

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Third Legislature*

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Tuesday, May 13, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Merle Golding of Augusta.

Journal of yesterday read and approved.

## Senate Committee Reports

Mr. Welch from the Committee on Ways and Bridges on the following Resolves:

"Resolve in Favor of the Town of Woolwich." (S. P. 355)

"Resolve in Favor of the Town of Phippsburg." (S. P. 356)  
reported that the same ought not to pass.

Which reports were read and adopted.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Resolve in Favor of the University of Maine for General Operations (H. P. 79) (L. D. 67) tabled by that Senator on May 12 pending final passage.

On motion by Mr. Welch of Penobscot, under suspension of the rules, the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, I am going to offer an amendment to this bill which will in effect reduce the appropriation one half. As has been said, had we had a tax program which would have furnished us with the necessary money I would have objected seriously to such a move. This is for general operations and due to an increase in enrollment there this increase is certainly justified but because of the fact that money is short and this is set up on the budget for \$350,000 for the biennium I offer Senate Amendment A and move its adoption:

"Amend said resolve by striking out the figure \$350,000 wherever it appears and inserting in place thereof the figure \$175,000."

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I shall vote for the motion but I think it is fair that the Senate have a reasonable understanding of what this \$350,000 does at Orono. By passing the Brunswick Resolve

we are telling the University of Maine we want Brunswick to continue and that we want the freshman operation to continue at Brunswick, sending freshmen to Orono as sophomores but in cutting the appropriation from seven hundred thousand to three hundred fifty thousand for Orono, I am told by the President and Treasurer of the University of Maine that there will not be a sufficient number of dollars to give to those graduating from the Brunswick operation the upper class education at Orono.

I offer no solution as to what can be done about it with the revenues we have to work with but when it becomes evident that applications must be refused at Orono let us all remember that we participated in it with our eyes wide open and not be surprised that Maine sons and daughters and Maine veterans will in the words of the President and the Treasurer be denied upper class education.

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

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table Resolve Providing for Construction of Homes for Physicians at the Augusta State Hospital (S. P. 271) (L. D. 814) tabled by that Senator on May 12 pending final passage.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate for the reason I explained yesterday I am going to move the indefinite postponement of this bill. As I told you I find that the authorization of the funds available for that institution was such that the Governor and Council can do the necessary work without the additional appropriation by this session of the legislature and I move indefinite postponement.

The motion to indefinitely postpone prevailed.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table Resolve in Favor of Portland Junior College (H. P. 414) (L. D. 244) tabled by that Senator on May 12 pending final passage.

Mr. MORRILL of Cumberland: Mr. President and members of the

Senate, this bill was debated a number of days ago on its merits and it was passed to be engrossed. It has gone through the House and we have just taken it from the table here in the Senate pending its final passage. At times I have been discouraged about the possibility of seeing this bill pass I have listened to the debate every day on income and appropriations. Throughout all the debate I have had a feeling that there has been and should be on the part of the Appropriations Committee a conservative approach to our problems which we face in this legislature.

I know that for my part, serving on the Board of Directors of a corporation or serving on the Appropriations Committee, which I have never had the pleasure of doing, subconsciously throughout my experiences as an individual engaged in the business of manufacturing, if I were projecting figures over a two year period whether I consciously did it or not, I would be on the conservative side. In such a position of serving on a Board like that, or on Appropriations, no matter whether you are conservative or over-optimistic in your contentions, you are always bound to be criticised if you don't come out with the exact number of dollars which you anticipated and it is only human nature to wish that at the end of the period for which you projected your figure you come out a little over instead of coming out in the red. I think almost anybody would rather do that and it has been my feeling when I heard Senator Ela a few days ago state for the record to the members of the Senate that he was convinced that the estimates of a number of our sources of revenue are less than they actually will be, and I am certainly convinced that they are.

