

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

Friday, May 9, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Wesley U. Riedel of Augusta.

Journal of yesterday read and approved.

From the House

"Resolve in Favor of the Town of Leeds." (H. P. 1756)

Which was received by unanimous consent and, under suspension of the rules, given its 2 several readings and passed to be engrossed without reference to a committee in concurrence.

Passed to be Enacted

Bill "An Act Relating to Pensions or Annuities of Deceased Teachers." (S. P. 233) (L. D. 644)

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

"Resolve, in Favor of Hugh J. Andrews, of Waterville." (S. P. 30) (L. D. 1481)

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

"Resolve, in Favor of Nora B. West of Steuben." (S. P. 39) (L. D. 1480)

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

"Resolve, in Favor of Harold G. Wyman of Pittston." (S. P. 119) (L. D. 1482)

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

"Resolve, in Favor of Bridgton Academy." (S. P. 416) (L. D. 1202)

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

Bill "An Act to Incorporate the Lubec Sewerage District." (H. P. 465) (L. D. 271)

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)

Bill "An Act to Define 'Distributor' in the Gasoline Tax Law." (H. P. 1639) (L. D. 1327)

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

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)

(On motion by Mr. Davis of York, tabled pending passage to be enacted.)

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

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

"Resolve, in Favor of Portland Junior College." (H. P. 414) (L. D. 244)

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

"Resolve, to Provide Funds for Construction and Improvement of Bangor Airport in Old Town." (H. P. 1642) (L. D. 1328)

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

Emergency Measure

Bill "An Act Relating to Taxation of Cigarettes, Cigare and Tobacco Products." (H. P. 635) (L. D. 415)

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

Orders of the Day

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table bill, An Act to Define 'Distributor' in the Gasoline Tax Law (H. P. 1639) (L. D. 1327) tabled by that Senator earlier in today's session pending passage to be enacted.)

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I now move the indefinite postponement of this act, and in support of my motion I wish to make the following statement. I know very little about this subject. A gentleman who I think knows as much about it as anyone in the state, called me a little while ago and told me that it was vicious legislation. In 1941, a law regulating the distribution of gas taxes and defining "distributor" was well taken up. Everybody apparently was satisfied. The law has been working well. The law was worked out by a combination of conferences that took years, and now for some reason, some small distributor is dissatisfied and wants

to upset the apple cart. According to the wholesale distributors, this is a bad law, and I hope the Senate will go along in support of my motion to indefinitely postpone the bill.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, by strange coincidence, I was a little slow in getting on my feet, when the Senator from Cumberland tabled this bill. I did have an amendment prepared for an entirely different reason than that which the Senator voices. Frankly, I don't know too much about this bill and I doubt if any of us do. It is part of the complicated gas tax law that the State Tax Assessor administers, and there is a wide difference of opinion regarding the merits of the bill.

It has not been properly debated here and I am not prepared to debate it now. I think probably the Taxation Committee could explain it to us much better than I. The only purpose I had in preparing the amendment was this, that the tax which was passed a few days ago raising it to six cents, put this bill here in conflict with that additional two cent gas tax. I mean to say that this distributors bill refers to a four cent gas tax and of course now it is a six cent gas tax so if you do keep this bill you should adopt this amendment, and I do know this much about the bill. I think there is a large number of distributors who do want this bill. I think probably an equal number of wholesalers don't want it and very frankly I think it does benefit the distributors at the expense of the wholesalers but they have a mighty good argument as to their idea. It does not wholly compensate the allowance for shrinkage which is in the gasoline tax law.

I will let the Taxation Committee go into it in detail if they will.

Mr. NOYES of Hancock: Mr. President, this bill before you defining the gasoline distributor makes two changes. First of all it allows a gasoline distributor who is receiving gas by tank truck, a loss of a minimum of one percent, which under the present law he does not enjoy. Under the present law a gasoline tax distributor who receives his goods by barge or tank car is allowed a one percent loss if he has it. He who receives his gasoline by tank truck is not allowed that one percent. This law as I will repeat, puts

the fellow who receives his gas by tank truck on the same footing as he who receives his gas by tank car. It goes further than that in that it limits the loss which would be allowed the oil companies themselves to one percent which under the present set-up they may be allowed a loss of one percent or more. In fact, as I understand it there is really, under the present set up nothing that limits the loss of the oil companies and that is where I understand the objection probably comes from. It would seem from what I have learned of the bill that it corrects an injustice that is being done to those distributors who receive gasoline by tank truck and makes up for that allowance of loss by limiting the loss of the oil companies. I sincerely hope that the motion of the Senator from Cumberland does not prevail.

Mr. LEAVITT of Cumberland: Mr. President, I would like to ask the Chairman of the Taxation Committee if this bill which had been reported out was not reported out nine to one ought not to pass by the Committee.

The PRESIDENT: The Secretary will read the report.

The Secretary read the Committee report.

Mr. LEAVITT: Mr. President, I had a talk with the Chairman of the Taxation Committee in the cloakroom recently in which he told me it was a vicious bill and ought not to pass. I don't understand his defense of the bill at the present time, obviously, he signed the ought not to pass report and I think that is the contention of the oil distributors that it is a vicious bill. The fact is that the committee itself voted against it and as I say the Chairman of the Taxation Committee told me it was a vicious bill, and I don't see why he should support a bill of that sort now.

Mr. NOYES of Hancock: Mr. President, the Senator from Cumberland does not know the whole story. On the floor of the Senate, I stated that with the amendment there was no serious objection to the bill and as long as committee Amendment A has been adopted and is attached to the bill and has become a part thereof, I can see no objection to it.

Mr. SAVAGE of Somerset: Mr. President, my understanding of this bill is that it simply gives the little distributor, the fellow who can only

buy in lots of two or three thousand gallons the same privilege that the big fellow has who buys by tank car or barge. If there is anything vicious about it I don't want it. If it is not a vicious bill, I hope Senator Leavitt's motion does not prevail.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I spoke briefly on this bill the other day. There are some people in my locality who are greatly interested in this because it does just what the Chairman of the Taxation Committee has told us it would do, it puts the thing on an even basis. For instance, we have up there some of the larger operators buying gas by tank car and also hauling in a tank truck. That gasoline is all being sold in the same manner and to the same people, and yet they are allowed a shrinkage discount of one percent on the gas that comes in by tank car and not allowed it on the other.

On the other hand, as the Senator has just mentioned, we have the smaller distributors and also distributors who are in towns not served by the railroads and they are the ones that under the present law are being penalized. It does not seem that there is anything very vicious in a bill which gives all distributors the equal rate whether they buy their gasoline by tank car or by truck.

Mr. LEAVITT of Cumberland: Mr. President, I am very much interested that we have a member of Appropriations being in favor of this bill which will limit the taxes to the state of Maine. I would like to ask the Taxation Committee if they have made an estimate of how much it will reduce the taxes of the state in putting this bill through. I ask Mr. Noyes or Mr. Ela, through the Chair, if they know that.

Mr. ELA of Somerset: Mr. President, as one of the Committee on Taxation perhaps I can answer that this way. When we considered this bill we did defer to some extent to the opinion of the Tax Assessor. In the original form in which it was introduced, there was a serious objection to the bill. Committee Amendment A was offered with the bill, and it was frankly stated that if this amendment were put on the bill, there would be such objection to it from the oil importers that it could never pass. Going on that

assumption the Taxation Committee—and in the belief also that it would complicate to some extent the collection, because you would have many more accounts under this bill and you would have certain losses by crediting the small oil dealer with a one percent loss if he sustained it, the committee felt that by offsetting that with the amendment you would limit the losses which the major oil companies might take, balancing the loss on one against the gain on the other, or one loss against the other loss, it is now the opinion of the Taxation Committee and the State Tax Assessor that there would be less loss under the bill as it is now on the floor than as though the bill did not pass.

The major oil companies couldn't take as much loss as they do now and the minor oil dealers who are receiving by tank truck would take more. It is pretty much an evenly balanced affair. If you figure that the small oil received should have the same advantage as the major oil importer does, it is a good bill. If you think it is going to complicate collection and make more accounts in the Taxation department, you are thoroughly sustained in that argument too. There will be more accounts to collect and more minor leaks but there will be less major leaks.

Mr. LEAVITT of Cumberland: Mr. President, it is obvious that a wholesale distributor with a large tank carrying thousands of miles should get much larger loss than a person carrying in a truck a few miles and having it in his possession perhaps less than six or eight hours. The distributor holding it for perhaps a month or even six or seven days, or having it come through the Gulf Stream where evaporation is great, will get a greater loss than one percent. On the other hand, I think it is obvious that they won't get the loss of one percent by tank delivery. The law is unfair and fact that the Taxation Committee voted nine to one against this bill, even with the amendment attached to the minority report, proved that even the Taxation Committee thought it was poor at one time and I haven't been told by the Taxation Committee that they favored this law. I was told that the committee wanted to kill it and now they are defending the law. And since that is the situation, I do want to indef-

initely postpone this until somebody knows more about it than they do now.

Mr. BLANCHARD of Aroostook: Mr. President and members of the Senate, it is my understanding that the allowance is the actual shrinkage up to one per cent. In answer to Senator Leavitt, that there might be more actual shrinkage on a long trip than on a short trip, even if that is true, the small distributor with his truckload of gas would be allowed only the actual shrinkage.

As I understand this bill it simply gives the small truck distributor the same rights that have been granted the large distributor transporting in tank cars and barges in the past. If that is vicious legislation or if there is a loss of revenue in keeping accounts, I don't see it. I believe it is only giving the small business man the same rights that the large ones have had.

Mr. LEAVITT of Cumberland: Mr. President, I wish to thank Senator Blanchard for his explanation. That solves one side of the question but it doesn't solve the one that if the big tank distributor has a loss of two per cent you are making him pay for a loss he didn't have. It is all right if we take away one-half of one per cent from the tank distributor if it shows up he only has that loss. That is O. K. We are saying to the large distributor that we don't care if you lose three or four per cent, we are limiting you to one per cent. I am learning things here. I see now why they say it is vicious. I am going into this thing half cocked I admit. I think I am beginning to see what we are after. Now they are trying to force the wholesale distributor to absorb any loss he may have in excess of one per cent, the small distributor to absorb his loss, except that we give him a loss of up to one per cent.

Mr. ELA of Somerset: Mr. President, to answer the question of the Senator from Cumberland, Senator Leavitt as to why I, at least, as a member of the committee did not fight for my position on the report, was because the agency which collects the tax originally was opposed to the bill as amended, as you say, but on further studying, after the report was made, they said they had no objection to the bill, and as far as they were concerned it was all right and workable.

Mr. CROSS of Kennebec: Mr. President, I might point out one or two things about the bill which I think we should know. The basic exemption law on shrinkage has to limit the shrinkage to a very minor amount for the simple reason that it is almost impossible to prove shrinkage. In other words if an oil company comes in and says they have lost 25%, you can't prove they have not unless you measure the tank every day. It is one of those things like a poultry farmer coming in with a loss claim and says he has lost 100 chickens, well, we have to take his word for it. He has got the chickens. We can't tell whether he had 200 or 300. He says he lost a hundred. Now the distributor comes in and says he has lost gasoline. We don't know how much he has lost. We have got to have some limitation. Somebody has to suffer and in this case as I see it we are changing the suffering somewhat from the small distributor to the large one. It is purely a matter of whether we want to correct the law to help the small fellow or whether we want to leave it as it is which definitely does help the large one. We have got to have some limitation on the shrinkage.

