

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

Wednesday, May 7, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Stanley A. Gould of Saco.

Journal of yesterday read and approved.

From the House

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

Comes from the House, having been recalled from the Governor by Joint Order,—no action taken, as motion to suspend rules, failed.

In the Senate:

Mr. CLEAVES of Cumberland: Mr. President, I am about to ask permission for a motion to reconsider on this particular bill. I want to make an explanation in that this appeared before the House yesterday and was not explained or fully understood. This bill—I am going back a little bit—on page 152 of the laws of 1945, from a bookkeeping standpoint there was set up a normal school reserve account and the amounts left over from dormitory accounts, the surplus, was put into this reserve account.

This bill was originally put in to straighten out from an accounting standpoint so that the monies left over from dormitories, over and above the expenses could be left in there for use in the dormitories. In other words, the dormitories might have a thousand dollars left over at the end of the year and they would like to have it left in there to make such improvements or repairs or anything they might want to do with it right there in the dormitory where the account was kept.

Under the old law that thousand dollars went into the reserve account and could be used for anything. In order to straighten that out, this bill was made up and it passed through the House and the Senate and went to the Governor's office only to find out that from an accounting standpoint it was unworkable. So the House recalled it, but the explanation was not full, so I would like to read to the Senate, a letter from the Controller to the Governor's office in regard to it.

It says here,

"At the present time we have two appropriation accounts on our books for each normal school, which are, a straight normal school appropriation account, and a reserve account. The dormitory account is carried on under the appropriation account for the normal schools. At the year's end, any surplus in the dormitory account is transferred to the reserve account. The wording of the bill says that any surplus shall be retained in the reserve account. Naturally, this cannot be retained in the account if it is not already there. The bill also states all expenditures of funds in these accounts shall be under the direction of the State Normal School and teacher's college board. I believe under the code it would be necessary to have this worded, either, under the direction of the commissioner of education and the state controller, or under the direction of state normal school and teachers' college board, commissioner of education, and state controller. No carrying balance is provided for. Currently we are appropriating \$1,000 to the reserve account set up by Chapter 152, Laws of 1945.

If L. D. 1434 becomes law, there will be two reserve accounts. Each year an appropriation is made for the normal school reserve. To which one will the appropriation go?"

So they have prepared in the Controller's Department an amendment which will straighten this out, and so, Mr. President, I move that the Senate reconsider its former action and I will present the amendment and move its adoption.

The motion prevailed and the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and further voted to reconsider its former action whereby the bill was passed to be engrossed.

Thereupon, Mr. Cleaves of Cumberland presented Senate Amendment A and moved its adoption:

Senate Amendment "A" to H. P. 1708, L. D. 1434, Bill "An Act Relating to State Normal Schools' Reserve Accounts."

"Amend said Bill by striking out the last sentence and inserting in place thereof the following underlined two sentences:

'All balances remaining in the reserve account as of June 30, 1947

shall remain in a separate activity under the reserve and shall be expended for the extension or improvement of the facilities of the respective normal schools and teacher's colleges by the state controller upon approval of the state normal school and teacher's college board. Future surpluses realized from dormitory activities shall be transferred at the end of each fiscal year to the reserve account under a separate activity, and may be expended by the state controller under the supervision of the state normal school and teacher's college board for the extension or improvement of the dormitory facilities of said schools."

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

Sent down for concurrence.

Bill "An Act Relating to Hunting and Trapping Seasons." (H. P. 1722) (L. D. 1454)

Comes from the House, have been recalled from the Governor by Joint Order — no action taken, as motion to suspend rules, failed.

In the Senate, on motion by Mr. McKusick of Piscataquis, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and on further motion by the same Senator, the bill was laid upon the table pending passage to be enacted.

Senate Committee Reports

Mr. Cleaves from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for Capital Expenditures for School Buildings for Town of Limestone," (S. P. 549) (L. D. 1496) reported that the same ought not to pass.

Which was read and adopted.

Mr. Cross from the Committee on Motor Vehicles on Bill An Act Relating to Width of Trucks Hauling Forest Products," (S. P. 425) (L. D. 1212) reported the same in a new (S. P. 551) (L. D. 1499) under the same title and that it ought to pass.

Which report was read and adopted, the bill in new draft read once, and under suspension of the rules was read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to be Enacted

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

Bill "An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon." (S. P. 510) (L. D. 1396)

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

Bill "An Act Relating to Control of Tuberculosis." (S. P. 529) (L. D. 1437)

(On motion by Mr. Williams of Penobscot, tabled pending passage to be enacted.)

Bill "An Act to Increase the Purposes and Powers of Bates Manufacturing Company and to Authorize it to Acquire the Assets of Bates Company." (S. P. 531) (L. D. 1446)

Bill "An Act Relating to Annual Audit of Towns." (S. P. 532) (L. D. 1442)

Bill "An Act Relating to Boards of Registration." (S. P. 536) (L. D. 1457)

"Resolve in Favor of the Maine Distributors, Inc." (S. P. 192) (L. D. 1444)

"Resolve in Favor of Leon Bemis of Farmingdale." (S. P. 540) (L. D. 1458)

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

Bill "An Act Relating to Time of Racing Meets." (H. P. 1509) (L. D. 1108)

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

Bill "An Act to Create the Penobscot Valley Water Commission." (H. P. 1697) (L. D. 1421)

Bill "An Act Relating to the Gasoline Tax." (H. P. 1715) (L. D. 1441)

Bill "An Act Relating to Aid to the Blind." (H. P. 1732) (L. D. 1469)

Bill "An Act Relating to Excise Tax on Motor Vehicles." (H. P. 11) (L. D. 10)

Bill "An Act Limiting the Weight, Length, Width and Height of Motor Vehicles." (H. P. 1194) (L. D. 782)

Bill "An Act to Create a Legislative Research Committee." (H. P. 1646) (L. D. 1332)

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

Bill "An Act Relating to Hunting, Fishing and Guides' Licenses." (H. P. 1728) (L. D. 1464)

Bill "An Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities." (H. P. 1733) (L. D. 1471)

"Resolve in Favor of David Peirce, of Hudson." (H. P. 638) (L. D. 529)

"Resolve to Authorize a Forest Survey for the State of Maine." (H. P. 1047) (L. D. 686)

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

"Resolve to Provide for Repair of Fish Screen at Porter Lake." (H. P. 1574) (L. D. 1217)

"Resolve in Favor of Roby Littlefield, of Ogunquit." (H. P. 1716) (L. D. 1448)

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

"Resolve, in Favor of the University of Maine for Buildings." (H. P. 80) (L. D. 68)

(On motion by Mr. Williams of Penobscot, tabled pending final passage.)

Bill "An Act Preventing Drinking in Public Places." (S. P. 505) (L. D. 1391)

Mr. DUBE of Androscoggin: Mr. President, I move that the bill be indefinitely postponed because I feel that it would take an enormous police force throughout Maine, to try and prevent drinking in public places the way they have it stated on this bill. It is one of the state's biggest revenues and I would like to go on record as being against any form of drinking but this is a vicious bill. As it is provided here, I don't believe it can be controlled and I move for its indefinite postponement.

Mr. MORRILL of Cumberland:

Mr. President, I hesitate to rise again to speak on this bill. I spoke on it at length some time ago, on its passage to be engrossed. I don't think it is a vicious bill. As for the enforcement of it, I read to you chapters and sections from the statutes. There are other laws on our books, bills trying to correct nuisances present in our state, and I feel sure that the enforcement of this bill, that fear of some of the opponents that innocent citizens will be crucified by unscrupulous officers, officers of the law who are indiscreet has no foundation. I

hope Senator Dube's motion will not prevail.

A viva voce vote being had, The motion to indefinitely postpone the bill did not prevail.

Thereupon, the bill was passed to be enacted.

Emergency Measures

Bill "An Act Relating to the North Haven Port District." (H. P. 1680) (L. D. 1386)

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act to Appropriate Monies for the Expenditures of State Government for the Fiscal Year Ending June 30, 1947." (H. P. 1713) (L. D. 1474)

Which bill being an emergency measure and having received the affirmative vote of 29 members of the Senate, and none opposed, was passed to be enacted.

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

(On motion by Mr. Williams of Penobscot, tabled pending final passage.)