I have taken the trouble of making a projection of my own. I cannot guarantee its accuracy any more than the Appropriations Committee or the Budget can, but in my estimation, the telephone and telegraph tax will yield at least one hundred thousand dollars more than projected. I think the returns from the inheritance tax will be at least \$175,000 additional. I think the returns from insurance will be another \$125,000 and I think the returns from taxes on savings banks will be at least \$20,000 more than

as projected. That is a total of \$425,000.

Gentlemen, I am convinced of this for the reason I have given you, that it is human nature when a group with the responsibility of projecting these figures over a period of two years faces the problem that we have had here before us ever since January first or even before that on the recommendations of the Research Committee, they naturally will under-estimate rather than over-estimate. I feel we have had a good committee for that reason. If they were any other way, I don't think they would be good.

In my plea for this bill for Portland Junior College, I brought out the fact that this is a veterans program. It served veterans during the past few years and it will serve veterans for a number of years to come. They need this money for construction. Students themselves have kept this thing going. You probably saw the boys who were over here yesterday. They were very interested and came down when they hear this bill was coming to its final conclusion. They wanted to bring a couple of busses. It is a student spirited college all the way through, and I believe the money is there for this appropriation.

I am willing to present an amendment, if I have the opportunity, to reduce the amount of the bill from \$100,000 to \$50,000. It isn't what they need or what they want but the trite old saying goes, that a half loaf is better than none and I hope the gesture of trying to cut down our original desires based on need, cutting them in half, will fit into this picture that I am trying to present to you this morning. I think there is adequate income to finance this project and Mr. President, I move that the rules be suspended in order that I may make a motion to reconsider the passage to be engrossed of this resolve.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate as you all know, I have one very major thing on my mind during the session, but on the other hand, I have not been unmindful of other problems including this Portland Junior College, Freedom Academy, Anson Academy and Brighton Academy and yesterday when I made my plea for the Maritime Academy, I tried to show that I believe there is more income coming to the state of Maine this year,

that is 1946-47 than has been estimated and in the income which has been pointed out by Senator Ela in his remarks I did not feel as guilty as perhaps I might because I realize there was money for other worthy projects besides the one I was then pleading for.

I do think the money is there to give Portland Junior College 50% of what they have asked for and I believe it can be proved that if they are willing to sacrifice fifty percent and willing to give and take, there is money enough for all four of them.

I hope Senator Morrill's motion will prevail.

Mr. MURCHIE of Washington: Mr. President, and ladies and gentlemen of the Senate, when I moved the indefinite postponement of a measure along similar lines yesterday, one that was just as necessary as the question before you today, what do you imagine I had in mind? It was purely a desire to go along with the program as outlined for us and bearing in mind the lack of funds. I thought then and still believe that the veteran part of this Junior College request is more or less exaggerated and I move the indefinite postponement of this bill.

Mr. MORRILL of Cumberland: Mr. President I apologize for rising again but I left out part of my presentation and that is on the returns from the sale of liquor during the months of May and June. I asked Mr. Mudge for some figures on comparative sales for the past three years, including the ten months of this year which have elapsed, and tried to prove that their budget is way under.

In the fiscal year 1944-45, the revenue for the months of May and June was \$500,000 and \$575,000 respectively and only one month, that of December, exceeded that amount and over five months were in the \$500,000 figure. In 1945-46 the revenue in the months of May and June was \$638,000 and \$611,000 respectively and in that year only one month, that of December exceeded those figures, and only two other months came in that same bracket of \$600,000.

In this year there are three months which are in the \$600,000 group, there are two months in the \$700,000 group and December, which in 1944-45 was in the \$800,000 group was \$991,000 or almost a million dollars.

The estimates by the Budget Committee for May and June, 1947 is \$900,000 or \$450,000 a month and in the past two comparative periods in 1945 and 1946, in 1945 May was \$500,000 and June \$575,000 and in 1946 May was \$638,000 and June \$611,000 and I don't believe we are going to get only \$450,000 a month during May and June in receipts for liquor sales in Maine. I think it is going to exceed the \$600,000 practically as it did last year.