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

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

Mr. CROSS of Kennebec: Mr. President, for the purpose I have already stated, I move that the Senate reconsider its former action whereby the bill was passed to be engrossed.

A viva voce vote being had, the motion to reconsider prevailed.

Thereupon, the same Senator presented Senate Amendment A and moved its adoption; Senate Amendment A 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. Haskell of Penobscot, the Senate voted to take from the table bill, An Act Relating to Taxation of Cigarettes, Cigars and Tobacco Products (H. P. 635) (L. D. 415) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this is the bill that comes to us as the effort of the other Branch to solve the difficult financial problems that have been faced by this legislature since we first came into session. The proponents of the bill indicate that it will produce something over four million dollars for the biennium. If you examine the increases that have resulted from the action of other states in doubling cigarette taxes, I am confident you will decide that the estimates are very very liberal. If you study the results of the taxation of other tobacco products in other states, you will find that the expense of collecting that tax is very, very high in comparison to the cost of collecting a cigarette tax. I think both of those points are minor. I think the major point in my opposition to this bill is that it is so far short of meeting the real basic needs of the State of Maine.

I realize that there is a need and a desire and a demand for economy in government but I differentiate between those two for this reason:

At the federal level we have a tax system devised, established and operated at a level sufficiently high to finance a world war. We have a tax system designed to finance the operation of a twelve million many army. I think it is perfectly proper for the Republican party in Washington to insist that this war time tax be reduced. But looking at the problem from the level of the 48 states—and the state of Maine is no different than any of the other states—the situation is quite reversed. State taxes during the last four years were not designed to finance a war. Quite the contrary. State incomes in some states were swollen as the result of the war economy. Yet on the other side of the operating sheet, state costs are up above where they were four years ago and are going to continue up, in my opinion, as this economy changes from a war time economy to a peace time economy, so that when the results from the legislatures now in session are known to all of us I think it will be very evident that the states are going to require more tax dollars to render the services that the people want.

I am hesitant in boring you again with the basic needs that

we have worked out here in eighteen or nineteen weeks of careful effort. I hesitate to recite to you again that on the table in this Senate are ten millions of dollars worth of bills. I hesitate to recite again that your appropriation bill has two millions of dollars missing from it. I don't like to recite again the fact that liquor revenue is apparently substantially over estimated in our general fund income estimate. I think all of us have those facts pretty well in mind and I think all of us acknowledge that as a revenue measure, this bill is sadly inadequate.

I am hesitant in speaking against it simply because it is the tax measure that has come to us from the House where all such measures must originate. I hesitate to offend that Body, but in all sincerity I cannot believe that this Senate can accept that as the solution to the biennium problem in the state operating sheet. It won't do it. We knew it twelve months ago, we knew it six months ago, we knew it New Year's Eve and to hasten out of this legislature with such a sadly inadequate measure is a thing I don't believe the people of this state want us to do. For that reason I move indefinite postponement of legislative document 415.

Mr. NOYES of Hancock: Mr. President, I voted against the cigarette tax in committee, for much the same reason that the Senator from Penobscot opposes it now. However, I realize, and I think most of the members of the Senate realize the difficult position in which this legislature is placed under the Constitution of the State of Maine. The 31st amendment to the Constitution states that an emergency measure requires for its passage the affirmative vote of two-thirds of the entire elected membership; it requires 100 votes in the House of Representatives. We have on all occasions some absentees. The absentee under that set-up has the same effect as a vote in opposition. It is not uncommon to find ten absentees and I would predict from this time on that number might well be increased.

It is my recollection that we have another group of 23 votes in opposition to any tax. Taking all that into consideration it requires the opposition of only 20 or less

Republicans to prevent a tax measure reaching this Body by the two-thirds route. For that reason and the fear that we are very likely to find that this is the only tax measure that will come to us I am in hopes that the Senator's motion will not prevail.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, if this legislature had adjourned today I might go along with the Senator from Hancock, Senator Noyes, but what has happened down here at Augusta this winter? You have heard me allude earlier in the session to the Appropriations Committee, and the really tough job they have had this session and you have heard me compare them to that game we all played when we were youngsters, "Bull-in-the Ring." Why? Because ever since early last spring, a year ago, we have had strong indications of the financial needs that would face us right now—today. We came down here in special session and it was argued and gone over at that time. All through the summer it was talked about in the press on the bonus issue. Last fall, the Budget Committee came down here and went over the figures. The first of this session, the Governor gave us his budget message. The Appropriations Committee has labored long and hard. The picture of the financial need of this state a year ago was about nine million new tax dollars for the year and it is more than that today.

I can't see the reason for confusion on real tax measures that would produce the income needed. If the Republican members of this legislature had one-tenth of the solidarity that has been displayed by the Minority party we would have had an adequate tax measure enacted months ago.

To my mind, there are signs of improvement in the Republican ranks. To my mind there is an excellent prospect, despite what the Senator from Hancock has said, of the Republicans getting together. We heard last night a member of the minority party plead with the Republicans. He said, "You have got the votes, why don't you do something?" Personally I don't want to go along with this—I wouldn't call it even a half way measure that is before us at this time. I quite agree with the sentiment expressed in

the other Branch that I would rather go home without any tax at all than to foist this thing on the people of the State of Maine.

So, members of the Senate, I hope when you vote on this measure that you will vote not as men who have given up hope of doing something that is right for the State of Maine. I hope you will vote "No" on this measure. We don't have to adjourn today and we should be ashamed of ourselves if we do adjourn without enacting a vigorous tax measure. I hope that the motion of the Senator from Penobscot will prevail and that every member of this Senate will vote for it. I think there has been too much of an impression created around this legislature during this particular session that the members of the Senate on revenue measures should just sit back and listen and go along.

I think it would be of help to some of those who are wavering in the other Branch if this Senate sent across the Halls of the state house a message that we are not willing to go along on this half-way measure. It is true that revenue bills cannot originate in this Branch of the legislature but it is also true that almost every member of this Senate, with the possible exception of two or three, has served in the other Branch prior to this time and, after all, even though we cannot originate revenue measures in this Branch, we can at least indicate that we have the desire and the common sense to try to do what is right for the State of Maine. Again I say I hope the motion of the Senator from Penobscot, Senator Haskell, will prevail.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I have no desire, as I told you last night, to debate the merits of this bill. I don't think it is entirely without merit but I certainly think it has very little merit. However, as your floor leader it devolves upon me to present to you a few of the reasons which are behind the passage of this measure.

I don't believe that in all the years I have been in this legislature I have ever seen a more sincere desire on the part of the majority of the legislature to produce a substantial and sincere effort to solve our tax problem. We are in the position, which is completely against our conception of democracy, of

the majority failing to rule. This legislature has had a majority on practically every tax measure which has been before us and the only unfortunate part of the majority not ruling as it should is the fact that this is an emergency measure and that we must solve it as of this day. This legislature has facing it, as you know, a deficit in round figures of ten million dollars. Now there is a great deal of, perhaps, padding in that ten million dollars and I think most of us gave them, these projects, too little consideration on their merit as they went along to their final resting place on the table of this Senate.

Be that as it may, those measures are there and if we must provide revenue for them, we must have some other tax than this. But with the other situation facing us, when are we going to decide when the last test has been taken? Is this the time? Are we fully convinced? You all know that the votes have been many. They have been reconsidered. They have said, "This is our last try; this is it." and they have had the vote and they have failed. The only major tax which we have passed here has been the gasoline tax. Now are we going to say that we will try this just once more and this time we surely will make it?

I am perfectly willing. My time is no more valuable than yours. I am willing to stay here until we find a solution to this problem but we cannot continue and continue and continue to resurrect from the dead and try to revive it. If this Senate feels that this is not the thing we want, that we are going home with nothing or that we are going home with an appropriate solution, that is perfectly all right with me. I would simply point out to you a few of the things that you will not do, and very obviously you must know them. I will only clear the record. If we go home with nothing we cannot do the many things which this legislature has felt must be done. There is, I think, in all of your moods, a priority as to what is actually necessary. I am minded of any business which is torn between the desire to run its business on an economical basis, between the desire to promote capital investment to build a bigger and better world of their own and the other side of the business which must and does insist on living within income.

We in the State of Maine are perhaps considered ultra conservative. I certainly do not think that we are in line with the New Deal, that we are professional "do gooders" that we must do this or that. I think, I know, we sincerely want to do the things which we consider are for the best interest of the State of Maine. Necessarily someone must pay the bill and I merely wish to point out to you that if we do pass this tax measure, it will provide, in the opinion of your floor leader and of the other officers, this list of very essential needs. It will provide for the University of Maine Brunswick operations, it will provide for the vocational schools, it will take care of state employees and teachers' pensions, it will provide a million dollars a year for teachers' salaries, it will provide for a few miscellaneous, minor changes in our set-up and it will provide for the pauper claims and miscellaneous pensions for soldiers, sailors and needy persons and it will provide approximately the same amount for Health and Welfare and every other department as is set up in your appropriations bill which you have before you.

Now, do you want, even though it is only half a job or a third of a job—that is a matter of opinion—do we want to do these things for a surety or do we want to gamble on just one more try? It is immaterial to me, members of the Senate. I am just as anxious as you are to see a sound program and if anyone can present it to me, I will be pleased to vote for it but I do not think we want to throw away the last resort which faces us now. If you vote to postpone this bill and fail to get anything else, perhaps we can resurrect the dead once more, but possibly we can't. Perhaps someone will say, "It is too late, let's go home." That is the only danger we are facing and it is your decision, gentlemen.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, at the very outset I am willing to concede that this humble and inadequate bill falls far short of the goal that we set and of the need that we feel we have. It is at best only a stop-gap measure. That is all the bill was designed to be. For four months and nine days we have milled about the corridors and halls of this state house looking for someone to stand out as a leader, some-

one to present a plan and a program that we could get a majority to support. What have we done? We have acted as 184 individuals. There have been no conferences. We have seen no small groups sitting around or standing around talking over some of the problems that have been before us. We have walked back and forth serenely, with a smile, rubbing elbows, passing the time of day, waiting for a leader to come forward. In that period of four months and nine days we have become stalemated, we have hardening of the arteries. The bill that you have before you for consideration, as bad as it stinks is my humble effort to stop the leak in Senator Morrill's dyke. It is designed primarily to stop the gap if nothing else comes forth. It will be helpful even though something else does come forth. The bill has done just what I hoped it would do. It has started our blood circulating. The only other thing that can do that is a few warm days. It is serving the purpose for which it was designed. I am hopeful, I am happy, I am confident.

