

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, May 6, 1947.

The Senate was called to order by the President.

Prayer by the Reverend H. F. Rigby of Hallowell.

Journal of yesterday read and approved.

From the House

Bill "An Act Amending the Charter of the Town of Dixfield School District." (H. P. 1750)

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

House Committee Reports

The Majority of the Committee on Taxation on Bill "An Act to Define 'Distributor' in the Gasoline Tax Law," (H. P. 1639) (L. D. 1327) reported that the same ought not to pass.

(signed) Senators:

NOYES of Hancock
ELA of Somerset
HASKELL of Penobscot

Representatives:

LOMBARD of Yarmouth
BURTON of Milo
JORDAN of Saco
ELLIOTT of Corinth
MORISON of Wilton

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A".

(signed) Representative:

Burgess of Limestone

Comes from the House, the Minority report accepted and the bill passed to be engrossed as amended by Committee Amendment "A".

In the Senate

In the Senate:

Mr. NOYES of Hancock: Mr. President and members of the Senate, I am going to move the acceptance of the Minority Report as amended by Committee Amendment A. Committee Amendment A removes most of the objections to the bill, and as long as Committee Amendment A stays on the bill, the members of the Committee on Taxation will not oppose it. What this committee amendment does, it limits the losses on gasoline that may be allowed to the oil companies to one percent, and in a measure will offset the losses that would be al-

lowed to the distributors who receive gasoline by tank truck. This bill defining gasoline distributor allows a distributor who received gas by tank truck a loss of one percent as against a distributor who receives gas by a tank car. The state loses a small sum of money from the distributors' end of it and under the amendment they will save money from the oil companies, and as long as this amendment is adopted, we offer no objections to the bill.

The motion prevailed and the Minority Report "Ought to pass as amended by Committee Amendment A" was adopted in concurrence, and the bill was given its first reading; Committee Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in concurrence.

The Majority of the Committee on Labor on Bill "An Act to Prevent Strikes Against Public Utilities and Municipal Corporations," (H. P. 1303) (L. D. 886) reported the same in a new draft (H. P. 1744) (L. D. 1486) under a new title, Bill "An Act to Prevent Strikes Against Public Utilities and Municipal Corporations and the State of Maine," and that it ought to pass.

(signed)

Senators:

HOPKINS of Kennebec
SPEAR of Cumberland

Representatives:

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

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

(signed)

Senator:

HASKELL of Penobscot

Representative:

LEAVITT of Old Town

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

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I want to speak very briefly on the two labor bills which are before us this morning. I think, in considering other legislation that has been before us I may have spoken more extensively than I should. I

am sure the Senators are aware that the so-called labor problem dealing with union security and the rights of employers and employees dealing with one another, is one problem, and any action which the legislature takes in passing or amending legislation of this type is one problem, and should be treated as one problem, and we should attempt to complete our work with a coordinated program. We should have law remaining on the books when we are through, that is consistent and reasonable.

I am principally interested, of course, in the interest of the public in this type of legislation. We want to protect the workers and want to protect the employers and particularly, we want to protect the public.

I want to speak very briefly on the first bill which we have before us and perhaps a little more extensively on the next bill for consideration. This bill is An Act to Prevent Strikes Against Public Utilities and Municipal Corporations and the State of Maine. It is a simple measure, one that is short and easy to read and easy to understand. It doesn't permanently enjoin strikes in public utilities but simply sets up the procedure where strikes can not be called on short notice. If you have a copy of the bill before you, you will notice that Section 16 reads: "Strikes against the state, political subdivisions, public utilities and municipal corporations. It shall be unlawful, as against the public interest," and then farther on in the bill it gives conditions under which strikes can be permitted. I might mention to the Senate that in the third line from the bottom of the first page the word "jurisdiction" is a misprint. The word should be "justification". The second section deals with public utilities and says, "In the event of a strike or imminent threat of a strike by employees of the state, its political subdivisions or agencies or by the employees of a public utility, the governor may declare a public emergency after due hearing. Such declaration shall prohibit the calling or authorizing of a strike or lockout and shall provide that work shall continue under existing conditions until new conditions of employment shall be determined by mediation and voluntary arbitration, except that such prohibition shall not be effective for a longer

period than 90 days from the date of such declaration of public emergency."

I think that the public interest requires such legislation. I would agree with any Senator who would express the view that most public service and public utility employees are loyal people and would not thoughtlessly quit their jobs and allow the public to suffer. I think they know, just as the Senators know, if you shut down public utilities it is a matter of life and death, in the case of some members of the public at least, and they would be loyal and try to find a way to continue the services.

I think the history of the Pittsburgh power strike shows that even people in public services do leave their employment and do cause unreasonable injury to the public. That thing could happen to the people in the State of Maine, of course. I think that legislation of this sort is desirable. It doesn't take away the right to strike and it doesn't take away the right to bargain. It simply sets up the necessary protection so that the public is given due consideration when such emergency does exist. I think this bill is good law. I think it is consistent with other law on the books although we have very little law on the statute books which has to do with union security and union legislation.

I move acceptance of the Majority Report "Ought to Pass" of the Committee.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I will be equally brief in defending my action in signing the "ought not to pass" report on this bill. In the first place, I saw no demand from utility operators or from the municipalities at the hearing and since the hearing I have heard no demands from utility operators or from municipalities for the bill. In the State of Maine, and we can be very proud of it, I think, municipal strikes and strikes against public utilities are practically unheard of. With the exception of the unfortunate incident in Portland I think we have been free of labor difficulties in municipalities and public utilities.

I'd like to comment briefly on the bill, itself. I don't agree with the Senator from Kennebec, Senator Hopkins, that strikes are not permanently prohibited under this bill.

If you will read Section 16-B you will note that a strike can exist only when it has been certified by the state Board of Arbitration and Conciliation. No one in the utility business can conceive of any instance under which a strike is justified in the public utility business and we cannot conceive of the State Board of Arbitration and Conciliation justifying a strike in the public utility business. If it does occur, I am confident the injunctive provisions given to public utilities under our existing statute amply protect the public.

I think that the bill is poorly drawn in that if the State Board refuses to justify or certify the strike the Governor may declare a public emergency and after 90 days have passed, regardless of the action of the State Board, the strike goes on. That, I think, is dangerous to the public and I think dangerous to management and I don't think it is a thing the employees want.

Looking at it in the broad sense, this legislature had before it the Barlow bill, and this is a re-write of the Barlow bill, I think. The Barlow bill is going to the public in referendum and they will determine whether or not they will want to ban closed shops, boycotting and sympathetic strikes and accept all the provisions in that all inclusive bill that is going to referendum.

You all know in Congress now we have restrictive legislation that seems almost certain of passage, and certainly it is adequate to take care of public utility business in the State of Maine because almost without exception we are in interstate commerce.

Are we coming here as a Republican legislature and saying because there was a strike down in Pittsburgh, which was very unfortunate, we suspect labor in the State of Maine, and suspect it to the extent that we will put onto our books the same type of thing that is before you here today?

I have had the privilege of sitting across the conference table and bargaining with many groups, many public utility groups in this State and other States, and I am not anxious to sit on my side of the table and say, "You come to my way of thinking because you cannot strike." I am inclined to believe such a provision in our laws would make for more labor difficul-

ties than under the conditions under which we are now operating, where we are both free. I cannot believe it will make for labor peace in the State of Maine to give me a tool I do not have now. I have got to sit there and deal fairly with them, and they have the same rights employees in other organizations have, and as far as my dealing with utility labor is concerned, I am willing they have it because I have confidence in the men and confidence in the leaders that they have, and believe they have the same conscience to the public that we, on the other side of the desk have.

I think to put this sort of thing on the books and smear then with the suspicion of this legislature, is an obviously unfair thing. If at some future session you could point back to some action of some labor leader in the State of Maine that was not reasonable and fair with the public, I would be the first to rise to support such a bill but if the proponents of the bill must go to Pittsburgh to find an example of the thing they want to stop, I cannot believe the 93rd Legislature wants to impose that sort of thing on an honest, fair, sincere and cooperative group of employees that are in organized labor in the utility business in the State of Maine. I sincerely hope, for the sake of sound labor relations in the State of Maine, the motion of the Senator from Kennebec, Senator Hopkins, does not prevail.

Mr. SPEAR of Cumberland: Mr. President, I signed the majority report "ought to pass" because I think that the public interest is greater than the interest of any group or any party. I don't believe that anyone has a right to strike against the public interest any time, any place, any where.

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

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Hopkins, to adopt the majority report "ought to pass."

A division of the Senate was had.

Five having voted in the affirmative and nineteen opposed, the motion to adopt the majority report failed.

Thereupon, on motion by Mr. Haskell of Penobscot, the minority report, "ought not to pass" was adopted in non-concurrence.

Sent down for concurrence.

The Majority of the Committee on Labor on Bill "An Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes," (H. P. 1184) (L. D. 754) reported the same in a new draft (H. P. 1743) (L. D. 1487) under a new title, Bill "An Act to Protect the Right to Work," and that it ought to pass

(signed)

Representatives:

Senator: HOPKINS of Kennebec
BROWN of Unity
CHASE of Cape Elizabeth
MARSHALL of York
SHARPE of Anson
COLLINS of Caribou

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

(signed)

Senator: HASKELL of Penobscot
Representative:

LEAVITT of Old Town

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

In the Senate:

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I will again move the adoption of the Majority "Ought to Pass" Report. When we last considered a labor bill we considered the bill providing for the State Labor Relations Board. That bill was presented by the Committee because of the demands which were made for it at the hearings. The employers pretty generally did not express themselves much at the hearing and labor came with a single representative in favor of the bill which we had before us at that time. The redraft of the bill was, of course, very complicated and an extensive piece of legislation, one which was hard to understand and one which the Senate decided it was not wise to enact, and they probably decided wisely. It still is a fact that if we are going to continue with a competitive economy we will eventually have to have such legislation on both national and state levels. I am certain of that in my own mind. There cannot be a monopoly of labor any more than there can be a monopoly of management. The rights and responsibilities of employees and

employers to each other and to the public will eventually be written into law.

The bill which we have before us is also rather a short bill, not quite so short as the public utility bill, but a short document. It is easy to read and understand and I am sure all the Senators have read it and I assume we understand it. It prohibits closed shop in ways which are monopolistic and in ways which are in restraint of trade. It defines the broad rights and responsibilities of both employers and employees and then makes exceptions which provides for union-shop agreement. I have said, and I think most of the Senators who have spoken on labor legislation have said that they approve of union shop agreements properly regulated. The bill which you have before you sets up protection to the workers under union shop agreements. It ties into the existing Board of Arbitration and Conciliation and does not require any new machinery on the state level.

It might be of interest to the Senators, although I believe most of you know it, to say a word about the powers and activities of the Board in recent years. The three members of the Board are William S. Nutter of Sanford, Raymond Malone of Portland and Philip T. Place of South Portland. In considering the reports of the Department of Labor in which the reports of the State Board of Arbitration and Conciliation are supposed to be published, I can find no reference to the Board at all, so I think we can assume they are doing no work, which I am sure the opponents of this bill will say is an indication that there is no need for such legislation as we are now considering. That doesn't necessarily follow, in my mind. I think because we have a situation whereby labor has been pretty generally at peace in the State of Maine during recent years is not a reason for saying there is no need for the protection of workers and employers and the public under the laws of the state.

The Board of Arbitration and Conciliation is a three man Board, one member from the employers, one from organized labor and the third not specified. Their powers are very loosely provided for, or designated, under the law. In case of a threatened strike, municipal

officers shall notify the State Board of Arbitration and Conciliation and such notification may also be given by the employer and employees actually concerned in the strike. If a strike is submitted to the Board it shall investigate and ascertain the blame-worthy party and the Board may make and publish a report and shall, upon the request of the Governor, investigate and report if in his opinion it threatens to affect the public welfare. The Board shall hear interested parties and advise what ought to be done but you will notice that a dispute does not have to be submitted to them. Their decision is binding for six months on parties who joined in the application but as long as they are not required to join in the application the Board doesn't work and I suppose in any kind of real labor controversy the Board would very seldom have it submitted by either of the parties.

An application for inquiry may be signed by the employers or by a majority of the employees or by both parties and the application shall contain a statement of the matter in controversy and a promise to continue at work without strike or walkout until the decision of the Board, if such decision is made within three weeks after the date of filing the application. That is the law which we have on our books today, with some additions.

Of course, as I mentioned when I spoke before, we have in Section 36 Chapter 95 a provision which provides for temporary or permanent injunction and denies issuing injunction without hearing although temporary restrainer may be issued in case of threat of property damage and I suppose this would apply in case of threat of personal injury.

Early in the session we passed an anti closed shop bill. That bill said that membership or non-membership in a labor union shall not be a determining factor in securing a job, and that is all it did say. Of course I assume that the Senators must have favored that type of legislation or they wouldn't have voted for it. I would like to say that such legislation is absolutely meaningless unless you enact with it the conditions under which union shops may exist. An unrestricted union shop obviously could have all the excesses and abuses of a closed shop. It is useless to say to a man

looking for employment that he can or cannot have employment because he is or is not a member of the labor union if when he goes into employment and joins the union, the union can charge him unlimited dues, can fine him without just cause or hearing, can expel him without right of appeal or just cause, or do most anything it wishes to do to him because his job is dependent on his union membership. He holds his job merely because of the good will the union has for him, so unless you give him some protection under union shop agreement he may be subjected to many abuses.

I see no way at all that one can consistently think that we should prohibit the closed shop in language such as we have enacted in the bill which has been favorably voted once here and is now on the table, and at the same time take the view that we should permit union shops without any regulation at all. The Senator from Bangor in discussing the other bill stated that the employers had not expressed themselves. They haven't on any of these bills. The employers have generally kept away from expressing themselves publicly. I think they do not want to take a view one way or the other. I have letters, in fact quite extensive correspondence from employers expressing themselves both ways on these measures.

I will say that people who advocate any type of labor legislation, including members of this Senate who are advocating writing into legislation the rights of employers and the interests of the public, are generally and falsely accused by labor leadership. I don't think consideration of these bills is so much a matter between the workers and the state as it is between the leaders and the state. I can easily conceive of conditions arising under unregulated union shop agreements where workers in large numbers would be here asking us why labor excesses are permitted under the laws of the State of Maine. Letters have been sent out over the state advising union members as to which members of the legislature are advocating writing in to legislation the rights of the workers and the rights of employers in the interests of the state and we are pretty generally branded as anti-labor. That is of course a false accusation. I don't think there is anybody who supports

these bills would yield to any other member who votes against them by admitting that they are less interested in the fair treatment for labor than other people. We definitely are not. I think just as good a case can be made for this bill in the interests of protection of labor as could be made against it by saying that we are against labor.

The opposition comes from the labor leadership, of course, and you might well expect that. The leadership does not want any regulations set up. They want full and free rights to do as they wish and that is natural enough. I don't blame them for it, and neither do the Senators blame them for it, I am sure. I have mentioned some of the excesses which can exist in union shop agreements. I am sure the opponents will admit the abuses can exist and that they do exist in union shop agreements in many places in the country, tho not so much here in Maine to be sure. When I spoke before, I mentioned that in some parts of the country, membership fees in round figures were as high as \$1500. I am told one union in Maine charges \$500. I don't know whether that is true or not but such admission fees are obviously possible because if a man must have a job and labor unions hold a monopoly on jobs, they can charge an exorbitant fee. We read in the daily papers statements of all kinds of excesses that exist under union and closed shop agreements. Last night a newspaper stated that twelve union members had been fined a total of \$177,000 for crossing a picket line in this country. I don't suppose any twelve workers in Maine could pay any such fine. Neither does this appear to me to be indicative of what might happen in Maine, but it shows what fines can be imposed. There are plenty of instances in which fines have been imposed which have taken homes away from workers and all that sort of thing.

I gave the statistics earlier in the session on the attitude of workers toward closed and unregulated shops. They show definitely that workers over the country are being imposed upon by union excesses and that they don't like it. They want the unions controlled. If this is generally true elsewhere, I think that such legislation should be enacted here. In other words workers should be protected in their democratic rights under any kind of monopolis-

tic working agreements and a law that does that is not anti-union, not anti-worker; it is just setting up proper protection for people who work under union agreement.

As I said before, I am unable to see how one can consistently support an anti closed-shop measure unless he also supports regulations for union-shop, because one is subject to just as great excesses as the other. I think this bill is good legislation. I think the time has come when such legislation should be put on the books. If it isn't done now it will be done later and I would rather do it now when we are not having serious labor trouble than have to do it later when we are having more labor trouble than we are today.

Mr. HASKELL of Penobscot: Mr. President, and members of the Senate, I apologize for speaking a third time in defense of minority reports on labor bills. The bill before you is the Meloon bill which was debated a week or two ago in the Senate without the new court; substituting the Board of Arbitration for that new court. It attempts to do the same things that the Meloon bill attempted to do in defining the rights of labor and management, but as I said in the debate on the first Meloon bill, I doubt the ability of any State legislature, and I am not too confident of the ability of our Congress, since it is a problem our Supreme Court has played with the last 20 years without any definite path being hewn, so I am not too confident that we can sit down here in the legislative session and fairly define all the rights of labor and all the rights of management.

I am hesitant in taking your time in pointing out to you the dozens of inequities that come in the liberal application of the law. I tried to do it when the Meloon bill was first presented. As I see it, 90% of the things this bill provides are things we sit around the conference table and work out. I am not disturbed about conditions that the union shop has agreed to with employers and employees, must be spelled out by this legislature.

We have ability around the conference table to work out these things and particularly in the State of Maine I think we have demonstrated this ability. Again the sponsors of the bill have got to go out of the State to find justification of

this type of legislation in the State of Maine in the year 1947. They will seek in vain, I think, to find a single industry in our State that needs this type of legislation, and on the other side, management and employers can point to this bill and tell you dozens of conditions they do not agree in collective bargaining practice that you seek to put in by legislative action. As I indicated in earlier debate, these things are being considered at the national level and when you consider substantially all organized employees of the State are working for employers in interstate commerce, and therefore, are subject to federal laws, I am sure this problem is going to be solved and solved satisfactorily at the federal level, and I sincerely hope on the basic reasons I submitted on the Meloon bill, that the motion of the Senator from Kennebec, Senator Hopkins, does not prevail.

