

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 30, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Gordon Washburn of Hallowell.
Journal of yesterday read and approved.

From the House

Joint Order: Recalling from the Governor (H. P. 1627) (L. D. 1301) School District for Oakland-Merrill-Smyrna-Dyer Brook Community. (H. P. 1739)

Which was read and passed in concurrence.

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

(In the Senate on April 22nd, 1947 voted to adhere to its former action whereby the bill was passed to be engrossed in concurrence)

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

Representatives:

ELLIOTT of Corinth
MARSANS of Monmouth
SWEETSER of Cumberland

In the Senate, on motion by Mr. Leavitt of Cumberland, the Senate vote to insist on its former action and join with the House in a Committee of Conference.

"Resolve Authorizing the Towns of Boothbay and Boothbay Harbor to Close Certain Waterways." (H. P. 1740)

Which was received by unanimous consent, read twice under suspension of the rules and passed to be engrossed without reference to a committee, in concurrence.

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

(In the Senate on April 25th passed to be engrossed, as amended by Senate Amendments "A" and "B")

Comes from the House, passed to be engrossed as amended by Sen-

ate Amendments "A" and "B" and by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Cross of Kennebec, the Senate voted to recede from its former action whereby the resolve as amended by Senate Amendments A and B was passed to be engrossed; House Amendment A was read and adopted in concurrence, and the resolve as amended by Senate Amendments A and B, and as further amended by House Amendment A was passed to be engrossed in concurrence.

Bill "An Act Relating to the Fort Fairfield Municipal Court." (H. P. 1653) (L. D. 1348)

(In the Senate on April 23rd, 1947, receded and concurred with the House, in passage to be engrossed as amended by House Amendment "A.")

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

In the Senate, on motion by Mr. Barnes of Aroostook, the Senate voted to recede from its former action whereby the bill as amended by House Amendment A was passed to be engrossed; House Amendment B was read and adopted in concurrence, and the bill as amended by House Amendments A and B was passed to be engrossed in concurrence.

House Committee Reports

The Committee on Claims on "Resolve in Favor of Irving I. Bates of Moro," (H. P. 1611) (L. D. 1277) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Claims.

In the Senate, that Body voted to concur with the House in the recommitment of the resolve to the Committee on Claims.

The Committee on Welfare on Bill "An Act Relating to Application for Aid to Blind," (H. P. 1253) (L. D. 836) reported the same in a new draft (H. P. 1732) (L. D. 1469) under a new title, Bill "An Act Relating to Aid to the Blind," and that it ought to pass.

Which report was read and adopted in concurrence, the bill in

new draft read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

The Committee on Claims on "Resolve in Favor of David Peirce, of Hudson," (H. P. 638) (L. D. 429) reported that the same ought to pass as amended by Committee Amendment "A".

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

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

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

April 28, 1947.

Honorable Chester T. Winslow,
Secretary of the Senate
of the 93rd Legislature.
Sir:

Pursuant to Joint Rule 8, the Senate is hereby notified that the following Order:

Joint Order Relative to Appropriations for the Maine Maritime Academy at Castine," (S. P. 518) which was passed in the Senate, was today indefinitely postponed in the House.

Respectfully,
HARVEY R. PEASE
Clerk of the House

Which communication was read.

Mr. LEAVITT of Cumberland; Mr. President and members of the Senate, I would like to explain why this Order was indefinitely postponed in the House. There was a great deal of controversy in there as to the propriety of ordering the Appropriations Committee to make this appropriation to the school. The debate in there was not on the merit of the school but on the merit of whether this Order should go through. My friends of the Academy moved for the indefinite postponement and there was no de-

bate and although the Order was killed it was killed because it was felt there would not be a clear cut argument or debate on the subject. The Appropriations Committee agreed to bring this bill out before the closing days of the legislature so that we could make an attempt to amend it. The reason for the Order going through in the first place was that if the Appropriations bill came out on the last day of the legislature it would be almost impossible to put through the mechanics of an amendment. Where the bill is on the calendar of the House today, there is plenty of opportunity for us to attempt to amend it and that compromise having been agreed upon, it was asked in the House for indefinite postponement. I just wanted you to understand that there was no long debate and no expression whatever against the school in this indefinite postponement.

Thereupon, the Communication was ordered placed on file.

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

April 29, 1947.

Honorable Chester T. Winslow,
Secretary of the Senate
of the 93rd Legislature
Sir:

The Speaker of the House today appointed as Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on

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

Messrs. MILLS of Farmington
PALMER of Nobleboro
BERRYMAN of Sidney
Respectfully

HARVEY R. PEASE
Clerk of the House

Which communication was read and ordered placed on file.

Senate Committee Reports

Mr. Savage from the Committee on Military Affairs on Bill "An Act Providing for the Payment of a Bonus not to Exceed \$300 to Maine Veterans of World War II" (S. P. 439) (L. D. 1232) reported that the same ought not to pass.

(On motion by Mr. Dube of Androscoggin, tabled pending consideration of the report.)

The same Senator from the same Committee on "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue to Pay a Bonus Not to Exceed Three Hundred Dollars to Maine Veterans of World War II," (S. P. 438) (L. D. 1231) reported that the same ought not to pass.

(On motion by Mr. Dube of Androscoggin tabled pending consideration of the report.)

Mr. Willey from the Committee on Claims on "Resolve in Favor of Joshua Treat Jr., of Winterport," (S. P. 200) (L. D. 582) reported that the same ought not to pass.

Which reports were severally read and adopted.

Mr. Batchelder from the Committee on Legal Affairs on Bill "An Act to Amend the Pension Law for Members of Police and Fire Departments of the City of Waterville," (S. P. 316) (L. D. 876) reported the same in a new draft (S. P. 545) (L. D. 1472) under the same title, and that it ought to pass.

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

Mr. Batchelder from the Committee on Legal Affairs on Bill "An Act to Increase the Purposes and Powers of Bates Manufacturing Company and to Authorize it to Acquire the Assets of Bates Company," (S. P. 531) (L. D. 1446) reported that the same ought to pass.

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

Mr. Willey from the Committee on Claims on "Resolve in Favor of L. Archer Weymouth of Clinton," (S. P. 177) (L. D. 524) reported that the same ought to pass as amended by Committee Amendment "A".

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

Committee Amendment A to L. D. 524. "Amend said resolve by striking out after the word 'of' in the first line the figure '\$1640.85' and inserting in place therefor the figure '\$1500'. Further amend said resolve by striking out after the

word 'the' in the 5th line 'general funds of the state' and inserting in place therefor 'to be paid from the Health and Welfare Appropriation'."

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

The same Senator from the same Committee on "Resolve in Favor of William Reardon, of Sullivan," (S. P. 329) (L. D. 974) reported that the same ought to pass as amended by Committee Amendment A.

Which report was adopted and the resolve was given its first reading.

Committee Amendment A to L. D. 974. "Amend said resolve by striking out after the word 'the' in the 5th line the words 'general fund of the state' and inserting in place therefor the words 'State Liquor funds'."

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

Mr. Murchie from the same Committee on "Resolve in Favor of Washington County," (S. P. 253) (L. D. 715) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and adopted and the resolve was given its first reading.

Committee Amendment A was read:

Committee Amendment A to L. D. 715. "Amend said resolve by striking out the figure '\$1594.53' in the 2nd line thereof and inserting in place therefor the figures '\$1094.53.'"