They say the people want a major tax measure. All right, let's prove it. We have tried a sales tax and an income tax and have failed to get an emergency clause on it. We have failed to prove that that is what we want. It is being said in both Branches that that is what the people want. Well, let's give the people a chance to prove it. We have a majority on both bills. Rather than lose it, rather than sneak away with our tails between our legs, let us give them a chance.

Only yesterday, the Senator from Washington, Senator Dunbar, in pleading for the bonus measure, said he would always support a bill that had a referendum clause, that he had confidence in the people. Less than eight months ago we put out such a measure and the people told us. Those same people will vote again. I am willing to give them another chance. I am willing to abide by their decision and I am not too sure but that they would pass one or both of these tax measures. The people of the State of Maine are becoming rather disturbed about their legislature and their legislators. That is a good thing. Their blood is starting to circulate also. That is just what we want. There are 184 of us and there are six thousand teachers and they

can go out and meet people, a half dozen apiece, and they can get votes enough, if the people want it, if the people can be made to understand they need it, if we can prove to the people that our state government is being operated as efficiently and as economically as we operate our own business and until they are of course they won't vote for more money and for more taxes. You know what the people say. You know what the people think. They may be right or they may be wrong. We have kept ourselves too far apart from the people. I have lived among my people.

I will stay here just as long as you folks do. I do eight hours work at home and I spend a good many hours among my people. I know what the people want on the gasoline tax. I presented two amendments. My County would go along with it. We tried it the other way. Let's get close to our people. We are not lords here. Our blood is circulating.

I would thank you to notice that I stand with my hands in my pockets. I am not a good politician. They say a good politician never stands with his hands in his pocket; he has them in someone else's pocket. Now we are ready to do business, we are ready to discuss this, analyze it, and I think accept it. We have lived in one end of this statehouse away from our fellow legislators. They haven't too much confidence in us and we have not had too much in them. We have passed the buck back and forth waiting for the other fellow to make the first move. Now I think we are ready to settle down like men and women and do a job. Let us still remember that we are an institution on this side of the river. We have the ability and the judgment, and I think we have the courage to keep sane and calm and really do a job. Nothing has crystallized until this week. Nothing has come out of it until this bill appeared. Now the people are beginning to talk, they are beginning to think about it, they are beginning to want to compromise, they are beginning to want to do something. I think they are going to. Let us not indefinitely postpone this. Let us pass it and let us pass it with a bang. I have never pled with you folks before. I may never get another chance. I ask you to support

this just as nearly unanimously as is possible.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I think that was a very fine discussion of the situation as it now exists and I think it is a very honest thing on the part of the Senator from Sagadahoc, to admit that this is not a good bill. And I now see clearly the reason why he urged it, because it has kept the thing alive. Now, there are only two or three things I want to say at this point. I want to remind members of the Senate that if this bill is defeated at this time, it doesn't necessarily mean the final defeat of it. I want to remind the members of the Senate that both major tax bills are still alive in the other Branch. I would like to see the Senate reject this bill at this time and possibly we will get one that is worthy of this legislature and one that the people of the State of Maine want and sorely need, and, Mr. President, I ask that when the vote is taken, it be taken by a division.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, we all have our own opinion and we all have a right to our opinion but it is my opinion that if we reject this bill it is the last slap in the face that the House will take.

Mr. LEAVITT of Cumberland: Mr. President, I wish to differ with the Senator from Sagadahoc. I don't believe the House would feel that this is a slap in the face. I believe the House will feel if we reject this bill that the Senate is not pessimistic but they will feel that the Senate is optimistic. If they will feel that the Senate believes that the House and Senate together can go forward with a program which will meet the needs of the State, the program that the people sent us down here to accomplish. I believe the House will say that hope is not lost, that we have an opportunity to go ahead and show the people of the State of Maine that they can give us respect. I am not going home with my head hanging in shame and I don't believe there is one person in this legislature who wants to go home admitting to the people that we were not able to do the work we were sent here to do.

Mr. DUNBAR of Washington: Mr. President, I don't want to let the opportunity go by to pay my re-

spect to this bill. I am opposed to it for many reasons. When we start to impose a tax upon cigarettes and tobacco products that are already taxed 4-5 of the cost, I am not ready to put on an additional two cent tax, and particularly I am not in favor of doing it when it is admitted by every Senator here that this tax will not do the job.

It is true and I said—and I won't go back on my statement—that I would not vote against a measure that carried with it a referendum to the people, but you will remember that I was very careful in saying that I reserved the right as to whether or not I would vote to put such a referendum on the bill. On this particular bill there is no referendum. This is an emergency measure and we are taking away from the people the right to vote upon this measure and I am wondering just what they will say to us when we return home if we pass it as an emergency. We will have to admit to them that we know it won't do the job but we were too spineless and too weak so we have shoved over on to them what they turned down last September with a bonus attached to it.

Do you think that is fair to the people of the State of Maine? I don't. As has been said here on the floor of this Senate today and previously the matter of new revenue for the State of Maine has been recognized for the last year or more, and it has been discussed you have all heard it discussed. When I came to this legislature, people who were interested in the problems in the State of Maine in my county talked with me and said, "You have got to have more revenue and I said, "It looks like that to me." I was told what I have believed in ever since I have come to this legislature, that the only fair and equitable tax measure to pass is the sales tax. I have been for the sales tax and I am still for it but I am not for this specialized sales tax that the people last September by a vote of nearly three to one turned down with a soldiers' bonus attached to it, and to do it here under an emergency. It is for those reasons—and I could give any others—that I favor the motion of the Senator from Penobscot, Senator Haskell, that this bill be indefinitely postponed.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Sen-

ate, I suppose we have just as much right to be inconsistent in this Body as in any other Branch of the legislature. We can pass a bill, we can kill a bill and we can recall a bill. This bill does not have a referendum. It cannot go to the people so the Senator from Washington, Senator Dunbar cannot go along with it. This is foisting upon the people a tax that they have nothing to say about, a tax on an unnecessary luxury, a luxury that isn't a necessity of life. Cigars, the rich man's smoke, are scott free from state taxes. The poor man's smoke, the cigarette, is taxed already and we are not justified in increasing that tax without taxing the whole tobacco field.

We have a right to be inconsistent in here, to refuse to vote for this because it is an emergency but this Senate has twice voted unanimously including the good Senator from Washington, Senator Dunbar, to pass the sales tax and the income tax to be engrossed and that was an emergency. The sales tax taxes the necessities of life, bread and milk and shoes that the poor people use. That is all right. We have a right to be inconsistent. This commodity is an unnecessary luxury and I use all of them. I don't have to. But my children and 840,000 other people in the State of Maine don't have to use tobacco. If they do that is their privilege. They can use liquor if they want to and that is their privilege but they have to have food and clothing and fuel and we would tax that.

Now, I say this bill is an instrument to get our fellow legislators thinking and to get some workable tax program and if we kill this then we are done. I hope the motion of the Senator from Penobscot, Senator Haskell, does not prevail.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I think we have accomplished perhaps what we intended to accomplish by this debate. I think we have brought out quite thoroughly that the majority of this Senate want and will pass a proper and substantial tax measure to care for the needs of the state in the next biennium. I think I should point out the obvious fact that whether we like it or not this bill must be passed as an emergency, and that only for this reason, that we are projecting our budget into

the next two years just as we always have to do and we cannot form this budget upon any bill which has attached to it a referendum. We must have an indication that we will have so much money with which to balance our budget. We must know before we adjourn, and the Governor must know before he signs the appropriation bill, that so much revenue is here and so much may be expended.

Now, as I said, I think we have accomplished the purpose of this debate. I think it is clearly indicated that this Senate will go along with any measure which can be presented to us by a two-thirds vote of the other Branch that will properly solve this problem. If we are convinced of that fact, that we have properly explained our stand and because of the facts which I have previously pointed out in my earlier talk to you, I think the Senate should go along with me on my first motion which is to lay this bill on the table for the moment, and I ask for a division.

The PRESIDENT: The Chair will state that the motion to table is not debatable.

Mr. CROSS: Mr. President, I asked for a division.

A division of the Senate was had.

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

Mr. ELA of Somerset: I think, Mr. President and members of the Senate, that it might be helpful to analyze this just a little and see what we can do with this bill plus the existing revenue laws. As roughly calculated, the present revenue laws plus this bill would produce for the general fund about twenty-two million dollars a year. Two years ago we appropriated for the first year of that biennium \$17,700,000. Four years ago we appropriated — and taking into consideration the cigarette tax which was then earmarked, I have thrown that in so that the accounts may be comparable — \$14,229,000. Now, it can be stated that those percentage increases are substantial, they might meet in some degree the complaint that nothing has been done to recognize increased expenses. In a two year period when you increase your revenue available for appropriations and increase those appropriations 23%, that is substantial.

When in a four year period you provide revenue and make appropriation increases of 50 percent, that is substantial. So regardless of whether you do or do not like this bill you are, in conjunction with existing revenue laws, providing substantial increases for running expenses and what new legislation seems desirable.

Now, it has been stated repeatedly and contradicted, I guess, not at all, that the projected revenues are estimated too high. The Appropriations Committee have had those estimates before them all winter and I rather think they haven't changed them too much from last fall's figures. I think in the passage of that time there might be some basis for questioning the figures on liquor revenues. However, the fiscal year ending next July will produce under any calculation that I am able to make, seven and a half million dollars. That is what is projected for the first year of the succeeding biennium. The second year of the biennium that amount is estimated at half a million dollars less and is so set up in the projected revenue.

So I may concede that possible the figures on liquor may be a little too high, though I am not sure about it. We are taking most of our percentage decreases in a period when they normally would be pretty low. The month of April wasn't a good month. They picked days and weeks perhaps in which holidays existed and liquor stores were not open. Other conditions were bad. But suppose we do concede that the liquor revenues are projected a little high. There are other figures in the revenue projection besides liquor. There is the matter of insurance. There is projected in the insurance revenue \$880,000. We have already collected this year more than a million dollars. I grant perhaps that some of you people buy insurance. I think some of you have been increasing your policies. I think perhaps the increase in the insurance revenue will continue. It is estimated for the present year \$125,000 short and if you accept that figure, and I am willing to, somebody could argue that it could increase some more the next year. I think it will. We have the item of telephone and telegraph. It is in there for \$575,-

000 and it is the same for both years of the biennium. We have already collected in this year \$660,000 and that was for the year 1946. Thousands of telephones have been added. They can't build lines fast enough. The income at the present time is running ten percent ahead of a year ago. A rate increase is incipient, so at the very least you can figure that item should be \$150,000 above the present, taking into consideration no rate increase.

We have just passed the savings bank tax law which will increase it \$20,000. That is chicken feed. Inheritance tax is set up for the first year of the biennium at \$910,000. We have already in ten months received more than that. In my opinion that item is \$200,000 low. We changed the law two years ago raising the rate in one category from five to eight percent. Now, collection on inheritance taxes lags tremendously behind law. Estates are not settled very rapidly. A person will die today and perhaps payment will be made at a considerable time in the future. But our collections are running far ahead of the estimate and you do have the impact of a considerable period of prosperity behind us in establishing those estates.