Mr. HOPKINS: Mr. President, I am sure I hope the Senator is correct when he says that labor problems will be solved on a federal level. I, too, hope they will be solved on the federal level. But even then there is need for this type of legislation on the State level. He is correct in stating that the principal industries of Maine are in interstate commerce and subject to federal law, but there are substantial numbers that are not. I like to think that the State of Maine has leadership and that we have the courage to look at this problem and to enact legislation which we think is needed. It will be quite a long time before the labor difficulties in the country are adjusted. There is not consistency in the various states in the handling of labor problems. I am certain that if the monopolistic practices continue in labor, we shall see our prices go so high and production will begin to suffer and we will be out of balance and the whole nation will suffer. The point I make and which I have made over and over again—I don't think we can set up a labor monopolies so they can bargain even on statewide level and still maintain our freely competitive industrial system. That is the principal reason I have advocated these bills here this year. They seem to me to be good measures and I think they should be put on the books. They are not anti-labor bills, as I see them. They are

not against the worker, though I know they are not what the labor union leaders wants. The worker will eventually understand that they are for the protection of the public, the employees, and the employers, and that the interests of all three are intimately bound together. Such laws constitute what we know to be necessary in order to continue the free economy under which this country has operated and under which we hope to continue.

Mr. SPEAR of Cumberland: Mr. President, I do not think that this legislation is expedient at this time. I didn't sign either report for that reason. I didn't want to sign a separate report. There is a bill going to the voters that all parties and groups can vote for or against and if this legislation should pass it seems to me it would further complicate matters, and for that reason I shall not vote for the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Hopkins, to adopt the majority report of the committee.

A division of the Senate was had. Five having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon, on motion by Mr. Haskell of Penobscot, the minority report of the Committee "ought not to pass" was adopted, in non-concurrence.

Sent down for concurrence.

Report "A" of the Committee on Taxation on Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue and Equalize the Tax Burden," (H. P. 1552) (L. D. 1186) reported the same in a new draft (H. P. 1742) (L. D. 1489) under a new title, Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue," and that it ought to pass.

(signed)

Senator: HASKELL of Penobscot
Representatives:

BURGESS of Limestone
ELLIOTT of Corinth
BURTON of Milo
LOMBARD of Yarmouth

Report "B" of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Senators: NOYES of Hancock
ELA of Somerset

Representatives:

JORDAN of Saco
MORISON of Wilton

Comes from the House, Report "A" read and accepted, and the bill in new draft passed to be engrossed.

In the Senate:

Mr. NOYES of Hancock: Mr. President, I move acceptance of the minority report, "ought not to pass". Briefly, I will explain to the Senate why I voted "ought not to pass" on this measure. In the first place, I would have it understood that I am not opposed to an income tax. I do feel that the income tax that we now have is already too high, therefore I cannot consistently vote to increase that tax. There are many here who disagree but it is my contention that when the income tax reaches a certain level it tends to remove the incentive for a man to go out and take chances with his money and effort to make money, it is a bad situation, and I believe we have reached that stage in our present high level of income taxes in this country. True, there are other countries with higher income taxes than ours but I ask you, who would like to swap places?

I remember back in the campaign of 1932 when a certain gentleman was running for President for the first time he stated in his campaign very effectively that taxes are paid by the sweat of the brow of every man who labors. That is true of the majority of taxes regardless of whether sales tax or income tax—it is the laboring man who is footing the bill, and it is my contention that the federal government instead of going into the high level of income taxes and had gone into the same tax field the demand for government services would not be as great as they are today.

I point out to you in that connection that this country of ours and especially the New England States are founded on a basis of local self-government, and let me point out to you that local self government today is costing the people about \$40 per capita and government at a state level about \$50 per capital, and the federal government with a budget of thirty-three, thirty-five, or thirty-seven million dollars figures over \$200 per capita. Our government is becoming top-heavy from the national level and if the prosperity of this

country is to continue there has got to be some local responsibility and local government, and the federal government costs today brought nearer into line.

There is also this to be said here about income tax in the State of Maine. We have thousands of people who have moved to Maine in the past because we haven't an income tax. Hancock County has a large percent of those people and we collect inheritance taxes when those people die, and it will yield the State roughly a million dollars a year, and I question whether at this time following a period of prosperity in which we have found a great many people in this country have become wealthy during the war, those people are going to be looking for a place to live and if the State of Maine can offer a place to live, and no income tax, there is one additional incentive for those people to come to Maine, and we are going to get some of those people.

Another point to be considered in levying an income tax on the State of Maine, it would be necessary for us to duplicate the federal set-up. The administration and collection of an income tax in the State of Maine would be as great or greater than it would be to administer a sales tax. For these reasons and for the further reason that I believe it is time we buried some of the tax bills. I hope the motion to accept the minority report prevails.

Mr. ELA of Somerset: Mr. President, in view of the consideration of another tax measure, I move at this time that this bill be laid on the table pending consideration of either report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, that the report and accompanying papers lie on the table pending the motion of the Senator from Hancock, Senator Noyes, to adopt the minority "ought not to pass" report.

A viva voce vote being had, the motion prevailed.

Order

On motion by Mr. Welch of Aroostook, it was

ORDERED, that the Secretary of the Senate be directed to send flowers to the Honorable Dwight

Dorsey who is in the hospital convalescing after an operation.

Senate Committee Report

Mr. Batchelder from the Committee on Public Utilities on Bill "An Act Creating a Sewer District for Town of York," (S. P. 450) (L. D. 1254) reported the same in a new draft, (S. P. 550) (L. D. 1497) under the same title, and that it ought to pass.

Which report was read and adopted, the bill read once and under suspension of the rules.

Orders of the Day

On motion by Mr. Batchelder of York, the Senate voted to take from the table Senate Report from the Committee on Motor Vehicles, Majority Report "Ought to Pass"; Minority Report "Ought Not to Pass" on bill, An Act Relating to Height and Width of Motor Vehicles and Trailers (H. P. 1573) tabled by that Senator on March 21st pending adoption of either report.

Mr. BATCHELDER of York: Mr. President and members of the Senate, this bill calls for an increase of width of six inches as to body and chassis for busses from the present standard of 96 inches. In the earlier days of our state highway system the pavements were 12 or 14 feet wide, and as the use of our highways has increased, so has the width of our highways increased.

Much of our mileage is 20 feet or more in width, especially on main routes starting at our Maine border and extending to some of our cities the entire roadway is at least 20 feet in width.

Motor busses are now limited to 96 inches in width, and this is outmoded in that this legislation was enacted in earlier days of our state highway system. Then it was liberal; today it is obsolete for much of our highways. If 96 inches was a safe limit for busses in the early years of state highway systems, a bus only six inches wider, operated on our present highways several feet wider certainly presents no increased hazard today or tomorrow. The slight additional width will provide for many additional elements of safety.

A greater width of seat or aisle will help avoid certain types of mishaps and accidents. Increased width

of the bus will permit the tires to be spaced further from the axle center and increase resistance to overturning. Brakes could be made larger and wider. Tires could be spaced further apart to provide for cooler operation and decrease the danger from blowouts. Spring centers could be increased, which would create greater resistance to side sway, decrease danger and increase riding comfort.

A bus of 102 inch width, using wider tires, would have less impact upon the highway. This would still further reduce highway wear, as well as increase public safety by minimizing the tendency to skid on wet or icy pavements. A wider bus will also permit the use of tires of greatly improved design and strength.

For the many communities and traveling public that have no other means of transportation a few inches more in bus width, to allow wider seats and wider aisles, will mean much greater comfort.

It may be said that some of our bus lines are not asking this additional increase in width and are well satisfied with our present law of 96 inches width, yet there are others who recognize and believe the tendency of the traveling public is for more modern convenience if it can be accomplished with safety. The Eastern Greyhound Bus Company, now operating upon our highways recognize this need and desire legislation which will allow them to build and construct better busses.

The intercity bus industry does not desire to operate wider busses over highways that are not suited to their operation, and with this in mind if the majority report of the committee is accepted I promise to offer an amendment to limit the use of wider busses to highways of 20 feet or more in width, and not permitting their use upon highways of lesser width except if permission is first obtained from our Public Utilities Commission. This, I believe, removes much of the objectionable features from the bill.

It may be argued that much of our highway system is under 20 feet in width, and this may be so in the northern part of our state but in the southeast part of our state which is the gateway through which much of our tourists and traveling public enters from our more populated communities of ad-

joining states, and for distances greatly into the interior of our state, we have the 20 feet width of highway.

With that in mind, I would say that going over Route One from Kittery to Brunswick, the highway, as I understand it, is 20 feet wide or more. Coming from Portland through Lewiston I understand the width to be 20 feet or more. There is a small stretch of road in the vicinity of Winthrop which is 18 feet in width. As I understand it, there is some road in the process of construction and when that is completed it will leave approximately three miles of road not completed. As I understand it, plans are under way to complete that road through Winthrop so it will take care of practically all of that road with 20 feet or more in width. This would permit busses to operate over that road through to Augusta. Now from Augusta to Bangor, as I understand it, there is only approximately about 5.3 miles of highway 18 feet or more so it leaves the great proportion of the highways 20 or more feet wide from Kittery to Bangor. I understand it is so practically through to Ellsworth.

It may be said that some of our adjoining states have not as yet enacted this legislation and therefore would be of no value to us as they would not be able to reach our state, yet I say to you, all states do not and cannot enact legislation at the same time and some states have to be the first with others following. We have had similar barriers affecting our trucks both as to weight and length and have come to recognize much of this is wrong, and now seek to correct this legislation.

Now, the amendment which I propose to offer calls for a width of 102 inches of busses with this addition at the bottom: "Provided, however, that no passenger bus which is wider than 96 inches over all shall be operated upon any way or bridge, the traveled portion of which is less than 20 feet in width, without first obtaining a permit from the public utilities commission to operate upon such way or bridge. The public utilities commission shall, in its discretion, determine whether or not such permits shall be granted and the length of time for which such permits shall be granted.

Now, if the report of the committee, the majority report, is accepted, I propose to offer this amendment. At this time I move the adoption of the "ought to pass" report.

Mr. DUNBAR of Washington: Mr. President and fellow Senators, I hope that the motion of the Senator from York, Senator Batchelder will not prevail, and when the vote is taken I ask that it be taken by a division. Perhaps it may be well at this time to give you a little history on this bill which I consider purely private and special legislation in that a similar bill of this nature was before this legislature in the session of 1945, and was very emphatically turned down and we have it back here today sponsored by the same party that sponsored it two years ago; namely, the Grey Hound Bus line that operates busses throughout the greater portion of the United States, a foreign corporation, if you please, with offices located in Cleveland, in the State of Ohio.

No bus line operating within the State of Maine has asked for this legislation. They are, as I understand it, all opposed to it and opposed to it for the reason that this legislation does not make for safety upon the highways of this state.

I realize that this legislature has become more or less of a trucking legislature and that little interest has been paid up to now, to the great traveling public back home, and it is for that group this morning that I want to speak, and in speaking for them, I am speaking for myself because I use the highway in Maine in traveling in an automobile and I want to travel with what degree of safety I can and at the same time give to the trucking interests the rights they ought to have. I checked with the Secretary of State's office this morning and found that up to now they have issued in this state approximately 152,000 licenses for registered automobiles and that they expect before the session is over that that figure will go to 165,000 and it is for those people traveling as I have said, upon the highways of the State that I want to speak today.

The good Senator from York, Senator Batchelder has told you that if this motion prevails and this bill passes, he intends to offer an amendment to the bill that they cannot operate on highways less

than 20 feet in width unless by special permit of the Public Utilities Commission. Well, that in itself is an admission that the original bill is wrong to start with, and the amendment, Senators, to my mind, does not lessen the hazard, not a single bit. And he says, if I understand the amendment, that it limits it to 20 feet in width on the traveled portion of the highway. Now the first question that comes to my mind is, what is the traveled portion of a highway? I wonder whether or not in this proposed amendment there is not a serious joker that we will be led into a trap. Naturally you all probably say at the beginning that the traveled highway is the tarred portion or the macadam portion or the cement portion, and the shoulder outside is not the traveled portion of the highway. Well, our Court has not yet, if I am reliably informed, has not yet ruled upon that question so if the court should rule that the traveled portion of the highway is not only the treated surface but the shoulder outside also, then you have got 20 feet of highway and would be operating busses upon the treated surface that was less than 20 feet wide. I say that the shoulder of the road is the traveled portion of the highway and but for those traveled portions of the highway, the shoulder of the road—only yesterday in riding to the capitol and within two miles of here, between here and Belfast, the car in which I was riding and which was driven by Representative Haywood, was forced off the treated surface of the road, and if we had not taken to the shoulder of the road, we would have been run into by two trucks. So we were using the shoulder of the road for the highway and fortunately for us, that shoulder of the road was not soft.

Senator Batchelder has said that when this width was set up, it was years ago and we have outmoded it, and we ought to change it, but the other 46 states of the union have not outmoded it and when you roll into Massachusetts and see the beautiful wide highways that they have there, that state is not allowing more than eighteen feet of bus or of trucks and only on April 1, 1946, the American Association of State Highway Officials adopted this as their policy. On page five when it gets down to the standard recommended width as follows: "No ve-

hicle, unladen or with load shall have a total outside width in excess of 96 inches." That is what they say if you are going to travel the road with safety.

I have said here this winter and I am permitting for the sake of the trucking interest in Maine a longer truck, I believe going from 40 feet to 45 feet, a higher truck and a truck that increases the load over all from 40,000 pounds to 50,000 pounds. I don't know what the effect of that is going to be. I am fearful of it. I am fearful of such a truck passing across the bridge in the town of Caribou for instance, but I don't want to go further and permit busses carrying live cargo, not dead cargo, trying to pass each other upon the roads of this state. They are fortunate in York County and Cumberland County and I am glad for them. Because of the set-up in our highway system they were able to get their roads built sooner and wider than we in the rest of the state. I think the system was right and proper.

The Greyhound Bus line travels from Kittery to St. Stephens in the Province of New Brunswick across the bridge from Calais. Let me tell you what we have down there. From Ellsworth to Calais is 121.30 miles and in that distance of 121 miles, we have only 29.50 miles of 20 foot highway. The rest of it runs from 13.20 miles of 16 foot highway, 5.80 miles of 17 foot highway, 54.80 miles of 18 foot highway and 16.10 miles of 19 foot highway. That is the situation down there. Are you going to leave us a chance down there so that we can get out in our own automobiles and have a chance to travel with some degree of safety, or are you going to vote to put on us and this state, requested by this foreign corporation alone, without the busses in Maine wanting it, what really amounts to eighteen and a half feet of busses?

Now this is peculiar legislation and an outside corporation, a foreign corporation comes to our state asking for this privilege, to operate these busses 102 inches in width over our narrow highways as we have them in Maine, and in doing so they know, Senators, that there are only two states that permit over 96 inches of busses, or eight feet as applied likewise to trucks, and those two states are Tennessee and Vermont. If you should pass this law

today and it should become operative today, the Greyhound Bus could not get on to the highway of the State of Maine because they could not come across either Massachusetts or New Hampshire into Maine. What they would have to do if they wanted to give the people of this state the benefit of a wider bus, would be to have their bus left in Kittery, and when the 96 inch bus rolled into Kittery, the driver thereof would say to his passengers "All change for all points east. You will now be accommodated by wider and more comfortable busses over more dangerous highways."

Now if I am informed correctly, the U. S. engineers have said that with our present width of eight feet of trucks, busses which should have at least, for safe traffic and safe travel to the rest of the public, a roadway at least 24 feet wide for clearance purposes. You want to remember this and you undoubtedly do, that busses are carrying a live cargo and they are passing each other often. In addition to the eight foot bus, which results in sixteen feet when they pass each other, they have also a mirror sticking out of the bus that will be nine to ten inches more on each bus. That would be a foot and a half so you have eighteen and a half feet of bus trying to pass each other on a 20 foot highway, and busses won't take to the shoulder of the road. They don't dare to do it with that live cargo.

I found some Senators, and I have talked with them who are going along with this bill. They say, "We are in a box. We are going along with it because we want eight and a half foot trucks with load. I don't like it. I don't like this bus proposition but unless I go along with the bus people I am afraid we may not get the other." I am reminded of the slogan in the campaign of 1924 and that came from a good friend of mine from York County who in appealing to his Republican friends who felt because of the Klan issue that was then before them, to keep the party in line "Hold your nose and vote the ticket" so I cannot help from feeling as I have talked with those Senators who want eight and a half feet of truck with load saying, "I don't like it but I am going to hold my nose and vote for it."

There is a difference there if you

would analyze it. There is a wide difference between busses loaded with passengers and passing each other, and a truck that has a load of eight and a half feet, because that truck load is either going to the mill to unload its load or to the depot to put it on the train. They are going in one direction carrying eight and a half feet but the empty truck is going back carrying eight feet which makes a considerable difference.

I don't want to speak too long. I know when I stood up here that every one of you knew just how you were going to vote. It is really a waste of time, of energy and of breath to try to convince anyone here but I do want it in the record for the future, that I believe in safety on our highways. We have by-laws in this state to make the highways more safe for travel and let's not say to those 155,000 people who are now operating automobiles "Get off the road, the bus is coming, the eight and a half foot truck with load is coming. Get off or else take to a baby Austin or a scooter."

Mr. BATCHELDER: Mr. President, I notice in the remarks made by the Senator from Washington, Senator Dunbar, he mentioned the traveled portion of the highway. I might say why it was not stated it is the hard surface part, is due to the fact that if pieces of road are in repair it might not be possible to have something to determine them. In talking with the highway department, I understand the traveled portion of the highway is recognized as that portion which has a solid base and not the shoulders, which may be quite safe but on which it might not be possible for anyone to run a car without the possibility of getting into the ditch.

I notice he says there are two states in the Union with similar laws, but I understand there are other states that have passed such legislation and there are legislatures before whom a similar bill is pending, and possibly there may be several enacted a little later. At the present time a bill is before the New Hampshire legislature but as yet I don't know as any action has been taken in relation to it.

It has been mentioned, the fact that we have come here with amendments, that this bill in its original form is wrong. I say if

that is the case practically all legislation we have put out in this legislature is more or less wrong. A great many bills come before our committees and have to be amended there and are amended in both branches. If it has not so it would be practically impossible to pass any legislation.

I understand it was mentioned that many of our highways are quite narrow. That is true. Quoting the American Association of State Highway Officials, I might say they recognize the fact that many unimproved roads are not 96 inches and that being so they have stated that with, meaning trucks, should not be operated with wider width.