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

Mr. Welch from the Committee on Ways and Bridges on "Resolve Providing for Maintenance of a Road in the Town of Lamoine," (S. P. 341) (L. D. 962) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and adopted and the resolve was given its first reading.

Committee Amendment A was read:

Committee Amendment A to L. D. 962. "Amend said resolve by striking out the figure '\$500' in the 4th line of said resolve and inserting in place therefor the following figure '\$250.'"

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

The same Senator from the same Committee on Bill "An Act Relating to Baxter Park Road," (S. P. 494) (L. D. 1362) reported that the same ought to pass as amended by Committee Amendment "A."

Which report was read and adopted and the bill was given its first reading.

Committee Amendment A was read:

Committee Amendment A to L. D. 1362. "Amend said act by striking out the figures '\$3500' in the 7th line thereof and inserting in place therefor the figure '\$3000.' Further amend said act by striking out in Section 2 in the 9th line thereof the figures '\$000' and inserting in place thereof the figures '\$1500.'"

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

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

Mr. Willey from the Committee on Claims on Senate Resolves included in Consolidated Resolve, (H. P. 1738) "Resolve, Providing for the Payment of Certain Damages Caused by Protected Wild Animals," reported that the same ought to pass.

Which report was read and adopted, and ordered filed, together with (H. P. 1738) "Resolve Providing for a Payment of Certain Damages Caused by Protected Wild Animals," with the Secretary of State.

Passed to be Engrossed

Bill "An Act Relating to Inheritance and Estate Taxes." (H. P. 1391) (L. D. 1010)

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

Bill "An Act Relating to Neglected Children." (S. P. 541) (L. D. 1465)

Bill "An Act Relating to Old Age Assistance." (S. P. 542) (L. D. 1468)

Bill "An Act Relating to Adoption of Neglected Children." (S. P. 543) (L. D. 1467)

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

Sent down for concurrence.

Bill "An Act Relating to Aid to Dependent Children." (S. P. 544) (L. D. 1466)

On motion by Mr. Williams of Penobscot, tabled pending passage to be engrossed.

Bill "An Act to Change the Charter of the City of Calais." (S. P. 490) (L. D. 1356)

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

Tabled Pending Passage to be Enacted

An Act to Increase the Salary of the County Attorney of Kennebec County (S. P. 183) (L. D. 520). (Tabled by Senator Savage of Somerset.)

An Act Relating to the Salary of Local Health Officers (S. P. 296) (L. D. 797). (Tabled by Senator Savage of Somerset.)

Resolve Providing for Fire Protection at the Augusta State Hospital (S. P. 269) (L. D. 813). (Tabled by Senator Savage of Somerset.)

An Act Relating to the Salary of the Adjutant-General (H. P. 688) (L. D. 444). (Tabled by Senator Savage of Somerset.)

An Act Relating to Assistant Probation Officer and Clerk Hire for Probation Officers in Androscoggin County (H. P. 690) (L. D. 446). (Tabled by Senator Boucher of Androscoggin.)

An Act Relating to the Salary of the Insurance Commissioner (H. P. 1317) (L. D. 914). (Tabled by Senator Cleaves of Cumberland.)

An Act Relating to the Duties of Governor-Elect with Advisory Committee on Budget (H. P. 1318) (L. D. 915). (Tabled by Senator Cleaves of Cumberland.)

An Act Relating to Clerk Hire in Office of Register of Deeds in Androscoggin County (H. P. 1405) (L. L. 1020). (Tabled by Senator Boucher of Androscoggin.)

An Act Relating to Clerk Hire in the Office of Clerk of Courts in An-

droscoggin County (H. P. 1406) (L. D. 1021). (Tabled by Senator Boucher of Androscoggin.)

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

An Act Relating to State Owned Cars (H. P. 1704) (L. D. 1427). (Tabled by Senator Williams of Penobscot.)

Resolve in Favor of the University of Maine for General Operations (H. P. 79) (L. D. 67). (Tabled by Senator Cleaves of Cumberland.)

An Act Relating to the Advisory Council for the Hospital Survey Act (S. P. 449) (L. D. 1253). (Tabled by Senator Williams of Penobscot.)

Resolve Providing for a Fish Screen at Outlet of Kewayden Lake in the Town of Stoneham in the County of Oxford (S. P. 5524) (L. D. 1424). (Tabled by Senator Williams of Penobscot.)

Resolve in Favor of the University of Maine (H. P. 325) (L. D. 203). (Tabled by Senator Williams of Penobscot.)

Resolve Relating to Impounded Bank Accounts (H. P. 1709) (L. D. 1435). (Tabled by Senator Williams of Penobscot.)

Passed to be Enacted

An Act relating to Salary of the Judge of Probate of York County (S. P. No. 298) (L. D. No. 795)

An Act Compensating Philip E. Lamb, of Gardiner, for Duties as Recorder (S. P. No. 326) (L. D. No. 866)

An Act relating to Clerk Hire in the Office of Clerk of Courts in Aroostook County (S. P. 380) (L. D. 1093)

An Act relating to Salary of Clerks in the Office of Register of Deeds for York County (S. P. 388) (L. D. 1101)

An Act relating to the Salary of Clerks in the Office of Clerk of Courts in York County (S. P. No. 389) (L. D. No. 1102)

An Act to Increase the Amount for Clerk Hire in the Office of Register of Probate in York County (S. P. No. 390) (L. D. No. 1103)

An Act relating to Salary of Register of Probate in York County (S. P. No. 392) (L. D. No. 1105)

An Act Increasing the Salary of Register of Deeds of York County (S. P. No. 393) (L. D. No. 1106)

An Act relating to Clerk Hire in the Office of Clerk of Courts in Hancock County (S. P. No. 441) (L. D. No. 1234)

An Act relating to the Salary of the Judge of Western Somerset Municipal Court (S. P. No. 515) (L. D. No. 1411)

An Act relating to Testing of Water Supplies for Public School (S. P. No. 517) (L. D. No. 1407)

An Act Increasing the Salary of the Judge of Biddeford Municipal Court (S. P. No. 520) (L. D. No. 1412)

An Act to Extend the Charter of the Eliot Water District (S. P. No. 535)

An Act relating to Election of Town Auditors (H. P. No. 513) (L. D. No. 308)

An Act relating to Fees of the Sealers of Weights and Measures (H. P. No. 644) (L. D. No. 384)

An Act to Increase the Salary of the Judge of the Norway Municipal Court (H. P. No. 629) (L. D. No. 389)

An Act relating to the Salary of the Recorder of the Augusta Municipal Court (H. P. No. 877) (L. D. No. 489)

An Act to Amend the Charter of the City of Augusta (H. P. No. 951) (L. D. No. 556)

An Act to Increase the Salaries of the Judge and the Clerk Hire of the Auburn Municipal Court (H. P. No. 953) (L. D. No. 557)

An Act Increasing the Salary of the Deputy Clerk of Courts in Penobscot County (H. P. No. 983) (L. D. No. 634)

An Act relating to Salary of the Register of Deeds of Kennebec County (H. P. No. 1086) (L. D. No. 704)

An Act to Increase the Salary of the Register of Deeds of Piscataquis County (H. P. No. 1087) (L. D. No. 705)

An Act Increasing the Salary of the County Commissioners in Penobscot County (H. P. No. 1088) (L. D. No. 706)