The real estate which goes through the probate court and would be appraised now is worth far more than it has been previously. You have the profit and accumulations in bonds and savings bank accounts and under no basis that I am able to figure should that be projected at less than a couple of hundred thousand dollars. Add them all up, those few that I have mentioned and you have understated half a million dollars a year. In my opinion that will take care of any drop in the liquor revenue. Now, to carry this thing through to a conclusion, the thought behind indefinitely postponing this bill, and saying we would rather go home with no tax at all is to say to the other Body "We won't do it; it is your turn; go ahead and produce something." Well, maybe you can force that and maybe you can't. That isn't our province to decide. But when you go on that assumption you are taking quite a lot on your shoulders.

It has been mentioned that the

base should be broadened, that we are going on the same tax today that we were going on years ago. That is foolish. Not more than twenty-five or thirty years ago we were receiving nearly all of our general fund revenue from real estate. At the present time we get less than five million. If this bill should pass in addition to present laws we will be getting for general fund alone something near twenty-two million.

So you see that real estate is now carrying less than 25% where previously it carried nearly all. This bill, whether you like it or not, does have the merit of simplicity. The machinery is already set up and ready to go. It won't cost much of anything. It will irritate less people. I am not going into the question of whether it is adequate to do all you want today or not. I just want to get into your minds the fact that inadequate as it may be, if you prove it is inadequate, it is at least 23% above what you said was adequate two years ago, it is at least 50% above what was considered adequate four years ago.

Mr. HASKELL of Penobscot: Mr. President, I hesitate to recite the general fund finance picture again but since the Senator has indicated a conclusion that there is 44 million dollars of the general fund income, I would like to question it just a bit. There is one figure that has stuck with us through this session and that is the income from the revenue measures that go into the general fund, and that figure is \$39,472,582. In round figures let us call it 39 million, four or five hundred thousand.

Now you have heard read into the record in this Senate an indication that in the opinion of the Liquor Commission revenues estimated at \$14,500,000 in round figures are over estimated by a million dollars. I think they are very optimistic because among the seventeen monopoly states and the reports of those seventeen monopoly states recently made, many of them report decreases up to 40%, all of them report sharp breaks in liquor prices. And the way our tax law in the State of Maine is set up a break in the retail price carries a corresponding break in the net profit. If there is a general drop in retail prices of liquor and if there is a break in consumption, as is evident in the other monopoly states, I am sure this million dollar figure which is

substantially less than ten percent is at least optimistic. But let us call it a million dollars over-estimate. This tax, I am told, yields something over four million dollars. Let us call it four million, six hundred thousand, a round figure and let us add the \$38,400,000 and the \$4,600,000 and we get \$43,000,000. Let us look at the expense side. You have had in great detail the conclusions of the Committee on Financial Affairs, after paring the appropriation, after making substantial cuts where those cuts will hurt. I realize the difficulty that committee had to face. I realize the difficulties the Governor and the Budget Committee have had in making expenditures meet revenue. They come to you and say, "The Appropriation bill that is in your document file as L. D. 1475 requires \$38,400,000," which is what you would have without this cigarette tax, but they tell you, "We left out of that an item of \$2,000,000 pending the conclusions on pensions." So there is two million dollars that we have got to start looking for.

Now, what are we going to call it that we need for new revenue? Let us say that we are going to cut the teachers' pension bill from three million dollars back to two million dollars. That boosts the problem up to four million dollars. Let us say that we can't close up the Brunswick campus and have got to continue the Orono proposition. Brunswick requires three hundred thousand. Orono requires seven seven hundred thousand dollars. That is a million. The problem is now five million. We have a contingency found here for which not one dime has been appropriated for the last two years. That was \$450,000 a year or \$900,000 for the biennium. Certainly the legislature will want to provide money for the contingency fund because the unappropriated surplus of the general fund is to be about a million and a half, and I don't think we want to leave the legislature and say, "Spend your contingency money out of the surplus as low as that" in a state that expends out of its general fund over forty millions of dollars. So I think our problem is now up to six million dollars.

Now there are other "must" bills such as the legislative deficiency bill of \$690,000 and several others that we refer to as housekeeping bills and you are attempting to

take care of them by a tax measure of a little over four million dollars, and assuming that all of the spending bills that you and I and members of the other Branch see a great deal of merit in and the bills that have substantial support from the people must be sluiced, must be killed. There are some that can and must be killed, but I cannot believe that the institutional bills should be killed; I can't believe that the assistance we seek to give to the communities via the ADC bill needs to be killed. So what is the answer?

I think the answer points to the complete inadequacy of this cigarette tax bill. I am as hesitant as any member of this Senate to be in the position of saying to the other Branch that they have done an unsatisfactory job. I don't think it is our place to do that and it is with apologies that I come to that conclusion. But, members of the Senate, when I go back to Penobscot County I want to say that at least I tried. I am not going to be proud to go back there having failed to do a reasonably adequate job for the State of Maine. They deserve it and we ought to do it for them.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, I want to speak for just a moment as your Chairman of the Committee on Appropriations and Financial Affairs. I am not going into the financial details as the Senator from Penobscot has very ably presented you with rather a serious picture but a sound one. But I do want to tell you that our Appropriations Committee has had a very difficult and arduous job in this session. They have been in continuous session since the first of January right up to this moment. We have reviewed every department of state. We have gone into minute details in their administrative expenses and their revenues. There has been a feeling in this legislature in the last week or so that perhaps a further saving could be created by cutting to the bone. I want to tell you gentlemen, that major surgery has already been done. The patient cannot live with a further dig of the knife. We have gone as far as we can in order for this state to function at least somewhere near normal for the next two years.

This tax as you all know only give

\$4,200,000. It only covers half the bills, but I have enough confidence in this legislature to know that they can handle it in an economically sound and businesslike way and give us a tax that will fill the requirements for the next biennium. Here on the table we have ten million dollars tabled. A great lot of that is good sound legislation that should be enacted. I hope, members of the Senate, that the motion of the Senator from Penobscot will prevail.

Mr. MURCHIE of Washington: Mr. President and members of the Senate, I don't suppose that any individual has been as undecided as I this morning as to how to proceed. The conclusion I have come to is this. In the first place, as you will notice, I have a very great respect for the opinion of our floor leader so as you noticed this morning I voted with him to table this bill but listening to the debate this morning, I have come to the conclusion that I cannot vote for a bill that "stinks" and has been so admitted by the sponsor, and my thought is that I will go along with the Senator who made the motion to indefinitely postpone, with the partial assurance from our floor leader could be revived if it is necessary.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, as Senator Barnes said recently, there are two kinds of people, the good and the bad, and the trouble was that the good decided which was which. That appealed to me as having some truth in it. The people in the world have been further divided into two groups. The thinkers who do nothing and the doers who act without thinking. But it has been said that civilization progresses by the rather intermediate group who think and who act as the result of their considered conclusion.

The legislature finds itself in exactly that position this morning and analyzing the figures given by Senator Noyes it would appear that about seven out of ten of us have got to classify ourselves in that rather intermediate group who think and act soundly on the conclusions of our mental processes.

I am supporting the Senator from Penobscot in his motion on the bill this morning because, like the rest of you, I think it is entirely inade-

quate to meet the problems of the state and for several other reasons. In the section of Maine where I travel substantial numbers of our cigarette smokers are buying cigarettes by mail in order to avoid the present two cent tax. I think if we double it, larger numbers will do that and we will not get too much additional revenue.

The information which I have been able to gather, indicates that the statement of the Senator from Penobscot is correct in that the cost of collecting the tax on taxable products is very high and the net which we shall receive from this tax on this product will not be very great. I appreciate the analytical information which has been given by the various senators on the financial situation in which the state finds itself at the moment and I accept their views because the work I have done here has not been connected with taxation or finance. I am not in entire agreement with some of the statements that Senator Ela has made on the increased revenue which the state is going to receive in some of its various departments. I think there is great question whether some of those increases will actually materialize.

In the field of taxation of telephone companies, I am not sure that will increase too much. Inheritance taxes are definitely slumping and not likely to go up too much. We are in the greatest leveling process in regard to incomes which this country has faced in a long time and it is necessarily going to result in a reduction of revenue to the state and I don't think that would be a dependable source for increased revenue.

I am going to say again that at least seven out of ten of us have got to face the problem squarely and bring out a revenue measure which will be adequate. We can find it. If we don't do it now we shall have to do it later. That is my view and I am supporting Senator Haskell in his motion.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I feel that in the discussion this morning the Party I represent was singled out as unwilling to cooperate and do its share towards proper legislation. I also understand that the same accusation was made in the other Body. I want to point out to the members of the

Senate that at the start of this session four months ago apparently the minority party was not needed or wanted. And we as a party do not see why we should assume the responsibility of the majority party at the tail end of the session. Nevertheless, in order to clarify my position and the position of the members of my party in this Senate, I would like to make this statement.

Days and weeks of lengthy study, consideration and discussion find us still unable to agree as to what course to adopt relative to taxation. It appears to be evident that under present circumstances, discussions may be prolonged indefinitely with no satisfactory conclusion attained. We have reached a deadlock stage. Divided opinion is strong and refuses to yield. Uncertainty reigns. The seriousness of the matter has cast upon us an attitude of hesitancy not based on fear, stubbornness or thought of realization of pet ambitions but justly prompted by the mindfulness of our obligations to the people who have selected us as their only elected representatives. It is most unfortunate that the thought has been expressed in these legislative halls that this assembly, making use of its delegated powers, may proceed and adopt whatever taxation measure it wishes without consultation with the people. Very true, but democracy works on a broader scale. The authority vested into us should not lead us into abuse. The voice of the people should be heard. We cannot stifle it. The issue is too broad. And that voice right this moment is saying exactly what my party has been calling for consistently during these deliberations, and that is to eliminate first, and then and only if strictly necessary, to act. That is what the people demand.

I repeat, we must first cut and slash excessive budget requests. We must eliminate waste and extravagance. We must do away with incompetence and inefficiency. We must bring the whole thing back on a business basis. In order to accomplish this purpose we must first determine, through careful study and diagnosis, the cause and source of our troubles.

I want the people of this state to know that if we should increase their taxation burden we have done this only after exhausting all resources available in an attempt to

prevent the necessity of such action. And for this reason I strongly advocate that we refer this matter to the new research committee and I hope that the minority party shall have two members on that committee, and that this legislature will charge our research committee with the duty to look intimately into the affairs of each and every department of state to seek out instances of waste, extravagance, liberalism, incompetence, mismanagement, duplication and untimely undertakings; to ascertain such other conditions as they exist in the functioning of each and every department that are injurious to the welfare of the state and detrimental to the interests of its people and when this committee has done its job then it reports to this legislature its findings before the end of the year and at that time that this legislature will be called back into session.

Then, enlightened by the possession of accurate facts as well as a complete schedule of substantial reductions in departmental disbursements, this Body will be in a position to act properly toward the solution of the taxation problem. And, Mr. President and members of the Senate taking into consideration the fact that this bill does not carry a referendum, I shall vote against it.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I was very pleased to hear the position as outlined by the minority floor leader of the minority party in the Senate. We have been here four months and I have been very pleased to associate with the minority party in the Senate. We have had many pleasant exchanges but this is the first time we have had the pleasure of hearing what is the platform of the minority party of the Senate.