A few days ago our good Senators offered an amendment to allow six inches on the right hand side of trucks to permit hauling pulp and logwood. That legislation later was defeated. It has been said here the American Association of State Highway Officials recommends operating busses on a 24-foot wide road. If I understand correctly, and I believe I have the same booklet the Senator was quoting from, I might read what they say: "The highway transportation congress held in Washington in September 1946 adopted a declaration supporting, in program of the American Association of State Highway Officials and recommending the wider bus. This has become part of the general program of the National Highway Users Conference. Your committee recommends the adoption at the coming sessions of the state legislatures of laws permitting the operation of intercity buses 102 inches wide. Vehicles of this width shall be restricted in their operation to those highway routes where the highway surfaces is 20 feet or more wide and they shall operate on highway segments of less width only with the expressed permission of the state highway authorities."

I believe it is in line with the proposed amendment I will attempt to offer if this majority report is accepted.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I hate to oppose the Senator from York, Senator Batchelder, but I believe this legislation is unnecessary. It is for one company outside of the State and under our regulations they are not

allowed to pick up passengers in the State of Maine to deliver in the State of Maine. They must pick them up outside the State. They can drop them in the State. They can pick them up here as long as they are delivering them outside of the State. The one trip that they take is from Kittery up to St. Stephens. It is admitted by everybody that the road from Kittery to St. Stephens is not wide enough for them to travel. In other words, not only have they got to change drivers at the border because they cannot go through New Hampshire, but when they get somewhere on the road, perhaps Bangor, they have got to shift again and put the passengers on a narrow bus and go the rest of the way.

Other companies in the State of Maine are satisfied with the present law. I believe Maine, of course, should show leadership but I cannot see any reason why this is leadership to allow a company to transport buses in here by rail to Kittery than can be used on a very short portion of our road and have to shuttle back and forth as test runs for the rest of the country. If they want to make this run, let them make it in Massachusetts or New Jersey or New York where they have great, wide, beautiful highways, and not here in Maine where our highways are not sufficiently wide to handle these buses.

Mr. DAVIS of York: Mr. President, we believe the roads in our section of the State at least, over which the buses run, are well able to take care of this desired increase in width and I am quite sure anyone who has used this mode of travel would not have any objection to increased room in the buses and I would remind the Senator from Washington, Senator Dunbar, that there is a turnpike being built which I believe you will agree will be able to take care of this increased width.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I disagree with one statement that Senator Dunbar made and that was the one where he said that he did not believe anyone could change any votes of the Senators present. I believe the Senators, if they had the facts which we had presented before us at the Motor Vehicles Committee public hearing would

certainly vote against this bill and I will give you those facts as they were presented to us and the facts which prompted me to sign the Minority Report "Ought Not to Pass."

Now this bill, as has been pointed out to you, has been with us for many, many sessions of the legislature. It happened we had the bill in 1945 and it was rather strange to me, at least, that the State Highway Commission two years ago opposed this bill very strenuously and rightfully so, and they opposed it on the basis of safety of the public. They pointed out to us that the roads in Maine are narrow in most cases and not suitable for a wider bus. They pointed out to us that under snow conditions which exist here in Maine are such that on a twenty foot road in the winter there usually was less than sixteen feet that was usable during the snow period in winter. They pointed out to us that in the ploughing of our roads there is bound to be an addition to the height of the edge of the road which will throw the bus into a dangerous angle when passing another, so that where you have two busses or two trucks passing they will incline toward the center of the road and create a much wider width than the actual width of the bus or truck.

Those conditions have not changed. We have not constructed any roads since 1945. We are still ploughing our roads in the same manner. The same dangerous conditions are there and I was rather amazed that the Highway Commission did not oppose this bill at this time. Also in opposition two years ago was the State Highway Police. They have always opposed this bill on a standpoint of safety. I think the only reason they did not oppose it this year was because of the illness of Lieutenant Shaw, who was unable to be there, but who has since registered his opposition to the bill. Those facts were presented to the committee along with other facts which were these: That the Maine bus lines are perfectly satisfied with the present width and are very much opposed to any addition on the standpoint of safety. They gave us repeated instances of busses of their own which in passing another vehicle, particularly trucks or other busses, had had the rear view mirror stripped from their bus and they said the maintenance of rear view mirrors was a costly problem.

When a bus passes so closely as to strip the rear view mirror from another bus, that is getting too close for the safety of the occupants.

We have produced figures, as Senator Dunbar has given you, of the narrowness of some of our roads in Maine. These facts are absolutely true and it will be years before we can correct this situation and until such time does arrive I don't think this law is expedient.

When other states with much wider roads have seen fit to keep the 96 inch width, I don't think in this case we should lead the way in changing this width. In this amendment I don't agree that this would help the situation. You still have bottlenecks on every highway north of Portland, over which these busses operate and these bottlenecks consist of eighteen feet or less of traveled road. In the city of Augusta the main route to Waterville on which busses have to operate, has five miles at least of 18 foot macadam surface and this 18 foot surface is in such bad condition that I doubt if there is sixteen feet of passable macadam surface in any portion of that five miles. Any of these roads which the busses will travel on will be very heavily traveled because they are main arteries and as you know, no bus travels with a minimum amount of speed. I never encountered one unless there was traffic on the road and I would like to point out to you in a report from the Highway Police in regards to motor accidents. In one portion of the report it says that side swiped collision constitutes the largest number of accidents involving motor vehicles. The other point we were concerned with in committee was the point which has been mentioned of other truck bills in here regarding the height, weight and width of trucks. We have one major bill which involves two of the factors, but not the width. These truck companies told the committee they would very much have liked to ask for an extra six inches of width but felt that the roads in Maine were not in proper condition for them to ask for that privilege.

If you do grant this to the bus companies I am quite sure that next session of the legislature you will be confronted with a request by the truck operators for an extra six inches of width and I would like to point out to you that to the truck interest, that extra six inches

is pay load and would make a substantial increase in revenue, but the extra six inches to the bus is not pay load—they cannot get in any more seats by increasing the width—they can get more comfort but I don't think that comfort should be put against safety. I would rather arrive slightly cramped and in one piece than run the risk of accident.

I don't believe that this Senate is going to vote to take upon themselves the responsibility of putting on the books of this state legislation which may result in the death or injury of some of the people of the state. I would like to point out to you just how, you as Senators, would feel if after passing this law, there should be a serious bus accident involving a bus of 102 inches—and if there is an accident it will be serious—and that you would feel that it was your responsibility, that you had voted to create the condition which had caused the accident. I personally don't wish to do so and that is one of the reasons why I signed the Minority Report "Ought Not to Pass" and I hope that the motor of the Senator from York, Senator Batchelder will not prevail.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, The Senator from Washington, Senator Dunbar, said something about holding your nose and voting. I did it once this session on the beautiful bill that would add six inches to thought if other things were being the right side of the truck. I added, I thought I might as well add logs also. I am glad the House was not disposed to pass it.

I don't think buses are in the same category. This amendment is asking that on the highways they could operate eight foot, six inch buses safely. Now, we have talked a lot about narrow roads. We are operating trucks eight foot in width on any road in the State of Maine. I have nothing against it. We all like to do it. It is an economic necessity of the State. I think you will find the trend is getting so you are going to operate and have a width of 8½ feet. I think it is pointed out to you that it would be safe to operate an 8½ foot vehicle, in fact, much more safely than you can operate an 8 foot on many other roads in the State such as those roads in the county of my good friend the Senator from Washington, Senator Dunbar, and in my own county. I

cannot see anything so bad about this particular act. It is true, apparently, they cannot operate a bus of this size at the present time until another State, New Hampshire, passes a similar bill.

I think it is amusing that we refer to Maine and Vermont as states that hold to themselves, but Vermont has already enacted this legislation. I think maybe it is one time we could go along with Vermont, and the reason I would, would be this: As I understand it, the Greyhound bus lines bring lots of tourists to the State of Maine, especially that section south of Portland, and return them to their homes. If they wish to produce more comfortable buses I think we should be with them to do it and give them the opportunity because certainly we do want the tourist trade to come to Maine, and so let's not erect barriers against any comfort in traveling by bus.

Mr. MCKUSICK of Piscataquis: Mr. President and members of the Senate, I also signed the minority report "ought not to pass" and my reasons for signing it have been pretty thoroughly brought out both by the proponents and opponents. I would call your attention to the old saying that a chain is only as strong as its weakest link, and it has been brought out that these are through bus lines and there are many narrow places in the roads, and I think the narrow places in the roads should be the determining factor to decide the width of the through buses.

Another thing the Senator from Penobscot, Senator Williams, just mentioned in regard to operating trucks on narrow highways — I would call to his attention those trucks are not operating on schedules. It is possible for them to slow down for a car to pass them but through buses are operating on a schedule and are obliged to make certain time, and they operate quite rapidly to make the time and pass other conveyances at full speed, which makes necessary a wide road in order to have complete safety. For those reasons I wish to defend my stand.

Mr. DUNBAR: Mr. President, in answer to the Senator from Penobscot, Senator Williams, in which he attempted to joke about the amendment I offered to the trucking bill of the extra six inches on the right hand side of the truck, please let me say it was not my idea. It

didn't originate with me. It originated with a trucking man and he was a gentleman from my own county, Mr. George Frye, who said to me and the chairman of the highway commission that it was the way he always hauled—six inches more on the right hand side. I took it up with people around the legislature representing the trucking interests and they agreed to the amendment and they took it up with engineers and they reported it would not be an unsafe thing to do. I was informed the Great Northern Paper Company have been hauling that way all the time, so after all, it was not such a joker amendment.

One other thing I overlooked in my original talk to you—if you are going to create this hazard, you are going to get more accidents,—and I feel you are going to get them—the insurance companies have got to pay more insurance to people who become injured, or property that becomes damaged, and those insurance companies are not going to lose a single penny because if the hazard and damages and injuries increase in the State of Maine, your insurance rates which you pay on your automobile will likewise increase.

Mr. CROSS: Mr. President, I assure you, and the members of the Senate, I will be very brief. I did want to point out the fact which the committee has taken into consideration on those pulpwood trucks we hear about. We consider it has absolutely no bearing on the present problem. The buses travel on the main highways of the State, such as they are, and at high speed. The pulpwood trucks operate primarily on the back roads where traffic is very light and where speed is not a factor, and certainly buses traveling at 50 and 60 miles an hour and trucks loaded with pulpwood traveling at 20 or 25 miles an hour are two entirely different things. The speed limit on trucks, as you know, is 25 miles an hour on the open highway.

I still believe that this legislature is here to legislate for the health, peace and safety of the majority of the people of the State of Maine and I don't think we should vote for legislation which will affect a minority of the people to the detriment of the health, peace and safety—particularly the safety—of the majority of the people on the roads today.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, to adopt the majority report of the committee. The Senator from Washington, Senator Dunbar, has requested a division.

A division of the Senate was had.

Eleven having voted in the affirmative and nineteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Cross of Kennebec, the Senate voted to accept the minority report of the committee "ought not to pass."

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table House Report from the Committee on Taxation, Report A (Ought to pass in new draft as L. D. 1489); Report B "Ought Not to Pass" on bill, An Act Imposing a Personal Income Tax to Raise Additional Revenue and Equalize the Tax Burden (H. P. 1552) (L. D. 1186) tabled by that Senator earlier in today's session pending the motion of the Senator from Hancock, Senator Noyes, that the Senate adopt the Minority Report "Ought Not to Pass".

Mr. ELA of Somerset: Mr. President, at the time that I tabled this bill, the other major tax bill was in an active status but has since been tabled waiting the action of the Senate on this one so it would seem wise to state my motion on this one to take it off the table.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I rise in opposition to the motion of Senator Noyes and my reasons for doing this are substantially that I think this bill ought to be passed to the engrossing state in the Senate and go back to the other Body for their consideration. Realizing it is too late, I will try to be brief and tell you that I have the permission of the Senate members of the Committee on Appropriations to attempt to give you a resume of their appropriation figures as nearly as they are up to date.

You have in your books, L. D. 1475 which is the tentative appropriation measure and calls for general fund appropriation of, in round figures, \$38,400,000; general revenue for the next two years \$39,400,000 again in round figures, so that if

the Appropriation Committee has correctly estimated income and if the appropriation provided for in that report are accepted by the legislature we would appear to be a million dollars in the black in the general fund for the biennium.

However, L. D. 1475 does not include, again in round figures, items of two million dollars that were temporarily and correctly left out of the bill and those are the pension items which were left out pending the action of the legislature on a bill to correct certain inequities that is in the process of consideration. So that since at least a million per year of this that is left out is basic, the appropriation bill when finally passed appears to be a million dollars in the red without any consideration whatever of any of the new expenditure bills being considered by this legislature. I apologize for citing these expenditure problems but I think they are essential in the consideration of any revenue measure.

Now on the table in the Senate are bills calling for appropriation of \$8,000,000 having been enacted in the other branch and tabled here pending final enactment. In process there are a million two hundred thousand dollars of additional bills and they include several essential ones, one of the major ones being the amount of money necessary to collect on these major taxes, another being money for legislative expense, another being the Pownall bill and there is still another group with "Ought Not to Pass" reports including the medical school at the University of Maine, Freedom Academy, Portland Junior College and so forth.

Starting off with a million odd deficiency and using your own good judgment as to how much of this eight million will likely be killed, it seems to me that enough of the bills not at the enacting stage are going to be passed or are destined to be passed so that in considering revenue measures we should be considering measures to the tune of about nine million dollars for the biennium. In addition to that there is a real problem—and I think the Appropriation Committee recognizes that problem and that is the accuracy of the forecasted revenue. They have a budget of \$14,700,000 as income from liquor. That is within a hundred thousand dollars of what we are likely to get in the

two years that end next June and I think there is a real question as to whether liquor revenues for the next biennium will be within a hundred thousand dollars which is less than one percent of what have been the last two years. And as evidence of that, for the last three weeks, we saw in the week of April 12, liquor revenues dropped ten and a half percent, in the week of the 19th twenty-five percent, and in the week of the 26th seven percent. There was a seasonal factor involved in the twenty-five percent, but I think it is fair to say that currently liquor revenues in Maine are running five to ten percent off from what they were in the corresponding period of last year. So there may be a real doubt as to the safe accuracy of the income estimate of \$39,400,000. Put them all together and I think this legislature is going to wind up facing a problem that will have a minimum of nine million dollars.

In speaking in opposition to the motion of Senator Noyes that the "Ought Not to Pass" report of this bill be adopted, I believe that the other branch of this legislature should continue to have before it for its consideration, both the sales tax and the income tax bills. I don't mean by that that both tax bills must be passed. Both taxes are necessary only if the state is to take itself out of the nine million six hundred thousand dollar take which we received from real property in the municipalities but certainly one or the other has got to be passed if these estimates have any accuracy and if this legislature wants to pass any of the bills which are piled up here on the Senate table, having seen the effort in both branches to kill those that seem to some of us less desirable and having seen them fail to pass, I am one who is confident that we should face the issue.

Now to debate the merits of the sales tax versus income tax, is of course, another problem and I have been reminded several times that it is a problem of the lower branch but in their consideration over there I think they may be impressed by the fact that while 24 states now impose a sales tax, 31 states impose an income tax. I think they may also be impressed over there with the argument that the taxes paid at the state level as income taxes are deductible from the fed-

eral tax reserve under your federal taxes and probably some thirty or forty percent of what the State of Maine taxpayers pay as state income tax will in effect be paid by the federal government.

In the states imposing an income tax the state capitols collect five hundred millions of dollars and the tax experts state that of that two hundred millions of dollars are in effect withheld from the federal government so that those state capitals are saying to the federal government, "We are going to have those dollars to spend on our state services."

I think that the other Body may also be impressed with the fact that there is justice and fairness in imposing a tax to yield the dollars necessary to support the services to the people of the state who want them, in a manner that is fair to both the higher bracket earning persons and the lower bracket earning persons.

I think there will be a great deal of opposition to insisting that all of this need have new revenue coming from a sales tax type of revenue measure. I think there is a great deal of justice in the argument that it is a retrogressive type of tax where the persons in the lower income bracket pays the highest percentage in the new tax measure. What the lower branch, or this branch in Committee of Conference with the lower branch will work out, we don't know, but I am very hopeful that this Senate will accept the minority "Ought to Pass" report and keep the bill alive and send it back to the House so they will not lose one of the two major tools with which they can solve the real problems that they want to solve for the people, and for that reason I hope the motion will not prevail.

Mr. CLEAVES of Cumberland: Mr. President, I am opposed to the income tax bill but I would like to make a little addition to the very fine speech of the Senator from Penobscot, Senator Haskell who so ably presented to you the up-to-date picture on our financial situation, but I believe this is the right time to bring this in. I have asked the liquor Commission to give me in detail their rates of projection and I will read one paragraph: "Consequently, our current analysis is that, if the Legislative Com-

mittee on Appropriations is working on the \$7,500,000 profit projection for the fiscal year of 1947-48, the trend definitely denotes that the actual income will be about \$300,000 short of that figure."

So we may safely assume from that that in the biennium we will be \$600,000 short of our projection and I think I can say that will be a minimum. I wanted to bring that to the attention of the Senate to use in their deliberations and consideration of all of these tax bills.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I don't intend to debate the merit of this bill although I would like to point out to you the very obvious fact that a sales tax is not only an income tax but is paid by those least able to pay. Personally if we have a choice of two evils, I prefer the income tax. I do think from the standpoint of procedure and safety that we should go along with Senator Haskell and keep this bill alive for a few days more, a very few days. I hope.

Mr. LEAVITT of Cumberland: Mr. President, I wish to support Senator Haskell in his move to keep this bill alive. I do hope, though, that he will, for the record, tell what the estimated revenue from the two bills might be, that is, from the income tax and from the sales tax.

Mr. HASKELL: Mr. President, provided the sales tax goes along without any substantial change in exemptions—and so far the action in both branches has indicated that there will not be any substantial change—the gross picture should be at least \$13,000,000 for the biennium. I think \$6,500,000 is the maximum that we can safely expect from the bill with the present exemptions. That doesn't mean \$13,000,000 available for the general fund because in the sales tax bill there is a provision that only \$3,500,000 or \$7,000,000 for the biennium, will be available for the general fund. The balance is to be distributed to the towns in proportion to population. I am not disturbed by the fact that \$7,000,000 appears to be less than the dollars necessary because I am confident that both branches will recognize that you cannot operate with \$7,000,000 and have it meet a \$9,000,000 or \$10,000,000 need. I point it out as requiring an amendment of some sort if the sales tax will solve the problem.