An Act to Increase the Salary of the Register of Probate in Penobscote County (H. P. No. 1205) (L. D. No. 825)

An Act relating to Compensation of Stenographers in Probate Courts (H. P. No. 1209) (L. D. No. 827)

An Act relating to the Digging of Clams for Commercial Purposes in the towns of Waldoboro and Bremen (H. P. No. 1320) (L. D. No. 917)

An Act relating to Complainant and Witness Fees and Costs of Po-

lice Officers and Constables (H. P. No. 1357) (L. D. No. 958)

An Act relating to Damages to Poultry (H. P. No. 1367) (L. D. No. 989)

An Act to Increase the Salary of the County Treasurer in Penobscot County (H. P. No. 1404) (L. D. No. 1019)

An Act relating to Compensation of Members of the Maine-New Hampshire Interstate Bridge Authority (H. P. No. 1452) (L. D. No. 1049)

An Act Providing for Restoration and Development of Shellfish Resources (H. P. No. 1453) (L. D. 1050)

An Act relating to Impounded Bank Accounts of the Permanent School Fund (H. P. No. 1480) (L. D. No. 1081)

An Act relating to Regulation of Smelt Fishing in Casco Bay (H. P. No. 1519) (L. D. 1142)

An Act to Incorporate the New Gloucester Water Company (H. P. No. 1614) (L. D. No. 1280)

An Act Regulating Light on Motor Vehicles (H. P. No. 1628) (L. D. No. 1300)

An Act relating to the Town Road Improvement Fund (H. P. No. 1689) (L. D. No. 1406)

An Act to Incorporate the Town of Lebanon School District (H. P. No. 1693) (L. D. No. 1419)

An Act Permitting Bowling on Sunday (H. P. No. 1694) (L. D. No. 1414)

An Act Governing the Regulations for Traveling Amusement Shows and Circuses (H. P. No. 1695) (L. D. No. 1413)

An Act Creating the Fort Fairfield Utilities District (H. P. No. 1696) (L. D. No. 1420)

An Act relating to Clerk Hire in County Offices in Somerset County (H. P. No. 1700) (L. D. No. 1417)

An Act relative to Open Season on Partridge and Pheasant (H. P. No. 1705) (L. D. No. 1428)

An Act relating to Open Season for Trapping Beaver During the Month of January of Each Year (H. P. No. 1706) (L. D. No. 1429)

Resolve Closing Saddleback Stream to All Fishing (H. P. No. 906) (L. D. No. 605)

Resolve Opening the South Branch of Dead River and Tributaries (Except Nash Stream) to both Fly and Bait Fishing (H. P. No. 908) (L. D. No. 607)

Resolve in favor of W. S. Christie, of Orneville (H. P. No. 1049) (L. D. No. 668)

Resolve in favor of Wendell Boutlier of Oakland (H. P. No. 1146) (L. D. No. 762)

Resolve relating to Lands Reserved for Public Uses Trust (H. P. No. 1482) (L. D. No. 1083)

Resolve Relating to Impounded Bank Accounts of Kennebec Bridge Fund (H. P. No. 1483) (L. D. No. 1084)

Resolve, Sale of Hatcheries and Feeding Stations Property Authorized (H. P. No. 1073) (L. D. No. 1426)

An Act to Provide Liquor Licenses for Taverns (S. P. No. 303) (L. D. No. 709)

An Act relating to Fees of Sheriffs and Their Deputies (H. P. No. 1207) (L. D. No. 853)

An Act relating to Billboards (H. P. No. 1702) (L. D. No. 1425)

An Act relating to State Normal Schools' Reserve Accounts (H. P. No. 1708) (L. D. No. 1434)

Orders of the Day

On motion by Mr. Cleaves of Cumberland, the Senate voted to take from the table (S. P. 410) (L. D. 1163), Senate Report from the Committee on State Lands and Forest Preservation on Bill, An Act Creating a State Forest Commission Report "A" Ought to Pass in New Draft (S. P. 522) (L. D. 1423); Report "B" Ought Not to Pass; tabled by that Senator on April 21st pending consideration of the reports.

Mr. CLEAVES: Mr. President, may I ask that the Secretary for the benefit of the Senate, read the report of the Committee?

The Secretary read the report of the Committee.

Mr. CLEAVES: Mr. President, before moving the acceptance of Report "A" of the Committee, with your indulgence I'd like to say a few words relative to this bill. In the first place, I am going back a little ways and read to you from the plank from the Republican platform adopted at Bangor, April 11, 1946, which is as follows: "Recognizing the primary importance of forest products among our natural resources, we advocate the establishment of an integrated program of research, conservation and development to improve our forestry economy." Now that plank, while it is the Republican plank, at the same time is joined in heartily by Democrats not only in every State in this country but in Washington, itself.

Two years ago a bill was passed here, authorizing the Governor and Council to appoint a commission to be called the "Interim Commission to Study Methods to Assure Greater Productivity from the Forest Lands of Maine." This committee was appointed, and if you will bear with me one second I will explain the membership of the Committee. The first appointment was George D. Bearce, Manager of the Seaboard Paper Company at Bucksport, a man well versed in forestry problems, a man well versed in the administration of timberlands. The second was Harvey A. Clark, president of the L. L. Clark Lumber Company at Clark's Mills, who operated something like eight or nine mills throughout the State and have production of approximately fifteen to eighteen million feet of lumber a year. The third was Lester Crane of Machias, one of the largest operators we have in the State of Maine, and at present running the largest mill in the State. His production will run fifteen to twenty million feet a year. Then Dwight Demeritt, at the time was in the Forestry School of the University of Maine. The next was James Gillies, President of the Bath Box Company, who operates something like 14 mills and his production is twenty-five to thirty million a year. Then came Curtis Hutchins of Bangor, one of the largest timberland owners in the State, and like George Bearce, is well versed in the administration of timberlands. Our secretary of the committee was Albert Nutting, head of the Forest Extension Service of the University of Maine. Then came Arthur Stowell of Dixfield, hardwood and softwood, twelve to fourteen million feet a year, and past president of the Maine Hardwood Association. Last but very far from least until his death was Mr. James Sewall of Bangor, one of the foremost and most noted authorities on forestry in the United States. His loss to the committee was very great when he passed away.

I am bringing these names to you, gentlemen—incidentally, I was on the committee but in the capacity of messenger boy—but I am bringing these names to you gentlemen to show you these men were all experienced men in forestry and in lumbering and that their experience blended in well with the problem that we wanted to solve. Now

then, when this committee started to function—and I might state here and now there was no appropriation for the committee. It ran on its own personal expenses, met once every two weeks, once a month, anyway, all through the two years, and did a tremendous amount of research work and put a lot of thought and care into their deliberations.

We had so many problems to study as regards the forestry resources of the State of Maine it was necessary to divide this committee into sub-committees and so I am going to name for you the duties of the various sub-committees. First, there was Forest Survey of Timber Resources. Second, Organization of the State Forestry Department. Third, Forest Conservation Regulations and Cutting Rules. Fourth, Utilization of Wood Products. Fifth, Taxation Problems. Sixth, Forest Protection. Seventh, Development of Woods Roads.

I am going back a little ways with you gentlemen now to 1909 when the so-called Forestry District was organized. This Forestry District is composed of the large timberland owners north of Bangor and a few south, who got worried in 1909 about fire problems in the State of Maine. They organized this forestry district, assessing themselves a certain amount to add to the revenue of the State to fight fires. They started off with 1¼ mills based on the valuation of each individual timberland. They went from there several years later to 1½ mills and then 1¾ mills, and finally in 1921 they established a 2¼ mill assessment on themselves.