Now, I would like to reply to the Senator from Androscoggin that this thing has been hashed and re-hashed, investigated and re-investigated. We had a very exhaustive study by the legislative research committee last year of this entire problem of taxation and the basic needs of the State of Maine. I assume that Senator Boucher has read this report. It is a very exhaustive study. One on which the legislative members put a great deal of time and effort. I think it was a sound study and we are now attempting to legislate on the basis of this

report which has been before each member of the House and Senate.

If we cannot agree at this hour that every attempt has been made by the Appropriations Committee in the recommendations of the research committee in regard to the operational expense of this state, I don't think that this is any time to attempt to investigate or cut budget appropriations. I was interested to note that the Senator from Androscoggin is a member of the Welfare Committee which has conducted and sponsored an investigation of one of our largest departments and while they made many criticisms they did not say and I don't think they say now that the department can get along with one penny less than the budget appropriation. In fact, on the floor of this Senate we have heard repeatedly that they cannot get along, no matter how well it is administered with the amount set up in the budget.

I feel sure that any department head of this state will do his best and make a most earnest effort to administer the affairs of the state, with what we give them to do with but when we speak of cutting and slashing blindly and without system there is absolutely no basis of sound legislation in that statement.

The Appropriations Committee has worked earnestly and long for four months and have presented to you repeatedly statements of honest facts, the best collective thoughts of this legislature as to what is the least that this state can get along with in revenue. Are we going to assume that those gentlemen have not done a proper job, that blindly we can cut and slash through their recommendations and get along with less basic housekeeping, as we use the word. The thing we must determine here is just how far we are apt to go over and above these housekeeping costs. I don't think we should enter into any possibility of further referring these things to a research committee.

I don't know of any research committee that could do a better job than the one we had last winter. We may not follow their recommendations entirely but we certainly agree with their basic assumption of what is a minimum for state government.

I don't agree personally that this bill before us is the solution. I don't think one person in this Senate agrees that it is. I merely say, is

this what we should do at this time or isn't it? If we truly think so and honestly think this is as far as we can go, I assure you with the backing of the administration that they will do their best with what we give them to do with and it will be a proper and sane and economical administration. It is up to us to decide whether we shall have the so-called luxuries which are on the table in the Senate today or whether we shall have the bare necessities or a combination of dignified, sound administration and sound capital investment for the future of this state.

When the vote is taken on this measure I shall vote with the gentleman from Penobscot to indefinitely postpone the measure for the very obvious reason as your floor leader of being in a position to recall the measure if it is necessary.

Mr. BOUCHER of Androscoggin: Mr. President, in answer to the majority leader of the Senate, I want to point out for the record that the budget of the Welfare Department has been reduced from what it was last year and the year previous. I have no brief for the recess committee. I have read their report and think they have done as good a job as any previous recess committee. I have served on two previous research committees in 1939-40 and in 1941-42. I know something about the procedure of those committees. My whole thought is this, that the new research committee be empowered with enough power to make a probe if necessary, something similar to the committee that investigated the Runnells affair. I am not charging any crime or any illegal acts in the doing of any department but I maintain as a member of the Welfare Committee that we found in the Welfare Department by investigation a possibility of saving of two or three million dollars in that department. It is also possible that through a similar probe in other departments other millions of dollars might be found that could be saved to the citizens of Maine.

It has been pointed out to you today that some two or three or four years ago the appropriation was fourteen million dollars. If my recollection is right, when I first came to this legislature in 1935 the then appropriation was less than ten million dollars. Under this present budget it is about twenty mil-

lion dollars. There is ten million dollars on the table in the Senate at this time, making a budget of thirty million dollars, if passed. Where are we going?

There is a limit to what the citizens of Maine can pay in taxes. I think the heyday of big pay, big earnings and big profits has gone by. I am one of that school that thinks we are entering into a recession or depression and the State of Maine had better guard itself to live within its income and stop being extravagant. I will vote personally, and I think the members of my party will vote, for any reasonable taxation that does not carry an emergency. I will vote and I think the members of my party will vote at this time, to send any taxation bill by referendum to the people of Maine. If that money is necessary and if the causes for which it is necessary are so good I feel it is our duty as members of this legislature to go out and sell the idea to the people of Maine and let them decide next September whether they approve or disapprove.

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

Mr. BARNES of Aroostook: Mr. President, I ask for a division.

A division of the Senate was had. Twenty-one having voted in the affirmative and eight opposed, the motion to indefinitely postpone prevailed.

Senate Committee Reports

Mr. NOYES from the Committee on Motor Vehicles on Bill "An Act Relating to Length of Motor Vehicles," (S. P. 172) (L. D. 425) reported that the same ought not to pass.

Which report was read and adopted.

Mr. CROSS from the Committee on Ways and Bridges on Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River," (S. P. 186) (L. D. 517) reported that the same ought to pass.

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

Sent down for concurrence.

On motion by Mr. Cross of Kennebec

Recessed until three o'clock this afternoon, Daylight Saving Time.

After Recess

The Senate was called to order by the President.

From the House

"Resolve in Favor of the Town of Warren." (H. P. 1757)

Mr. Welch of Aroostook was granted unanimous consent to address the Senate.

Mr. WELCH of Aroostook: Mr. President, this does not require any money. It is really a re-allocation of funds similar to the one we had this forenoon.

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

Senate Committee Reports

Mr. Welch from the Committee on Ways and Bridges on "Resolve Proposing an Amendment to the Constitution to Authorize a Bond Issue for Construction and Reconstruction of State and State Aid Roads and Bridges, and to Provide Means of Amortization of Same," (S. P. 451) (L. D. 1255) reported that leave be granted to withdraw the same as it is covered by other legislation.

Mr. Cross from the same Committee on Bill "An Act Relating to Reissuance of State Highway Bonds," (S. P. 328) (L. D. 864) reported that leave be granted to withdraw the same.

Which reports were severally read and adopted.

Passed to be Enacted

Bill "An Act Relating to the Fire Department of the City of Lewiston." (S. P. 317) (L. D. 875)

Bill "An Act Relating to Police Commission of the City of Lewiston." (S. P. 322) (L. D. 870)

Bill "An Act to Effect Certain Changes in Administrative Procedure Under the Unemployment Compensation Law." (S. P. 533) (L. D. 1443)

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)

Bill "An Act Exempting Certain Independent Contractors from the Regulations in re Motor Vehicles Used in Intrastate Traffic." (S. P. 546) (L. D. 1485)

Bill "An Act Creating a Sewer District in the Town of York." (S. P. 550) (L. D. 1497)

Bill "An Act Relating to the Salary of the Judge of the Lisbon Municipal Court." (H. P. 186) (L. D. 134)

Bill "An Act Relating to Determination of Valuation of Property with Relation to Inheritance Tax." (H. P. 1069) (L. D. 700)

Bill "An Act Relating to Liquor Licenses in Unorganized Territory." (H. P. 1597) (L. D. 1251)

Bill "An Act to Repeal the Charter of the Bay Point Village Corporation." (H. P. 1606) (L. D. 1272)

(On motion by Mr. Bishop of Sagadahoc tabled pending passage to be enacted.)

Bill "An Act Relating to State Normal School's Reserve Account." (H. P. 17088) (L. D. 1434)

Emergency Measure

Bill "An Act Increasing the Share of the State in Pari-Mutuel Pools." (H. P. 1730) (L. D. 1460)

Which bill being an emergency measure and having received the affirmative vote of 20 members of the Senate and six opposed failed of passage as an emergency measure.

Mr. BARNES of Aroostook: Mr. President, I move that we reconsider our action just taken, whereby this bill failed of passage as an emergency measure.

Thereupon, on further motion by the same Senator, the bill was laid upon the table pending motion of that Senator to reconsider and especially assigned for later in today's session.

Orders of the Day

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table Resolve Providing for Maintenance of a Road in the Town of Lamoine (S. P. 341) (L. D. 962) tabled by that Senator on May 8 pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table Bill, An Act to Incorporate the Lincoln-Chester-Bridge District (H. P. 499) (L. D. 354) tabled by that Senator on May 8 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Senate Report Ought Not to Pass from the Committee on Temperance on bill, An Act Relating to Limitation of the Number of Liquor Licenses (S. P. 434) (L. D. 1220) tabled by that Senator on April 3 pending adoption of the report.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I am not sure at the present moment whether this is a good bill or a bad bill. It has been held on the table for the past month or more at the request of the Committee which heard it. Sometimes the information coming to me would indicate that the committee thought amendments could be prepared which would be acceptable to the committee, and at other times, the information would indicate that the committee would insist on its ought not to pass report.

Of course the matter of the number of liquor outlets in the various towns of the state is of considerable importance. I am sure all the Senators will agree that those outlets are so limited in number should be so limited in number that in every case they would be well equipped establishments properly operated. I am sure you would want those who manage these establishments to make sufficient profit so that they could keep reputable places.

It is my opinion, and I think a large number of the people in the state agree with me, that in some areas at least the number of outlets is so great that conditions would be greatly improved if the number could be reduced.

It so happens that I come from a town with a very large number of outlets. In the city of Waterville we have seven hard liquor licenses, 43 off-the-premises outlets and 18 restaurant outlets. That is a very large number and there are a substantial number of people in

out town who think the city would be better off if we could make some reduction in that.

There is no way you could reduce the number of liquor licenses in any town, in my opinion, unless you did something which naturally you would not wish to do. The printed bill provides for reduction of outlets through the method of denying the right of transfer of licenses on the sale of premises on which outlets happen to be located. That is an offensive method to most people. It is a method which I personally would very much dislike to see the state use but any method which I have been able to think of or which anyone has been able to present to me would be just as offensive or perhaps more so. The Assistant Attorney General who represents the commission thinks that if we base limitations on the number of outlets as proposed in this bill, violations and other things would gradually reduce the number of outlets and conditions would improve. I am not sure that is so. If we limit the number of outlets in any particular area then those outlets become very valuable. That is demonstrated by the fact that when this bill was first introduced a number of people called me and said, "Why under any such bill as that if I should want to sell my property it would cost me thousands of dollars." One man told me it would reduce the value of his hotel property one hundred thousand dollars. I think perhaps that might have been a fair statement but at the same time the right to sell liquor was a major asset of his business and he did not pay a hundred thousand dollars for that right. If the value of his property depreciated that much by the securing of that license and public interest that it be taken away, I don't suppose the State of Maine would owe him a hundred thousand dollars for taking away that license privilege.

In any case it is late to be talking about these matters now. I am going to move the substitution of the bill for the report and if that should carry, I shall present an amendment taking out that provision I just spoke of which denies the right of one to sell property and transfer with it the license privilege.