On the income tax side, it is written with one to six percent rates, and is more accurately estimated, I think, in that we do have block data on the federal tax returns and are using a year which seems to be closest in general economy to the next two years; and the estimate is \$4,500,000 per year from the income tax.

Mr. NOYES of Hancock: Mr. President, I don't agree with the Senator from Penobscot, Senator Haskell, on the percentage of this tax which has been saved to Maine taxpayers because as he has told you, \$500,000,000 is collected by some other states and some \$200,000,000 is lost by the federal government as the taxpayers deduct that amount from income taxes. I would remind the Senators it is due to the large income bracket. When you get into a State that has a great many people of high income, where they are in the high bracket with the federal government taking 50% to 85% of their income the Senator's figures would be true; but in the State of Maine it is my contention that you don't have many of the higher income. The income comes from lower income groups and the percentage will not be as high as the Senator estimated, in my opinion.

I further agree with the Senator from Cumberland that an income tax is fairer than a sales tax, but at the same time I would remind the Senate that the income tax is already up to \$150,000,000 that the federal government took from the State of Maine last year. It seems to me the people in those brackets are paying enough and this item of four or five million dollars from sales or income tax in the percentage basis is very short. If you collect six and a half million dollars from sales taxes as against \$150,000,000 from income taxes, it doesn't seem to me you are out of proportion.

Mr. LEAVITT of Cumberland: Mr. President, it doesn't seem to me the figures of the Senator from Hancock, Senator Noyes, hold together. Earlier he told us that people came to the State of Maine with large incomes to avoid large income taxes. So if that statement is true, we have a large percentage of people with high incomes. Also if the State of Maine is paying these tremendously large taxes to the federal government it does prove we have a large percentage of high bracket people,

because you do not get much income taxes from people in the small brackets.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, to adopt the minority "ought not to pass" report of the committee.

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

Thereupon, on motion by Mr. Haskell of Penobscot, the "ought to pass" report of the committee was adopted in concurrence, and under suspension of the rules, the bill was given its two several readings.

Mr. NOYES of Hancock: Mr. President, I offer Senate Amendment "A" and move its adoption. This amendment would strike out that part designated as the third paragraph under Section 283—in Section 1. That section provides that a certain percentage of the income tax collected shall be held by the state tax assessor for administration and collection of this measure. The state assessor has told me he would prefer to obtain the money direct from the Appropriations Committee, and has made arrangements with the Appropriations committee, if the bill passes, to get direct appropriation for the administration of the bill.

The Secretary read Senate Amendment "A".

Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Cross of Kennebec,

Recessed until this afternoon at two o'clock, Standard Time.

After Recess

The Senate was called to order by the President.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table, Bill, An Act Relating to Determination of Valuation of Property With Relation to Inheritance Tax (H. P. 1069) (L. D. 700) tabled by that Senator on March 14th pending enactment.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I tabled this bill some weeks ago as there were several questions in

my mind as to the way it was drawn up. These have all been clarified at the present time with the exception of one. If you will notice it allows the reverse of the procedure of assessments and puts the assessments of inheritance taxes of estates under the probate court and the tax commissioner then has a right to change this valuation and appeal and under the original bill he had 30 days to do this thing. It was amended to 60 days but I understand even 60 days doesn't give them sufficient time to draw up an appeal to get all the facts and figures properly before them.

I have prepared this amendment with the approval of the Judiciary Committee—or at least some members of them as I have not had time to see them all—to change it to 90 days which is the same amount which the decedent's relatives have to appeal the ruling of the commissioner. It seemed to me what was fair to the relatives was fair for the State. If 90 days was fair for one it was fair for another. If you will allow me to reconsider the engrossing of this bill I will offer this amendment and I think it is agreeable to the committee.

I therefore move we recede from our action whereby we passed the bill to be engrossed.

Thereupon, under suspension of the rules, the Senate voted to reconsider its action whereby the bill was passed to be engrossed in concurrence.

On motion by Mr. Cross, the Senate voted to indefinitely postpone Senate Amendment "A"; and that Senator presented Senate Amendment "B" and moved its adoption.

The Secretary read Senate Amendment "B":

"Senate Amendment 'B' to H. P. 1069, L. D. 700. Amend said bill by striking out the underlined figures "30" in the ninth line thereof and inserting in place thereof the underlined figures '90'".

Senate Amendment "B" was adopted and the bill as so amended was passed to be engrossed by Senate Amendment "B" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table, House Report from the Committee on Appropriations and Financial Affairs on Resolve in

Favor of Portland Junior College, Majority Report "Ought Not to Pass", Minority Report "Ought to Pass" on Resolve in Favor of Portland Junior College (H. P. 414) (L. D. 244) tabled by that Senator on April 24th pending consideration of the reports.

Mr. MORRILL of Cumberland: Mr. President, I move that the Senate adopt the minority report "ought to pass" of the committee on this bill. Portland Junior College was founded in 1933 during the depression at a time when a great many students found it impossible to avail themselves of an education due to their financial condition and a group of students got together and by a great deal of effort founded this college without any physical building and have carried it up to the present date. They have moved, I think, four different times. They have been on the second floor of the Y. M. C. A., they have been in the Granville Lee building and they have been in South Portland, trying to find a home.

This bill calls for an appropriation of \$100,000 out of the post-war fund. It is not a recurring appropriation—just once, to get established in a home. Since January, 1946, 90% of the students have been veterans, who are at Portland Junior College. One sixth of the population of Maine lives within commuting distance of the college. 30% of the students have come from outside of Cumberland County during this period and during the months since January, 1946. 400 veterans have availed themselves of the college. By its program on the college level during the current year, Portland Junior College served the needs of 180 students unable to gain admission to Maine colleges.

Business administration training meets the needs of a large number of veterans and is available in Southern Maine only at Portland Junior College. The program given at Portland Junior College meets the requirements for transfer to third year standing at Boston University College of Business Administration. Ten years of experience with the program has proved its value as a terminal program of training for those who cannot continue beyond the sophomore year. The present trend as is evidenced by the statement of President Conant of Harvard in his last annual report. I quote because I think it

is a good recommendation: 'For many types of students a terminal two-year education beyond the high school, provided locally, seems better adapted to their needs than that offered by a traditional four-year residential college. The difference in cost between the two, of course, is very large. Many who have studied the problem intensively feel that the further demands for advanced education should be met largely by the rapid expansion and development of such terminal two-year colleges. I see no reason why some of the money flowing to the states should not be used in supporting the local two-year terminal colleges. At all events, to the extent that such educational facilities are rapidly expanded and improved by the use of state and Federal money, the increased demand for post-high school education might be largely met.

I think most of the senators are familiar with this college and what it has done and that a great many students from all over Maine, veterans, have availed themselves of it, and as I have said before, I hope my motion will pass and I may further state at the present time this bill has an emergency measure on it and I have an amendment which I will offer at the proper time which will strike out the emergency preamble inasmuch as if the money for it were appropriated it could not be used until fall, when it would be available without the emergency preamble.

Mr. MCKUSICK of Piscataquis: Mr. President, when I first saw this bill and the heading of it I was somewhat opposed because I felt it was just another case of someone trying to get money out of the State Treasury, but since I have become more acquainted with the situation and looked into the matter, I must say I am definitely in favor of it. I will give my reasons.

At our special session we went very definitely on record as favoring an educational program for our Maine veterans and we placed ourselves on record as being willing to do everything in our power to furnish those G. I. boys with an education. Our other colleges are crammed full. In the University of Maine they are taking care of all they can possibly take care of. Colby, Bates and Bowdoin with

smaller facilities are crowded and there are still boys who cannot gain admission.

The reason I am in favor of this bill is the fact that there are some three or four hundred veteran students who are obtaining their first two years of college education at this institution and I understand as far as scholarship standards are concerned, they are doing a very good job and upon graduation they will be accepted with full standing at Maine colleges. If they are taking care of three or four hundred students at an expenditure of only once, \$100,000, and comparing that with what they are spending at other institutions, I think it would be a good purchase—a good buy. I call attention to the fact that after the G. I.'s have graduated and this emergency is gone, there will still be demand for this. One reason I have for believing it is from the fact that Maine at the present time ranks very low in the number of high school students who go to college, and anything we can do to furnish permanent facilities for our Maine students, I believe will be a step in the right direction. I believe we will make a serious mistake if we do not give this measure favorable consideration.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Morrill, to adopt the minority "ought to pass" report of the committee.

A viva voce vote being doubted by the President, a division of the Senate was had.

Fifteen having voted in the affirmative and thirteen opposed, the motion prevailed, and the resolve was given its first reading.

Mr. Morrill presented Senate Amendment "A" and moved its adoption.

"Senate Amendment 'A' to H. P. 414, L. D. 244. Amend said resolve by striking out all of the emergency preamble. Further amend said resolve by striking out at the end thereof the emergency clause."

Senate Amendment "A" was adopted; and under suspension of the rules, the resolve was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table, Bill, An Act Relating to Conveyance of Elementary School Pupils (H. P. 1681) (L. D. 1392) tabled by that Senator on May 2nd pending motion by Mr. Denny of Lincoln to indefinitely postpone in non-concurrence.

Mr. BISHOP: Mr. President, I arise to oppose the motion of indefinite postponement. This is a harmless bill that clarifies the law and you have, no doubt, read the newspaper reports whereby this bill has had three favorable reports, passages, and it seems wrong to indefinitely postpone a measure that sets out to do a good service. It is purely a matter of local option, a matter of home rule. If a school committee sees fit to haul elementary school children on an established bus route and it is to their economic and social advantage to do so, they should be permitted to do that. It simply clarifies the present existing law that has been on the statute books for 50 years, a law that says a committee shall haul them when, in their discretion, it seems right and proper. It has never been imposed upon.

Less than 15% of the elementary school children are being hauled and it is definitely an economic saving to many towns to haul these children if they see fit. It is not a case of using public funds for private institutions because no town in the State that shares in the state equalization of school funds have any private elementary schools within their borders. So the only place private schools would be affected is in a locality where it is purely a matter of local option. There are several towns do it and it is to their advantage to do it. It saves them money. If they had to provide school facilities for all the children they had within their borders it would run into hundreds of thousands of dollars, and they might have to haul them besides. It seems to me it is a case where it should be permitted and it is up to the local school committee. I hope the pending motion to indefinitely postpone does not prevail.

Mr. MORRILL of Cumberland: Mr. President, the other day when we debated this bill for the first time I did not speak on it. The opposition expressed to it by Senator Denny was that private schools should bear their own cost of trans-

portation and cost of operation inasmuch as they are in a purely voluntary position. During the debate one of the Senators—who it was I do not remember—made the statement that the religious issue did not come into the bill. I did not arise at that time and hoped I would not have to, but in my opinion I think it is directly involved in this bill.

We live in a democracy where majorities rule. On the federal level and state level our state funds are involved in this bill and it seems to me this is the type of legislation similar to other bills we have had before us which are not necessary on our statutes. I think the issue here can be solved locally. I have talked with a number of proponents of the bill and they say that without this legislation on our statutes, in some instances children are being hauled to private schools. If that is the case I cannot see any need for such a law on our books. I hope the motion of the Senator from Lincoln, Senator Denny, prevails.

Mr. LEAVITT of Cumberland: Mr. President, as a member of the Committee on Education who signed the "ought not to pass" report on this bill, I feel I should say something. Senator Bishop has said this is a simple thing and that there is nothing much involved.

This bill had an honest hearing before the Committee on Education and there were a great many opponents to the bill. Most of the opponents felt that the issue brought up by our forefathers, that this country should keep church and state separate, was involved, and after they got through with their discussion, which lasted two or three hours, we agreed this bill should not be passed. I support the motion of Senator Denny that we do not pass this bill.

Mr. BISHOP: Mr. President, I will agree with Senator Leavitt that a bill we had before the Committee on Education did have a lengthy hearing. It developed into a religious controversy. It came out of committee unanimously "ought not to pass" and it came back to the Senate and the report was accepted. We are not dealing with that bill, however. We have an entirely different set of documents. The one he has reference to was Legislative Document 210, a bill presented by

Representative Woodworth of Fairfield. It had not too long a hearing. It had proponents and opponents—as a matter of fact, there were several proponents. That bill did have a divided report and the committee was unanimously against it finally. But the bill we are discussing today is Legislative Document 1392 which is a new draft of No. 210. No one in the committee was in favor of No. 210 but 1392 is a very simple, one-statement affair and I will read it: "The superintending school committee of any town, in its discretion, may permit any child of school age to ride on school busses which travel on established school bus routes."

Now, let's not confuse this with any religious issue or any bills which were reported "ought not to pass". This is another bill which should live or die on its own merits.

Mr. LEAVITT: Mr. President, Senator Bishop was not present at the first of the hearing on the second bill and the opponents of the bill stated they had not been informed, or at least were not awake in time to come there to oppose the first bill, but the opposition they voiced to this bill here which Senator Bishop mentioned were equally applied to the other bill, and they wanted us to thoroughly understand they opposed both bills because the same principle was involved in each bill. I will admit that Senator Bishop was not there when it was said so perhaps he was not cognizant of it, so I will now inform him.

Mr. MCKUSICK of Piscataquis: Mr. President and members of the Senate, as a member of the school board in a small town, I can see very serious possibilities in this measure. As you know, the matter of school transportation is one of the hardest things a school board has to handle. The matter of transportation is left almost entirely to the decision of the school board and very often it is very controversial.

I can see a situation where something like this might occur: Suppose you have a 40 passenger school bus traveling an established route and if this measure is passed, I can see the possibility of perhaps eight pupils who attend a private school, coming out of a cross street to that bus route. There are just four vacant seats on that bus, and I'd like to ask you what the school board is going to do. Will they pick

up four scholars and leave the rest, or are they going to leave them all? It will be up to the school board to decide. It is one of the questions. I can assure you that if people know that the school board may grant transportation, you will have people demanding transportation and the people on the school board will have to make some very difficult decisions.

I would also call to your attention that there is a great possibility that your town will be buying some extra buses and going to considerable expense to transport private school pupils.

Along that line I'd like to call attention to the fact your school buses are as much a part of the system as the buildings and teachers and if you are buying school buses and transporting private school children you will be asked to hire private school teachers, with as much justification.

Our public schools are supported by public funds and are for the use of all our pupils and if certain of our citizens vote of their own choice to send pupils to private schools, I believe they should bear the expense, and no part be borne out of public funds.

Mr. BISHOP: Mr. President, it is true I didn't serve as chairman on the first part of the hearing. It was held in Museum No. 1. I was in Museum No. 2 attending another hearing but I did hear all that was going on in that room. The voices were rather loud.

I'd like to read a portion of the school law that was passed in 1897, just 50 years ago: "The superintendent of schools in each town shall procure the conveyance of all elementary school pupils residing in his town, a part or the whole of the distance, to and from the nearest suitable school, for the number of weeks for which schools are maintained in each year, when such pupils reside at such a distance from the said school as in the judgment of the superintending school committee shall render such conveyance necessary."

Now, if we have lived under that rule for 50 years I can see no reason to be alarmed at this other bill which is purely permissive and up to the local school committee.

When the vote is taken I ask it be taken by division.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, I cannot agree with Senator Bishop when he says it is a harmless bill and that it will not affect the economy of the towns. If I am correctly informed, I was told by someone who attended the hearing that the town managers of both Portland and Bangor stated that it would double their transportation costs if this idea was developed.

I call your attention once more to the fact that we have our public schools supported by public funds and they are to be used as public schools; and also to the fact that a parent who chooses to send his child to a private school assumes responsibility of the entire expense. I believe it is a mis-use of public funds to go into this field of transporting children to private schools when there are public schools available.

The PRESIDENT: The question is on the motion of the Senator from Lincoln, Senator Denny, to indefinitely postpone this bill. The Senator from Sagadahoc, Senator Bishop, has asked for a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and thirteen opposed, the motion to indefinitely postpone in non-concurrence, prevailed.

Sent down for concurrence.

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

Mr. CLEAVES: Mr. President and members of the Senate, I want to call your attention to a little sheet placed on your desks which is the latest statement from the Appropriations and Financial Affairs Committee, showing the present status of the bills before us. This shows, as of last night, \$300,000 that is in committee in process of consideration. We have \$644,745 in process between the House and Senate that no disposal has yet been made of. We have already killed, if we may put it that way, \$3,351,851. We have on the table in the Senate, awaiting disposal, \$9,488,957, and these are "ought to pass" reports of committees. We have also on the Senate table "ought not to pass" totaling \$340,000, and we have had signed by the Governor \$37,388.

This is the latest up to date statement, and we would certainly appreciate it if you would study it very thoroughly in your considera-

tion of such tax measures as come before you.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, Bill, An Act Protecting the Right of Members and Non-Members of Labor Organizations to the Opportunity to Work (H. P. 1652) (L. D. 1346) tabled by that Senator on April 11th pending passage to be engrossed.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this bill is the Tabb bill, so called. It was tabled on the 18th of April pending a clarifying amendment which sought to permit the union shop. It has stayed on the table pending consideration of other labor bills, which other labor bills sought to more clearly define the different types of union security.

As I interpret the wishes of at least some of the members of this Senate, we are confident that the labor legislation that is going to be passed at the federal level will solve our problems. I am sure we can be secure in the thought that anti-closed shop legislation will be included in whatever is passed at the federal level, for in both the House labor bill and the Senate labor committee bill in the Congress, the anti-closed shop provision is included, and such part as I have read of the congressional debate—such attacks as have been made by friends of labor, have not attacked the anti-closed shop provisions. While I signed the "ought to pass" report I had the feeling if we must pass anti-labor legislation here in the session this was the thing we probably ought to consider yet the action of the congress during the last six weeks and particularly the action during the last week now thoroughly convince me we ought not to pass this bill.

I think some of us are convinced this Republican legislature can well adjourn without enacting any anti-labor legislation, and if that is the feeling, and I think it is the sound and right feeling, and I think it is the thing labor in this State deserves and is entitled to from their record, and I think the proper procedure in the last of the labor bills is to indefinitely postpone it, and I therefore move that Legislative Document 1346 be indefinitely postponed.

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

ate, I am glad Senator Haskell classified this as anti-labor legislation. I am sure you didn't, when you voted for this legislation before, consider yourselves as "anti-labor" and I am sure I do not consider myself as anti-labor." I do not believe it is "anti-labor" legislation to say that American citizens before they take jobs must first join a union and pay dues, dues without limit except those placed by the leadership. Personally, I think people who support legislation which provides such imposition against the working men of this country are not anti-labor.