Now, under the set-up until 1945 the Forestry District contributed \$3,000 to the salary of our Forestry Commissioner. The State of Maine contributed \$2,000. In 1945 we changed by law so that it was fifty-fifty, and at the present time the State of Maine pays the Commissioner \$3,000 and the Forestry District pays \$3,000. This was a very commendable move on the part of the Forestry District and they developed eventually one of the finest fire fighting organizations there is in the country. Our record for forest fires is A-1. There are only one or two states in the country that can show a better record than we can. But the trouble is, it is a fire fighting department and not a forest department. I commend them on the change but we, in the State

of Maine, want to carry it much further than that. I am sorry to say our Forestry District, land owners, large pulp owners, have through this method controlled entirely every move our Forestry Department makes, and this was the problem desired to be studied by this committee at the start.

Conditions have changed a lot since 1909. During the war years particularly, the State was denuded of tremendous amounts of timber and today we are facing a serious situation not only in the State of Maine but every State, and Washington is taking this very seriously at the present moment because they recognize our natural resources for timber are disappearing by the minute and some cognition has got to be had because this problem is before us and we must take action soon or we won't have any forests in the country or in the State. Right at the present moment some of our finest timber has been cut off and the new growth is not the nice, clear textured type of pine and spruce we used to have. It is coarse—what we call pasture type is growing up. We are not taking cognizance of it and we are not planning and doing what we should to restore the old type of timber that grew in the State of Maine and that once we were so proud of.

Now the Forestry Department, as I said before, is primarily a fire fighting department. They have other duties besides fire fighting. I am going to list them for you. First, I am going to put at the head of the list, forest fire fighting. It is mighty important. Second, is entomology—study of insect control. I don't know whether you know it but the boll weevil, and the budworm are raising havoc with our forests. A week ago the Forest Preservation committee enjoyed a trip by plane through the north country where they could see first-hand the damage done by these insects. It is tremendous. While we are doing something about it, the department is way way too small to cope with the serious problem before it. The next duty of the Forest Commissioner is reforestation. The next is education and forest conservation and the next is soil erosion. Those are the duties we would like to add to this fire fighting outfit we have over there.

We have in the State of Maine 16,700 acres of forest area. The

committee was amazed to see the tremendous area that was the responsibility of our Forestry department and the Forest Commissioner particularly. At the present time our Forest Commissioner is serving two masters—first, the landowners and second, the State of Maine. If either of you gentlemen in this room or myself had studied the profession of forestry and were asked by the Governor and Council to take the position of Forest Commissioner in the State of Maine, the first question we would ask would be, "Mr. Governor, how long is that job good for? If I come in there and use the knowledge I have, and give to you the experience I have had, have I any assurance that my program will go along and that I will stay in that office until such time as I prove unworthy?" The Governor would immediately say, "I am sorry but your appointment is for only four years." If any one of us was confronted with that and had the intelligence God gave us, we would say, "No, thanks, Governor. I am not going to give my services to the State of Maine unless I am assured of a good position. That is one of the main things we have against the set-up we have. First, in four years the Commissioner must get out or else be re-appointed. He has no assurance he is going to stay there. Second, he is serving two masters and could not do a good job. Our study was to try to do our best to remove the Forest Commissioner from politics so he would not have to cater to a dozen different sections to reassure reappointment, and put in a man who is worthy and able and who can run our Forestry Department and run it right. At the present time, if the Forest Commissioner proves unworthy it would be impossible to remove him except by legislative action. That, gentlemen, to me is far from being good business.

The Forestry Department has been dominated and dominated for years by the landowners and larger pulp companies. I have no brief with them. I think they are fine, upright people. I do a lot of business with them, but I cannot see the Forestry Department or any department in the State of Maine controlled by any one group or any one individual. Those departments should be on a State level and run

on a State level and for the State's best interests.

The lobby that has been down here on these bills has been about the toughest lobby I have seen in my experience in the legislature. I don't blame them for it and don't criticize them one bit but I do say they have been tough. Some of the members of the legislature have told me they are scared to death to vote for this bill even though they know in their hearts it is a good bill, but they have been told they would not be reelected if they voted for it, and they would not have their stumpage contracts given them another year. I don't like that approach at all, gentlemen.

Here in Maine we have \$200,000,-000 income on lumber and we have \$150,000,000 income from pulp and paper, making a total of \$350,000,-000 a year. Gentlemen, that is not peanuts. It comes under the head of big business, and it is also the biggest business, incidentally, we have in the State of Maine. Our soft wood is being cut 40% more than its natural growth and our hardwood 50% more than its natural growth, and the result is our forests, as I said at the start, are being depleted and being depleted fast. What is being done about it? Absolutely nothing. If we had a Forestry Department that functioned as a Forestry Department and was unhampered in the dictating of administration, there would be plenty done about this—not now, but some years ago.

We are faced with another thing in this Forestry District I am speaking of. Up to a few years ago the total take from the Forestry District based on their valuation was \$180,000 and today it is only \$130,000 and it is still going down, proving conclusively that timber is being cut faster than it grows, and pretty soon we will not know where we will be. There has been no change in the 2½ mills since 1921 and the Forest Commissioner has told me personally he has tried to talk with the land owners to increase their mills, but without success.

Now, I have given you the statement of facts, so to speak, on the proposition and I am coming now to the basic argument that is put up by our lobbyists to the effect that once in their life they have decided the State level is the chief consideration they have now. "We

don't want a commission. That is very, very bad. We have enough commissions in the State of Maine." "Why don't you want one?" "Well, because of this or that." "Isn't this sort of a herring being drawn across the path? If this is passed you will begin to lose control of the Forestry Department." "Oh, no, no, no." "What suggestion do you have?" "We have no suggestion. We admit perhaps a change could be made but we don't know what it could be."

Now, when anyone criticizes I like to have constructive criticism which will help me, and will help the legislature and the men who are supposed to know the business. In the matter of the commission which I am going to bring up next,—I reviewed this before the Senate convened — we have a commission in our Personnel Board, Highway Commission, Development Commission, Aviation Commission, Unemployment Compensation, Industrial Accident, Milk Control, Liquor Commission, Public Utilities, a commission in our Medicine Board, Pharmacy, Nurses, Osteopaths, Chiropractors, Dentists, Optometry, Veterinary Surgeons, Real Estate, Racing, Boxing, State Bar, and State Park Commission. We have several advisory boards to go along with Fish and Game, Health and Welfare, and Sea and Shore Fisheries department. So a commission sometimes, gentlemen, is much better than an individual.

Now then, this bill provides for a commission. We have provided a commission—I don't like perhaps the word "commission"—and I will call it for the moment an "advisory board", a board that would serve as a board of directors, a policy making group. In the first place, we have suggested that two of the commission to be appointed by the governor and council would come from the Forestry District. The Forestry District is composed of ten million acres of timberland and they should have perhaps the largest representation on this group. The next is one man from farm land ownership outside of the Forestry District. Another is from the manufacturers, manufacturers of forest products—hardwood, softwood, novelties, or what have you. The next would be a representative from the public.