The curve all through those three years so far would indicate that you will go over \$600,000 a month in these two months and I think the figure of \$900,000 for the next two months is absolutely fallacious. I cannot see anything but more income coming in from that source.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Murchie, that the resolve be indefinitely postponed.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I rise to speak on the motion without any thought of trying to kill any of these measures that come up here or are on the calendar to appropriate money for schools in the State of Maine but I do think in all justice the way in which I may vote on this matter, that a bit of explanation might be necessary.

I feel sure that none of these bills would be on our calendar today except for an action taken in 1946 in our special session in the summer when Ricker Classical Institute in Houlton came to the legislature and asked for an appropriation. It was said at the time that it was a dangerous thing to do, because if the resolve passed it would open the doors and a great many other resolves would come in. I felt at the time that that was not so. Apparently I was wrong.

I think a word of explanation as to the situation at Ricker might be helpful at this time because there are those who probably will say, "You folks up there in Aroostook County got money for your school, why shouldn't we get money for ours?" Before the disastrous fire that occurred at Ricker—and Ricker by the way has been a Junior College since 1928 I believe—there was program started as a memorial for the boys of Ricker Classical Institute who served in this and the former world war, for the erection of a

gymnasium. It was a \$300,000 program. Before the arrangements had been made to go out and try to solicit money from people who were charitably minded for this purpose, a fire swept through and entirely destroyed the main building at Ricker. Immediately, those interested, the directors of the school and others, got together and decided that instead of the \$300,000 program they would not have to have at least a \$500,000 program because they didn't want to abandon the idea of building the gymnasium for the school and they were now faced with the necessity of rebuilding their total plant.

As a result of that a drive was started in Houlton and throughout Aroostook County and the State of Maine for the purpose of getting funds for the rebuilding of Ricker. I was identified with that campaign in a small way because I was given a list of prospects to approach and by dint of much hard work there was finally raised \$135,000. That was wholly subscription from people who were interested in the school.

There was an attempt made, because there was a large influx of army people to secure money from the federal government under the Landon Act so-called, which was designed to relieve the burden of the towns which received heavy impact from this influx of army people. That fell through.

Repeated attempts were made to secure this money through further public subscription but \$135,000 seemed to be the limit to which they could go. The trustees decided to rebuild the school and at the time of the start of special session in July 1946 the building had been erected, a model school building, and up to that time at least no public money had been asked to help out. The school had at that time applications from over ninety returned veterans who wanted a college education. At least fifty thousand dollars was needed to complete the interior of the building and to supply equipment, so it could open that fall and on that set of facts a resolve was drawn designed to take fifty thousand dollars from the post war fund and apply it to that school for the equipment and finishing of the interior, so that in the fall the school could open and take care of these veterans. The legislature in its kindness passed the resolve and awarded the fifty thousand dollars

for that purpose, and Ricker is now taking care of some 161 veterans.

I go over that history for this purpose that every time any one of these resolves is mentioned, somebody is pretty apt to say to me, "You got your money for Ricker, why can't we get ours?" Perhaps they should and perhaps all these resolves should be regarded in the same light but there are two things now that I think the members of the Senate should consider. First, these schools and this Junior College now asking for money so far as I know have not conducted a private campaign for funds. We did the best we could. We got \$135,000 by dint of hard work and we needed \$50,000 to finish the job so we could open the doors.

Senator Murchie had a bill to provide money for the high school in Calais and he said when the bill was substituted for the report that he thought Calais deserved the same help here in order that the full tax burden would not fall on the city of Calais and that is a laudable purpose, but I want to remind the Senate that the town of Houlton has never come to the legislature and asked for money for the purpose of reducing taxes. Ricker Classical Institute and Portland Junior College as I understand it are both private institutions and do not have any power to go out and ask the people for money. I wanted to make this statement to clear up the issue and remind you of the exact facts pertaining to Ricker.