Orders of the Day

On motion by Mr. Savage of Somerset, the Senate voted to take from the table bill "An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon (S. P. 510) (L. D. 1396) tabled by that Senator earlier in today session pending passage to be engrossed; and that Senator yielded to the Senator from Hancock, Senator Noyes.

Mr. NOYES of Hancock: Mr. President and Members of the Senate: I move that this bill be indefinitely postponed. I don't think I am springing any surprise on anyone when I make that motion. I want to tell the Senate very briefly why I think the bill should be indefinitely postponed and I hope the proponents of the measure will enter into the debate and explain to me what a good bill this is.

First of all, I will apologize to the Senate for stating here on the floor the other day that this was an increase in the fishing license. I find it is not a fishing license. On page 3 in the second paragraph it says:

"The fee for resident salmon angling license." It is an angling license that we are now talking about, a new kind of license. Now, what is an angler? Perhaps you will say an angler is one who angles. All right, I can see where it is going to be a help to me in certain ways because I do go fishing, and, as I pointed out to my wife last Saturday, I might do some angling. If I think I would like to go fishing and say to my wife, "I think I will take some time out tonight," and I pick up my fishing rod and start out, and if she says, "Are you going fishing?" I would say, "No, sweetheart, I am going angling." That is what the bill says. We are going to have an angling license. So in addition to my fishing license, you can charge me for an angling license. And if that is so, I don't see why you can't charge me for a plugging license when I go plug fishing, that may be \$3 more; and I don't see why you can't charge me for a fly-casting license, that might be another \$3.00. And you could charge me for a bait-catching license if you saw fit, and I can see no end of the licenses to which I will be subjected. I am speaking personally because I probably would be one who would come under the regulations of this measure.

My principal objection, however, to the bill is that we are no doubt going to increase our fishing license fees to \$2.25 and when I buy a fishing license I want a right to go fishing. If I happen to live near a river that has Atlantic salmon in it, if I want to go fishing, I want the right to do so and the vast majority of the people who live in my vicinity feel the same way I do about it.

Now the other day I think I said I didn't think the bill was enforceable. If I were a lawyer, I might tear the bill all to pieces, but I am not; I am just a farmer with hayseed sticking out of my ears. But it says here in the second paragraph of Section A, "The Atlantic sea-run Salmon Commission, hereinafter in this section designated as 'the commission', shall have authority to promulgate rules and regulations for the times, number and manner in which Atlantic sea run salmon may be taken." "Number!" That is interesting. How many salmon do you think an angler would catch in a summer? I have been fishing for the last 5 years and I have failed to catch one yet, so I am not worried about the number part of

it. "In the waters of the state and to designate waters frequented by this species where special Atlantic salmon fishing licenses shall be required."

So I can see that if I go down to Narraguagus River and start fishing and the warden comes along and wants to see my license and I show him my fishing license, he can say, "I don't want that, I want to see your angling license." And then if I contend I am fishing he can say, "No, you are angling, it says so in the law," and I will be subject to pay a fine.

I notice on page 3 it says, "Whoever violates any provision of this section or any rule and regulation promulgated hereunder shall be subject to a fine of not less than \$10 nor more than \$30 for each offense." I may be caught on that one. I have yet to find where the good part of the bill is. I think it is the appropriation that goes along with section 2 on page 3 appropriating \$3,500 for the biennium, and in connection with what the Senator from Penobscot said last night that he thought we had better get together and kill some of these bills off, I am making the first move. There are plenty of things in the bill, if you read it but I can't find a good paragraph in there. This Atlantic sea-run salmon commission is supposed to benefit the salmon fishing and bring in out of state people. Well, following an argument made here the other day these out of state residents do come to Hancock County and want to try some fishing and you are going to charge them \$5 more to fish. They pay \$7 or more for a fishing license so you are going to charge them another \$5 to fish in the Narraguagus River for an hour and a half or so. I wonder if that is going to make them want to come here to fish.

I could talk all day on this bill but I don't intend to unless it is necessary to kill the bill. But let me give you some of the reasons I am against the bill. The proponents of the bill have told me that this is a conservation measure. Well, let's think about it. Fishing for Atlantic salmon and fishing for brook trout have no resemblance whatever. You fellows who have fished know that if you go on a stream open to fly fishing where there are brook trout and you hit the right day and have the right fly you can fish that brook dry and catch the last trout there

is in that brook because trout feed on flies and worms. That is the reason you catch them. Now, what about Atlantic salmon? You all know they come up these rivers, not to fish but to spawn and there isn't one salmon in ten there comes into a river that will ever rise to a fly. Further than that there isn't one salmon in ten that once rising to a fly would ever be landed, and of the hundreds of salmon that come into this Narraguagus River of which I speak hardly more than one percent are ever caught.

Now, why are the salmon there? They are there through an act of God. So a few years ago we had a flood and it took some of the dams out of the river and there were a few salmon that had been going up through the dams but as soon as through obstructions were removed they came up the river and they will continue to do so until you put up a dam there or pass some law that will make the people on that river so disgusted that they will destroy those salmon. I have seen more salmon caught with a hook behind the dorsal fin than with a hook in the mouth. I have seen people throw a line with a hook on it and let it sink and hook onto a salmon—by the way, I have never done it—but they won't rise to a fly. You will see at least a dozen at one time in a pool, no doubt a thousand salmon in there, and not one rising to a fly. And they tell about this being a conservation measure! It is simply a bill to make the fellow who goes out and gets his hands all blistered and marked up with mosquito bites and goes back home and has his supper of biscuits and potatoes and maybe some blueberry sauce and wants a little recreation and goes to the salmon pool with a fly, you want to make him pay \$3. And perhaps he is peeling pulpwood for \$1.50 a cord. Some of you fellows never did that but go out and try peeling pulpwood to earn \$3 a day to pay for an angling license and \$3 more for a fishing license. Those boys don't like that. If we say that this salmon bill is a good bill let's be honest about it. If we want salmon to be rehabilitated so we will have more people coming into the state and taking them out, who is going to get the benefit of it? Is it the fellow I just spoke about or the fellow who runs a filling station or sporting camp or hotel? That is my objection to the bill. You are put-

ting the cost on the fellow who gets the least benefit out of it and I hope my motion prevails.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I hope that the motion of the Senator from Hancock, Senator Noyes, does not prevail. I can't help from feeling as I listened to the debate by the Senator of last week and again today that the real fundamental reason why he is opposed to this bill is as to how it is going to affect him personally. It is a personal matter with him. It is the \$3 angling fee he speaks about that bothers him. Now I have always thought that the Senator from Hancock was a liberal man. He is a native of my own county of Washington. He came from an adjoining town and I knew him as a young man and I thought he was a liberal young man and had developed into a liberal older citizen, but I can not help but feel that he is tight.

Now, I don't go fishing much. I have never fished for salmon and I do little brook fishing. I do like deep sea fishing. I wish this bill could be amended in some way—and if it could be so amended I would be very glad to take the obligation upon myself that during the remainder of my life I would buy an annual license for my good friend, the Senator from Hancock County to angle for salmon. I think his objections are personal.

It is too bad to attempt to mislead the Senators here and attempt to kill what is a perfectly good bill, because of his personal reasons. We ought to rise above that as salmon rise to a fly. I was interested in his definition of angling. I don't know, I haven't had the opportunity to look it up in the dictionary. Angling. I supposed angling was fishing.

I have had the pleasure of meeting the Senator's good wife too, and she is an intelligent woman, and when the Senator from Hancock tells me that he says when he leaves his house at night that he tells his wife, when she asks him where he is going, "I am going angling for salmon." She being an intelligent woman as I know she is, I believe she would say, "Malcolm, now don't try to pull that one on me, because you don't catch salmon at night." So that disposes of the angling end of it.

He tells you about the dorsal fin. I don't believe he could tell you

where the dorsal fin of a salmon is. To be frank with you, I know sharks have a dorsal fin, perhaps the salmon does. He says they have been caught behind the dorsal fin and then he is afraid somebody might think that he caught them that way so he qualifies it by saying he never did. Now that is commendable. He is not that kind of a sport to go out and jig his salmon behind the dorsal fin, and knowing the salmon as I know it, it is a quick, agile fish, and I certainly think the Senator would have serious difficulty jigging his salmon behind the dorsal fin—if the salmon has a dorsal fin.