When we had this bill before us before, I think I told you that as near as I was able to determine something less than 5% of the union security contracts of the State of Maine are closed shop contracts. I don't know just how many there are. I doubt if anyone else knows the exact number of closed shop contracts in the State of Maine. I also said that most of the excesses, the worst excesses being carried on in this country by labor leadership are in closed shop contracts. This morning I said that an unrestricted union shop contract should and sometimes did bring excesses against the workers which were almost as severe as those which exist under closed shop contracts. I gave you information before which showed a large number of organized labor, itself, do not favor closed shop contracts. I gave you some information showing what it did to costs, unrestricted costs on some phases of labor, and brought it to the State of Maine, admitting the figures I gave you were subject to such adjustments as you might find they needed as result of your study.

Of course this bill before us will not protect the workers unless you also have with it regulations of union shop contracts which definitely delineate the rights of labor leadership, of workers, employer and the public. I am sure I know how the members of the Senate feel about closed shop contracts. I personally am against them and I hope the motion of the Senator from Penobscot, Senator Haskell, does not prevail. I ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Haskell, to indefinitely postpone.

A division of the Senate was had. Fourteen having voted in the af-

firmative and sixteen opposed, the motion did not prevail.

Mr. Haskell of Penobscot presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to L. D. 1346: Amend said bill by adding at the end of the first paragraph of that part designated section 41-A the following underlined paragraph: **'Nothing in this section shall prohibit the execution, performance and enforcement of a union shop contract, so-called, wherein an employed person shall be required as the condition of continuing employment by the State or any subdivision thereof, or any corporation or individual or association of any kind to join and maintain membership in any labor organization, provided however, that an employed person shall not be required as condition of employment to join a labor organization during the first 30 days of his employment.'**"

Mr. HOPKINS of Kennebec: Mr. President, I'd like to say in regard to this amendment that it has been under consideration for a long time. When the committee reported out the Tabb bill it wrote the bill and made it as brief and concise as possible. We thought we had a bill which was good law and which was not subject to any dissertation as far as interpretation was concerned. After the bill had been approved by both houses of the legislature the question arose as to whether or not the bill was good law without any time factor in it. Some attorneys expressed the view it was not. Others expressed the view that it was. I think at the present time that most lawyers, although I am not sure, would agree that the bill as now written is good law. It does say in very simple English that you shall not withhold work from a man because he is or isn't a member of a labor organization. That is all it says in its present form. Had we passed a law that delineated the conditions under which union shop agreements could be entered into in the State of Maine, I think there is no question but the present Tabb bill would be good law. I have talked with the assistant attorney general about it on different occasions and he has expressed the view that the law is all right in its present form. There is nothing in the statute to prohibit union shop contracts at the present time. A large number

of such contracts are in operation in the State of Maine.

I see no reason at all in confusing the Tabb bill by hanging this amendment on it and it doesn't seem to me it would accomplish anything. All the amendment asks for is permitted under the law and is being practiced in the State of Maine in a quite general way. I think I told you that 20% or more of the new security contracts at the present time are union shop agreements, so we know there are a large number of these agreements being used in Maine today. The Tabb bill is simply a gesture, anyway. It simply says, as I previously stated, that you shall not refuse to hire a man for a job because he is or is not a member of a labor union. That simple statement on the law books of Maine is good enough for me. I think it is meaningful enough and I don't think it is necessary to add the amendment because all the amendment asks for is now being practiced. I hope the motion to adopt the amendment will not prevail.

Mr. HASKELL: Mr. President, the amendment that has been submitted, in the opinion of the legal representatives of many employers in the State is essential if you want to protect union shops in the State. There are all our major industries that are organized and operating under union shops and not closed shops and the reasons they submit to me for wishing clarification to permit the continuity of union shops are these: In the first place, their labor relations under union shop conditions, in the opinion of employers, have been excellent and they do not want the union shop relationship disturbed.

Senator Hopkins has indicated that there is nothing in the statutes that prohibits that. He is quite correct but I think there will be something in the statutes 90 days from the date the legislature adjourns, by virtue of this Tabb bill. In the first place, it provides that no person shall be denied the opportunity to obtain employment. That word "obtain" must stand the test of court adjudication as to time. Will the ruling be that it means the act of getting a job or will the courts rule it means getting a job and keeping it? That, I think, is a minor objection.

The major objection, I think, is this: If I am an employer and hire

a man, telling him when I hire him, that I am operating a union shop and as a condition of employment he must join the union three or six months from the date of employment along with other employees, and agrees and begins employment; and then he refuses to join, or having joined refuses to pay his dues. According to union shop agreements I must terminate employment. I call him in and remind him it is a union shop and he has not paid his dues and he says, "I am sorry" and goes on his way. He comes back the next day and says, "I would like a job". Naturally I would say, "I am sorry, you are not a member of the union." He looks at the laws passed by the 93rd Legislature and reminds me I cannot deny him the right of employment because of the membership or non-membership provision. It is that which is disturbing to many employers who have asked me to state if the legislature is sincerely desirous of continuing union shops under which a substantial part of Maine industry and a substantial part of Maine's \$400,000 payroll in this State operate successfully, they say "please see that our union shop is protected, and in our opinion it will protect those successful union shops, but without it those union shops will be placed in real hazard."

Mr. HOPKINS: Mr. President and members of the Senate, the point which Senator Haskell raised would indicate that he interprets the only reason anybody could bar a man from employment was because he was or was not a member of a union. It is, of course, an absurdity. If union security had been negotiated in Maine, and it can, requiring an employee when he goes to a union plant, to join a union, and that employee does not join the union, I wonder if there is any Senator here who believes that employer would have no other cause for denying him a job, if he came and asked reinstatement in his job, other than the fact that he was not a member of a labor organization. I am sure it is an absurdity. You could say to the man, "You don't keep your word and we are not interested in hiring people who do not keep their word."

Mr. BARNES of Aroostook: Mr. President, I think sometimes it is difficult for us to narrow our view on matters of labor legislation in

this State and I think sometimes we are bothered by national problems. I know when my coal bin, as it has in the past two years, got nearly empty I could not help thinking of the national problem.

I am quite amused that the chairman of the Labor Committee would oppose this amendment. He says in one breath that we don't intend to interfere with union shops and the next breath when the amendment is presented, opposes passage, because of the fact that lawyers who have studied it say there is some doubt in the statutes on the point. He says we don't want the amendment. I voted against the Tabb bill, in the original form without the amendment but I certainly hope the Senate will adopt the amendment. I don't like the reasoning of saying that we won't touch union shops and in the next breath saying that we don't want the amendment either. I come from a county which depends largely on pulpwood products for income and if the Great Northern Paper Company with their paper companies in Maine want union shop contracts, I for one, in my county, say we ought to make it possible for them to do so. I most sincerely hope this amendment which, from the mouth of the chairman of the Taxation Committee, we have heard is exactly what he wants—I hope this amendment will be adopted.

Mr. HOPKINS: Mr. President, I thought I made myself clear when I said that I opposed this amendment because I believed it was entirely unnecessary. I have said from the start that union shop contracts were acceptable to me and I wanted to see them protected in Maine and properly regulated, and the rights of employers and employees properly defined under the law. I see no reason at all for this amendment because it is just an addition which has no value.

Mr. LEAVITT of Cumberland: Mr. President, the only possible objection I have to this amendment is the fact that I think it will call for further amendments. If we can force a man to join a union in 30 days you could even bar him from the union by making him pay five or six hundred dollars initiation fee to the union, and some men who wanted employment could not afford to pay the initiation fee at the end of 30 days would not you

be barring him from employment? Now, I know certain unions that have union initiation fees that run as high as \$500. If this amendment goes on, unless there is a further amendment which says the dues cannot be exorbitant or beyond a certain figure, you are doing exactly the same thing—you are losing the entire effect of the Tabb bill by forcing a man to join a union in 30 days and making him pay more than he can possibly afford, and therefore, preventing him from getting work.

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

Mr. CROSS of Kennebec: Mr. President and members of the Senate, amendments serve a number of purposes. Sometimes they sincerely improve the bill and sometimes they are intended to becloud the issue. It seems to me the Tabb bill is a very simple, uncomplicated document. You could take it or leave it. A child could understand it. If you complicate this thing with amendments I don't know how far the amendments would go. I think the bill itself is sufficient to do what we intend it to do. I think we feel it accomplishes a useful purpose. I rather doubt with this amendment it would accomplish that purpose.

Mr. HASKELL: Mr. President, it certainly was not my intention to becloud the issue. It is simply my intent to take my understanding and that of every member of the Committee on Labor and interpret it into this bill so that there is no question as to the legality of the union shop. I have no particular pride in the words proposed to you in that amendment but I do take at face value the insistence of every member of the Committee on Labor in passing out this bill, that they had no intention of disturbing in any way the union shop contracts in the State of Maine. Certainly it is not my intent to disturb the bill in any way as far as closed shops are concerned it is my real hope that you do not disturb the union shops. I think to insure employers and employees continuity of their contracts you do need this amendment.

Mr. LEAVITT: Mr. President, through the Chair I'd like to ask Senator Haskell if he would answer whether a union could charge an exorbitant rate and therefore make

it impossible for a person to seek employment?

Mr. HASKELL: Mr. President, I will say as the Tabb bill is written without the amendment, there is absolutely no limit on what a union can charge. The amendment in no way, shape or manner changes that. The Tabb bill puts no restriction on union fees. I have heard no evidence in the State of Maine of any exorbitant union fees or dues. As a matter of fact, those excesses cited usually go to Chicago and sometimes New York City in the building trades, but it is not a problem in the State of Maine. As far as the amendment is concerned, the problem is not changed one iota. The Tabb bill, as you have it before you, protects in no way whatsoever the union fees or dues, so it makes no change in that.

Mr. MORRILL of Cumberland: Mr. President, sometime ago I went on record as favoring the Tabb issue, the clear issue of closed shop. Senator Haskell, in offering this amendment, in my opinion, is beclouding this issue. He has raised a point on the use of the word "obtain," and the consequence of a man through non-payment of dues who sought employment again and was turned down and the results therefrom. I realize the final interpretation is for the courts, but I have talked with the assistant attorney general and have confidence enough in his judgment to be satisfied when he tells me the Tabb bill as it stands now does not do a thing to harm the union shop. I hope the motion to adopt the amendment does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, to adopt Senate Amendment "A." A division has been requested.

A division of the Senate was had.

Thirteen having voted in the affirmative and seventeen opposed, the motion did not prevail.

Thereupon, on motion of Mr. Hopkins, the bill was passed to be engrossed, in concurrence.

On motion by Mr. Cleaves of Cumberland, the Senate voted to take from the table, Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of "Montpelier" (H. P. 1045) (L. D. 684) tabled by that Sena-

tor on May 2nd pending adoption of House Amendment "A" to Committee Amendment "A"; and on further motion by the same Senator, House Amendment "A" to Committee Amendment "A" was adopted in concurrence, and under suspension of the rules the bill was given its second reading and passed to be engrossed in concurrence.

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 Legal Affairs on Bill, An Act Relating to Police Commission of the City of Lewiston (S. P. 322) (L. D. 870) tabled by that Senator on March 7th pending adoption of the report.

Mr. BOUCHER of Androscoggin: Mr. President, I wish to move to substitute the bill for the report with the intention of offering an amendment, if that is successful, which will attach a referendum to this matter to let it be decided by the citizens of Lewiston. I realize this is a controversial matter. I knew it at the hearing and I knew it was before I introduced the bill.

If you will bear with me a very few minutes I would like to give you the history and background of the new set-up in Lewiston under this form of government. Lewiston has had, since 1939 a unique way of conducting the municipal government. It still has a mayor and aldermen who makes laws and by-laws and ordinances for the city of Lewiston, and the administration or the executive department as I would call it is handled by the creation of six different boards. One is the Board of Finance with five members; there is a Board of Education with five members; a Board of Public Works with five members; Board of Health and Welfare with five members. Those members are appointed by the Mayor of Lewiston for a term of five years at the time of the municipal election, the municipal inauguration.

The Board of Police which this bill concerns is made up of three members and it has been that way—it was previous to the new charter—and it has been that way as far as I can find out, for over 30 years. At the time of the change of the charter in 1939 the question of changing that board to make it similar to the other boards of five mem-

bers was brought up, it was controversial where the board of police at the time were being appointed by the Governor, and the matter was left out of the new charter, so as not to make any more opposition to the new charter than there was at the time and it was a gentleman's agreement that this matter be left alone.

If you will recall, two years ago I did introduce for a second or third time a bill to have the police commission named by the Mayor of Lewiston rather than by the Governor, and a referendum was passed and put on that and it passed the legislature and went back to Lewiston and they carried it three to one to have the Mayor appoint the commissioners and it is the law under which the city of Lewiston is governed.

For the sake of uniformity I would like to see all commissions to be five-men commissions so all appointments would be similar and all come at the same time. These police commissioners are now appointed following a fashion of over 30 years, at different times and for a term of six years. If my recollection is right, the last appointment was last December with no fixed date in the month of December—but it was sometime in December. The Mayor, at the time appointed a police commissioner for a term of six years. Now, even with this booklet of the city of Lewiston, giving the officials and terms of office, I defy any member of the legislature or any member of the Lewiston delegation to give me the exact date when the commissioners' terms will expire. They know the year but do not know the day of the month the terms will expire.

The opposition at the hearing said that a three-man commission of police was all right. They wanted it kept that way. Now, I like to be consistent in my thinking and my doing. If three-man commissions are what Lewiston wants, let's have all three-man commissions; but if five-man commissions are what they want, let's have all five-man commissions. Let's have them all appointed for the same term of office and expire at the same time.

This is a non-partisan affair because under our charter, members of both parties are represented on these commissions. On the police commission there is at this time two Republican members and one Dem-

ocratic member. Our appointment comes up in that department next year. A Republican member will be going out. I imagine Lewiston will follow the custom of years and re-elect a Democrat as mayor and I also presume that Democratic Mayor will name another Democrat to replace that Republican member, and although he is a good man and a good friend of mine he will have to lose his positions as police commissioner. Whereas, if this bill went into effect he could stay there and I presume the other two members would be Democrats, which holds true of the other commissions. Where there are three Democrats and two Republicans it seems to work wonderfully well in the city of Lewiston.

I believe Lewiston has a right to settle their own business. I have no brief for the committee. They had to take some position. There were pros and cons. They saw fit to listen to the cons. I feel I have as much right to express my opinion before the committee as do any other citizens of Lewiston, and I feel that this committee of the legislature should not stop home rule. My intention is to offer an amendment in referendum form to let the citizens of Lewiston decide whether or not they want to keep a three man commission or if they would rather have a five man commission similar to the other commissions of Lewiston. It is just a matter of finding out what the wishes of the people are. It is not going to change their capacity in the municipal government of Lewiston.

I do hope this Senate will go along with my suggestion to substitute the bill for the report and I move it be taken by division.

Mr. BLANCHARD of Aroostook: Mr. President and members of the Senate, as a member of the Legal Affairs Committee, which committee voted unanimously that this bill ought not to pass, I wish to state the reasons for so doing. As Senator Boucher has stated, there definitely was opposition to the passage of this bill, and while we had many bills before our committee relating to Lewiston and we did give the Senator from Androscoggin, Senator Boucher, favorable consideration on some of the other bills, we considered this type of commission had worked well and from the information given us at this public

hearing, where everyone had a right to express himself, we saw no reason why it should not continue in its present form. I hope the motion of the Senator from Androscoggin will not prevail.

Mr. BISHOP of Sagadahoc: Mr. President, I think it is true most every measure of a controversial nature will have proponents and opponents. I think we will find it to be true here. Unless it is so, a bill usually has very little merit. I have heard the old saying that "what is sauce for the goose is sauce for the gander." I have always been in favor of a referendum clause and letting the people in the community affected decide for themselves—home rule.

Mr. BOUCHER of Androscoggin: Mr. President, just one word to answer the Senator from Aroostook, Senator Blanchard. I realize as I said previously, that the Committee gave us their best judgment, but at the time, I want to point out to the Senate, I had no referendum clause. I think the picture is changed entirely. I ask you to substitute the bill for the report for the purpose of offering an amendment which as it is drawn up, will refer it to the people. I agree that it is a controversial matter. Let the people of Lewiston decide for themselves whether they want a five man or three man commission.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, to substitute the bill for the report.

A division of the Senate was had.

Seventeen having voted in the affirmative and ten opposed, the motion prevailed and the bill was substituted for the report and given its first reading.

Thereupon Senator Boucher presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A" was adopted, and under suspension of the rules the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

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 Legal Affairs on bill, An Act Relating to the Fire Department of the City of Lewiston (S. P.

317) (L. D. 875) tabled by that Senator on March 7 pending adoption of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, this is a similar bill, only this time it concerns the fire department. That is the other department that has a three man commission. As I stated before, we have six commissions, four of them are now run by five men and two of them are now run by three men. It is true of the fire commission that it is just a little different than the police commission. The fire department of Lewiston has had everything for a head in the last twenty-five to thirty years. It has had a one man commission, it has had a three man commission and it has been under the mayor and Board of Aldermen in years gone by.

Now again we want to proceed in the same manner and offer a referendum to be taken up at the next regular election in the city of Lewiston to find out whether they want a three man commission or a five man commission on this Board. At this time there is a three man commission, two of them from the Democratic party and one from the Republican party. I presume that will hold true from now on in that community and from now on there would be, if this bill goes through, three Democrats and two Republicans. If you substitute the bill for the report, I will offer a referendum which will allow the people of Lewiston to decide for themselves what they want.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher that the Senate substitute the bill for the "Ought Not to Pass" report of the committee.

A viva voce vote being had

The motion to substitute the bill for the report prevailed, and the bill was given its first reading.

Thereupon, Mr. Boucher presented Senate Amendment A which was adopted without reading and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Senate Report

"Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Bridgton Academy (S. P. 416) (L. D. 1202) tabled by that Senator on April 11 pending consideration of the report.

Mr. SPEAR of Cumberland: Mr. President, I move that the bill be substituted for the "Ought Not to Pass" report of the committee, and in defense of that motion, I would like to say that what with Portland Junior College having had favorable consideration this afternoon and on many other occasions recently, educational institutions have received favorable consideration, in order that this institution, which is located in northern Cumberland, have the same consideration, I would like to make a few remarks.