We have set up for these five men traveling expenses only and \$10 a day salary when on duty. They

would meet once a month. The reason we have put it that way is this—we want men on the commission who are solid and sound and who are business men and who know the problem that is confronting them, and we feel by putting it in with only a \$10 a day salary and only bare traveling expenses, we were going to attract to this commission men who were interested in the problem more than they were interested in the political honor, if there should be any in it, or in compensation. We felt if we didn't put a meager salary in there we would attract the type of men we did not want.

This would be the policy-making body. Now, this body under the set-up would find the best man that they could for a State Forester. We have stipulated the man must be a graduate of a recognized forestry school. We have deliberately left the salary out because we want the best man we can get. Having appointed that man, the Commission then says to him, in effect: "This is your baby. Take over. We are not bothering you with the one exception of meeting once a month in an advisory capacity and reviewing the problems and advising you the best we can." By doing this, we feel we can give him an opportunity to adopt and promulgate the dictates of his profession, and free from political pressure.

Gentlemen, I believe this thing warrants a great deal of consideration. I want the State Legislature, as a whole to be cognizant of the fact that we have a forestry problem in the State of Maine and I am in hopes that when I move for acceptance of the "ought to pass" report, the Senate will consider it seriously so it can go from here to the House. I want them to discuss it there. If they pass it or lick it, it makes no difference to me,—I will have done my duty in bringing it before the legislature that there is this problem.

Mr. President, I move the acceptance of the "ought to pass" report "A" of the Committee.

Mr. MURCHIE of Washington: Mr. President and gentlemen of the Senate, the situation here this morning reminds me to some extent of a similar situation ten years ago when there was a certain blueberry bill before this legislature and over here in the Senate there was

a man who was going to Washington County to attend meetings of the Washington County Chamber of Commerce, and he came back and said, "I have got to vote for the bill because I like the fellow who sponsors it, but there isn't a damn soul in Washington County that wants the bill." The situation is the same here. I like the fellow very much who sponsors this measure but I cannot go along with him because there is on one in the State of Maine who wants this bill. It is a drastic change in the set-up of one of our greatest resources in the State of Maine. I am satisfied no one really wants this bill.

I have got to justify myself in something I am going to do and will do it this way: Years ago, in the days of Herbert Hoover particularly, when he appeared on the screen you would see him looking down at his notes. In later years Franklin Delano Roosevelt could be seen in the same way glancing at a manuscript. So if those two guys were permitted to use notes, I suppose I might be allowed the same privilege.

This is an extreme and drastic change in the set-up of this department of the State of Maine, and it is necessary to read that bill and pick out more or less of it, so it is necessary that I use notes to some extent.

The Land Agent, whose office was created in 1824, acted under express authorization of the legislature in the administration and sale of public land.

The Forest Commissioner's office was created in 1891 for the protection of forest lands and the duties of the land office were delegated to it.

Forest fire protection was always, and is, the responsibility of the organized municipalities and wild-land owners.

Maine is unique in having vast areas of timberland in unorganized towns in private ownership. An enviable fire record showing adequate protection has existed since the creation of the Maine Forestry District in 1909. Outside of the District, the fire records have been increasingly improved since 1931 when the State began its cooperation with the organized municipalities.

The Maine Forestry District was created by legislative act. A mill tax assessment levied upon a valu-

ation determined by the State Tax Office is earmarked for forest fire protection within the District. This fund, so created, is administered by the Forest Commissioner in addition to his duties as head of the State Department of Forestry.

The Forest Commissioner does not serve in any dual capacity but rather is titular head of all forest and forestry functions and the recognized State Forestry Agent in all federal cooperative relations.

All work of the office comes under the Administrative Code.

Functions in addition to administration of forest fire protection within the Maine Forestry District and cooperation with municipalities outside of the District consist of:

Forest Insect and Disease Control

Care of Public Lots

Maintenance of Tree Nursery

Enforcement of many forestry laws

Member ex-officio of State Park Commission and Baxter State Park Authority

Management of Indian Township

All functions are combined under the Maine Forest Service as a name of convenience.

There has been no good reason given for changing the present set-up as established 38 and 56 years ago. The only duty of the proposed Commission is to direct and control the administration of the proposed State Forester in the conservation of the forests of the State.

It has been stated that the Forest Commissioner serves in a dual capacity having charge of the Maine Forestry District and the State Department of Forestry. Under the proposed bill there is no change in this status except that a five-man Commission is created and superimposed over the office of State Forester. There are no streamlining of duties but rather a complication of responsibility and an increase of demand on the time of the State Forester for reports and prosecution of work.

Specifically, the Forest Commissioner, whose qualifications are defined by statute, is now appointed by the Governor with approval of Council. His duties are described in the statutes, subject to the Administrative Code, and approval received from either the Governor and Council, or the legislature, or both.

The proposed new Commission of State Forester in some respects is not subject to such approval. The Governor and Council have been entirely eliminated except their part in choosing a Commission and approving the State Forester's salary as set by the Commission. The legislature loses its right to set salaries and wage scales in the Maine Forestry District.

A five-man Commission would be a cumbersome and expensive set-up which could easily become a political factor which would not be conducive to best forest protection. During the next five years it could entirely change in membership. During each succeeding Governor's two-year term, a change of members could result.

Cost of meetings would be \$600 per year, plus expenses, for a minimum. A maximum cost could be \$18,000, plus expenses.

Such a Commission would need to become acquainted with details to properly guide a State Forester. The Forest Commissioner's salary is now statutory. No provision is made for salary of Deputy State Forester or other field personnel. This is why I say it might become very expensive to obtain qualified man or men.

This bill serves no good purpose and at public hearing had no proponents other than the sponsor, Senator Cleaves. Several representatives of timberland owners and landowners themselves spoke in strong opposition.

The bill itself makes no basic change in the functioning of all forestry laws but merely creates a Commission to superintend the actions of the present office.

In the field administration of forest protection, care of public lands, public reserved lots, and management of the State Forest Nursery, duties and responsibilities are divided between the proposed five-man Commission and the proposed new office of State Forester, either independently or with the approval of the five-man commission or the legislature.

All duties are now the responsibility of the Forest Commissioner who is subject to restraint and approval of the Controller and Purchasing Agent as provided in the Administrative Code. He is further subject in his performance by statute to approval of the Governor and Council and or the legislature.

The bill creates dual control and responsibility and does away with certain existing rights of Governor and Council and the legislature.

Management of State lands under dual control of Commission and State Forester. (See Sec. 4 as amended by Sec. 3)

Sec. 8, as amended by Sec. 7, makes it a duty of State Forester to report biennially to the Governor. Sec. 15, as amended by Sec. 14, makes it a duty of the Commission to report biennially to the Governor. This is certainly a duplication of effort.

Sec. 12, as amended by Sec. 11, replaces the Governor and Council by the Commission in the administration of sales and leases on Public Lots. Sec. 13, as amended by Sec. 12, gives sole authority to State Forester to permit timber cutting on other State lands without any approval.

Sec. 46, as amended by Sec. 82, and Sec. 47, as amended by Sec. 83, provide for payment of fire wardens, deputies, and fire fighters' wages set by State Forester with approval of Commission, rather than Governor and Council.

Now, I disagree with the Senator from Cumberland, Senator Cleaves, in that the members of the Senate might be influenced for fear of losing their votes or something of that kind. But this is a drastic change, gentlemen, and no one wants it in the State of Maine and I hope the motion to accept the "ought to pass" report will not prevail.