Then the Senator appealed to your sympathy. He told of the poor pulpwood man who works all day with blistered hands and blood running from his hand and his face and his fingers from being bitten by the mosquitoes and that poor man wants to go out after supper and fish in the Narraguagus river for salmon and he has got to pay a three dollar license fee. He sympathizes with that man because he is a man who only gets \$1.50 for cutting pulpwood.

The Senator from Hancock is a pulpwood operator and I don't believe he is paying anybody in Hancock County \$1.50 a cord for cutting pulpwood. If he is, he is fortunate because I believe the price is much higher than that. I know it is in the County of Washington. So that takes care of another of his objections to the bill.

More seriously, Senators, the Atlantic Salmon is making its last stand on the Atlantic coast. The time was that the rivers from New Jersey to Canada were teeming with salmon. Today they are gone and they are practically narrowed down now to that part of the state of Maine which is the eastern part of the state, and more particularly in the County of Washington and Hancock. They are a game fish. They are a food fish and there is an opportunity to rehabilitate them if we have a commission that will give the study that this fish deserves to have. Two years ago the legislature was interested enough in this problem that they appropriated five thousand dollars for the purpose of studying the salmon and a commission was set up by the act and appointed by the Governor and on the commission were Mr. Wooster of Washington County, Mr.

Baker of Cumberland County and Mr. Lord Byers of Lincoln County and they made a study and reported, and as a result of that, their work having been done, they advised that the work be carried on and as a result of that, we have this bill before us today.

It is worrying the Senator because we have been appropriating money here, I don't know how much will pass, but there will be a million dollars here and a million there, and five hundred thousand here and fifty thousand and twenty-five thousand and ten thousand, but this little sum of \$3500 for the biennium, \$1750 a year, worries the Senator. That money makes a dent in the finances of Maine. It is a small sum, and going along with it is the so-called angling fee, \$3.00 for residents, and \$5.00 for non-residents and if you remember last week, the Senator was speaking about the boy who would have to pay a \$5.00 license. He was interested in him, so I amended the bill, or offered an amendment which the Senate adopted, which changed the license fee for all residents of Maine who were under twenty-one years of age to \$1.00 and kept it at three dollars for the others.

I am satisfied, if I had, two weeks ago when this matter was before us, if I had taken the Senator's suggestion at that time and permitted a license fee of twenty-five cents for a clam license, I probably would not be on my feet today and bothering you people because in my opinion it might have gone along all right.

In other words, he is trying to kill a perfectly good bill because of a small license fee. I hope, Senators, that you will not permit that to be done.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate, I first want to thank my esteemed friend Senator Dunbar, for the able presentation he has given you on this bill. I think anything I could add would be superfluous. I do want to make one more comment as regards angling. As you know, there was a man named Isaac Walton who wrote a book called "The Compleat Angler" and I would be glad to send Senator Noyes a complimentary copy if I can get hold of one.

Mr. NOYES of Hancock: Mr. President, I thank the Senator from Cumberland, Senator Morrill. Now

I am not a lawyer, and I cannot present my side of the case the way it should be presented, and I apologize not to the Senate, but to the people I represent. I used the personal pronoun "I" and the Senator says that I don't want to pay the \$3.00 for a license. Well, I can pay \$3.00 yet awhile and if the bill passes, I probably shall pay \$3.00, but 80% of the people in my town who have gone to the Narraguagus to fish, would not go there for an hour or two and pay \$3.00.

Now as to the dorsal fin business he speaks of. I went and looked up in the dictionary and rather than give the definition of dorsal fin, I have taken a section which shows the picture of the fish and which designates the various fins. No matter whether a Senator is able to read or not, so long as he can see, then he can locate this dorsal fin. It is on the back.

I hate to take your time on this thing because it is a crazy bill. I had hoped that the Senator was going to give some of the good points in the bill, if there are any. He gave you to understand that we are depleting the Atlantic salmon and that they are on their last legs — if they have any. The actual truth of the matter is that salmon are on the increase due to the dams that have gone out and which brought them into the river. It is nothing they have done themselves.

Really, I am embarrassed. I feel that Senator Dunbar should be standing up here shoulder to shoulder with me because it was not very many days ago that he stood up on the floor of this Senate and said, "I believe in equal rights for all, and special privileges for none." That is the way I feel about it, too.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate, I don't dislike Senator Noyes at all for debating in behalf of what he feels represents the feeling of the people in Hancock County but also the State of Maine and the New England States. The people of the State of Maine are not the only ones interested in this bill. The Atlantic States Fisheries have been very interested in the rehabilitation of the Atlantic salmon. They have spent a great deal of money in research, and I'd like to read to you a very short paragraph in a report made in September, 1946 by William C. Harrington at the time Aquatic

Biologist, in charge North Atlantic Fishery Investigations, Fish and Wildlife Service, United States Department of the Interior, and who is at the present time in Japan on similar business over there. He says in his report to the Salmon Commission, "It is recommended that a new commission with authority over salmon be established, this commission should be authorized to determine which restoration measures should first be applied, and it should be given authority to carry out these measures. In this way the State would be assured of a continuing program which would benefit from the continued attention of the three Commissioners. The commissioners in turn would be able to make use of the increasing quantity of biological data which will be obtained by State and Fish and Wildlife Service biologists from year to year. Maine salmon have been lost as a major resource for many decades and past attempts at bringing them back have not been successful. However, prospects for success now appear promising providing an effective administrative agency is set up with authority to carry out an effective long-range program and apply restoration measures developed by sound biological research." It is signed William C. Harrington.

I think the fact is that not only is this a State interest but it is a New England interest and should have some bearing on this and I feel if we indefinitely postpone this bill we will have lost a lot that has been gained in the past and we will stop mid-way a service to the State of Maine, which in my opinion will be a great advantage to it.

I hope the motion of Senator Noyes does not prevail. I ask for a division.

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

A division of the Senate was had.

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

On motion by Mr. Savage of Somerset the bill was laid upon the table pending passage to be enacted.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table, House Report "Ought to Pass in New Draft" from the

Committee on Temperance on Bill, An Act Relating to Liquor Licenses in Unorganized Territory (H. P. 1597) (L. D. 1251) tabled by that Senator on May 2nd pending consideration of the report.

Mr. BAKER of Kennebec: Mr. President, I move we concur with the House in substituting the bill for the report, as amended by House Amendments "A" and "B". I might say this is a bill that affects primarily Aroostook County. I am willing to go along with the majority of the members from Aroostook County, and I therefore make that motion.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I am frank to say I don't know how the members from Aroostook County feel about this bill but I do feel it is my duty to oppose the motion just made and I will give my reasons briefly.

This pertains to selling malt beverages in unorganized plantations. When the law was set up such applications were made to the liquor commission in Augusta, then two years ago at the last session of this legislature the law was changed so that application was made, instead of to the liquor commission, to the county commissioners of the county and provisions were made for notice and hearing on the applications and there was a provision in the law that a right of appeal existed from the decision of the county commissioners.

Now, this bill is very much like a similar bill introduced in this legislature in one respect, and the respect I object to in the Benn bill, so called, it takes the right of appeal away so the applicant who comes before the county commissioners is bound finally by their decision and has no right of appeal.

Under the liquor laws in the State of Maine as they now exist, we have what we call local option and there are a great many questions decided by local option, whether or not a town shall have a liquor store, whether or not they shall have hotel licenses, whether or not they shall have licenses to sell malt beverages on the premises and whether or not they shall sell off the premises. I think it is sound. I go along with it because it is home rule.

A part of this bill—the Langstaff bill, so-called—calls for local option in unincorporated places so that even in unorganized plantations you

can have local option. That I approve of.

If the motion of the Senator from Kennebec, Senator Baker, should prevail, on concurrence with the House, I shall make a motion that the Senate adopt—I think it is the unanimous report—to adopt the new draft of this bill.

Now, that contains all the provisions as to local option, which is the consistent course for this legislature to take, but I object to those portions of the bill which relates to taking away the right of appeal from the decision of the county commissioners. It isn't that I don't have faith in the county commissioners in Aroostook County. I do. I have consulted with them often during this session of the legislature, and have helped in many ways during the session, and I have great faith in them. But under our Anglo-Saxon system of law I am opposed to make one board the final board. Suppose on one application they should make a mistake on the bill as it was acted upon in the House, there would be no way to correct it at all because their decision is final. So for those reasons I oppose the motion of the Senator from Kennebec, Senator Baker, and if the motion fails I will move to adopt the unanimous "ought to pass in new draft" report which does contain that good feature of local option.