There are 160 students at Bridgton Academy, forty-two of whom are veterans. This situation would not have developed if it had not been for these returning war veterans. When we were at war and people were frightened as to their lives and property we were willing to do most anything for these veterans and now that the war is over and they are having difficulty in going to college, and getting into secondary schools, we don't want to forget them.

I could go on for five or ten minutes more but I will not take up your time. However, I hope that you will allow me to substitute the bill for the report and let it be brought up through the engrossing stage for consideration when the other bills are considered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, who moves that the bill be substituted for the report.

A viva voce vote being had

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

Sent down for concurrence.

Additional House Paper, out of order and under suspension of the rules:

Joint Orders

ORDERED, the Senate concurring, that (H. P. 1708) (L. D. 1434) "An Act Relating to State Normal Schools' Reserve Accounts," be re-

called to the House from the Governor, for further consideration. (H. P. 1751)

ORDERED, the Senate concurring, that (H. P. 1722) (L. D. 1454) "An Act Relating to Hunting and Trapping Seasons," be recalled to the House from the Governor, for further consideration. (H. P. 1752)

Which were severally read and passed in concurrence.

On motion by Mr. Murchie of Washington, the Senate voted to take from the table Resolve in Favor of the City of Calais to Aid in Rebuilding School (S. P. 342) (L. D. 975) tabled by that Senator on April 23 pending consideration of the "Ought Not to Pass" report.

Mr. MURCHIE of Washington: Mr. President, and ladies and gentlemen of the Senate, I don't know as this requires much of an explanation. This is an effort on the part of a city that is somewhat in distress. They lost their academy school building by fire a year and a half ago and have been trying to build a new school. They have built two-thirds of the school and it is not yet paid for and they are trying to raise a hundred thousand dollars to pay it, so that the town itself can escape a very much increased taxation rate, and having in mind Ricker Classical Institute of last winter and the fact of the South Portland institute and the other ones today, I move that the bill be substituted for the "Ought Not to Pass" report of the committee.

A viva voce being had,

The motion to substitute the bill for the report prevailed and under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs — Majority Report "Ought Not to Pass"; Minority Report "Ought to Pass" on Resolve in Favor of Freedom Academy (S. P. 375) (L. D. 1059); tabled by that Senator on April 17 pending consideration of the reports.

Mr. GREELEY of Waldo: Mr. President and members of the Senate, I should hate to see my resolve out of line with the rest of the resolves and I therefore move that

the Senate adopt the Minority Report "Ought to Pass."

A viva voce vote being had The motion prevailed, and under suspension of the rules, the resolve was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. McKusick of Piscataquis, the Senate voted to take from the table bill, An Act Permitting Closing of Banks on Saturday" (H. P. 970) (L. D. 628) tabled by that Senator on April 30 pending passage to be enacted.

Mr. MCKUSICK of Piscataquis: Mr. President, I move the indefinite postponement of this bill and ask that when the vote is taken it be taken by division.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, this banking bill has given the bankers of the State of Maine what is now known as the Senatorial Jitters. I spoke last week to the effect that the bankers were calling me up. Those who were opposed to it said that now they had changed their minds and wanted it. As far as I am concerned there seemed to be an influx of letters and calls because I had about 25 calls at my office Monday morning. There is no need to go over the arguments again pro and con. I think we are bucking upstream and we can't resist this five day week that is coming to us all over the United States, before we get through in your business and in my business, and I hope Mr. President, that the motion does not prevail.

Mr. MORRILL of Cumberland: Mr. President, I apologize for rising again to voice my support of this bill. I think the bill is a voluntary measure. It does not necessarily force any banks who do not so wish, to close on Saturday. I assume that some of the executives of the banks in the smaller towns like to go fishing on Saturday. The fishing season is approaching. I don't know if any of them in opposition to this bill changed their minds but I would assume that the vote at present is lined up about the same way it has been in the past.

I think that the bill is a worthy one. I think the change is coming. I think most of the opposition is based on the fact that the people opposed to the bill wish to hold off

the change as long as they can and, as I said before in a previous speech, I don't want to be one to try to emulate the little Dutch boy, — I forget his name now, I think it was Hans — but I suppose you all remember the story. It was quite interesting.

There was a leak in a dyke in Holland and Hans stuck his finger in the hole where the water was leaking through. Time went on, the water was cold and Hans' finger got cold and the water kept leaking through and the hole kept getting bigger and bigger. As the hole got bigger, Hans' finger got colder, and he had to put his entire hand in to stop the leak. However, the water kept leaking in and the hole got bigger and Hans' hand got colder and eventually the hole got to big that Hans had to put his arm in up to his shoulder. If he hadn't done this, the water would have run down into the town and into the banks, and probably closed them, and gone into the grocery stores and ruined the foodstuffs and caused a great deal of discomfort and inconvenience to the townspeople.

All this time Hans was crying for help, but there were very few townspeople in that vicinity and nobody heard him. I have forgotten how the story ended, but I think eventually somebody came to his rescue, and I wish the two Senators who went out would come back to my rescue so that I can finish this foolish story, as I am fast running out of words and breath.

As I say, I don't want to emulate Hans to any extent that I might lose limb or life but I don't feel that we should stand in opposition to this trend at this time. We are approaching more and more the five day week. I think the employees in the state are affected by this bill, and I hope the motion of the Senator from Piscataquis does not prevail.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, I don't wish to prolong this filibuster, but inasmuch as it has been suggested that we are all coming to a five day week, I will say that I cannot conceive of the day when the farmers will enjoy that privilege. I don't know whether little Hans was able to keep the bank open or the grocery stores but we still expect the grocery stores to stay open on Saturday. It

is their biggest day. This is primarily a rural state and Saturday is the day we farmers go to town to do our trading and our banking. I hope that the motion of Senator McKusick does prevail.

Mr. CLEAVES of Cumberland: Mr. President, I note the absence of three of the Senators who would like very much to be in at the consideration of this bill, and I move that this bill be laid upon the table for a few minutes pending their return to the Senate.

A viva voce being doubted

A division of the Senate was had. Fourteen having voted in the affirmative and thirteen opposed, the motion prevailed, and the bill was laid upon the table pending motion by the Senator from Piscataquis, Senator McKusick, that the bill be indefinitely postponed.

Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue." (H. P. 1731) (L. D. 1470)

(In Senate, on May 2, passed to be engrossed as amended by Senate Amendment "A")

Comes from the House, passed to be engrossed as amended by Senate Amendment "A" and by House Amendments "D" and "E" in non-concurrence.

In the Senate, House Amendment D and E were read.

Mr. CROSS of Kennebec: Mr. President, I move that the Senate recede and concur with the House in the adoption of House Amendments D and E.

Mr. LEAVITT of Cumberland: Mr. President, I think this bill as we passed it here in the Senate earlier in the day, is the proper bill and I hope that the motion of the Senator from Kennebec, Senator Cross does not prevail and that we shall consider and carry a motion later on to insist and ask for a Committee of Conference.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Cross, that the Senate recede from its former action whereby this bill was passed to be engrossed.

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

A division of the Senate was had. Fifteen having voted in the affirmative and ten opposed, the motion to recede prevailed.

The PRESIDENT: The question now before the Senate is on the adoption of House Amendment D.

Mr. ELA of Somerset: Mr. President, in case it is not clear from the reading of the amendment, just what it does, Section 357 reads as follows: "There is hereby appropriated for expenditure by the State Tax Assessor in carrying out provisions of Sections 284 to 357, a sum not to exceed 4 percent of the gross" and so forth. This amendment strikes this out and in the general appropriations bill as brought out by the Appropriations Committee, there would be an amount sufficient to carry on the provisions of the bill. I move the adoption of House Amendment D.

The motion prevailed and House Amendment D was adopted in concurrence.

The PRESIDENT: The question now before the Senate is on the adoption of House Amendment E. The Chair will state for the information of the Senate that this is not the legislative document which was before the Senate this morning. The Chair understand that this is legislative document 1470.

Mr. LEAVITT of Cumberland: Mr. President, I move that this bill and accompanying papers be laid upon the table until we have a chance to study it.

A viva voce vote being had,

The motion did not prevail.

Mr. NOYES of Hancock: Mr. President, as I understand this House Amendment E, it simply reduces the tax from a 2 percent tax to a 1 percent tax and it necessarily follows that if we have only a 1 percent sales tax there will be no money available for the municipalities. That is the reason that Section 356 is taken out of the bill. As I understand it, a 1 percent sales tax will yield between three and four million dollars and that would seem to be in line with the immediate needs of the state which are some seven or eight million dollars for the biennium and it is my contention that if we hope to get a tax measure through the lower branch by a two-thirds vote, it would seem rather poor policy for the Senate not to go along with it. I therefore move the adoption of the amendment.

The motion prevailed and House Amendment E was adopted in concurrence and the bill was passed to be engrossed as amended by Senate Amendment A and House Amendments D and E in concurrence.

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table House Report from the Committee on Taxation, Majority Report "Ought to Pass in New Draft with Committee Amendment A"; Minority Report A, "Ought Not to Pass"; Minority Report B "Ought to Pass in New Draft" on bill, An Act Increasing the Share of the State in Pari Mutuel Pools (H. P. 1730) (L. D. 1460) tabled by that Senator on May 2 pending consideration of the reports.

Mr. CROSBY of Franklin: Mr. President and members of the Senate as you know the main part of this bill is to legalize night harness racing in the State of Maine from June 15 to August first. The Maine Agricultural Fair Association feels that if this is done, with the large number of horses that will be required to hold a meet of this size, that when the fairs come along they just won't be able to have the good horses go around their circuits to the fairs and put on their races and if you don't have good races at the fairs you just aren't going to have any fairs.

The Agricultural fairs in the State of Maine have been in existence since Maine was made a state and I believe they have done a lot of good for the state. The farmers go to those fairs and bring in their cattle to show and their vegetables and so forth, and they try to win a prize. That has a tendency to make good feeling among the farmers. When the fair is over those who have won a prize feel proud of it and those who have not go back home with the intention of starting in to produce better animals or vegetable at the next fair and hope they will win next time.

That has been recognized by the State as doing a lot of good for agriculture and we have helped to finance these fairs. It is also good for the farmers once a year at least to get together in these County meetings and swap experiences and perhaps horses once in a while but nevertheless the fairs do a lot for them. They talk with their neighbors from neighboring counties and find out that perhaps someone has had unusual success with some form of fertilizer or something else in producing an exceptionally good crop and they go home and try it the next year, and I feel that those fairs have a place in our State of Maine life.

Now if this bill passes, you will be taking away from the fairs all the good you did in 1935 when you passed the pari-mutuel law to aid the fairs which at the time were nearly bankrupt, and some of them were. They have come back and got on their feet financially and are in good shape now and making progress. I know of one fair in the state that has plans for building new stables, improving their buildings and grounds, and if this bill passes they will feel they haven't long to live so why spend the money for improvement.

Mr. President, I move that this bill be indefinitely postponed.

Mr. NOYES of Hancock: Mr. President, the Committee on Taxation considered this bill together with a companion measure or another measure involving pari-mutuel betting and the majority of the committee reported both bills "Ought to Pass". There was a division in the committee as to the percentage that would be taken from the pool. The report which I signed would provide that the take should be upped from the present ten percent to fifteen percent and the present law is three and a half the share of the state which under percent would be upped to six percent, in other words an increase of five percent in the take, one-half of it being given to the operator of the races and half to the state.

Last year the State of Maine received roughly \$227,000 from pari-mutuel pool. Under this measure upping our three and a half percent to six percent with the same amount of betting, it would necessarily give the state an additional \$175,000 and with night racing for a period of six weeks it is felt there would be additional betting perhaps to the amount of three million dollars, making ten million dollars paid in all and six percent of ten million dollars would be six hundred thousand dollars that the state would receive or roughly an increase of four hundred thousand dollars in revenue to the state. I think the committee realized the difficulty of passing a tax measure. I think that has been borne out by the action taken by the legislature thus far. The reason that we took the month of July and two weeks in June is primarily because it would not interfere with the fairs. As the bill was originally introduced for night racing in the

month of August and the committee was unanimously opposed to conducting night racing while fairs were going on.

Of course there are about four fairs which conduct races during the month of July and the Bangor fair, I believe, is sometimes held in the latter part of July but other than that it won't interfere with the fairs. The sponsors of the measure, and I think the majority of the committee, felt that this would lead to better racing, enabling the sponsors to give larger purses and better entertainment. As far as the gambling feature is concerned, I can see no difference between betting after six o'clock at night and betting during daylight hours. I hope the motion of the Senator from Franklin, Senator Crosby, does not prevail.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I think the chairman of the Taxation Committee, Senator Noyes has presented this case as the committee saw it. I would like to summarize it as I heard it presented and as I have heard it discussed since.

There appear to be three issues involved in the bill. The first is a moral issue. We were told that night racing was wrong but those who submitted that statement agree with us that we are committed to the practice as part of our revenue program in the state of pari-mutuel betting on harness racing. I cannot agree that night racing changes that issue a bit.

The second issue is the competitive issue. When the bill was first introduced I think many of us on the committee agreed that it was competitive with the fairs but as it was amended it interfered with not a single fair. I think there are one or two meets conducted by fairs in July for a short period but other than that it does not appear to be competitive to a single fair, and as a matter of fact, I think it will strengthen the position of the agricultural fairs by increasing the incomes of those fairs and to those who operate races.

I am one who is convinced that unless the State of Maine does recognize that the purses being presented at the fairs in the State of Maine are so low today that many people question the honesty of racing and we may lose that as a source of income and I think the

bill is providing an income to the operator and to the state, divided fifty-fifty remember, and that you are making firmer and sounder the position of the fairs.

The third issue is whether or not the state wants to turn down another two or three hundred thousand dollars from harness racing. I think we have heard in the Senate today, substantial evidence that we should be extremely hesitant in passing up any revenue. We have passed here today bills that will require many times the amount of money involved here and I wonder whether or not we want to pass up five or six weeks of night racing when the income from that racing would do the things that we in the Senate want done this session. I certainly believe that the bill is a good bill and the motion to indefinitely postpone should not prevail.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I want to go along with my fellow Senator, Senator Crosby in the indefinite postponement of this bill. He spoke of the agricultural fairs. We did have in our county a fine agricultural fair for years. Now we have a racing meet instead; nothing else. If you can imagine holding an agricultural fair in Aroostook County in July when the snow isn't off the ground up there yet, we are not going to have very good products to present to that fair. I think this is just another step in the wrong direction and I, for one, hope that the motion to indefinitely postpone prevails.

Mr. NOYES of Hancock: Mr. President just one point, as to the fairs being held in July. There is another bill which provides for the fairs to have the same percentage of take as in this bill, and the counties that hold their fairs will not be interfered with in any way.

Mr. ELA of Somerset: Mr. President, as the third member of the Taxation Committee which heard this bill I would like to make a few remarks. There are really two essential differences in this bill from the present law. One difference is that it changes the percentage of both the new provision of night harness racing and changes the percentage of the fairs. I was the sole member of the committee who thought that 12% was enough for

the total take. I did go along with the two percent increase in the state's share.

The other essential difference is that for a period of six weeks, not for the whole month of July, and two weeks in June, but for a period of six weeks next preceding the last Saturday in July, night harness racing would be permitted.

We have many very fine fairs in Maine. Franklin County has an excellent one and Somerset County has what we believe is one of the best; certainly we believe it is the largest. I would be the last one to do anything which I thought would harm that fair, but I fail to see, outside of some races which we might operate too late, and which is in no sense a fair, I fail to see any way in which night harness racing at a period which does not interfere with any fair date now in existence in the state of Maine, how that night racing will interfere with the agricultural fairs.

For that reason, while I do not intend to insist on my thought that the take should only be increased to twelve and not to fifteen percent,—I do not think that would be wise—but I was so far in the minority I am not going to insist upon it, so I see no reason to believe that this six weeks of night harness racing will hurt the fairs in any way.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, I think I would oppose this bill, although I suppose it is not the proper idea at the present time, in the light of morals. I believe there are some valuations in life that go beyond the dollar. I don't feel it is any worse to bet on horses at night race than it is at a day race, at a fair or at a track conducted wholly for personal gain. The only thing is, in the history of the country, racing at one of these tracks has been a great deal different than racing at an agricultural fair in the State of Maine so for that reason I believe that as thinking citizens and Senators in the State of Maine, we should oppose this particular type of bill.

I was interested in an item in the current Life magazine for May 5, 1947. I never looked on Life magazine as a crusading magazine or one that went too strongly into the moral conduct of our citizens. I had placed on your desks this afternoon this magazine containing

this article: "The Racing Racket. Though millions of citizens try, nobody can win on the horses except track-owners, crooked horse men and grafting bookies." I won't try to read it all but it says: "A good race track, thanks to the pari-mutuel system of betting, is much more valuable today than a gold mine." This article features these points: "How the owner of a big Long Island racing track makes a quarter of a million dollars from admission fees, how the political machine and police, prosecuting attorneys and sheriffs protect bookies from the law, why the public never knows which jockies are trying to win, how a track official will look the other way when the public is robbed in a fixed race. I mention those things. I think someone might point out that that is not the type of race or track we would have in Maine and I am inclined to believe it wouldn't be at the start but there is no question but what it would work into that type of race within this state. And this article explains why, and the type of advertising they have put out: "The Turf Club in California is in business only out of love for dear old California." One ad headed, "Little Red Schoolhouse," pointed out that the Turf Club was especially proud to be the source of state taxes for education. Apparently that is one of the reasons we wish to pass this bill at this time, to educate the children of the State of Maine. I think the track might educate many of our young people in a way we would not wish.

"Bookmakers in the aggregate make even more money than the track. The odds in horse racing are so stacked against the bettor that almost everybody who wagers on the horses over a period of time loses steadily and heavily."

I think probably some of us who have observed the fairs in the State of Maine and the races conducted would agree that that statement might contain some truth. There are a lot of other points here as to why we shouldn't allow this bill to become a law. I will mention this paragraph: "All the exorbitant profits of horse racing—from the enormous dividends of the track owners to the million-dollar bank accounts of some bookies, the graft of the police and political machines and the spoils that inspire gang murders—are squeezed out of the

little fellow, the man who likes to play the ponies for fun in the hope of winning a little."

I think the experiences of these other race tracks throughout the country would in a small way be duplicated in the State of Maine.