I think there is a difference in that in the first place we had exhausted ourselves in an attempt to get all the money from private subscription and had raised \$135,000 and had the building up. In the second place we did not ask for any money to alleviate a tax burden on the town of Houlton.

Just one more thing. One of the reasons why we adjourned last night was because we had spent a long, hard day. There were a good many members of the Senate who were vitally interested in some particular project and all of them so far as I can find out are worthy projects but we were faced at that time with a real problem, the inadequacy of funds in sight to meet all the worthy requests that were in here and I think one of the reasons why we adjourned last night was to try and catch up with the

picture and find out where we would stand financially this morning.

Apparently our post war fund which was \$890,000 has been reduced, as you will see on page 2 of the report, to a present balance of \$29,000 and there are still on the calendar, Portland Junior College, Bridgton Academy and the Forestry Survey. This morning we indefinitely postponed the Augusta State Hospital bill but those three schools asked for a total of \$225,000 when apparently all we have in the post war reserve unexpended at this time is \$29,000. There is your post war fund.

On our general fund revenue and expenses we see we are already in the red in the amount of \$53,480, and speculations as to excess of revenue from overestimates are purely speculations. I assume these figures were made up and these amounts reached by the Finance Commissioner and the Appropriations Committee and probably their guess may be as good as the next man's guess. So here we are faced with this in the red deficit of \$53,480 according to that report and we still have on the calendar some appropriation measures that seem to be most important. One is the bill of the Senator from Penobscot, Senator Williams, his ADC bill and another is the bill directly relating to veterans on the Division of Veteran Affairs which was the last measure we were debating last night when we adjourned.

I am somewhat amazed personally, to see that no account whatever is taken in this estimate here, of the income that could be normally expected from the pari mutuel racing bill passed by both branches of this legislature by a two-thirds majority. However, it is not quite sure what is going to happen to that. We don't know. I think it is safe to say there is an estimated income of at least \$250,000 which apparently for some reason we are not being allowed to consider in this report.

With that general picture in mind, if it is the policy of this State to go along appropriating monies when there is no money in sight to pay for the appropriation, I have no particular quarrel with it but I think at this time we should look at the picture with realism and admit and remember that this legislature failed to enact a vigorous tax

bill for the state, that all we have is this cigarette tax, apparently, from the sheet that has been laid before us, to appropriate money from and when we vote on these various measures including this one on which there is a motion to indefinitely postpone, we have just about got to make up our minds that we will either have to appropriate money out of thin air or turn them down.

Mr. MORRILL of Cumberland: Mr. President, I would like to answer Senator Barnes the best I can on this matter of speculation. To me the Budget Committee is speculating, when we are told that we are to expect \$4,350,000 from the tax on cigarettes. I don't know if it will be four million or five million. Any budget or any projection of anticipated revenue except those based on established plans that have been tried out over a period of years, we cannot regard as anything but speculation. In my opinion the total I arrived at in my estimate of additional revenue which do not appear here of \$425,000 I did not have time to add in what I am almost certain will come in from the sale of liquor in addition to the projected \$900,000 for the next two months. I believe it will be well over a million two hundred thousand dollars for the next two months, possibly a million three hundred thousand. If you take the lower figure, that is \$300,000 over the \$900,000 anticipated and add to that \$425,000 would bring the total anticipated increase over the estimated income to \$725,000, or call it \$700,000 flat. I am convinced of it.

Going back to Ricker Classical Institute I don't think the bill was put in as a tit and tat measure at all. Portland Junior College started out in 1933. It has solicited private funds for its maintenance and rent and to keep itself going. The alumni are few and mainly made up of poor boys who because they didn't have the money to go to a college where the tuition was high, started this thing going and they as alumni have not been able to contribute to the tune of \$135,000 as Ricker did. However they made a tremendous effort to build this college up. Portland Junior College has never tried to alleviate taxes in the city of Portland.