The PRESIDENT: The Chair will state the report was unanimous "ought to pass in new draft." It comes from the House, that body having passed the original bill to be engrossed as amended by House Amendments "A" and "B."

Mr. WELCH of Aroostook: Mr. President, I agree with my seat-mate, Senator Barnes, when he said he didn't know just how the Senate delegation for the county felt on the matter, because I think we are getting to be a very unpredictable group. I am in favor of the motion of the Senator from Kennebec, Senator Baker, that we concur with the House in the substitution of the bill for the New Draft. I want to say the amendments which have been placed on this bill apparently did take away the objections which the other members of the committee—the House members—had, as I believe there was no opposition to it there. This is pretty nearly a purely county measure as we have had

more trouble, I would say, with this section of the law than has any other section of the State, probably.

I want to explain briefly how the workings of the present law have been up there, and why we want this change. Up in the northeastern part of the county nearly all the towns vote to have malt liquor licenses while the entire southern section of the county is dry, so to speak, with no liquor licenses except in unincorporated towns. Under the present law they make the people in the unorganized towns who wish to obtain malt liquor licenses, make application to the county commissioners and if they are turned down they appeal to the liquor commissioners. The county commissioners have taken this attitude, that in all sections of the northern part of the county, I might say, where the towns vote "wet" an unorganized town goes and asks for a liquor license and they grant it to them, they can see no reason why if the towns around the unorganized place are having licenses, why they should not have one. By that same rule, they are taking in the southern part of the county where the towns are voting dry and one unorganized plantation or township comes in and asks for a liquor license, they are denied it by the county commissioners because they don't see why, if a group of towns in an area of 20 to 40 miles have licenses, why the unorganized place should not come in and sell malt liquor. What happens is this — in those unorganized places in the lower part of the county when the county commissioners refused to give licenses they appealed to the liquor commission, and the liquor commission have no reason to refuse except on a basis that the applicant had violated the liquor laws. It is the only ground they claim they have in refusing liquor licenses and they have granted them, and therefore, you have places, unorganized towns in the lower part of the county selling liquor under the nose of places that are voting dry.

It even got to a point where a license had been turned down by the county commissioners, and application was made to the liquor commission, and they were supposed to hold a hearing in the unorganized territory and the only

building where they were able to get room to hold it in that whole place was in the beer parlor where they wanted the license. That is what the people do not like.

I hope the Senate will go along with the Senator from Kennebec, Senator Baker, in substituting the bill as amended.

Mr. BARNES: Mr. President and members of the Senate, the matter of the hearing two years ago I happen to know quite a lot about. There was a place operated in 7 Range 5, J. S. Lougee & Son and another place below Linneus operated by Myrtle Cronk, and another in a town near Macwahoc operated by a man named Clifford and another near Silver Ridge operated by a man named Goodwin. A hearing was held before the county commissioners and they turned down the licenses. I was approached by three of these five to represent them in an appeal. Now in the law of local option I have felt it was absolutely right when the surrounding territory goes dry, to refuse the license and I told two of those people, Cronk and Clifford that they would be wasting money on appeal because the towns surrounding their places were dry. In the 7 Range 5, I could not understand the situation because Moro had not voted dry. The opposition came from Smyrna Mills which is some 12 miles away and 7 Range 5 doesn't join Smyrna Mills at all. It corners on the town. Moro voted wet that year. I was interested enough, although I didn't take the case, to make some inquiries about it. I called up the county commissioners and asked why they didn't grant it and they said "the surrounding territory is dry." I said, "What about Moro?" It lies alongside it. I said, "You are mistaken. Moro is not dry." They looked it up. In that case the license was granted.

Under this situation the decision would be final and there would be no appeal. It is the only thing I object to. Bear in mind I think we should be consistent on this proposition as long as we have it. I am in favor of local option and think it is the right thing, but I think it should be observed quite faithfully but I don't like the thought of wiping out this right of appeal and making one board the last court of resort on this thing and making it so a mistake cannot be corrected. As I said before, if the motion of the

Senator from Kennebec, Senator Baker, fails, I will move to adopt the unanimous "ought to pass" report of the committee.

Mr. BLANCHARD of Aroostook: Mr. President and members of the Senate, I wish to add a few words to what has been said by Senator Welch. It is the feeling, I believe, of the people in Aroostook County and a substantial majority of the Aroostook delegation that it is a local county problem, and the way the law is at the present time a hardship has been worked on some of the towns nearly some of the unorganized townships, which voted dry. It has been possible for some of the beer parlor operators to move into the unorganized townships adjacent to the other towns and take away the advantage which the towns lost by voting dry. Therefore, I hope the motion of the Senator from Kennebec, Senator Baker, prevails.

Mr. WELCH: Mr. President, just one word more I want to add. Mention was made of the town of Moro. Moro is a plantation and I think they did vote wet in the last election. I might be wrong but I don't think there is a town south of Houlton on the line coming from Houlton to Bangor — I don't think there is a town in that part of Aroostook County that has voted for a malt liquor license.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Baker, to substitute the original bill for the "ought to pass in new draft" report of the committee.

Mr. BARNES: I ask for a division. Nineteen having voted in the affirmative and seven opposed, the motion prevailed and the bill was given its first reading. House Amendment "A" was read and adopted. House Amendment "B" was read and adopted; and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table Bill, An Act Relating to Registration of Motor Vehicles (S. P. 130) (L. D. 283) tabled by that Senator on April 17th pending passage to be enacted.

Mr. NOYES of Hancock: Mr. President, earlier today we enacted

a bill taxing out of state trucks for gasoline consumed on Maine highways. In view of that action, I move this bill to be enacted.

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

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table, House Report "Ought Not to Pass" from the Committee on Temperance on Bill, An Act to Prohibit Music, Dancing or Entertainment on Certain Premises Licensed for the Sale of Liquor (H. P. 1099) (L. D. 674) tabled by that Senator on March 13th pending consideration.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate. I am going to move acceptance of the report "ought not to pass". This is the report of the committee and I will try to explain to you how the committee arrived at that report. We had a bill which was passed this morning. It was a bill to prevent drinking in public places, a bill which was designed to prevent, or at least, one aspect of it was to prevent drinking in automobiles or property adjacent to dance halls. The committee felt if this bill were passed—and I am speaking before it had House Amendment "A" added to it—it would tend to nullify part of the purposes of the other bill. It is part of human nature that people who go to dances want to drink liquor and under the present liquor laws of the State of Maine in some instances the legal sale of liquor is provided in dance halls, and I think specifically the one involved is Island Park in Augusta. We have been told if this passed it would drive people back to their cars and the ground adjacent, and the two bills would be inconsistent.

House Amendment "A", if I am correct, exempts such a place four months in the year which would protect such places as Island Park but there are other places where the same condition exists in cities. I know of one, at least in Auburn. I think it has a bad reputation which is probably due to lack of enforcement of present laws. As long as we have statutes that provide for legal drinking in certain places, and as long as they are enforced, I see no reason to pass this bill which to my mind would seem

to be inconsistent with the one we passed earlier this morning.

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

The motion prevailed and the "ought not to pass" report was adopted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table House Report from the Committee on Legal Affairs; Majority Report "Ought Not to Pass". Minority Report "Ought to Pass" on Bill, An Act to Repeal the Charter of the Bay Point Village Corporation (H. P. 1606) (L. D. 1272) tabled by that Senator on April 25th pending consideration of the reports.

Mr. BATCHELDER of York: Mr. President, this bill calls for repealing the charter of the Bay Point Village Corporation. This came before us in the form of two different bills, one to dissolve and one to repeal it. Both were given extensive hearings and were well attended by citizens of Bay Point Village and Georgetown. It would appear this village was created in 1925 for the purpose of building roads there. It is a small village and represents a great many non-residents who come there and have built up quite a little property in that vicinity and are paying considerable taxes. In the division of money, Georgetown collects taxes and the money is split and turned back to the village corporation—60% of the money collected there. In recent years it has worked somewhat of a hardship due to the fact there have been some people in the village corporation that have been on relief, and that being so the citizens of Georgetown felt the village, having served its purpose, should be turned back to Georgetown.