Mr. CLEAVES: Mr. President, I am very glad the Senator from Washington, Senator Murchie, brought that up. I neglected to say at the start that when this commission, this Interim Commission which studied this problem got through their deliberations they decided before they made recommendations to the State Legislature they would hold three public meetings, and at those meetings they would invite all the interested lumbermen in that section for discussion and criticism. We had 500 copies of our report made up and two weeks in advance of each meeting we sent them out to various interested parties so they could study them over, and study them over very carefully. Our first meeting was at Bangor where we had 28 or 30 of the large land owners and representatives of pulp and paper companies. We discussed every phase of this particular pro-

posed bill. There was no objection by any of them. From there we went to Rumford and did the same thing there. Next, Portland. There was not one voice raised in criticism. "Okay, boys, we think it is what you should do." So we made the bill up, and all of a sudden they find they are losing what they had for many years — control of the Forestry Commission. I don't know whether you recognize it, gentlemen. Let's take ten million acres north of here and six million and some odd thousand south of here. While I respect the north country, it is not the whole State of Maine, and we in the south would like some assistance from the State of Maine, too. We do not, at present, get the efficiency we want and should have.

To show you what I mean, we had before us the Forest Cutting Practice bill, too. The Forest Commissioner worked with our committee at our meetings and helped draft the forest cutting practice bill which you are going to listen to later. As a proponent, I did most of the talking and very proudly, after I had gotten to the point I wanted to drive in, I asked our Forest Commissioner to speak for the bill. In the front row in the Senate Chamber there were opponents to the measure and they glared at the Forest Commissioner and he glared back at them. Having had instructions, he said, "I don't approve of the bill because it will cost too much money." Whereupon, the Chairman said to the Commissioner, "I'd like to know if you are an opponent or proponent." He was told to make that statement, and you can imagine my face blushing with embarrassment.

The Senator from Washington, Senator Murchie, has brought up a thing I want to speak about, and that is streamlining. This will streamline the administration of the department and streamline it well because you are giving to the State Forester the administration of the department and you are giving him entire control. He can do as he sees fit and as his profession would decide. I neglected to say that if the State Forester is not the man we want under this bill he can be fired immediately and a new man put in his place. We are looking for efficiency.

So far as the sections which Senator Murchie was reading are concerned, we have not changed them. They are as they are on the statute

books and as they have been for some time past. The only change is the Governor and Council would not appoint the Forester. He would be appointed by the Commission. The Governor and Council would appoint the Commission.

Senator Murchie pointed out the deputy forester's salary was not set up. It was not set up purposely. We wanted to give the Forester an open hand to work with. We wanted him to get the best man he could under his control and pay what is necessary to get the efficiency out of the department that it should have.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, as the other two members of the Committee on State Lands and Forest Preservation have spoken, I suppose I should place my position before you.

I think today perhaps I am in the same position all of you have been in many times with the lengthy documents we have to consider before committees — part of it I like and part of it I don't like. As it was a divided report, with that understanding before the committee, I signed the "ought to pass" report. It covers a lot of pages but there are really two ideas in the whole bill. In the first place, we would establish a five man commission who would hire the forest commissioner,—as they call it in this bill, "State Forester" who would be directly under the control, in every respect, of that commission. The other idea is this, that it will change the present set-up, as has been explained by the Senator from Cumberland, Senator Cleaves,—the Forestry District pays half the salary of the Forest Commissioner and the State of Maine pays the other half, and I think we all agree it places the Forest Commissioner in a position of great disadvantage when he has to make any decision, especially before the legislature.

I am glad this bill is being debated here today. I hope it is discussed a great deal — this and similar bills — for the simple reason the forest problem in the State of Maine is one of our greatest. It somewhat disturbs me that the State of Maine only wishes to put a budget recommendation of around \$130,000 in Forestry when we are told that from disease alone we have already lost \$75,000,000 worth of white birch at the time when we

are quibbling over whether or not we shall put \$10,000 in the protection of our forests. It shows the lawmakers are not too alive to conditions that are existing.

I don't think this bill would do too much along that line. But as far as the establishing of a commission goes, they have told us it would take it out of politics. I wonder what politics is. When four or five men get together they usually disagree. If they happen to be representatives of the people, we call it "politics," because they don't agree. If they happen to belong to a church — I don't know what you would call it — maybe "religion." That is the situation you would have in this bill, maybe worse, if the statements of the Senator from Cumberland, Senator Cleaves, are correct, that the Forest Commissioner's office is controlled by certain interests. I think it would be stronger because he has gone to work and placed two men from the Forestry District on the commission to begin with. I ask, what is this situation — suppose you got a commission that wanted to control the Forestry Department to its own advantage, what authority would we, as elected representatives of the people have to say about it? One of the arguments of those who want this bill to pass is simply that at the present time the Forest Commissioner is not his own boss.

Certainly if you had five men to boss him and no recourse to the legislature we would have a worse situation than we have today. Somebody is appointed. We can remove him only by act of the legislature. He is not removed by the Governor and Council. We would be changing that so that no one could remove him except the Commission and I think they are probably very desirable men on the commission, but I cannot see that that improves anything.

I think, however, we could improve the situation a lot if the State of Maine paid the Forest Commissioner. Now it is true that quite a proportion of his work is probably spent upon duties pertaining to the forestry district. At least he is a coordinator between the forestry district and the organized towns of the state but the fact is that half his salary is taken from the forestry district. Probably in the beginning some legislature thought it was a nice idea to save

the state a little money. I think it is money poorly saved, because we have the situation described to you today by Senator Cleaves where the Forest Commissioner made a decision in favor of the land owners of the State or the group in opposition to this bill and many said he was dominated by them. I don't know. He did not tell me what his thoughts were, but I am going to say that was his good judgment and because he decided in that respect they thought it was because half of his salary was paid by the landowners.

I think if that feature of this bill could be changed, the real objective of this bill could be obtained by this legislature, and that is that the Commissioner or Forester or whatever you want to call him, the man who is placed in charge of this department is answerable like all other heads of departments to the Governor and Council and the legislature. I think that would be a step toward improving the forestry program of the State of Maine. But regardless of whether he is appointed by the Commission or any other way, on these important features of forestry work, if you allow him only a few thousand dollars to work on, certainly you cannot expect a well round forestry program for the state.

So, I hope that Report A is not accepted and if it is not I shall ask the Senate to reconsider with the idea of offering amendment to this bill which would strike out all except that feature which would change the salary of the Commissioner so the State of Maine would pay his entire salary.

Mr. MURCHIE of Washington: Mr. President, in the first place I would like to thank the Senator from Penobscot, Senator Williams for apparently being partly on my side of this issue, and when the vote is taken, I move that it be taken by a division.

Mr. CLEAVES of Cumberland: Mr. President, I wish that I could go along with the Senator from Penobscot. What we are trying to do, gentlemen, is to take the State Forester, or State Forestry Commission, whichever you wish, out of politics. In state government we must have politics. It is true all over the United States and probably true all over the world. In this particular case our commission, to be sure, is appointed by the Gover-

nor and Council and some politics will be played. You can't help it. But our State Forester under this bill is removed from the control of the Governor and Council, removed from the control of the legislature and given a job where he doesn't have to worry whether he is going to hold the job or not. As long as he does his work efficiently for the best interest of the state, he may be sure of continuing. That is so much of an improvement under the present set-up that it is almost too bad.