Mr. MORRILL of Cumberland:

Mr. President, as a member of the Committee who signed the "Ought Not to Pass" report on this bill I will say that we discussed this bill in committee for quite a long time. There was a great deal of testimony given before the committee. One thing impressed me and the members of the committee, and that was the fact that this bill had come before the legislature ten years ago before the conditions existed as they do now in some of our cities. At present, we have a number of cities in our state where obviously there are more outlets than can make a profit without cutting corners. The answer seems to me to be either stricter enforcement by the Liquor Commission or restrictive legislation such as is proposed. One of the points against the bill was the fact that if the bill passes it will deprive anyone in a town that is wet who is not now in the business of operating a retail outlet from going into the business while possibly in a town that is now dry and might go wet every citizen there would have an equal chance. The amendment of which the Senator speaks would remove from the bill all of the most controversial features and would give owners of outlets the right to transfer a license with the property or at least the right to make application for license upon transfer of the property.

I think that would be an improvement over the bill as it is but in view of the testimony we have heard before committee and the unanimous ought not to pass report of the committee, I hope the motion of the Senator from Kennebec will not prevail.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, what I think we are debating is legislative document 1220 with a suggested amendment. I will agree with Senator Hopkins that the suggested amendment takes some of the objections out of the bill but with that amendment you are still creating a monopoly and placing a price tag of substantial dimensions on a license issue by the State Liquor Commission. Under our present licensing procedure the local municipal board first passes upon the application and then the State Liquor Commission passes upon the application. If you were to pass this bill even as amended — and I will refer to a typical community,

the largest city in eastern Maine—you would have a condition where in the statute says that twenty licenses is all you can have for beer parlors. In the city of Bangor we have 28 licensees. Even under the amendment those twenty-eight licensees could continue in business.

Now let us visualize a perfectly sincere citizen who desires a beer license in Bangor. What does he do? He first looks at the statute, provided this is enacted, and quickly learns that Bangor is over licensed. The Liquor Commission has no choice. They can issue no more licenses but he still wants one. So he goes after the existing 28 licensees and he determines the bid and ask price on those licenses. I agree with Senator Morrill that if we had started this ten years ago — fine. But to adopt it now is doing two things. First it is making a monopoly of those who already have a license and second, in return for that monopoly it is putting a pretty high price tag on those licenses already issued, and I don't think it is the intent of the municipal officers or the Liquor Commission to put a dollar value on those licenses already issued and if this bill, even as amended, should pass, I predict you will have four and five figure prices on licenses in the State of Maine. For that reason I certainly hope that the motion of the Senator from Kennebec, Senator Hopkins, does not prevail.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, as one of the members of the Committee on Temperance I feel it is my duty to defend our action. I agree with Senator Hopkins that we probably have too many so-called beer outlets at this time and if he had presented a bill that would have stayed with us and that would have reduced that number, I would have approved of it but the bill he has presented and the way he intends to amend it is not a fair proposition to those who hold licenses, or to those who might want to hold a license in the future.

I am thinking for one thing of our returned veterans who might want to go into this so-called beer business and if the number of licenses is limited as by this proposed bill, they would be deprived of that right. I have had quite a lot to do with the municipal government in

the city of Lewiston and I know it is quite a proposition for an individual to obtain a beer license. He has first to have it approved by the municipal government. Then he would have to have it approved by the Liquor Commission which goes into past history and records to find out if he is a proper kind of persons to operate such a place. I don't believe in creating a black market or as the Senator from Penobscot calls it, a price tag on these licenses. We have operated under this system since the inception of the liquor business. I think we can keep on under the same system until a better method is offered than the one proposed and now before us.

I say to you members of the Senate, that the Liquor Commission has plenty of law by which it can deprive any individual who is not running the proper kind of establishment from continuing in business so I maintain and I repeat, let us keep free enterprise in the State of Maine.

Mr. HOPKINS of Kennebec: Mr. President, it is not often that a bill is debated here when one can so generally agree with what everybody says. The question here is very clear to me. The question is what are the public interests in the matter of reducing these outlets. Is it sufficiently great to justify us in doing the things we don't want to do but would have to do if we reduce the number of outlets. That is the issue. I am almost inclined myself to think that the public interest is great enough to justify doing something to reduce the number of outlets.

Of course, if we had a limitation on the number of outlets, those who held those licenses would be very careful not to violate the liquor laws and lose their license because if they did they might not get it back. That might be of some value. But do we want to continue the system where-by the community gets more and more liquor outlets until by and by the condition gets so offensive that a municipality will rise and in local option deny all of the licenses and then we start all over again until we get so many and the condition has become again so distasteful to the people that they would throw them all out again. If that is the only system we can devise against too many outlets for the sale of liquor, I hope and I think there

must be some way to work out a solution to this problem and perhaps it is not in this bill, but it is too late to debate it.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Hopkins, 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 did not prevail.

Thereupon, on motion by Mr. Morrill of Cumberland, the "Ought Not to Pass" report of the committee was adopted.

On motion by Mr. MacKinnon of Oxford, the Senate voted to take from the table Resolve Permitting Fly Fishing in Certain Waters of Franklin County (H. P. 1171) (L. D. 847) tabled by that Senator on May 7 pending final passage.

Mr. MacKINNON of Oxford: Mr. President and members of the Senate: I now move the indefinite postponement of this Resolve. In support of that motion, I've always believed that the waters of the state no matter in what county they are located belong to the people of the state. The boundary line between Franklin county and Oxford on the east side, starts at Wilton and continues to the Canadian border, a distance of 75 to 100 miles. On the south, Oxford county is bordered by Androscoggin County and on the west by York, and I don't believe that the waters in Oxford County should be controlled by laws that would not give all the citizens of the state the same opportunities. Under this Resolve, it will be fly fishing only in at least 27 lakes or ponds in the northern part of Franklin County, making it impossible for anyone to troll with a fly on any of these waters. Under this Resolve, there will be 51 streams closed that are now open under general law. On 2 large ponds now open to trolling, there will be fly fishing only. On several of these ponds the limit is increased from 4 fish to 6. On several other ponds, it adds a 5-pound limit. I think it is only fair to the people of the state that any of the ponds which has been stocked by the state, should be open to the citizens of the state for trolling or fly fishing as they should see fit. The state has placed 960,000 in the waters of

Franklin county, 350,000 more than has been given to any other county in the state, and I think it is very unfair after we have increased the license fee 100% to permit fly fishing only in these waters. I feel that this is a special privilege Resolve, and I hope that the members of this Senate will vote for the motion and leave the waters of northern Franklin County without making any change.

Mr. SPEAR of Cumberland: Mr. President and members of the Senate, as one of the members of the committee, I think I should explain my position. In the first place is there any new evidence and in the second place is there any miscarriage of justice. The new evidence I have is that there are nine roads that lead to various streams and ponds that the grapevine says do not exist, that most of these places are in back neighborhoods and no roads lead to them.

Roads lead directly to or near the following lakes, ponds and streams: Crosby Pond, Stratton Brook, Arnold Pond, Chain of Ponds, Horseshoe Pond, Mud Pond, Nash Stream, Upper and Lower Hathan Bog and Dead River. In addition, many tributaries of these and other bodies of water wither are very near or cross automobile roads. A distance of 23 miles from Eustis to Woburn will be affected by this bill. All nearby waters except Jim Pond will be covered.

Now what about the miscarriage of justice? The money that goes to the warden and for young fish and whatnot has been coming from the taxpayers and from those who buy licenses. If this bill passes, the boy who usually fishes with a hook and line is pretty much legislated out of business and sold down the river. I admit a lot of people like to fly fish but now and again there is somebody, it may be a boy or it may not, who likes to fish with an anglerworm and I don't feel like turning him down. If it were possible to attach a referendum with this bill I would be for that but we can't very well do it. I hope the motion of the Senator from Oxford to indefinitely postpone will prevail.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, as I told you before I have lived in this section and fished these waters before there was a road in that section. I will agree

that the waters mentioned by the Senator from Cumberland, can be reached by road. There is one road that leads straight through to the Canadian border and most of the waters he mentioned are on that road. However, a number of ponds and a larger number of streams, I think you will find on your map are in places that have no roads. There is one road that reaches some of these waters, a private road owned by the Brown Company and so far as I know it is possible to get a pass over that road but it takes quite an effort. In fact, I know some of the people who have camps at Kennebago Lake and some other residents who just can't get a pass over that road.

When we started out with this bill, all of those waters had different regulations and you will recall that four years ago you passed a law here to do away with those regulations and we were told at the time that law passed that if we didn't raise any objections those waters would be taken care of, and there were special regulations put on reducing the bag limit on some of those waters to four trout, on some to eight, six and ten. We thought and had no reason to believe otherwise, that this bill would not be something which the department would like because it took the entire section and put it under one law of six trout eight inches long.

I believe the wardens would feel it would be much simpler to enforce a law of this nature. We have heard a good deal about Franklin County. It is a pretty good sized county. It takes in all of Rangeley Lakes. None of this bill pertains to the Rangeley Lake region. There is one stream, the Stratton Brook Pond and Stream that is within the settled area. However, the rest of the waters from Eustis on are practically entirely in wild land. There is no settlement there.

The waters from Eustis Dam on the north branch of Dead River are open to bait fishing and I have no question but what the boy with the alder pole and the twine string—I used to use a safety pin when I was a boy—still has plenty of opportunity to fish. I don't believe he is going to walk ten or fifteen miles into the north sec-

tion to get at some of those waters to fish.

I don't want to deprive anybody of fishing in those waters. The Chain of Ponds, the pond itself, is open to trolling with a fly or worms, artificial bait or anything except live bait. Arnold Pond has been closed. That was on the Canadian border and they found that during the last few years the Canadians were coming across with a non-resident license and catching as many fish as possible. As you know it is permissible in Canada to commercialize on the fish. We would like to conserve fishing. We want the people to go there and fish. We don't have any large hotels in that area, no large sporting camps, but we do have a few small ones.

It seems to me we have heard a good deal about propagation of fish. I have an article here that I will ask to have included in the record without reading. It is about trout fishing in Minnesota. They have had a lot of experience in research work there:

"BETTER TROUT MANAGEMENT
Habitat Improvement is the Keynote
Lloyd L. Smith, Jr.

How can we maintain and improve Minnesota trout fishing in the face of progressively increased fishing pressure? Threatened decline in fishing returns from trout streams and the high cost of present management methods make this issue one of great interest to both trout fishermen and fish managers.

Minnesota, in common with most other trout producing states of the nation, has carried on an extensive fish planting program for many years. Trout were first distributed as fry to many areas where the species did not previously exist. By 1920 most potential trout streams had been stocked and the problem changed from introduction of new species to maintenance of adequate populations. As trout habitat declined in quality with deforestation and intensive agricultural practices and the number of fishermen increased, extensive stocking with fingerling trout was practiced. After 1932 habitat restoration or "stream improvement" was started on an experimental basis. Much of the early work was done without adequate experimental knowledge or biological data and consequently did not completely fulfill the intended functions. In spite of intensified management efforts, maintenance of

good fishing became increasingly difficult. In 1940 a new remedy, the planting of catchable sized trout, was proposed and the state hatchery program altered accordingly. This type of management has resulted in better catches immediately after planting but its high cost, together with the anticipation of continually increasing fishing pressure, makes thorough evaluation of our present and projected trout program essential.