Another peculiar thing—the only people who have the right to vote are people holding deeds to property. We found in times past a great many deeds have shifted back and forth to give a majority one way or another. They have had meetings there with reference to repealing the charter and votes have been taken at various times. If the bill was reported "ought no to pass" we felt we would be depriving the citizens

from voting on the subject of whether the charter should be repealed. It was felt by the minority of the committee that they should have that opportunity. The bill carries a referendum providing that the citizens of Georgetown and Bay Point Village with that opportunity to vote. In later consideration by the committee it was felt possibly by Georgetown voting on that, you would not really be accomplishing anything. It is really a matter for Bay Point Village to determine and whatever action they took on the referendum would be the basis of whether or not the corporation is dissolved.

I believe if it is accepted so the people have the right to pass on it in referendum there is to be an amendment offered which would permit the people to vote on it and limit the people voting to those who have held deeds since July 1, 1946. I think it would be the proper thing to do. I move the acceptance of the Minority Report "Ought to Pass."

The motion to accept the Minority Report "Ought to Pass" prevailed and the bill was given its first reading.

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

Senate Amendment "A" was adopted without reading and under suspension of the rules the bill as so amended 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. Cross of Kennebec, the Senate voted to take from the table, Bill, An Act Relating to Fees for Registration of Motor Trucks and Basis Therefor (S. P. 509) (L. D. 1397) tabled by that Senator on April 25th pending passage to be enacted.

Mr. CROSS: Mr. President and members of the Senate, this bill is a companion measure to the one we enacted this morning and I therefore move we pass it to be enacted.

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

Mr. BAKER of Kennebec: Mr. President, I move all matters acted upon at the forenoon session be sent forthwith to the House.

The motion prevailed.

On motion by Mr. Baker of Kennebec,

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

After Recess

The Senate was called to order by the President.

From the House (Out of Order)

The Committee on Ways and Bridges on Bill "An Act Relating to Snow Removal and Providing Revenue Therefor" (H. P. 1475) (L. D. 1079) reported the same in a new draft, (H. P. 1735) (L. D. 1500) under a new title, Bill "An Act Providing Revenue for the Highway Fund," and that it ought to pass.

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

In the Senate, that Body voted to adopt the "Ought to Pass in New Draft" report of the committee and the bill was given its first reading, and under suspension of the rules, was given its second reading.

Mr. WELCH of Aroostook: Mr. President, I offer Senate Amendment A and move its adoption. In explanation, I might say that this amendment contains a clause that was intended to have been in the printed bill but was left out. This merely applies to a refund on the gasoline used in airplanes. That is the only change it makes.

Thereupon, the motion prevailed and Senate Amendment A was adopted without reading and the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

On motion by Mr. Welch of Aroostook, sent forthwith to the House.

Bill "An Act Relating to Tax on Cigarettes." (H. P. 635) (L. D. 415)

(In Senate on May 6, 1947, the bill was substituted for the "Ought Not to Pass" report, and passed to be engrossed as amended by House Amendment "A" and by Senate Amendments "A" and "B" thereto.)

Comes from the House, that body having insisted on its former action whereby the bill was substituted for the report and passed to be engrossed as amended by House Amendment "A," and now asks for a Committee of Conference, the

Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

SLEEPER of Rockland
MILLS of Farmington
MARSANS of Monmouth

In the Senate, on motion by Mr. Ela of Somerset, the Senate voted to insist on its former action and join with the House in a Committee of Conference.

The President appointed as members of such committee on the part of the Senate,

Senators:

ELA of Somerset
NOYES of Hancock
HASKELL of Penobscot.

Senate Committee Report

(Out of Order)

Mr. Bishop from the Committee on Education on Bill "An Act to Encourage the Improvement of School Facilities," (S. P. 308) (L. D. 841) reported that the same ought not to pass.

Which report was read and adopted.

Orders of the Day

On motion by Mr. McKusick of Piscataquis the Senate voted to take from the table, Bill, An Act Relating to Hunting and Trapping Seasons (H. P. 1722) (L. D. 1454) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. McKUSICK: Mr. President, I do not claim responsibility for the issuing of the joint order to recall this bill from the Governor, but after the joint order came in, inasmuch as I had received a protest from a former member of the legislature and former member of the Fish and Game committee in Piscataquis County, in regard to this bill, I felt it was desirable to hold it up so that I might inquire into it. I have contacted the party in Piscataquis County today and I find he was laboring under a misapprehension as to the contents of the bill, and is now entirely satisfied with it. As there seems to be a difference of opinion as to the workability of the bill, considering the time of the session, I think it should go along as it stands. For that reason, I move the bill be passed to be enacted.

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

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table, Bill, An Act Relating to Rental of Armory in the City of Lewiston (S. P. 404) (L. D. 1153) tabled by that Senator on April 7th pending adoption of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I move to substitute the bill for the report and to sustain that motion I want to point out that Lewiston is one of the very few cities or towns in this State who have built armories for the State. The city of Lewiston back in 1923 or 1924 built an armory—25 years ago—at an approximate cost of \$250,000 at that time, which at today's prices would be somewhere between \$750,000 and \$1,000,000. The State has used that armory or at least 50% of the space of the armory for all the 25 years, and although the city of Lewiston has tried time and time again through its representatives to get an increase in the stipend paid by the State, at no time has it been successful and so in order to correct that situation I introduced this bill to get a fair return on what I thought was the expense of the city of Lewiston in that armory.

Now, the city of Lewiston has spent in the last 20 odd years \$288,768.68 from 1925 to 1945 for the maintenance of that armory. That does not include improvements made by the city to the tune of \$20,000 and does not include serial bonds of \$10,000 a year for that length of time that have been paid on the armory nor does it include interest on those bonds. Now, the State in all that space of time has paid back to the city in stipend only \$23,235 including 1945 or less than an average of \$1200 a year, or less than \$100 a month rental on a million dollar proposition, compared to the \$288,000 spent by the city of Lewiston for upkeep of the armory. It includes necessary repairs and personnel and heating and lighting. That is less than 10% of the expenses of the city of Lewiston to maintain that armory.

Also I wish to compare the fact that in this budget before the legislature at this time all the state owned armories are costing the State a good deal more money and expense. Bangor for the year 1946-47 has in here as a budget \$5,463. Belfast is in for \$3,930. Those are

State owned. Brewer is in for \$4,719. Brunswick, \$3,313. Millinocket \$3,585. Newport \$3,579. Norway \$4,325. Portland Milk Street Armory \$6,483. Portland Stevens Avenue, which is now burned and has been for about a year, \$10,570 and it is not being used. Rumford \$4,708. Saco \$5,004. They have been very generous in the budget to the city of Lewiston and they are offering \$2,485 for 1946 and 1947.

According to the Adjutant General's office the armory in Lewiston is the best in the State at this time. Using that statement as a basis I wonder if we can reconcile that with the fact that they have paid rental to Lewiston of only \$1200 a year or less—some years were omitted.

The city of Lewiston early this year sent representatives to the Adjutant General's office, demanding an increase, and apparently they are going to get an increase to \$2450, but on January 16th a letter was sent out of the office of the Adjutant General to the then mayor, Honorable Alton A. Lessard, which said this:

"Hon. Alton A. Lessard
Mayor, City of Lewiston
Lewiston, Maine
Dear Sir:

On 13 January I visited the Lewiston Armory and held a discussion concerning the armory facilities with Mr. Alfred Lessard, whom you designated in your letter of 30 December as in charge of the armory. This preliminary discussion was held for the purpose of determining what facilities in the armory were now used by the Board of Education or other groups.

Presently there is being used by the Board of Education the pistol range and showers adjacent thereto for the girls' dressing room in Physical Education. All of the showers, toilets and locker space on the West side of the building in the basement are now being used for Boys' Physical Education.

On the main floor on the East side of the building, that is next to the High School, two offices are being used by the Women's Physical Education Director, these two offices being part of the Battalion Commander's offices as originally planned. On the North end of this same wing an office is being used by the Boys' Physical Education Director.

On the balcony floor of this same

wing what was formerly the band room is being used for band practice by the High School Band. The part originally designed for the property room is being used for the storage of OCD property, which I understand is in the process of being disposed of. The suite of offices originally designed for a Company Commander is being used by the Civil Air Patrol.