I submit to you gentlemen, that in asking for \$50,000 out of what in

my mind is an increase of \$700,000 over our projected figure that I am not trying to put up Portland Junior College to the detriment of any other of the worthy bills presented here and which are still on the table and must be debated today. I hope Senator Murchie's motion will not prevail.

Mr. MCKUSICK of Piscataquis: Mr. President and members of the Senate, we talked yesterday about being consistent in our acts. I would not be consistent if I did not speak in support of this measure to give financial support to this school in view of my attitude toward the stand that the State has taken on an educational veterans' program. I don't fear any difficulty in my own mind in justifying my vote for Ricker Classical Institute. If Ricker has taken care of 160 G.I. veterans in return for an expenditure of \$50,000 or a little over \$300 a man, I think that a most excellent investment and not only that, it is a capital investment. Those facilities will be left for the youth of Aroostook County for many years to come.

I would call your attention to the fact that the federal veterans program does not furnish education facilities for the boys returning from the army. It only furnishes tuition and maintenance. It is left for the private institutions and state institutions to provide the facilities, and I would not be consistent, knowing that my own son is taking advantage of a veterans program in a private institution in another state, if I didn't get on my feet and support any attempt to give our own boys in the State of Maine the same privilege.

I would call your attention to the fact that this is a comparatively small appropriation in comparison to the number of boys involved. It has been cut down to \$50,000. There are 320 veterans in that little school in Portland and they have been operating on a shoe string while doing a real job. Those boys are getting their two years training. I would call your attention to the fact that the U. of M. is crowded, Bates and Colby are crowded and there is no place for those boys to go in the state. I call your attention to the fact that some of those boys are married, some are older and the time they want that education is now, not two or three years from now and if they don't get it now

they are going into occupations and will never get it.

Comparing this expenditure, which is not recurrent, it is capital, so it won't come up every year, with 350 students it only amounts to a little over \$150 a man and you will find other schools asking for \$500 per student for current expenditures. I wonder if we can afford to let this opportunity to go by to give those boys a chance. I don't feel that we can. I feel we should use every effort in our power to pick up this \$50,000 to give those boys a fair break because if they don't get it now they will never get it.

Mr. MURCHIE: Mr. President, I have very little more to say in this matter today. It seems here that first the estimates on the liquor revenue go up and then they go down to suit the convenience of people who are trying to put through pet measures and when, as the Senator from Aroostook has stated, we are in the red \$50,000 or whatever it is, I don't see how the group could conscientiously vote for a measure of this kind and when the vote is taken, I ask for a division.

Mr. DENNY of Lincoln: Mr. President, I would like to go along with this but it does not sound logical to me. I would like to go along with it because it is part of a veteran program as I see it and I think it is something the state can well afford to participate in. However, we have been given a figure by the Appropriations Committee on which we have got to hang our hats. I appreciate the remarks of the Senator from Cumberland, Senator Morrill that there might be more income than is estimated in the Appropriation figure, but it will do us little good as I see it. This appropriation money for these projects will do us little good unless the Appropriation Committee can adjust its revenue figure upwards. And so, while I am reluctant to vote against this, it seems to me that it is the only sound thing that can be done.

Mr. BOUCHER of Androscoggin: Mr. President, I did not intend to speak on this but the great love expressed by some of the members of this Senate for the veterans this morning is forcing me to my feet. If my recollection is right, we asked for a bonus for the veterans a few days ago and only nine Senators voted for that. This morning I find that many of the Senators have



voted in opposition and in their love for the veterans, they love apparently one percent of the veterans, those that want to go to college, but those who can't afford to go to college, or don't want to go, they don't care about.

