androscoggin county might be given to Aroostook county through a state administered probation system such as you propose.

Mr. LEAVITT of Cumberland: Mr. President I am a little confused as to what the Senator from Aroostook county has told us, and I would like to ask him two questions if he would answer them. I understand it is entirely up to him whether he wishes to answer. First, how many probation officers do you have covering Aroostook county at the present time, and second, when a person reports to the probation officer, what does he say, does he say, "I have been good" or just what does he say?

Mr. BARNES of Aroostook: Mr. President, the questions are easily answered. In the first place, the number of probation officers in Aroostook county is one. And secondly, on the report made to the probation officer by those who are on probation, they give information as to where they are and what they are doing. I might further say that the officer who has brought them in usually keeps an eye on the case and if anything is wrong he promptly reports it to the probation officer.

In answer to the matters just presented by the Senator from Penobscot, Senator Clough, I will say that it so happens that the probation officer of Aroostook county is sitting in the Senate Chamber now and he is very much opposed to this bill, not because he is afraid he will lose his job because he is certain to be one of the officers under the new bill. Insofar as



Judge Peterson of Caribou is concerned, I sympathize with his feeling in the matter, but I feel that he too has over emphasized his problem and I will say that in the recent April term of Court, I happened to be sitting in the attorney's room with three other municipal court judges and we discussed this matter thoroughly and could see no need for legislation of this sort.

Mr. SAVAGE of Somerset: Mr. President, I wish to oppose this measure, first because it costs us \$60,000 a year and second because we have no problem in Somerset county that it would solve. Our probation officer is in the town where court is held. My third reason is because you will remember we put a law on our statute books a few weeks ago permitting the committing of nine year old boys, in a county where they tell us this probation system such as we suggest is working fine.

Mr. DUBE of Androscoggin: Mr. President, I agree with Senator Clough that it would be a very good idea to have this probation system in our state. But I disagree, and will vote against the motion for the simple reason that if we still have some counties in the state of Maine that do not have a probation system then it is up to those particular counties to have their own system as we have in our county and not try to pass on to the state an extra expense of \$60,000 a year.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, I think everyone agrees that the idea under debate has a great deal of merit. I think also everyone agrees that the problem of juvenile delinquency, or I would term it parental neglect, is one of serious proportions but it always is during and following every war. I am just afraid that this is an attempt to set up another Bureau. In Sagadahoc county we had sixteen cases of juvenile delinquency last year. They were taken care of and whether or not we had a state system that would have happened and we would simply catch up with them after it happened. We pay our probation officer \$280 a year. He does a good job, and he is satisfactory to the county. I don't believe we can legislate such matters as this. This is a matter that the prevention of juvenile delinquency should start in the home and be carried on through

the churches and the schools. If we have \$65,000 a year to put into this—and this is just the beginning—I believe we can spend that much money more wisely to put it into an extensive or minimum teacher salary program, and attract into the teaching profession the type of people we want in our schools to set an example which these youngsters will follow. So I will be against the setting up of this probation system and I therefore hope the motion of the Senator from Penobscot does not prevail.

Miss CLOUGH of Penobscot: Mr. President, I apologize for rising to speak again, but I would like to read a letter from Gardiner Deering:

"In our county of Sagadahoc, we have a probation officer who is appointed by the Governor with the advice and consent of the council. Said officer is paid by the county of Sagadahoc. It is a part time job and pays \$300 per year. He handles all cases in Sagadahoc county.

As you probably know, all county officers of the State of Maine are underpaid for their work and time devoted to their work. Sagadahoc county is no exception.

Although there are a few cities in Maine that do have an adequate system of probation, most counties do not. To have an adequate system it should, in my opinion, be a full time position with the probation officer or an assistant attending each term or session of court. I believe a full time probation officer would in time save the county money and pay for itself. Of course, some of the small counties feel that it would run into quite an expense and more than would be warranted for the results although I cannot agree with them.

It is my opinion that the State of Maine should consider the problem from all angles and I believe that if the State of Maine would take hold of it and put a full time officer in each county the results would be gratifying. I believe a state system is the answer. The state could have a State Officer, or headquarters in Augusta and each county officer would be directly answerable to the head office for the work in his particular county. It would also be an asset to the state police system who, being in Augusta, would have access to the records of the probation system at Augusta."

Mr. WILLIAMS of Penobscot: Mr. President and members of the Sen-

ate, in line of economy, I think we should be very interested that this bill receive passage in a new draft. I have been criticized by some as being in favor of a probation system on the state basis because it would cost \$65,000 a year. We have been through quite an investigation of the Welfare Department if you will agree with anything we found in the Bird report regarding the matter of desertion in ADC was that was close to \$700,000 a year. True, not all of it could be collected but one of the reasons brought out why a lot of it wasn't collected was that even after there was court action it was not carried out.

Our institutions, filling as they are with patients, and all these costs that are going on, it would appear that this money spent on probation would certainly be a fine expenditure of many and if we really want to save money for the State of Maine, this should be a "must" program. On the other hand, we are all interested in preventing crime. Criminals are very expensive to the state. I don't know how much money would be saved by this. I realize that Senator Barnes knows more about the working of the courts than I do but at the hearing, at which he was very critical, he admitted that the French speaking people of his own county did not have a probation officer, he has admitted that out of six municipal courts there is only one probation officer, and a judge of the municipal court said he had never seen one within his court. If that is the condition that is going on in his county I should think he might be interested in this.

I think that Senator Clough has explained this bill completely given the reasons. It is late and I am not going to take much time on this but it appears that it is one

of the most essential bills placed before this legislature and I think if we are really going to work on the object of economy, if we are interested in the prevention of crime in Maine then we should accept the Minority Report "Ought to Pass in New Draft."

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

A viva voce vote was had.

The motion did not prevail.

Thereupon, on motion by Mr. Barnes of Aroostook, the Majority Report of the Committee "Ought Not to Pass" was adopted.

#### Emergency Measure

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

Which bill being an emergency measure and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass as Covered by Other Legislation" from the Committee on Judiciary on bill, "An Act Establishing a State-wide Probation System," (S. P. 455) (L. D. 1285) tabled by that Senator on April 10, pending consideration of the report; and on motion by Mr. Williams of Penobscot, the "Ought Not to Pass" report was adopted.

On motion by Mr. Cross of Kennebec,

Adjourned until tomorrow morning at nine o'clock Eastern Standard Time.