The West wing on the main floor is now used and controlled by Company B, 2nd Battalion, Maine State Guard, which is soon to be inactivated to make temporary room for the Headquarters Company, 2nd Battalion, 103rd Infantry, National Guard. The balcony floor of this wing is being used in part by the Headquarters and Headquarters Company, 1st Region, Maine State Guard, which will be inactivated at some future date. The present rifle range in the basement is also used for State Guard purposes, as well as certain portions of the garage.

It is my understanding that General Carter has granted you permission to store certain city vehicles in this garage temporarily.

In order that you may make a preliminary study of future National Guard needs and perhaps have a discussion regarding them with your Department of Education I wish to outline to you these requirements.

There is to be located in the City of Lewiston a Headquarters and Headquarters Company of the 2nd Battalion, 103d Infantry. The requirements of this unit will be a suite of offices for the Battalion Commander and his staff; a suite of offices, assembly room and property room for the Headquarters Company. This organization will have nine (9) $\frac{1}{4}$ -ton trucks with three (3) $\frac{1}{4}$ -ton trailers; one (1) $\frac{3}{4}$ -ton weapons carrier; one (1) $1\frac{1}{2}$ -ton cargo truck with one (1) trailer, in addition to clothing and other equipment. The strength of this Headquarters and Headquarters Company will be nine (9) officers and sixty-seven (67) men. Attached to this Company will be a Medical Section of the 2nd Battalion, consisting of two (2) officers and thirty (30) men, making a total of eleven (11) officers and ninety-seven (97) men, for whom quarters will be necessary.

There is also to be located in Lewiston Company E, 2nd Battal-

ion, 103rd Infantry, strength of which is seven (7) officers and one hundred eighty-eight (188) men. This organization will have four (4) 1-4-ton trucks with 1-4-ton trailers, in addition to clothing and equipment, for which quarters will be necessary.

There is also to be located in Lewiston Company G, 2nd Battalion, 103rd Infantry. This organization is the same as Company E, just mentioned, and will have the same equipment and require the same quarters.

In order to form a basis for discussion as to plans to provide armory facilities for these units it is the opinion of this headquarters that the following facilities in the Lewiston armory would be required to adequately house the above mentioned units.

Two Company quarters in their entirety in the West wing of the armory to be made available for Company E and Company G, 2nd Battalion, 103rd Infantry;

The Company quarters in the East wing of the armory on the balcony floor to be made available for the Headquarters Company and the Medical Section, 2nd Battalion, 103d Infantry. This would, of course, require the rooms now occupied by the Civil Air Patrol.

It is believed, inasmuch as there is desired an additional band for the National Guard, which, if approved, should be located in Lewiston, that the present band room would not be disturbed and would be available for band rehearsals of the High School as well as for the National Guard Band if, and when organized;

The entire suite of offices on the main floor now occupied by the 1st Regiment, Maine State Guard, and the Women's Physical Education Director would be necessary for the Battalion Commander and his staff. This would require changing the quarters of the Physical Education Director;

It would also be necessary to use the two assembly rooms in this wing on this floor and the main floor on three nights every week;

It will be necessary to use the rifle range and, eventually, the pistol range, as the Federal government is requiring more instruction from National Guard units than previously was required;

It will be necessary to use the entire garage facilities and, on occasion, mess facilities.

This outline above would be under normal conditions. In the event of a mobilization of the National Guard in all probability the entire Battalion would be assembled in the armory, in which case all facilities would be required, both during the day and night hours.

The Federal Inspection Board has made a survey of the armory and have raised objections to the store rooms, which do not provide adequate protection against theft. To overcome this it will be necessary to have steel plate placed on the doors to all property rooms opening into the main corridor. It will also be necessary to place a steel plate over the door opening into the transverse corridor within the Company rooms, as well as window guards of not less than 1" mesh over glass interior windows in other property room.

It will also be necessary to provide additional lockers. I recall that at the time of the construction of the armory lockers were purchased for all four Company rooms. However, they were not installed in the East wing and may be stored in or about the armory or some place in Lewiston.

From the appearance of the requirements mentioned above it would seem that this is a large order. However, I wish to impress upon you that the National Guard is in an organizing status and that these changes are progressive. I think that arrangements can be made which will not seriously impair either the National Guard or your school requirements. I did wish, however, to outline the needs as far as possible so that you could make a study of the requirements, could hold discussions with your school board and, when this is done, arrange for a conference to finally decide what can be done.

When definite decisions have been reached I will be pleased to be at your disposal and will come to Lewiston at any time you wish to further discuss this matter with you or your school board, or both, with a view toward arriving at a solution. After reaching a verbal agreement a written agreement between the State of Maine and the City of Lewiston will be drawn up for signature of both parties.

FOR THE ADJUTANT GENERAL:

Charles W. Savage
Brigadier General Me. N. G. (Ret.)

Now, Mr. President and Members of the Senate, you can see by this letter that certainly the State will occupy a good deal more than half of the armory. In the bill I have presented I have asked the State to pay about half of the cost of maintenance of the armory. According to my understanding of the rental of any property, it should bring back about ten percent of its cost as of to date. Now, I don't believe that the armory of Lewiston could be rebuilt today for less than a million dollars. If ten percent is true in figuring rental, then \$100,000 a year would be a fair rental of the property. We are not asking the State to pay the city of Lewiston \$100,000 a year. We are asking the State to pay just for maintenance of the armory. Lewiston is willing to pay for the armory and has already paid most of it as well as interest on the bonds but it does ask the State to be fair with Lewiston and pay for half of the cost of the maintenance of the armory, or their proportionate share of the space they occupy in the armory.

When the vote is taken, Mr. President, I move it be taken by division.

Mr. BATCHELDER of York: Mr. President, this bill came before the Legal Affairs Committee for hearing. I might say at that particular time the Adjutant General appeared before us. As I understand it, he has a certain amount of money he can operate on, and it all depends on the amount of money set up by the Appropriations Committee. If you will turn to the Budget Committee report which we all have, on page 103 you will note this year 1945-46 there were 45 different armories throughout the State. Some of them were just places they were renting for the State Guard and different items of expenses being expended from a few dollars ranging up to various amounts. In this particular case Lewiston was asking for \$8400 and you will note there they have been paying \$1375 and in the recommendations for this coming year an item of \$2520 was mentioned, this being the amount they are asking for.

As I understand it, similar conditions are arising throughout the

State wherever they have armories and it is expected cities and towns will not aggregate enough from the State in order to pay for the entire rentals of armories, but it was the original understanding a great many cities and towns, if given an armory, would try in various ways to meet a certain part of the expense. As I understand it, the city of Lewiston is getting considerable revenue from the armory. It was the understanding when the armory was built. They were willing to take upon themselves the expenditure of a quarter of a million dollars to build an armory, recognizing the fact that they would receive benefit from it, having such a building available for recreational purposes.

Now, I understand that cities and large towns in our county — Sanford, for instance, would be willing to spend large amounts of money there for the building of an armory, not expecting the State would meet probably more than a certain amount in order to keep the building up.

It would probably be nice if Lewiston could be given this sum of money they are asking for, but this same rule would apply throughout the State as to other armories. If we do it in the case of Lewiston I will say as to practically all other armories throughout the State, you will have to increase them from the amount which the Department has requested, and the amount would have to be doubled, if not more. Therefore, in view of that fact, I hope the motion of Senator Boucher will not prevail.

Mr. BAKER of Kennebec: Mr. President, I was not present at the hearing when this bill was heard. I have discussed the matter with the Adjutant General and he has informed me the State of Maine has paid in the past few years \$22,500 for this armory. The rental was established by the State Defense Commission. If this bill passes, it will discommode their whole appropriation. I hope the motion does not prevail.

Mr. BLANCHARD of Aroostook: Mr. President, this is a case where the amount of money involved is not the sole issue. If we give Lewiston sufficient money to pay for maintenance of their armory it means upsetting the entire program for armories in the entire State of Maine. It seemed to the Legal

Affairs Committee it should be left to the Defense Commission of the Adjutant General's department. I hope the motion does not prevail.

Mr. BOUCHER of Androscoggin: Mr. President, I have heard the reasons given by the members of the Legal Affairs Committee in reporting this "ought not to pass." I will call attention to the members of the Senate that the reasons are good but they do not correct the situation that is wrong. Apparently the Adjutant General's office had rent control over the armory in Lewiston for 25 years, and the sad part of it is that rent control does not hold true throughout the State. I pointed out and want to point out again if Lewiston was used like the other municipalities of the State in the rental of the armory, Lewiston would accept the decision.