Under this here on the dictates of his policy in the State Forestry Department, I have seen time after time when he has had to make moves that were against the dictates of his profession because he was told to do so.

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

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

Mr. WILLIAMS of Penobscot: Mr. President, I move at this time reconsideration of our action just taken whereby Report A of the Committee "Ought to Pass in New Draft" was not adopted.

A viva voce vote being doubted

A division of the Senate was had.

Twenty-two having voted in the affirmative and six opposed, the motion to reconsider prevailed.

Thereupon, on further motion by the same Senator, the reports and accompanying papers were laid upon the table pending further consideration.

On motion by Mr. Batchelder of York, the Senate voted to take from the table bill, An Act Relating to Time of Racing Meets (H. P. 1509) (L. D. 1108) tabled by that Senator on April 23 pending consideration of House Amendment A.

Mr. BATCHELDER of York: Mr. President and members of the Senate, I would like to read from this bill which provides at the present time "No meeting shall be allowed for more than six days in any thirty day period except that between the 1st day of July and the 1st Monday of August a meeting may

be allowed for not exceeding 18 days on mile tracks. In the event such an 18 day meeting is held no further meetings where pari-mutuel betting is permitted shall be allowed during the same calendar year."

That is our present law. In the bill that has come before us it is sought to amend the first section of the bill so as to change the thirty day period to a 28 day period. This was for the reason that the 30 day period interfered with the weeks so that some times race meets might not be held either the first part of the week or the latter part of the week, and that being so we thought it should be corrected.

This 18 day meeting on a mile track is a matter which concerns Old Orchard but at the present time there is only one mile track in Maine and 18 day meets were given for the purpose of allowing grand circuit racing to come to Maine. Due to the fact that horses had to come from all over the country, often times we had horses from out on the west coast and it was necessary for them to have 18 days meets in order to bring these horses here. We have some of the finest horses, probably, in the world for the purpose of sulky racing and the purses run anywhere from \$500 to \$10,000, and on a mile track the time is a little faster than would be permitted on a half mile track. Thus far the grand circuit races all over the country have been principally on a mile track.

Now if this were permitted it would mean no longer would we have grand circuit races in Maine. It might be argued that this year we don't have grand circuit races coming into the State of Maine. That so happens, but of course where we are going to have local horses racing at Old Orchard it comes within the jurisdiction of the Racing Commission and they can change the period of time so as to cut that down either to a six day meet or a 12 day meet and at the present time, due to the fact that we are not having grand circuit races, the time has been cut down to 12 days for this year.

Had the proponents of this measure or anybody interested in it sought to bring about this change it would seem to me that in fairness to everybody concerned, Old Orchard and the people operating the track there this present legislation should have been proposed in the original bill. This amendment

was brought to our attention in our committee and for that reason no hearing was set, no parties were notified and we felt that this amendment should not be allowed to go on the bill. This amendment was proposed in the House and comes to us at the present time. I see no need for this legislation due to the fact that if we do not have grand circuit races at the present time it will be left in the hands of the Racing Commission so that they can confine it to a six day meet or a 12 day meet. In view of that fact, I hope this amendment will not be carried for if it is we will lose the grand circuit races and the opportunity to have them later in the State of Maine. I therefore move the indefinite postponement of House Amendment A.

The motion prevailed 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. Blanchard of Aroostook, the Senate voted to take from the table bill, An Act Permitting the Closing of Banks on Saturday (H. P. 970) (L. D. 628) tabled by that Senator on April 16 pending passage to be enacted.

Mr. BLANCHARD of Aroostook: Mr. President, for the purpose of presenting an amendment, I move that the rules be suspended in order to permit me to make a motion to reconsider.

Mr. LEAVITT of Cumberland: Mr. President, before we vote on that motion, would it be possible for the Senator to tell us what the amendment he proposes is going to be?

The PRESIDENT: The Chair will state that the motion to reconsider is debatable. Is the Senate ready for the question?

Mr. CLEAVES of Cumberland: Mr. President, I don't want to interfere with the legislation but I would like to know, as Senator Leavitt has just asked, what this amendment is.

Mr. SAVAGE of Somerset: Mr. President, I would like to ask, through the Chair, of the Senator from Aroostook, what his amendment is.

The PRESIDENT: The Chair will state that the Chair presumes the Senator hears the question and the Senator may reply if he sees fit.

Miss CLOUGH of Penobscot: Mr. President, I feel that if we give the Senator the right to reconsider we will know what the amendment is.

Mr. LEAVITT of Cumberland: Mr. President, my point is that if we know what the amendment is, we may decide not to reconsider.

Mr. BLANCHARD of Aroostook: Mr. President, I move the question and I will present the amendment after reconsideration.

The PRESIDENT: The Chair will state that a motion to suspend the rules requires a two-thirds vote for its passage.

Mr. NOYES of Hancock: Mr. President, I don't know whether the Senator from Aroostook, Senator Blanchard, will get his two-thirds vote or not, but it seems to me in a case of this kind, a motion to reconsider is not going to delay the Senate and he should be granted the privilege of presenting his amendment. I hope his motion prevails.

Mr. LEAVITT: Mr. President, I have no objection whatever in allowing him to let us know what the amendment is but I think there is no sense in reconsidering when we have no idea what he wants to propose. I will be against reconsideration if the Senator is not willing to tell us why he wants to reconsider.

Mr. BISHOP of Sagadahoc: Mr. President, it seems to me that in this Body of fellow men it is only courtesy to grant such a privilege if it is asked for. We did that just a few minutes ago on a bill that we defeated nineteen to eleven. I think we are still safe and we can defeat it if we want to. It is just a matter of courtesy.

Mr. LEAVITT of Cumberland: Mr. President, answering the Senator from Sagadahoc, Senator Bishop, before we reconsidered the other vote the Senator from Penobscot, Senator Williams had told us exactly why he wanted to reconsider. That is why I am asking that we be informed by the Senator from Aroostook, Senator Blanchard, what he proposes to do.

Mr. DUNBAR of Aroostook: Mr. President, I would like to ask through the Chair of the Senator from Aroostook, Senator Blanchard, how he voted on this measure when it was passed. I am raising the point as to whether or not he is in a position to make a motion to reconsider.

Mr. BLANCHARD of Aroostook: Mr. President, I voted against the closing on Saturday, against the bill.

The PRESIDENT: The Chair will state for the information of the Senate that the present motion is a motion that the rules be suspended. The Chair will further state, however, that if the Senator from Aroostook, Senator Blanchard, voted against the passage to be engrossed of this bill, he would not be in a position to make a motion to reconsider our action whereby the bill was passed to be engrossed, even if the rules were suspended.

Mr. ELA of Somerset: Mr. President, I move that this bill be laid upon the table.

A viva voce vote being doubted

A division of the Senate was had.

Seven having voted in the affirmative and twenty-one opposed, the motion to table did not prevail.

Mr. BARNES of Aroostook: Mr. President, perhaps the motion I was about to make is not in order until the vote is taken on the question of suspending the rules, but I will state that I voted with the prevailing side the other time and I will make a motion at the proper time to reconsider.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Blanchard, that the rules be suspended in order to permit a motion for reconsideration to be made at this time.

A division of the Senate was had.

Twenty-one having voted in the affirmative and seven opposed, the motion to suspend the rules prevailed.