I am not against, if we had the money, furnishing money to this college. Apparently from the figures we have before us, there is no money available and I for one don't want to budget in the red. I want a surplus at the end of two years, not a deficit. We face in this state too many deficits in the past where we had to go back in special session to re-appropriate money or find new ways of taxing the people to pay for things we shouldn't have voted for in the first place.

If we are going to take Portland Junior College under the wing of the State of Maine, why don't we adopt all the colleges in Maine. I think that Bates and Bowdoin and Colby and the other colleges that are doing things for our veterans are just as much entitled to receive some of the state stipend as any other college except the University of Maine which of course is one of the departments of the state. I think we should limit our doings to the University of Maine. I think we have done very well by the veterans on teaching and education. And if we have any spare money, I would advise a cash bonus for the 99% of the veterans who cannot afford to go to college.

Mr. HASKELL of Penobscot: Mr. President, I think in this debate we are talking about something pretty fundamental and something that will affect our action on other tabled matters, and that principally is this: The Budget Officer and the Appropriations Committee had the opportunity to study our income for the biennium and that has been going on for a period of at least six months since the beginning of the budget period. Some of us here are convinced that the figure is too high. You have heard debate this morning indicating that it is too low. But is not this fundamental?

If there is a discrepancy or an error, gentlemen, should we not have a third sheet here. Sheet Number 1 says we are going to have \$43,869,000 as reasonably certain income. Sheet Number 2 says that we have \$890,000 of previous years' earnings that we are now spending.

Should we not have a third sheet that says maybe we will have this amount of money and if that third sheet says \$750,000 let's line up all of these appropriation bills that we have set up here and killed and let them have fair consideration out of this money.

I am one who doesn't think it exists but there is a little bit of unfairness to me in using this phantom sheet money to defend one of our appropriation bills. Probably each member of the Senate has seen some bill killed that he was convinced ought to be passed and I don't think I don't think we ought to support any of these things. I think we ought to be fair and say these are the only two sums of money we have to work with and if any of these projects can't get in under Sheet 1 or Sheet 2 I question the wisdom of putting it under the little sheet that isn't there.

Mr. LEAVITT of Cumberland: Mr. President, the Senator from Penobscot, Senator Haskell has a very fine suggestion. I feel that we should go to the Budget Committee and ask them if they will give us a sheet in which they will show the excess in revenue which has already been received over and above the estimate. We know this has been studied very carefully and that we have better than \$200,000 or \$300,000 surplus right now that has never been taken into consideration and there are still two months to go in this fiscal year.

The sheet Senator Morrill got from the Liquor Commission, or wherever he got it shows conclusively that we are going to have \$300,000 more revenue from liquor in the next two months, phone taxes and inheritance taxes and so forth, if they run on the same basis they have been running, is another two or three hundred thousand dollars without taking into consideration the money which should accrue to the state from taxes we have passed on night racing. So we have \$800,000 and with the \$200,000 each year of the biennium or horse racing makes a million dollars and cutting that in two, saying we are over optimistic on something we know almost exists, we have \$500,000.

Take the other side of the picture, Portland Junior College \$50,000, Freedom Academy \$30,000, Anson \$30,000, Bridgton \$37,000 and the veterans program \$157,000 and

the money necessary for the Williams bill—the money is there. I move we recess for a period long enough to get that third sheet on our desks.

A viva voce vote being had

The motion to recess did not prevail.

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

Mr. ELA of Somerset: Mr. President I do not know too much about the Junior College but what little I do know fits into almost an exact pattern of record and I would like to make just a few remarks regarding statements made by the Senator from Aroostook, Senator Barnes. I happened to serve on the Appropriations Committee last session. We were there during the hot summer months and as a part of a general veterans program we did hear several bills. One of those bills was the Ricker Classical Institute bill.