Again let me point out to you that Portland receives \$10,000 and \$6,000. Bangor has \$4,800. Bath has \$3,400 and Brewer has \$4,100. Now, as I understand it, Lewiston has a better armory than any one of those places. I think it is admitted by the Adjutant General's office. We, in Lewiston have requested and requested the Adjutant General's office to increase that rental for over 20 years but without any success. The only way I knew of to correct that situation was to bring a bill to the legislature so that proper appropriation could be made, if not for this year, at least for the forthcoming years, for 1947, 48, 49 and 50 and so on, to give us a rental in proportion to what other armories throughout the State are receiving, taking into consideration that we have one of the best armories, if not the best armory in the State.

My bill requests \$8400. I don't want to be stubborn about this and I would be willing to have an amendment offered, and I would gladly offer an amendment, myself, setting that rental somewhere along the line with the rental of armories throughout the State — perhaps about \$5,000, if it was agreeable to this Senate. We want to correct this situation which has existed since 1925. We have attempted by all other means we know of, to correct the situation, without any success. This is our last hope, and I do hope the members of the Senate will not turn this down. I hope you will permit me to substitute the bill for the report, and if

so, I shall offer an amendment to reduce the amount to \$5000 for the coming year so as not to jeopardize the budget. I think it can be done within the budget, and we will hope that later on the Adjutant General's office and the Appropriations Committee will see fit to use Lewiston as well as they do other municipalities in the State concerning armories.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Boucher, to substitute the bill for the "ought not to pass" report of the committee. That Senator has asked for a division.

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

Thereupon, on motion of Mr. Batchelder of York, the "ought not to pass" report of the committee was adopted.

Sent down for concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table, Bill, An Act Relating to Transportation of Deer Beyond the Limits of the State (H. P. 826) (L. D. 529) tabled by that Senator on March 27th pending passage to be enacted.

Mr. WILLIAMS of Penobscot: Mr. President, I now move enactment. The reason for keeping this bill on the table so long was the fact that it had to do with the same matter which is covered in Legislative Document 1464 which was enacted this morning, dealing with the transportation of deer across the State line, allowing residents to transport at the same cost as the license for non-residents. I wanted to be sure non-resident licenses were increased to this figure before this was enacted.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Haskell, that this bill be passed to be enacted.

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

"Resolve in favor of Bridgton Academy." (S. P. 416) (L. D. 1202)
(In Senate on May 6, 1947 passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence

In the Senate, on motion by Mr. Spear of Cumberland, the Senate voted to recede from its former action whereby the bill was passed to be engrossed; House Amendment A was adopted without reading and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act to Amend the Pension Law for Members of Police and Fire Departments of the City of Waterville." (S. P. 545) (L. D. 1472).

(In the Senate on May 2, 1947 passed to be engrossed.)

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

In the Senate, on motion by Mr. Hopkins of Kennebec the Senate voted to recede from its former action whereby the bill was passed to be engrossed; House Amendment A was adopted without reading and the bill as so amended was passed to be engrossed in concurrence.

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following Resolve:

"Resolve, Permitting Fly Fishing in Certain Waters of Franklin County." (H. P. 1171) (L. D. 847)

On motion by Mr. MacKinnon of Oxford, the resolve was laid upon the table pending final passage.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill, An Act Relating to Increasing the Maximum Payment in Old Age Assistance, (S. P. 487) (L. D. 1355) tabled by that Senator on May 1, pending consideration of Senate Amendment C.

Mr. WILLIAMS of Penobscot: Mr. President and Members of the Senate, this Senate Amendment C was introduced the other day and may I ask that the Secretary again read it at this time.

The Secretary read the amendment.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, Senate Amendment C to this legislative document 1355 was approved by the committee, which amendment I offered in this Body, due to the fact that there was some question by the Social Security Board as to the bill as rewritten by the committee in new draft, meeting all their requirements. I think the last time this bill was discussed in this Body, Senator Haskell read to you some

remarks from a letter sent to Dr. Bristol of the Department of Health and Welfare regarding objections to these amendments. These provided that the applicant should make a sworn statement as to his assets, liabilities and earning power and also that the known sons and daughters should also make such a statement.

The object of the committee in this bill was simply to check the loopholes that developed with applicants sending in applications which on their face told very little about the applicant with the hope that maybe the department in its generous manner might pass it and allow them old age assistance. The committee felt very strongly that something should be done to stop that condition.

This bill as drafted would do that. Since it had Senate Amendment A added which took out one feature of it which was put in by the committee which was ability to work, that was agreeable to the committee.

Also it had Senate Amendment B added which changed this act as put out by the committee as one to deal with applicants, and also with the recipients which the committee did not wish added to the bill. This particular amendment C which we are considering now was drawn by the Assistant Attorney General with the idea of meeting all objections of the Social Security Board given us at that time but they still object apparently to the feeling that the state legislature has any right to legislate on these particular matters, and at this time I would like to read you a letter which was presented to the committee:

May 7, 1947

"Honorable R. Leon Williams
Chairman, Welfare Committee
93rd Legislature
Augusta, Maine
Dear Senator Williams:

I am enclosing herewith a letter from Mr. John F. Hardy, Regional Director of Region 1, Federal Security Agency, Social Security Board, Boston, Massachusetts. While I do not necessarily concur with the thoughts expressed by the author, I feel that it is of sufficient importance to transmit it to you.

I request furthermore that the contents be brought to the attention of the 93rd Legislature. In my

opinion it should be made a part of the proceedings thereof.

Sincerely yours,

HORACE HILDRETH,
Governor"

At this time, Mr. President, I will ask the Secretary to read the letter.

The secretary read the letter:

"The Honorable
Horace Hildreth
State House
Augusta, Maine
Dear Governor:

Thank you for your letter of May 2, 1947, which you forwarded because of my emergency phone conference with your legislative secretary, General Philoon, on April 29 (you were at the time at an extended meeting with your Councillors) suggesting the great need for caution due to our grave concern relative to the two Legislative Documents numbered 1354 and 1355, which if in their then form should become laws. We are very pleased to receive the attached proposed amendments, intended as you say, to eliminate the concern indicated.

We have very carefully examined these proposed amendments to Legislative Documents 1354 and 1355. After the most careful consideration, these amendments, if enacted into law, in this office's opinion, in their presently proposed form would raise a legal conformity question. They would require that an applicant who is unable to obtain sworn statements of a spouse or child, to prove, his inability to obtain such statements at a hearing as a condition precedent to having his application considered upon its merits. It must be accepted and without seeming argument that such a requirement forecloses the agency from making a usual and/or ordinarily required administrative investigation and determination concerning the applicant's eligibility. It would require the agency to make a determination in its nature judicial that the condition precedent as to his right to file an application has been met before any other consideration might, may or could be extended. In other words, such a requirement also forecloses the agency from making an administrative determination on the merits of the applicant's otherwise eligibility status without such a hearing. In that respect, the proposed amendments are in their nature discriminatory.

I am sure, aware as you are, from our negotiations with the State

agency and previously submitted comments on the original bills of the serious questions likely to arise if these amendments were adopted. If not withstanding what we have previously stated, it is the considered judgment that legislation of the character under consideration should be adopted; it imposes the constrained duty to suggest that if such legislation is necessary for adoption in the judgment of the State officials that an amendment to these proposed amendments be made by striking the words in the second paragraph, 3rd line, after the word "so" and before the word "then" in the 5th line, that, in the words, "and after hearing, the department shall determine whether such inability to do is real and genuine, and if it decides that it is real and genuine then" so that the second paragraph under this proposed amendment to the original bills will read as follows: "If the applicant is unable to obtain the sworn statement from such child or spouse as above provided, then upon proof of his inability to do so the merits of his application shall be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the applicant under the provisions of section 262." This with regard to Legislative Document 1355 and the same suggested amendment for Legislative Document 1354 except that the section number be section 283 instead of 262.