The average Minnesota trout stream in good condition produces naturally between 15 and 50 pounds of trout per acre of water each year or approximately 90 to 300 trout from each mile of stream eight feet wide. While many factors influence natural production, it is obvious that a fishing load which removes more trout each season than the stream can produce will be accompanied by a sharp decrease in the quality of fishing.

Factors Limiting Production

The primary factor limiting production of fish in streams is the destruction of watershed cover and soil by unwise cutting, burning, and agricultural practices. The streams of southeastern Minnesota, one of the state's two major trout producing areas, are very seriously threatened with ultimate destruction by the action of these forces. Current efforts to control soil and stream bank erosion are as yet not extensive enough to check this tendency. Correlated with the deterioration of watersheds is erratic stream flow. Some North Shore rivers may vary from a discharge of 4 cubic feet per second, while in the southeast flash floods create even greater fluctuations. The damage caused by quick floods with consequent erosion and stream bed destruction cannot be over-emphasized as a factor limiting trout production. Not only are eggs covered with silt or washed out completely and young fish killed by the fury of the current, but full-grown fish are stranded high and dry, food resources are greatly diminished, streamside cover is destroyed and pools are filled with silt and sand. At the other extreme, low water permits winter kill and greatly restricts warm weather feeding and resting areas. With these factors continually working against trout production, the maintenance of adequate fishing, especially near pop-

ulation centers, becomes very difficult.

Possible Remedies

Several remedies which would put more trout in the angler's creel may immediately be suggested. However, before we embrace wholeheartedly any apparent panacea for trout stream ills, a dispassionate look at the facts produced by careful research in many states may prevent our continuing ineffective practices or initiating new and half-tried schemes. The primary problem is to maintain water flow, control erosion and stream destruction caused by floods, and to follow this remedial work with channel improvements which will make the streams approximate as closely as possible the ideal trout environment. The widely heralded "stream improvement" has too frequently been confined to the placement of engineering structures in stream channels. These operations, while important in many streams, are only the final step in trout habitat development. When a continuous flow of clear cool water is assured, channel improvement will make better pools, assist in the maintenance of proper stream temperatures and increase trout production. That such results actually follow careful channel work has been demonstrated in numerous trout streams. An experimental project carried out in Minnesota on the Knife River has very successfully improved the trout habitat. Continuation of similar work is essential to any future trout program which will economically provide good sport for the trout fisherman.

Since natural production in trout streams appears to be lower than current demands, reduced annual requirements or stocking for the creel or both seem necessary. For a great many years, the principal emphasis in fish management was placed on stocking. Probably no other conservation activity is so generally accepted as this time-honored custom. Until recently, it was taken completely for granted with a feeling that fishing returns were limited only by the number of hatcheries which could be successfully built and operated. A few years ago fisheries administrators reluctantly reached the conclusion that there were too many unanswered questions surrounding this program and they began to suspect that much of the planting did

not result in an increased catch. Following the method used by successful industries to solve their problems, extensive research programs were inaugurated in many states to check the results of various stocking methods. The following facts have been well established by thorough investigations in most of the trout producing states.

Fingerling planting of trout was checked by the introduction of known numbers of marked fish in heavily fish streams. An average of experiments has shown that only about 1.13 to 3.4 per cent of all the fingerlings planted has reached the angler's creel in succeeding seasons. Since most streams usually produce ample numbers of small fish, the introduction of hatchery fingerlings usually results merely in a struggle for survival between planted and naturally reared fish and a partial replacement of stream-spawned fish by hatchery stock. That this program can do little to increase the total poundage of fish taken out of a stream should be rather evident when we consider that any particular stream will grow only a limited number of fish to adult size. Recognition of this fact led stream managers to "stock for the creel" by introducing catchable sized fish which could be caught without dependence on natural growth.

Marking of fish shows that the percentage of 7-9 inch planted trout which is eventually returned depends largely on the season of stocking.

Except in limited instances, only about 3 to 10 per cent of the fall planted trout are ever returned to the fisherman's creel in following seasons.

In Minnesota a series of experiments indicated that in streams maintained by large springs in streams maintained by large springs in southeastern Minnesota approximately 21 per cent of fall planted fish were caught subsequently by fishermen and in North Shore streams 1.9 per cent of the catchable fish planted in the fall were creeled. A similar series of experiments, on the other hand, indicated that from 19.6 per cent to 27.1 per cent of all fish planted in the spring just before the opening of and during the fishing season were caught. These figures are very similar to an average of all experiments conducted along this line in

the United States in which approximately 25 per cent of all spring planted catchable sized trout are eventually returned to the creel. Where stocking with catchable sized fish is necessary, spring planting appears to be the only feasible procedure. Fall planting, even in cases where survival is satisfactory, is uneconomical since it necessitates holding fish from four to six more months, skyrockets the cost, and requires greatly increased hatchery facilities.

Minnesota experiments likewise showed that of all the fish taken from the heavily-planted experimental waters, only about 23 per cent were of hatchery origin. The remainder had been reared naturally. From these results it is clear that trout fishing, in spite of heavy planting depends largely on natural reproduction. It is conceivable that even in very poor trout waters, heavy planting of catchable sized trout would result in good spring fishing, but undoubtedly the average return would be much lower than in the previously described experiments.

Cost of Stocking Catchable Sized Trout:

Rearing and planting of catchable sized trout is an expensive form of stream maintenance. The actual cost of rearing and distribution of 7-9 inch fish in Minnesota is approximately \$0.15 each. Michigan estimates their cost to be \$0.20. Other states and agencies have estimates ranging considerably higher. On the basis of Minnesota costs and a 25 per cent return of planted trout, each hatchery trout which eventually reaches the fisherman's creel has cost the state Game and Fish funds \$0.60. When planted, trout average from six to eight to the pound. Thus a pound of hatchery trout in the fisherman's creel will cost between \$3.60 and \$4.80. If satisfactory trout fishing must depend on each fisherman's catching 10 planted fish on each trip, then we must be prepared to provide \$6.00 worth of trout to each angler each day he fishes.

Because of this high cost of trout production, sound management of streams will necessarily stress all possible encouragement of natural production and limit the planting of catchable sized fish to heavily fished areas near points of access on the average streams and to streams near population centers to prevent

complete depletion at these locations.

It appears that satisfactory trout fishing in the future will depend to a large extent on the anglers themselves. Trout fishing must be considered as a fine sport and not a means of securing meat for the table. The use of non-destructive tackle and light gear such as the fly and flyrod should be encouraged so that small trout may be easily returned to the water and trout caught but not desired for the creel may be released unharmed. Reduction of bag limit and restriction of the possession limit to the daily bag limit will assist in the maintenance of a satisfactory fish population throughout the season. Finally, the encouragement and development of other types of fishing in lakes adjacent to trout streams, especially the development of trout lakes in areas where such waters occur will be a big aid in maintaining the trout stream for those who enjoy stream fishing.

Effective future trout stream management in Minnesota which will insure the angler satisfactory sport will depend primarily on watershed protection, improvement of stream habitats to give every possible encouragement to natural production, continuer careful research into better management methods, and making true sport rather than a foraging expedition out of each fishing trip by imposing closer restrictions on the take. The planting of catchable trout will be a supplement to these activities in heavily fished and problem streams.

Note: Dr. Lloyd L. Smith, Jr., is supervisor of fisheries research for the Minnesota Division of Game and Fish.

We would like to try a little conservation in that area. We have a little pond there, Jim Pond, where there has always been fly fishing and it never has been stocked with any state fish from hatcheries and at the present time they tell me nearly 300 trout a day come out of that pond. They still have and always have had good fishing. They have stocked the north branch of Dead River and Chain of Ponds. The rest of the ponds in this bill I think you will find on checking with the department, have not had any hatchery fish put in, and I believe it is a good bill.

I don't understand the opposition from the department, but I feel

that this is a good bill and is what the people in that area want and what 95% of the fishermen in that area want.

Mr. SPEAR of Cumberland: Mr. President, when the vote is taken I ask for a division.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I am not going to bore you by repeating the arguments I gave you the other day on this same measure. I will just state that I am far from convinced there is anything like class legislation in this. I am thoroughly convinced that the sport of fly fishing is one taken hold of by very young boys now and it is so much more fun than fishing with angle worms that there is no comparison.

The main thing I want to point out is something I have learned in the last two or three days. You may recall that the other day I tried to preserve a right of appeal on licenses for the sale of malt beverages in unorganized plantations. I haven't spoken with my fellow Senators about it and I don't know how they felt about it but I call your attention to the remarks of the Chairman of the Temperance Committee. He said, "This is an Aroostook matter and so far as I am concerned we are going along with whatever the majority in Aroostook want." The majority of the Senators from Aroostook voted against me and other members of the Senate went along with me. I have no fault to find with that. In this particular instance I hope you will do the same. This is a matter that concerns Franklin County and apparently Franklin County is unanimous on it and I hope you will be as consistent with Franklin County as you were with Aroostook and will vote against the motion to indefinitely postpone the measure.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator MacKinnon for the indefinite postponement of this resolve. A division has been requested.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Crosby of Franklin, the resolve was finally passed.

From the House (Out or Order)

Joint Order: Ordered, the Senate concurring, that the following bills, An Act Imposing a Sales and Use Tax to Raise Additional Revenue, (H. P. 1731) (L. D. 1470); An Act Imposing a Personal Income Tax to Raise Additional Revenue (H. P. 1742) (L. D. 1489) stand referred to a joint select committee consisting of the President of the Senate and Speaker of the House as members ex-officio, seven on the part of the House to be appointed by the Speaker and three on the part of the Senate to be appointed by the President, and the minority party shall be represented on said committee, and be it further

ORDERED that said committee shall have the authority to consider such bills and report to the House either bill or a consolidation thereof or such other revenue measure as the committee may determine to provide sufficient revenue to the state to properly carry on the functions of government.

In the House read and passed on May 9, 1947 the Speaker having appointed Representatives Mills of Farmington, Collins of Caribou, Chase of Cape Elizabeth, Woodworth of Fairfield, Brown of Unity, Williams of Auburn and Muskie of Waterville.

Which Order was read and passed in concurrence and the President appointed as members on the part of the Senate, Senators Cross of Kennebec, Haskell of Penobscot and Boucher of Androscoggin.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill, An Act to Repeal the Charter of the Bay Point Village Corporation (H. P. 1606) (L. D. 1272) tabled by that Senator earlier in today's session pending passage to be enacted; and the bill was passed to be enacted.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table bill, An Act Relating to State Owned Cars (H. P. 1704) (L. D. 1427) tabled by that Senator on April 30 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Cleaves of Cumberland, the Senate voted to take

from the table bill, An Act Relating to County and Local Agricultural Societies (H. P. 411) (L. D. 243) tabled by that Senator on April 23 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table bill, An Act Amending the Law Relating to the State Board of Arbitration and Conciliation (H. P. 1461) (L. D. 1065) tabled by that Senator on May 8 pending passage to be engrossed.