Another article in the Saturday Evening Post of August 17, 1946 is entitled, "Is Horse Racing Good for a Community?" It says in part, "When a race track moves in and gambling is legalized, what happens to a city's economic and moral structure? Consider this case—Camden, New Jersey." That is what the article is about. I was speaking with the sponsor of the bill this afternoon and he asked why I opposed it and I said, "Because I am always against gambling and this, as we all know, is the best gambling device that has been presented at this session of the legislature," and of course he agreed.

I don't know as I should read this article or take too much data from it. It tells the story of a soldier returning from his duties in the Pacific and he saw a long line of folks at a window cashing in their war bonds. He didn't think much of the idea but the article went on to explain that Camden, New Jersey was as patriotic as any city in the country, but this was a different situation, "This was July, the horses were running at the Garden State Track only three miles from the center of the town and enough folks to make the point stick were afflicted with severe cases of the financial short, an occupational disease endemic in horse players. The impact of a race track and legalized gambling on economic, social and moral structure of a community is a national problem that will command increasing attention."

I was impressed with what the Mayor of Camden had to say about this big time gambling. Mayor George E. Brunner who was in the plumbing business before he was elected mayor states: "Racing will ruin Camden when normal conditions return. We haven't felt the effects of it yet because there has been so much loose money floating around. The track was built during the boom and everybody was making money hand over fist. A fellow could blow the month's rent at the track and get even with himself the next week by working over time. But payrolls are shrinking,

jobs will be scarcer, and it is a cinch the little suckers, the guys who get their brains knocked out will feel the pinch. I am not a reformer or a crusader. I like to go to the track and bet on a horse myself. Looking at it from the civil-liberties angle I wasn't opposed to Garden State at first. I've found out what a boner that was."

I think it may be, members of the Senate, if we do not go along with the motion of the Senator from Franklin that we may find out what a boner we have pulled this afternoon and from the moral standpoint for the people of the State of Maine and considering what the history of racing has been where it has continued over a period of time I think it is a reason why this should be voted down today.

True, it may be no worse to have six weeks of racing than a week but I think you all know what the conditions are in a city or town when a fair is going on, that even before it has started and up to two weeks afterwards and maybe longer, it is all the interest in that town, thinking of betting on the horses. The Agricultural part of the fair is forgotten, as has been stated this afternoon. I think, Senators, we can do nothing stronger or better for the well-being of the people of the State of Maine this afternoon than to go along with the Senator from Franklin County.

Mr. DUNBAR of Washington: Mr. President and Senators, I want to say seriously that I did not intend to speak on this measure until I made up my mind a few minutes ago. I want to go on record as being in favor of the bill. When my good friend from Penobscot, Senator Welch, stated this moral issue, I failed to see it. We have legalized in this state, pari-mutuel betting and it has been going on now for fifteen years or more for a guess and I have never heard any sentiments so far expressed against it.

If this bill was in any way going to affect the fairs of Maine I would oppose it but it is not going to affect the fairs of Maine. In my opinion it is going to be a help to the fairs of Maine. The races will be conducted during the last fifteen days of June and during the thirty-one days in July and then the fairs come along. At that time we will have had six weeks of racing and training of horses in this state in

night racing and then the fairs start and those horses won't then be taken out of Maine, they will be split up and taken around to the different fair circuits and they will race there.

Morals? I remember in the session of 1943 I was a member of this Senate and I had the distinction of debating and carrying through this branch and later through the other branch of this legislature, the right to race horses on Sunday in Pembroke in the County of Washington and that was all I could hear around here those opposed to it saying, "Morals." Why the people of Pembroke and that vicinity will be ruined if you permit such a thing." It is true we don't have pari-mutuel betting and it is true the admission fee is fixed by law at thirty-five cents each and they have been running those races down in Pembroke, Maine and I think it is the only place in the United States where you can race horses legally on Sunday.

Since that time, since 1943 there has been no scandal. It has been good, clean, wholesome sport and no one has been ruined by it. As I said at that time, they have built up their track and their grandstands they have improved their horses. At that time they had been racing horses down there legally for a year or more and as I said to the Senate in the debate in 1943, the fastest heat they traveled was four minutes but now they have improved. The last I heard last summer they had trotted a heat down there in 2:20. If the good Senator from Franklin, Senator Crosby is afraid of not being able to get horses, we have some down in Pembroke, Maine, all trained and ready to go to the fairs when he needs them. Let's forget the moral end of it. Pembroke is all right and the vicinity is all right and Washington County is all right and we have been racing horses on Sunday since 1943.

Mr. SAVAGE of Somerset: Mr. President and fellow members of the Senate, the Skowhegan Fair Association is unanimously against this bill. A great deal of their opposition disappeared when the month of August was eliminated from the time for this night racing. However, they take the stand that this is the beginning of the end of the Maine Agricultural Association. They say now that these fairs will not longer be agricultural

associations, but will be just race meets.

The second objection is as to the take. They feel if the take is raised to fifteen percent it will hurt the fairs, that the law of diminishing returns will come in there and neither they nor the State of Maine will acquire any more revenue than they have in the past. However, I am taking the stand that I must vote against this bill at this time. If the bill reaches the stage for final passage and you in the Senate feel that the bill ought to pass, I will not vote against the emergency.

Mr. CROSS of Kennebec: Mr. President, I would like to reassure the Senator from Penobscot, Senator Williams as to his worry on the morals of the people in the State of Maine. I have been assured by several Senators that if this bill passes, it will ruin pari-mutuel betting in the State of Maine. Their argument has been that the State of Maine taking 15% will deter people from betting on the races. They say that if anyone realizes that they are going to lose thirty cents out of every two dollars they put up, they will not bet. Therefore, I think we had better vote for the bill and thereby we will improve the morals of the people of the State of Maine, so I am going to vote for the bill.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I would like to say just a word here in support of the committee report on this bill. There has been a lot of talk here about agricultural fairs and I think I am pretty well qualified to speak on them. The first fair I ever attended was when I was about six year old and lived in Oxford County, at South Paris. Families used to come in by buckboard loads and stay all day. I probably wasn't old enough but I venture to say there was a little betting on the side on the horse races.

My next association was when I moved to Houlton and I remember back in the 1920's when horse racing in Aroostook was in its heyday when Presque Isle had its John R. Braden. There never has been a better horse. Houlton had a great horse, Jackson Grattan. The only trouble with him was you couldn't get him to turn. Caribou had a good horse, Roy Grattan, the brother of Jackson, and they used to

have some wonders that they sent across the border and we had wonderful race meets. They used to close the stores and go up to the fair grounds in Houlton and go up to the meet. Then I went to law school and came back in the very late 1929's and shortly after that I was made treasurer of the Houlton Fair Association and at that time we were struggling along financially and finally in 1933 we went under but I don't attribute that in any way to the horse racing one way or the other. People got used to going off in cars and just didn't attend the horse races and then too, the only horse in those days was John R. Braden, by the way, the best horse I have ever seen.

I don't believe this bill would hurt the agricultural fairs one bit. As a matter of fact I think it was the withdrawal of the month of August that has helped the agricultural fairs.

During the last session of the legislature we put through a seed potato program down here. Many in my county were opposed to it but we became convinced if you improve the seed at the top and continue to improve it you would improve it at the bottom. A race meet such as this bill would make possible would bring in good horses and encourage the owners to raise good horses and race them and keep them in trim so it seems to me the agricultural fairs would benefit by it rather than be hurt by it.

I don't believe from what I have heard today and before that there are any agricultural fairs held during July. Certainly if there were this main feature of the agricultural fairs, the getting of the farmers to improve their products and put them in competition with others, wouldn't go over very strongly because they are not ready for exhibition at that early date.

So far as the moral issue is concerned, I agree with Senator Dunbar. Before I became treasurer of the Houlton Fair Association, I used to usher in the grand stand and I venture to say there was as much betting going on then as there is now in fairs of equal size, but the state was not getting a nickel of it. It was all going to the bettors. I think this bill in these trying times of ours will raise money.

There was an elderly gentleman in Franklin County who said to Louise Dickenson Rich, the Maine author, "You know there are only two kinds of people in the world, the good and the bad. The trouble is the good decide which is which."

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I think I owe a little explanation to the Senate for some remarks I made a few minutes ago about our fair being changed from an agricultural fair to a race meet. What I meant was that up until the war, the Northern Maine fair was held the first week in September. At that time we had a fine display of agricultural products and livestock along with some good racing. Last year they told us in order to have a good race they had a race meet but we had no fair.

The same thing is going to be true this year. The plan is set up for the first week in August and as I said before, there will be no agricultural fair, it will simply be a horse race and I do hope that the motion of Senator Crosby prevails.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Crosby that the Senate indefinitely postpone consideration of the committee report.

A division of the Senate was had.

Fourteen having voted in the affirmative and seventeen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Haskell of Penobscot, the Majority Report "Ought to Pass in new draft as amended" was adopted, the bill was given its first reading and Committee Amendment A was read.

Mr. WILLIAMS of Penobscot: Mr. President, I move that the report and accompanying papers be laid upon the table pending consideration of Committee Amendment A.

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

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

Thereupon, Committee Amendment A was adopted in concurrence and the bill was given its first reading and under suspension of the rules, was read a second time.

Mr. Williams of Penobscot presented Senate Amendment A and moved its adoption.

Senate Amendment "A" to H. P. 1730, L. D. 1460, Bill "An Act Increasing the Share of the State in Pari Mutuel Pools."

Amend said Bill by striking out all of the Emergency preamble.

Further amend said Bill by striking out all of the Emergency clause.

Further amend said Bill by adding at the end thereof a new section to be numbered 7 to read as follows:

'Sec. 7. R. S., c. 77, §12-A, additional. Chapter 77 of the revised statutes is hereby amended by adding thereto a new section to be numbered 12-A, to read as follows:

'Sec. 12-A. Night harness racing; local option. The provisions of this chapter relating to night harness racing shall not be effective in any city until the municipal officers of a city so vote or in any town until an articles in a town warrant so providing has been adopted at any annual or special town meeting. When a city or town has voted in favor of adopting the provisions of this chapter relating to night harness racing said provisions shall be effective until repealed in the same manner as herein provided.

The municipal officers of cities shall take action upon the acceptance hereof upon receipt of a petition therefor signed by at least 100 registered voters in said city and shall hold such public hearings thereon as they may deem necessary. The selectmen or other municipal officers of towns shall insert an article in the warrant for the next annual town meeting for the acceptance of the provisions of this section after receipt of a petition therefor signed by at least 25 registered voters of said town.'

Mr. NOYES of Hancock: Mr. President and members of the Senate, I oppose this amendment for two reasons. That part which strikes out the emergency provision would not allow night racing this summer and we would lose revenue. If we are going to have night racing, we might just as well have it in this month of June as a year from June. That part of the amendment relative to the municipal officers giving licenses or one hundred registered voters approving of it would simply kill the bill. For those reasons I move that the amendment be indefinitely postponed.

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

ate, the remarks of the Senator from Hancock regarding the emergency enactment, depend on whether or not he has the votes to enact it. The other feature was this: On everything else we allow local option today, we allow home rule. Why not allow the people in the town or city that are going to have this race track to vote on whether or not they want it. Are we going to take away that right? The reason I asked to table this bill a few minutes ago was so that we might talk over this amendment and see whether it was agreeable to the opponents of this measure. But you forced me to present it and I didn't have the chance to discuss it with these folks. As far as taking away the emergency enactment is concerned, I do believe we should allow local option. Are we going to force a bill of this type on the communities of the state?

Mr. HASKELL of Penobscot: Mr. President, I think it is important to remember that in our present status, if I am reasonably correct, we do not provide for local option for race meets in any community in this state. I think the reason we don't is that we have complete confidence in our racing commission. This bill gives to the racing commission, complete authority to decide whether or not any person shall have a license to operate a meet just as they have that same right to issue a license in any community that is now enjoying harness racing. Certainly it is inconsistent to put in this bill the thing that does not exist in any other community that has harness racing in this state.

Mr. CROSBY of Franklin: Mr. President, I believe at this present time in our racing in the fair associations that it is left up to the associations if they want pari-mutuel they have it. And if they don't, they hold their fairs without it. It seems to me only fair to any community in the State of Maine to give them the right to vote on this bill as much as it is to give them the right to vote on having a liquor store or beer parlors or what have you.

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

A viva voce vote being doubted, A division of the Senate was had. Eleven having voted in the af-

firmative and eighteen opposed, Senate Amendment A was not adopted.

Thereupon, the bill in new draft was passed to be engrossed as amended by Committee Amendment A in concurrence.

Mr. CROSS of Kennebec: Mr. President, I move that the Senate recess until seven o'clock Eastern Standard Time.

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

On motion by Mr. Cleaves of Cumberland, 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 earlier in today's session pending motion by the Senator from Piscataquis, Senator McKusick, that the bill be indefinitely postponed.

Mr. DUNBAR of Washington: Mr. President, I hope that the motion of the Senator from Piscataquis, Senator McKusick does not prevail and when the vote is taken, I ask that it be taken by a division.

A division of the Senate was had.

Fifteen having voted in the affirmative and sixteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Cleaves of Cumberland, the bill was passed to be enacted.

On motion by Mr. Cross of Kennebec,

Recessed until seven o'clock this evening, Eastern Standard Time.

The Senate was called to order by the President.

From the House

Out of order and under suspension of the rules:

Report "A" from the Committee on Military Affairs on Bill "An Act Providing for the Payment of a Bonus to Maine Veterans of World War II and to Provide for the Payment Thereof by Running Horse Racing and Dog Racing," (H. P. 1578) (L. D. 1227) reported that the same ought not to pass.

(Signed)

Senator: SAVAGE of Somerset Representatives:

JENNINGS of Strong
ROBBINS of Houlton

JORDAN of South Portland

PAYSON of Union

Report "B" from the same Committee on the same subject matter reported the same in a new draft (H. P. 1736) (L. D. 1478) under a new title, Bill "An Act Providing for the Payment of a Bonus to Maine Veterans of World War II and to Provide for the Payment Thereof by Running Horse Racing," and that it ought to pass.

(Signed)

Senators: BATCHELDER of York
DUBE of Androscoggin

Representatives:

COUSINS of Fort Kent
MUSKIE of Waterville
STEARNIS of Hiram

Comes from the House, Report "B" read and accepted, and the bill in new draft, passed to be engrossed.

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

The Committee of Conference 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) reported that both branches recede from their former positions and pass the bill to be engrossed as amended by House Amendment "A" submitted herewith.

Comes from the House, report accepted, and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, the report of the Conference Committee was adopted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Payment of Fines and Costs and the Salary of the Judge of the Municipal Court in the Town of East Livermore, now Livermore Falls," (H. P. 950) (L. D. 555) reported that the Senate recede and concur with the House in passing the bill to be engrossed without amendment.

Comes from the House, report accepted.

In the Senate, the report of the Conference Committee was adopted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Salary of the Judge of the Lisbon Municipal Court," (H. P. 186) (L. D. 134) reported that the Senate recede and concur with the House in passing the bill to be engrossed without amendment.

Comes from the House, the report accepted.

In the Senate, the report of the Conference Committee was adopted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Charter of Winthrop Water District," (H. P. 1640) (L. D. 1324) reported that they are unable to agree.

Comes from the House, report accepted.

In the Senate, the report of the Conference Committee was adopted in concurrence.

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

(In Senate on April 30, passed to be engrossed as amended by Committee Amendment "B".)

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

In the Senate, on motion by Mr. Murchie of Washington, the Senate voted to recede from its former action whereby the bill was passed to be engrossed and to further recede from its action whereby it adopted Committee Amendment B; House Amendment A to Committee Amendment B was read and adopted in concurrence, and the bill as amended by Committee Amendment B, as amended by House Amendment A thereto was passed to be engrossed in concurrence.

Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue." (H. P. 1742) (L. D. 1489)

(In Senate on May 6, 1947 passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Comes from the House, that body having receded from its former action, and the bill passed to be engrossed as amended by Senate Amendment "A" and by House Amendments "B" and "C" in non-concurrence.

In the Senate:

Mr. CROSS of Kennebec: Mr. President, I move that the Senate recede and concur with the House in the adoption of the amendment.

Mr. MORRILL of Cumberland: Mr. President, I move the indefinite postponement of this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Cross, that the Senate recede from its former action whereby the bill was passed to be engrossed.

A viva voce vote being had,

The motion to recede prevailed, and House Amendment B was read.

Mr. CROSS of Kennebec: Mr. President, I move that the bill lie on the table for five minutes while we recess and inspect this amendment.

A viva voce vote being had,

The motion prevailed and the bill was laid upon the table pending adoption of House Amendment B.

The Committee on Appropriations and Financial Affairs on "Resolve, to Provide Funds for Construction and Improvement of Bangor Airport in Old Town," (H. P. 1642) (L. D. 1328) reported that the same ought not to pass.

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

In the Senate:

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this bill asks for an appropriation of but \$35,000. I point out the modesty of \$35,000 compared with the apparent deficiency of \$9,488,000 we already have in front of us.

The problem that exists in the city of Bangor is this: Dow Field has an army installation that includes one of the largest airports in the east. We have enjoyed the service of a commercial airline in Bangor for the last 14 years and we have been the terminal from which service has been extended to Moncton, Houlton and Presque Isle. The army has insisted that the commercial airline in the city of

Bangor cease as of June 30th. Bangor people are continued hopeful that the army will rescind that order and permit the continuity of commercial service. So far they have refused to permit that. The only alternative of the continuity of commercial airline service for northeastern Maine is an alternative landing field in Old Town. To accomplish it requires a \$120,000 expenditure. Bangor officials have been assured that the federal government will contribute half of those funds. The county and city are willing to contribute \$25,000 and the bill asks the State to contribute \$35,000 of the \$120,000.

It is not a Bangor bill and not a Penobscot County bill. It is a bill to permit Piscataquis County and Penobscot County and Hancock and Washington counties to continue to have commercial airline service, and I think it is also a bill that will permit Aroostook County to continue to have reasonable commercial airline service, and I hope the Senate concurs with the action of the other branch in substituting the bill for the report.

The motion prevailed and the bill was substituted for the "ought not to pass" report of the committee in concurrence. Under suspension of the rules the bill was given its two several readings and passed to be engrossed in concurrence.

The PRESIDENT: The Chair notes the presence in the Senate Chamber of Honorable John Ward, Speaker of the House of Representatives and asks the Sergeant at Arms to escort him to the rostrum where he may occupy a seat at my right. (Applause)

On motion by Mr. Cross of Kennebec, recessed for 5 minutes.