Even with the adoption of these suggested amendments, I am constrained to counsel that the acceptability of the necessity to submit amendments to the Maine Federal-State relationship plans, relative to old-age assistance and aid to the blind programs will impose a most careful consideration of the plan material to be submitted and very definitely shall include a consideration of the ways and means—the methods—the functional operations—and the practices thereunder which the agency shall be required to effect for the purposeful implementation of such basically amended laws. In this connection because of the principle of soundness, of the basic law and efficiency in operations, we cannot but wisely intimate that as viewed in the perspective there is genuine concern that serious questions involving proper and efficient administration seem inevitable and likely to arise.

I am sure, therefore, but very respectfully suggesting that all having concern, however, the slightest degree, should have an awareness that one-half the cost of the State's administration of operations of both programs is borne as part of the overall grants by the Federal Government. We should not, we cannot passively stand by in the knowledge that a situation is about to develop the effect of which is to impose a greater increase in the cost of total operations than is upon all the circumstances reasonable without not only calling attention to the circumstance, but to pointedly call attention to what our responsibility involves concerning our discharge of that public obligation. I am sure you support the recognition of that responsibility as one of grave public concern and that both sovereignties of Government have the duty, as in the instant moment, to do all which will tend to reduce the overall cost of operations rather than to increase them.

As has before been said to the State agency, these proposed laws if finally enacted will increase the overall cost of administration by adding functional operations that can under the obligations imposed by the present laws, rules and regulations be appropriately discharged as proper within the said law and regulations thereunder promulgated without increased costs.

My concluding comment, very respectfully stated, is that the enactment of these proposed bills, even with the proposed amendments about which I have just commented, would tend to straight jacket the aged people of your State by imposing the onerous burden of individual administration which otherwise is that much of the State Departments' obligation to discharge on behalf of such worthy citizens. That duty the State has already imposed as an obligation upon the State Department. I have purposefully refrained from the use of other figures of speech that might fittingly be stated in a comparable analyses in support of the reasons herebefore announced lest a not intended inference of unfriendliness be therefrom drawn. That would not be the wish of this office. In the hopeful trust you will find these

comments helpful, I have the honor to remain.

Very respectfully yours,
(Signed)

JOHN F. HARDY

Regional Director

Mr. WILLIAMS of Penobscot: Mr. President and Senators, regardless of the wishes of the Social Security Board which I think you have all gathered from this lengthy document, that they don't want the legislature of the State of Maine to make regulations as to what the applications should be, it would appear that it might still be desirable if on the application we had a statement from the applicant as to his income, assets and liabilities and also statements by the sons and daughters. That would stop a lot of folks from applying for assistance who probably now just take a chance and think if they put in an application maybe they will receive it.

I believe it is a matter for the Senate to decide whether or not we want those safeguards upon public funds, and I still move the adoption of Senate Amendment C.

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, this bill as originally introduced simply increases the maximum payment from \$40 to \$45 for old age assistance and as Senator Williams has told you something new has been added in two sections.

In the first section a provision was made that the relatives must give evidence of their income and their balance sheets, and in the second section the addition was made that the applicant must give that same evidence. I don't think anyone has raised any objection to the inclusion in the application of the financial data concerning the applicant. There have been substantial objections to the requirements that relatives supply that same data.

My basic objection when the thing was first introduced was the possibility that it would not concur with federal regulations and when you consider that if this legislature passes the budget recommendation for the Department of Health and Welfare you would include in that sum of \$9,300,000 from the federal government. I question the wisdom of taking any chance on the possibility of that sum of money being lost.

Now, balancing it, on the other hand, what are the gains? I agree with the proponents of this type of

amendment that some timid soul might be frightened away. That type of person who has the nerve to come in and ask for it anyway wouldn't be frightened one bit. But, some of the most deserving persons might hesitate to put in application.

On the other hand I believe you have ample existing legislation whereby a properly administered department, and I will grant there are probably cases where investigations are not complete enough so far as financial responsibilities of relatives is concerned, and that point was well covered in the report of the Committee on Health and Welfare.

But I believe existing legislation solves this and I wonder whether, for the purpose of saving a small amount of money you want to take any chance with the federal government where they do require the states to give this information as a condition of getting this money. It may be the thing to do but we should have our eyes open when we do it and if after adjournment we find ourselves without benefit of federal aid let us know that we are the ones who did it.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, in answer to my fellow Senator from Penobscot and his statement that we might scare away a few timid persons asking for old age assistance, it doesn't appear to me that if they needed it this would scare anyone away but it might scare away some who might not want to make a sworn statement as to their assets, liabilities and income. Certainly no timid persons if they don't have any assets would be frightened away by making that statement. It seems to me they would be willing to make it.

As far as the present law covering this matter is concerned, it covers them as long as they are recipients which Senate Amendment B covers in this, and the reason the committee did not sponsor Senate Amendment B was because they are already covered in Section 271 of the law, but in the application they are not covered. After the application has been put in if the department did an efficient job they could be investigated and you could find out those features of it but it was our thought that it would save a lot of work by putting in this amendment. I realize from all the communications we have received from the Board that they don't

want the State of Maine to do anything about the Old Age Assistance law.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Williams, that Senate Amendment C be adopted.

A viva voce vote being had, Senate Amendment C was adopted and the bill as amended by Senate Amendments A, B, and C was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table bill, An Act Relating to Taxation of Various Corporations (S. P. 244) (L. D. 664) tabled by that Senator on April 18 pending passage to be engrossed.

Mr. WILLIAMS of Penobscot: Mr. President and members of the Senate, I will say regarding this amendment that it is simply a change in the enacting date of the bill, when the act becomes effective. I thought it would clarify the matter to present the amendment at this time.

The Secretary read the amendment:

Senate Amendment A to L. D. 664: Amend said bill by adding thereto a new section to be numbered 7 to read as follows: "Section 7. Effective date and limitation. The provision of this act shall be retroactive to July 1, 1947 except that the apportionment to be made to the towns under provisions of Section 110 to 121 of Chapter 14 of the Revised Statutes from the 1947 tax assessed at the rate of one-half of one percent, and the apportionment of Section 158 of Chapter 14 of the Revised Statutes shall be one-half of the tax collected in 1947."

Which amendment was adopted and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table, bill, An Act Providing for Reciprocal Agreements Relating to Public Assistance Recipients (S. P. 331) (L. D. 1216) tabled by that Senator on March 27 pending passage to be enacted, and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Cross of Kennebec, the Senate voted to take from

the table bill, An Act to Amend the Act Providing for the Board of Commissioners of Police for the City of Augusta (H. P. 1707) (L. D. 1432) tabled by that Senator on April 23 pending passage to be engrossed.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I am about to present Senate Amendment A to this document, and I would say that it is more or less a technical change and does not interfere with the Legal Affairs Committee which heard the bill.

Which amendment was adopted without reading 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 7:30 P. M. Eastern Standard Time.

After Recess

Senate called to order by the President.

From the House

Bill "An Act Relating to Veteran's Permit to Hunt and Fish Free." (S. P. 547) (L. D. 1484)

(In Senate on May 5, 1947, passed to be engrossed)

Comes from the House passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence.

In the Senate, that Body voted to recede from its former action whereby the bill was passed to be engrossed; House Amendment A and B were adopted without reading, and the bill as so amended was passed to be engrossed in concurrence.

"Resolve in Favor of Joseph V. Tardiff, of Augusta." (H. P. 1150) (L. D. 765)

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

Comes from the House passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence.

In the Senate, that Body voted to recede from its former action whereby the bill as amended by Committee Amendment A was passed to be engrossed; House Amendment A was adopted without reading in concurrence, and the bill as amended by

Committee Amendment A and House Amendment A was passed to be engrossed in concurrence.

Communications

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

May 6, 1947

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

Pursuant to Joint Rule 8, the Senate is hereby notified that the following Bill which was passed to be enacted in the Senate was indefinitely postponed in the House today:

Bill "An Act Relating to Close Time on Scallops." (H. P. 471) (L. D. 276) the bill having been recalled to the House from the Governor.

Respectfully,
HARVEY R. PEASE
Clerk of the House

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

May 6, 1947

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

Pursuant to Join Rule 8, the Senate is hereby notified that the following Bill which had been passed to be engrossed in the Senate, failed to pass to be enacted as an emergency in the House today:

"An Act Providing Additional Highway Funds." (H. P. 1678) (L. D. 1394)

Respectfully,
HARVEY R. PEASE
Clerk of the House

Which communications were read and ordered placed on file.

On motion by Mr. Barnes of Aroostook

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