Mr. SPEAR of Cumberland: Mr. President and members of the Senate I did not sign any report on this bill because I thought it did not have a tendency to bother unduly small business. Yesterday I talked with the sponsor of the bill and he said he was perfectly agreeable to have it indefinitely postponed. I know that many of labor and management both don't think this legislation is necessary at this time. I am going to move to indefinitely postpone and in support of that I will state that twice before this session, the Senate has turned down legislation which would have compelled employers in intrastate commerce to recognize unions. Such laws would affect the smaller employers in local business and result in their wage problems being determined by people entirely removed from their places of business or from the community involved.

Now this bill comes along which accomplishes the same thing, or is very likely to be so construed. This bill calls for compulsory arbitration which is something that we do not want in the State of Maine. It provides for collective bargaining without setting up standards of unfair labor practices. What does the bill do? In Section 10, the bill provides that the board of arbitration and conciliation shall determine the proper bargaining unit and the proper bargaining agent for the workers concerned in the following cases.

1. Cases where the Governor proclaims that a controversy or dispute endangers or threatens the public welfare.

2. Cases where the dispute is submitted to it by agreement.

3. Any case which it investigates. Thus the bill provides for **collective bargaining** in Maine, in any

case which the board investigates, or which is referred to it.

In Section 14-A, the bill provides that in the event the dispute or controversy threatens or endangers the public welfare, the Governor may direct the board of arbitration and conciliation to investigate and file its report and decision, which may be enforced by the Attorney General. Consequently, the bill provides for **compulsory arbitration** in all cases in which the Governor directs the board to investigate.

What are the cases the Governor may act upon? Those which endanger or threaten the public welfare. But what do the words "threaten" or "endanger" mean? They are broad and indefinite and permit the Governor to act in almost any case as he in his discretion may deem wise. The language is not limited to cases of actual emergency and consequently the administration of the law would depend entirely upon the construction placed upon it by the Governor.

This act, as presented, is very far reaching in its concept and does not have the necessary checks and balances. If we are to have a State law which provides for collective bargaining in Maine, unfair labor practices should be defined for both employers and employees but as you all know such laws have twice been turned down this session.

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

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, democracy has been defined as government by discussion and compromise. Even under democracy one can sometimes hope that the discussion will end and you also can hope that eventually the matter of compromise in the legislative body will end. The Senate has expressed itself on this measure once, as it has on the other labor bill which is on the table here but the pressure has been on more intensively during the past week than at any previous time during the session to see to it that this legislature adjourns without the enactment of any labor law. I think the Senators are well aware of that fact.

In considering this matter I am reminded of the Vermonter who said the only time he ever was

licked in school, he was licked for telling the truth. To which his fellow Vermonter commented, "Well, it cured you, didn't it?" On these labor bills, the Senators have expressed them selves on several occasions and I think you told the truth and I don't think it cured you. I still think the Senators believe there is some merit in the labor matter before us and I assume the Senators voting on this bill and the other bill will admit they were telling the truth when they cast their votes and that they haven't been cured by the method which I just illustrated in the little story I told.

I told the Senators on numerous occasions that the present Board of Arbitration and Conciliation is a Board that has no power and does practically nothing and in the last two biennial reports from the Department of Industry and Labor there was no mention made of the Board. None of the Senators I talked with knew who the members of the Board were. It is just sort of a meaningless organization we have to arbitrate labor matters and it never does any work.

The reason is simple. Its decisions are not binding unless both parties ask it to arbitrate, and very seldom the two parties in a labor dispute go to the Board such as the present Maine Board of Arbitration and Conciliation and ask it to act when they know its decision is going to be binding. In the Portland strike as you probably know, the Governor had absolutely no power under the present laws of the state to do anything at all. The matter was put up to the Attorney General's Department and that was the decision arrived at.

Here is a bill before us originally introduced by a member of organized labor who is also a member of the legislature, a bill which the committee could not very well report out until it had reported out other matters. The whole process of handling labor legislation has been one of tabling and delay with the hope that the situation which we now have before us would result, if and provided everything previously had been killed. When the other matters failed the committee met and studied this matter again and went through it rather hastily of course because they didn't have much time but they decided it had merit and in case of public

emergency the Governor should have power to call in the Board of Arbitration and Conciliation and the Board should have the power to render decisions if public emergency required it, and the findings of that Board should be binding on the parties, that the enforcement procedure should be through the Attorney General's Department and that either party should have a right of appeal in matters of law to any court of competent jurisdiction. That is the provision of the bill I am talking about and the one on which you have already expressed yourselves favorably.

Naturally enough there are several words in this bill that can be improved. I have an amendment here which will improve the wording somewhat. I hope that the motion to indefinitely postpone will not prevail. In which case I shall present an amendment changing the words "endanger or threatens public welfare" which the Senator from Cumberland says is not narrow enough to have a definite meaning and substitute in place thereof the words "creating a public emergency." Those are pretty broad and meaningless words to me. I don't know if it is much better than the present bill but people who are perhaps trained in the use of the English language better than I am, and they say that the last wording is better and we should put in the best language we can find and that is what we want to do. I hope the motion of the Senator from Cumberland does not prevail and I think he asked for a division.

The PRESIDENT: The Chair understands that the Senator from Kennebec, Senator Hopkins, wishes to offer an amendment.

Mr. HOPKINS: Yes, Mr. President.

The PRESIDENT: The Chair will state that the amendment is in order at this time.

Mr. HOPKINS: Mr. President, thank you. I would like to present Senate Amendment A and move its adoption.

The Secretary read the amendment:

"Amend said bill by striking out the underlined words 'may in any case which it investigates and' in the 22nd line of that part designated Section 10 of Section 1. Further amend said bill by striking out the underlined words 'endanger' or 'threatens public welfare, in the 25th

line of that part designated Section 10 of Section 1 and inserting in placethereof the underlined words 'create a public emergency'. Further amend said bill by striking out the underlined words 'threatens public welfare in the headnote of that part designated Section 14A of Section 3 and inserting in place thereof the underlined words 'create a public emergency'. Further amend said bill by striking out the underlined words 'endangers or threatens public welfare' in the 3rd line of that part designated Section 14A of Section 3 and inserting in place thereof the underlined words 'create a public emergency'.

Mr. SPEAR of Cumberland: Mr. President, is a motion to indefinitely postpone the bill in order?

The PRESIDENT: The Chair will state that a motion to indefinitely postpone the amendment would be in order. A motion to indefinitely postpone the bill is not in order as a motion to amend takes precedence over a motion to indefinitely postpone.

Mr. SPEAR of Cumberland: Then, Mr. President, I will let the motion to amend go along because I would like to have it amended if it cannot be indefinitely postponed. I will try to have it indefinitely postponed after the amendment is put on.

Thereupon, Senate Amendment A was adopted.

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

Mr. HASKELL of Penobscot: Mr. President, I move that this bill lie upon the table and in making that motion I assure the Senator that I will take it off in a very few minutes when I have had an opportunity to read it.

Thereupon, the bill as amended was laid upon the table pending the motion of the Senator from Cumberland, Senator Spear, to indefinitely postpone the bill.

The Committee on Ways and Bridges on "Resolve, in Favor of a Bridge Across the West Branch of the Penobscot River in Indian Purchase 3, Penobscot County," (H. P. 549) (L. D. 393) reported that the same ought to pass.

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

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill An Act Amending the Law Relating to the State Board of Arbitration and Conciliation (H. P. 1461) (L. D. 1065) tabled by that Senator earlier in today's session pending the motion of the Senator from Cumberland, Senator Spear that the bill be indefinitely postponed.

Thereupon, a division of the Senate was had.

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

Thereupon, the bill was passed to be engrossed as amended by Senate Amendment A in non-concurrence.

Sent down for concurrence.

On motion by Mr. Cleaves of Cumberland, the Senate voted to take from the table Resolve in Favor of Washington County (S. P. 253) (L. D. 715) tabled by that Senator on May 8 pending final passage; and on further motion by the same Senator the resolve was finally passed.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill An Act Increasing the Share of the State in Paris-Mutuel Pools (H. P. 1730) (L. D. 1460) tabled by that Senator earlier in today's session pending the motion of that Senator that the Senate reconsider its action whereby the bill failed of enactment as an emergency measure.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, the only thing I have to say at this time is that apparently this bill has enough strength in this Senate to pass without the emergency clause and I am placed in this peculiar position that this being the last time I can make a motion to reconsider the only question being voted on now is as to whether the emergency is on the bill or not, whether it takes effect at once or takes effect with the general laws passed this session. I therefore move the passage of the bill as an emergency measure.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that the Senate reconsider its action whereby the

bill failed of passage as an emergency measure.

A division of the Senate was had.

Twenty-one voted in the affirmative and eight opposed.

The PRESIDENT: The Chair votes in the affirmative.

Twenty-two having voted in the affirmative and eight opposed the bill was passed to be enacted.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Increasing the Maximum Payment in Old Age Assistance," (S. P. 487) (L. D. 1355) reported that each branch recede from its former action and that the bill be passed to be engrossed as amended by Senate Amendments "A" and "C" and by Senate Amendment "D" submitted herewith.

Which report was read and adopted, under suspension of the rules, engrossing was reconsidered and Senate Amendment "B" was indefinitely postponed; Senate Amendment "D" was adopted, without reading and the bill as amended by Senate Amendments "A," "C" and "D" was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Adjusting the Salaries of All Full-Time State Employees (H. P. 1735) (L. D. 1477) tabled by that Senator on May 2 pending passage to be engrossed.

Mr. BARNES of Aroostook: Mr. President, I present Senate Amendment A and move its adoption. If you will refer to the 25th unassigned matter on the calendar, you will note that the legislature sets the salaries of the state police and that law won't go into effect until August 10. This amendment takes care of the interim.

The Secretary read the amendment:

Senate Amendment "A" to H. P. 1735, L. D. 1477, Bill "An Act Adjusting the Salaries of All Full-Time State Employees."

Amend said Bill by adding at the end of Section 1 thereof the following sentence:

'The provisions of this act shall not apply to those whose salaries are set by either the governor and council or by the legislature, except that troopers, sergeants and commissioned officers of the state police shall receive this increase from July 1, 1947 to August 10, 1947, inclusive.'

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

Sent down for concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table bill, An Act to Increase the Salaries of Members of the State Police (S. P. 297) (L. D. 796) tabled by that Senator on April 25 pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, An Act relating to Fees of Registers of Deeds (H. P. 1699) (L. D. 1416) tabled by that Senator on May 2 pending consideration.

The PRESIDENT: The Chair will state for the information of the Senate, that this bill, having previously been engrossed in the Senate as amended by Senate Amendment A now comes from the House passed to be engrossed as amended by Senate Amendment A and by House Amendment A.

Mr. HASKELL of Penobscot: Mr. President, I can say little good for House Amendment A but I move that the Senate recede and concur with the House in the adoption of House Amendment A.

House Amendment A was adopted and the bill as amended by Senate Amendment A and House Amendment A was passed to be engrossed in concurrence.

On motion by Mr. Cross of Kennebec

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