After Recess

The Senate was called to order by the President.

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

Mr. HASKELL of Penobscot: Mr. President, I move that the Senate adopt House Amendment B in concurrence.

A viva voce vote being doubted,

A division of the Senate was had.

Eighteen having voted in the affirmative and six opposed, the mo-

tion prevailed and House Amendment B was adopted in concurrence.

Thereupon, House Amendment C was read and on motion by Mr. Haskell of Penobscot, House Amendment C was adopted in concurrence.

Mr. Ela of Somerset presented Senate Amendment B and moved its adoption.

Senate Amendment B to L. D. 1489. "Amend said bill by adding at the end of Section 5 thereof, the words 'as of December 31, 1947.'"

Mr. ELA of Somerset: Mr. President and members of the Senate, this is simply to correct an error in the bill. The intangibles were left for a certain period of time without taxation, and this makes the tax go off on those at the same time it goes on under the income tax.

The motion prevailed and Senate Amendment B was adopted.

Mr. MORRILL of Cumberland: Mr. President, I now move the indefinite postponement of this bill.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I oppose the motion of the Senator from Cumberland, Senator Morrill, for substantially the same reasons that I expressed in hoping this bill could be kept alive this morning. Since that time we have heard some indication that the other body had committed some major surgery on another substantial bill to solve the problem we face in this legislature.

Also since this morning we have had the Committee on Appropriations and Financial Affairs present to us a new summary in which, without too much modesty, they indicate the fact that there is \$9,500,000 on the table here in the Senate and since the reception of that report the action of this body has piled this table up with about \$10,000,000 of major expenditures.

I fail to hear many words of opposition to measures put on the table here this afternoon, and if we do face this problem of \$10,000,000 and if we do face the additional problem of \$2,000,000 in basic deficiency in L. D. 1475, the appropriation measure, and if as the Chairman of the Appropriations Committee told you this afternoon there is strong likelihood at least, that income from liquor revenue may be over-estimated by another million dollars I wonder if you can depend upon the other revenue measure, cut in half as I am told it has been, to solve this problem. I wonder

whether at this stage you had not better hold onto this second revenue measure that you may badly need if you face any such problem as these summaries show you are likely to face. If there is strong opposition to a 2% sales tax you have the choice of taking a 1% sales tax plus some odds and ends, and I am of the firm conviction that previous legislatures have attempted to finance the general fund too long on odds and ends and you may well receive two basic tax measures before you acknowledge these appropriation measures that you seek to have passage.

Of course, without exception, the members of this Senate have bills they want to have passed in this legislature. Few of us want to kill the teachers' bill certainly. Few want to kill the appropriation bills that make up the total of \$10,000,000. Few want to deny the basic educational requirements, and that will add another \$2,000,000 to the basic appropriation bill; and few want to go home with the feeling that the liquor revenue is overestimated by the tune of a million dollars. So if you are facing any such appropriation problem as that and if you are faced with the fact that another branch of the legislature wants to limit you with \$3,500,000 that can come from the present sales tax, where are you going to end up with a balanced budget? I am sure it would be an error at this time to kill the income tax bill.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate, in support of my motion to indefinitely postpone this bill I am fully cognizant of the fact that we have piled up on the table a large number of appropriation bills. So far I think the Senate has failed to have a major argument on whether or not we are going to take a stand on economy in the State and pass some of the bills or whether we are going to pass them all and try to raise enough taxes to pay for all of them. It is my opinion if we can pass the one percent sales tax we will realize enough income so we can pass the major proportion of the appropriation bills and make the cloth to fit the pattern of the tax, rather than make the tax fit the pattern of the appropriation.

I also feel if we have one issue before us, speaking as the legislature as a whole, we can concentrate

on that one issue and arrive more efficiently and ably at a decision than we can in the state that confronts us now with two issues before us.

I hope the motion will prevail.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, if I were in the water over my head and could not swim, and had a log to hang on to, I would keep hold of it and keep kicking at least until I got to shore. I would not push it away and sink. We are in the water over our heads on these appropriation measures that may be passed, and this particular bill is a log that we should hang on to a little while longer simply as a procedural matter. The same motion that the Senator from Cumberland, Senator Morrill has made can be made at the time of final enactment of the bill. If we pass it to be engrossed it will go over to the House for enactment and then it will come back here again. I don't think we ought to push the log away just yet, and I hope the motion will fail.

Mr. MORRILL of Cumberland: Mr. President, when the vote is taken, I move that it be taken by a division.

Mr. HASKELL of Penobscot: Mr. President, I hesitate to speak a second time on this, but I would like to comment on the fact that the argument presented by Senator Morrill is a problem that has been in my mind since we came here on New Year's Eve, and that is, which comes first.

I have a sincere conviction that the members of this Senate had better come in here tomorrow morning and do some killing before we kill these revenue measures. If you have the desire to practice economy, come in here tomorrow morning and do some killing of the things that are on the table instead of killing the vehicle by means of which you can get out. If that is what we want to do, let's take some of these bills off the table and start killing them as they come along and then determine what we want for revenue measures.

I am certainly not convinced that the right procedure is to kill the revenue measure and then start in lobbying to see whose babies are going to die. Let us come here tomorrow morning and get down to economy if you really want economy

and then let's decide the tax measure to fit the situation but let's keep the tax measure alive until you and I have the courage to kill the measures calling for appropriation. To me, that is sound sense.

Mr. ELA of Somerset: Mr. President, I think I have the courage to lay some of these bills aside which we cannot afford. I think my votes have shown that consistently. I have not had much luck that way. I think perhaps the only way people who are prudently minded can prevail is to do just as we are trying to do now and kill some of the revenue measures and then we can fit the cloth to the pattern.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I told you this morning very briefly how I feel about the income tax and I was willing to bury the bill at that time. We have got it all dressed up now with amendments and I have no objection to burying it now. As for the argument that Senator Haskell advanced, I can't see one bit of difference whether we kill the tax bills first or last. I know there is a feeling by those who have appropriation bills, that as long as there is a possibility of having those bills enacted, they are going to hang on to their bill. It is the idea here to keep the bills alive and move them along until we see what is going to happen. I think it is high time to see what course we will follow and I hope the motion will prevail.

Mr. CROSS of Kennebec: Mr. President, I think you all know my personal feeling on an income tax. I think it is a much fairer method of producing revenue than the sales tax, but be that as it may, I concur heartily with the remarks of the Senators from Penobscot and from Aroostook. I have seen too many times in a legislature, revenue bills tossed away which two days later the legislature would give anything to revive, and I heartily endorse the remarks of Senator Haskell and would again remind you that the Senate always has the last word and anything which we may wish to do tonight upon this bill in the matter of postponing it, can just as well be done tomorrow or the day. I hope the Senate will see fit to keep this bill alive at least another day or so.

Mr. NOYES of Hancock: Mr. President, in answer to Senator

Cross, if we indefinitely postpone this bill tonight and two days later we so wish, we can still revive it.

Mr. LEAVITT of Cumberland: Mr. President, I wish to concur with Senator Cross and Senator Haskell in keeping this bill alive. I think it would be a great mistake to kill it tonight.

Mr. CROSS of Kennebec: Mr. President, I would like to remind Senator Noyes that it probably would take a two-thirds vote to reconsider our action after twenty-four hours, and that might not be so easy to do.

Mr. NOYES of Hancock: Mr. President, just a reminder to the Senator from Kennebec, that it would also take a two-thirds vote to get any tax measure through the Senate, that is any good.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Morrill that the bill be indefinitely postponed, and that Senator has asked for a division.

A division of the Senate was had.

Thirteen having voted in the affirmative and sixteen opposed, the motion to indefinitely postpone the bill did not prevail.

Thereupon on motion by Mr. Haskell of Penobscot, the bill was passed to be engrossed as amended by Senate Amendments A and B and by House Amendments B and C in non-concurrence.

Sent down for concurrence.

From the House

Out of order and under suspension of the rules:

The Committee on Taxation on Bill "An Act Relating to Tax on Cigarettes," (H. P. 635) (L. D. 415) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report, and passed to be engrossed as amended by House Amendment "A"

In the Senate:

Mr. NOYES of Hancock: Mr. President, the committee reported this bill "ought not to pass" with the feeling and realization a cigarette tax would not yield sufficient revenue to meet the expenses of State government. However, the bill has been substituted for the report and sent to us, and I find that the bill fails to provide an effective date, which should be corrected. I also note that the bill does not

carry an emergency clause, and as I have stated repeatedly before the Senate, I believe any measure to be effective must have an emergency provision. I move that we substitute the bill for the report and if it prevails I will offer Senate Amendment "A".

The motion to substitute the bill for the report prevailed. House Amendment "A" was read.

Mr. BISHOP of Sagadahoc: Mr. President, just a word of explanation in regard to this amendment. Any revenue producing measure must originate in the house. This bill was on the table in the house with an "ought not to pass" report of the committee. The amendment you have before you is my amendment. I have worked on it quite a little time and it proposes only a few minor changes but very effective ones. It adds another mill to the cigarette tax. That would not be justified in itself as the bill was originally drafted, but I have had added to that, cigars and other tobacco products. The cigarette tax measure, tax law, now provides \$2,110,000 annually which is earmarked for old age assistance. Another mill from cigarettes or two cents per package will double this amount because as we proved four years ago there was no decrease in the consumption of cigarettes. There is no justification either in taxing cigarettes without taxing the lordly cigar. The one cent on cigars is on the same basis as the two cents per package on cigarettes and in the bill, if you will look in the last document in your file, you will find on page 4 that 20% of the value of other tobacco products is added here.

I took for an example the State of New Hampshire which has a tax on cigars and a tax on cigarettes and on packaged goods. The argument has always been that it is too difficult to collect a tax on cigars and tobacco products. That is not the case. It does take a few more denominations of stamps but there is no reason why the same machinery that collects the cigarette tax should not collect the cigar tax. The State of New Hampshire collects about 11% on tobacco tax revenue from packaged goods, so with \$2,110,000 that exists at the present time, if it is doubled it would be \$4,220,000 and 11% of that is approximately half a million dollars which would give a

total of something over \$2,600,000 of additional revenue.

The rest of the bill is the same as the tax law except at the very end there is a change in the earmarking of these funds. At the present time the cigarette tax money goes for old age assistance. This amendment to the original bill provides that one half of the total revenue from tobacco products and cigarettes and cigars will go for old age assistance thereby making an increase of something over a quarter of a million dollars which is needed, and the other half will go to the State to be allocated to the towns to establish minimum salaries for teachers, and it will be another approximately two and a quarter million dollars. I don't think anyone wants to see the teachers' bills fall by the wayside. I think it is one of the primary measures before this legislature and if the future success of our State of Maine. Next year it is estimated it will take \$1,400,000 to take care of teachers' salary bills. The next year it will be \$2,000,000 and each year it will crawl up a little bit and eventually catch up with the excess revenue we have established in this bill.

I don't think it needs any time limit and no emergency clause. I cannot see any reason why there should be a referendum on this tax bill. If they want to put on one, I have no objection. This briefly explains the contents of the bill before you.

The PRESIDENT: The question before the Senate is on the adoption of House Amendment A.

Thereupon, House Amendment A was adopted in concurrence.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I should apologize to the Senator from Sagadahoc. I did not know that this was his amendment but I have this amendment prepared which is Senate Amendment A to House Amendment A and I move its adoption. The amendment simply states the effective date of the act to take effect on July first and makes it an emergency measure.

Thereupon, on motion by Mr. Noyes of Hancock, the Senate voted to reconsider its former action whereby House Amendment A was adopted, Senate Amendment A to House Amendment A was adopted without further reading.

Mr. ELA of Somerset: Mr. President, I too wish to apologize to the Senator from Sagadahoc, Senator Bishop. I did not know it was his amendment but there was not much time for the preparation of amendments. I offer Senate Amendment B to House Amendment A and move its adoption.

Senate Amendment B to House Amendment A to L. D. 415. "Amend said amendment by striking out all of that part designated Section 205 of Section 16 thereof and inserting in place thereof the following: "Section 205. Allocation of Tax. The revenue derived from the provisions of Sections 186 to 205 inclusive shall be credited to the general fund of the state.

Mr. ELA: Mr. President and members of the Senate, if we are going to have this tax, I thoroughly believe the funds should accrue to the general fund of the state and not be earmarked for any particular usage. If you add to the present cigarette tax an undetermined amount of taxes from cigars and tobacco, it might well be that you will produce more funds than will be needed for Old Age Assistance, and further, if the other half of the money should be earmarked for schools and to establish minimum salaries for teachers, I don't feel that it is necessary. If the bill has sufficient funds to merit its passing, funds will have to be appropriated for it anyway. We have been continually struggling to get away in state finances from earmarking funds and I believe we should do so in this measure.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, that the Senate adopt Senate Amendment B to House Amendment A.

The motion to adopt Senate Amendment B to House Amendment A prevailed.

Thereupon, House Amendment A as amended by Senate Amendments A and B thereto, was adopted and under suspension of the rules, the bill as so amended was given a second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table, Bill, An Act Creating a State Forest Commission (S. P. 522) (L. D. 1423) tabled by that

Senator on May 1st pending consideration of Senate Amendment "A".

Mr. MURCHIE of Washington: Mr. President, being a particular individual in this Senate who quarreled with the bill that was the forerunner of the present measure, which was L. D. 1163 and the new draft in 1495, I want to state I have no particular quarrel with the bill except in one line in section 1 that says the commissioner shall be a "qualified graduate of a recognized forestry school and who has adequate experience to handle the forestry problems of the state of Maine". In order for this to be clarified I offer Senate Amendment "B" to Senate Amendment "A" and move its adoption:

The Secretary read Senate Amendment "B" to Senate Amendment "A":

"Senate Amendment 'B' to Senate Amendment 'A' to L. D. 1423. Amend said amendment by drawing a line through the words 'B.A.' in the third line of that part designated section 1 of section 1 thereof. Further amend said amendment by striking out the underlined words 'qualified graduate of a recognized forestry school and shall' in the fifth and sixth lines of that part designated section 1 of section 1 thereof.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, as you know, I have been interested in this forestry problem for some time. This amendment does not do what we want the new bill to do. Now, in the first place, under the new draft we are putting the forestry commissioner under the State of Maine so that he may direct the duties of his office in a manner that is in accordance with his profession. The second thing, we have purposely put into this that the appointee of the governor and council for forest commissioner should be a graduate of a recognized school of forestry. We believe this is fair and right and just. We have here in the State of Maine a forestry school at the University of Maine. We should give the boys an incentive to go to that school and learn their profession with the assurance that sometime if they are good enough, they may be in the category that will make them under consideration for forest commissioner of the State. Under the present system a forest commis-

sioner can be any man who is acceptable to the governor and council and acceptable to the forestry district, whoever he may be. Many men, and I can pick them out one by one in the forestry district who know forestry and who are excellent men but who are not men we would appoint as forest commissioner. One thing is knowing forestry and another thing is administering. We must have a man as a forest commissioner able to administer, who is able to analyze men and able to handle men and able to conduct the department along the teachings of his profession, and I move you, sir, that this amendment indefinitely postponed.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I had thought I was willing to go along with the amendment without further amending it, but after talking with Senator Murchie, it occurred to me that if you put this qualification in, or left it in, you would be pretty restricted in the type of man you would permit the Governor and Council to appoint. The way the bill now reads, the Commissioner shall have had adequate experience to handle forestry problems of the State of Maine, forestry school or the Yale forestry school or no forestry school at all, you might have the ablest man in the world and might not be able to appoint him, and therefore, although originally I thought this amendment was all right, I want to go along with this amendment as prepared. The feature of the bill that makes the forestry commissioner answerable to one master instead of half to the state and half to the forestry department I particularly like, and I think the amendment is a good one, if this amendment to it is adopted. I therefore hope that it will be adopted.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, may I call to the Senators' attention again a statement I made last week in regard to the forestry problem which was to the effect that we have in the State of Maine 16,700,000 acres of timber land. The Forestry Committee took a trip by plane and that trip has been smiled upon by some members of the legislature, but it had its purpose which was to show that committee the large expanse of forests which the State of Maine has, and the

problem we have in conserving those forests for future usage. We need a man in the Forestry department who is an administrator who knows his forestry and who knows men, and thank goodness the way we have it lined up, it does limit the appointee of the Governor and Council and that is what we want it to do. We want them to get the very best man that they can to take charge of one of the biggest problems of the state. Our Forestry resources as I have said on several different occasions, are disappearing minute by minute and unless we take cognizance of it now, we will wake up to find we have not the timber or the source of taxation we thought we had.

Mr. MURCHIE of Washington: Mr. President, it is true, members of the Senate that we want the young man to go to forestry schools and be trained in forestry, but in the period when he shall attain the real experience required to qualify him as a forestry commissioner, we certainly need a man who knows the game. Under the present set up our former Forestry Commissioners, men such as Forest Colby or Neal Violed who both did outstanding jobs, such men could not qualify even to take care of the position until a young man was trained. It is the case where a young boy coming from a forestry school could not get into the commissioner work at the start. It has got to be under the guidance of a real forester, somebody who knows of it beforehand.

Mr. CLEAVES of Cumberland: Mr. President, I hesitate to rise again but there is not a man in this Senate, if he is in business, but what has got either a foreman or superintendent under him who is very capable and who knows the business, so far as his responsibility is concerned, from A to Z, but that man may know his business but he may not be able to take the place of any member of this Senate, or take my place in the administration of a department from an executive's capacity.

Mr. HASKELL of Penobscot: Mr. President, I had no intention of speaking on this bill, but will speak briefly. A very good friend of mine, the late James Sewall of Old Town, was probably acknowledged as the leading authority in forestry matters—and I can assure the Senate

that Jim Sewall would not have been qualified under the terms of these provisions, and I also doubt whether the State of Maine would have had money enough to hire Jim Sewall as forest commissioner. But with these provisions you would have wiped out Jim Sewall and the accomplishments he has given to the State of Maine.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Cleaves, that the Senate indefinitely postpone Senate Amendment "B" to Senate Amendment "A".

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

Thereupon, Senate Amendment "B" to Senate Amendment "A" was adopted, and the bill given its two several readings and passed to be engrossed as amended by Senate Amendment "A" and by Senate Amendment "B" thereto.

Sent down for concurrence.

On motion by Mr. Cross of Kennebec

Adjourned until tomorrow morning at ten o'clock.