Mr. BARNES of Aroostook: Mr. President, I am going to move for reconsideration. I don't know what the amendment is either, Mr. President and members of this Senate, but I am going to grant the Senator the courtesy of letting us know. I therefore move to reconsider.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that the Senate reconsider its action whereby the bill was passed to be engrossed. Is the Senate ready for the question?

A viva voce vote being had,

The motion to reconsider prevailed.

Mr. BLANCHARD of Aroostook: Mr. President and members of the Senate, I present Senate Amend-

ment A and move its adoption, and briefly explaining what this amendment does contain, it moves from the present bill the words 'trust company' and the words 'national banking association'. In other words, it leaves in the bill the permissive right to close savings banks and other loan agencies described in the bill. As I indicated when this bill was first brought here, this was proposed by the Savings Bank Association of the state. Originally the commercial banks were against the proposed bill and there is still a definite division in the opinions of the commercial banks. Also the closing of the commercial banks.

At the time this bill was originally debated there was considerable indication that recently many states had voted legislation of this type. According to the American Bankers' Journal, only ten states out of the forty-eight have adopted any legislation of this type, and several states have defeated such legislation during this past legislative term.

I feel that the public interests will be protected if the commercial banks are allowed to keep open, and therefore I present this amendment.

The Secretary read the amendment:

Senate Amendment A to L. D. 628: "Amend said bill by striking out in the 2nd line of that part designated Section 141-A the underlined words 'trust company'. Further amend said bill by striking out in the 4th line of that part designated Section 141-A the underlined words 'National Banking Association.'

Mr. CLEAVES of Cumberland: Mr. President, this amendment in my opinion does a major piece of surgery on the bill and the patient will die just as certain as the Lord made little apples. Dr. Wheaton of the Maine Savings Bank Association was in here the other day along with a contingent of other bankers and he told me that this association is going on record now unanimously in favor of Saturday closing. Now, not only Dr. Wheaton of the Maine Savings Bank Association, but I have had telephone calls, it seems to me, from if not all, certainly a considerable number of Maine bankers during the last two weeks that they were opposed to Saturday closing and they told me that after this bill had temporarily

passed the Senate they had reconsidered, had talked it over and now are very much in favor of it. Mr. President, I move the indefinite postponement of this amendment.

Mr. LEAVITT of Cumberland: Mr. President, most of the approaches that have been made to me about this bill have been from national and commercial banks most of which, as you know, have savings departments, and if this bill should pass, not only would it make the national banks keep open but they would have to allow people from their savings departments to go home, making an almost impossible administrative situation in the banks.

I think this amendment is unwise. The Senate has already passed the bill as it was and I think the Senate thought it was a good bill or it would not have passed. If you put this amendment on, you might as well defeat the bill, and I shall certainly go along with the Senate from Cumberland, Senator Cleaves when he moved for indefinite postponement of this amendment.

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

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

A division of the Senate was had. Fourteen having voted in the affirmative and fifteen opposed, the motion to indefinitely postpone Senate Amendment A did not prevail.

Mr. BLANCHARD of Aroostook: Mr. President, I now move the adoption of Senate Amendment A.

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

Fifteen having voted in the affirmative and fifteen opposed, Senate Amendment A was not adopted.

Mr. MORRILL of Cumberland: Mr. President, I move that the bill be passed to be engrossed.

A division of the Senate was had.

Sixteen having voted in the affirmative and fifteen opposed, the bill was passed to be engrossed.

The PRESIDENT: The Chair will state that the question now before the Senate is on the passage to be enacted of this bill.

Mr. MORRILL of Cumberland: Mr. President, I move the bill be passed to be enacted.

Mr. McKUSICK of Piscataquis: Mr. President, is a motion to table in order?

The PRESIDENT: The Chair will state that a motion to table is in order.

Mr. McKUSICK: Mr. President, I move that this bill be laid upon the table.

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

A division of the Senate was had.

Twenty having voted in the affirmative and ten opposed, the bill was laid upon the table pending passage to be enacted.

On motion by Mr. Murchie of Washington, the Senate voted to take from the table Senate Report from the Committee on State Lands and Forest Preservation—Majority Report "Ought Not to Pass;" Minority Report "Ought to Pass in New Draft (S. P. 538)" on bill, An Act Relating to Forestry Cutting Practices (S. P. 409) (L. D. 1158) tabled by that Senator on April 26 pending consideration.

The Secretary read the reports.

Mr. MURCHIE of Washington: Mr. President and members of the Senate, I move the acceptance of the "Ought Not to Pass" report and I will say just a word of explanation on it. I just want to quote an item in this bill. It says, "the State Forester's staff shall examine the forest area to be cut, either before or after the operation is started, as well as advise and assist the owner or operator in the preparation of a cutting plan that will conform to the forest practice regulation adopted."

Another item says, "The State Forest Commission shall define standards of forest practice to obtain this objective."

The idea I have about this bill is that it is pure regimentation and it is impossible to carry out its provisions, and without saying anything further I will move the adoption of the report.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, I asked the Senator from Washington who has tabled this bill if he would hold it for a day after the commission bill had been debated. My reason was that this bill is quite a bill and there has got to be quite a bit of discussion on it and I am not prepared to discuss it. I would like to ask permission

to table this and have it especially assigned for tomorrow morning. I have done all the talking that the Senate wants to listen to today at least.

Thereupon, on motion by Mr. Cleaves of Cumberland, the report and accompanying papers were laid upon the table pending motion of the Senator from Washington, Senator Murchie, that the Senate adopt the "Ought Not to Pass" report, and especially assigned for tomorrow.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to the Gasoline Tax (H. P. 1715) (L. D. 1441) tabled by that Senator on April 28 pending passage to be engrossed.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, when I tabled this bill I thought I wanted to propose an amendment but it does not seem necessary and I therefore move that the bill be passed to be engrossed.

The motion prevailed and the bill was passed to be engrossed in concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Resolve to Provide for Repair of Fish Screen at Porter Lake (H. P. 1574) (L. D. 1217) tabled by that Senator on March 14 pending final passage.

Mr. SAVAGE of Cumberland: Mr. President, I now move that the rules be suspended in order to permit me to move reconsideration of the passage of this resolve to be engrossed. I am not trying to start anything.

The motion prevailed and under suspension of the rules, the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed.

Mr. SAVAGE of Cumberland: Mr. President, I now yield to the Senator from York, Senator Davis.

Mr. DAVIS of York: Mr. President, I present Senate Amendment A and move its adoption and in explanation I will say that the resolve called for the funds to repair this fish screen to come from the general funds of the state. That was an error. It should have said to come from the funds of the Inland Fish and Game Department. This amendment corrects that error.

The Secretary read Senate Amendment A.

Senate Amendment A to L. D. 1217: "Amend said resolve by striking out the words 'general fund of the state' in the 3rd and 4th lines thereof, and inserting in place thereof the following: 'funds from the Department of Inland Fisheries and Game.'"

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

Sent down for concurrence.

On motion by Mr. Cleaves of Cumberland, the Senate voted to take from the table bill, An Act Relating to Salary of Governor, (S. P.

149) (L. D. 343) tabled by that Senator on April 16 pending passage to be enacted.

Mr. CLEAVES of Cumberland: Mr. President, in view of the fact that this bill regarding the salary of the Governor, does not take effect until 1949 and therefore has no bearing on our appropriations at the present moment, I move that the bill passed to be enacted.

The motion prevailed and the bill was passed to be enacted.

On motion by Mr. Cross of Kennebec,

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