A very fine and able group of men came down from Ricker and they presented an excellent picture. They stated that they had had trouble in rebuilding their institution. They had, there was no question about it. They said they had tried to their utmost to get private funds. So did Portland Junior College. They said their school would serve veterans. So would Portland Junior College. Their remarks were pointed, eloquent and adequate to such an extent that we reported it out "Ought to Pass" and it was put through. Not only did we put it through but we did it without a referendum. It was an emergency measure. It stood on its own feet.

Members of the Senate, when we fight another bill on the basis that that action was bad legislation and we should stop there, it comes with ill grace from those who were the recipients.

Mr. BOUCHER of Androscoggin: Mr. President, we have heard this morning about the increased revenues that have not been taken into account in this sheet of balances in front of us. Let me remind the Senate that Senator Leavitt has found a lead. It would be a very good idea to put that extra money into the contingent fund which we depleted yesterday and which

doesn't exist today so far as I know. If we have anticipated revenue over and above what we have been told, I think it would be very well to put it into the contingent fund.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I think the debate here indicates very clearly that you gentlemen realize you are dealing with something more important and fundamental than the allocation of a quarter of a million dollars amongst four or five worthy institutions. I think you know there is something back of this debate more important than that. If I didn't think so I wouldn't bother to speak of these requests by private institutions. These institutions need the money and ought to have it. The question is whether they should have it from state funds. I think you will remember that when the Ricker matter was before us in special session I opposed it very vigorously. I pointed out at that time that if we passed it we would be flooded with similar requests in subsequent legislatures. It was the matter of policy involved. Apparently my judgment was reasonably correct. And I will say now that had I know that this legislature was going to gamble state funds for private institutions I think I should have had a resolve in here for at least a million and a half dollars.

There happens to be in Waterville a college which is struggling to move to a new location, a college still full of veterans, making a very worthy effort by private citizens, which is just as much entitled to a million dollars of state funds as any other, if state funds are going to be allocated to private institutions.

There is also in Waterville, Co-burn Classical Institute filled with veterans an institution that struggled faithfully for over a period of years and has been in continuous financial difficulty. I would have had a resolve for at least a hundred thousand dollars for them if I thought you were going to allocate state funds for these purposes.

Personally I see no point in allocating this money to private schools.

Mr. WILLIAMS of Penobscot: Mr. President and members of the Senate. I suppose this debate this morning is somewhat along the line I have talked on several times before

the Senate, not only in this session but in the other Body in past sessions. This idea of under-estimated revenues is an old custom carried on year after year, only a few voices crying in the wilderness say anything about it.

At the beginning of the session the different state officials having something to say about revenue came before us and spent an hour or two and told us that in their opinion — this was some time in the second week of the session — that in their opinion this estimate was probably as good as any other, at least it was on the conservative side. From that time until last night after the session adjourned the Appropriations Committee had never discussed these items again except sometimes saying that if we need more money we could probably get it because this was just put in as a conservative estimate. Now we have reached the point in our thinking where all those who oppose this measure say we haven't an adequate budget. We are not doing all the things we might wish to do yet there seem to be many things which are highly desirable. As far as these schools are concerned, the Appropriations Committee gave them all hearing. I don't think there was a school before us that wasn't necessary. I recall a bill for a private school which I did not have drawn for the simple reason that there were other schools that came before us that I felt needed the money more than that particular school. I doubt if it would have passed anyway. These bills on our calendar are the ones we considered the most desirable.

Portland Junior College probably put on the best hearing that was conducted before the Appropriations Committee this session and I think there was not a member of the committee when we discussed it but who felt that Portland Junior College probably should definitely receive it for the same reason given by several other speakers that they had tried to help themselves, they were born in the depression and had gone along in rather a difficult existence and now there was a possibility that a little help would put them over the hump and it would be one of the outstanding institutions of the state. The alumni group that came before us was one that any institution in the state could

certainly be proud of. The war record of those boys was outstanding, though probably that could be said of any college of similar status.

In the case of some of these schools where fire destroyed them, such as Anson Academy and Freedom Academy, I think probably there is nothing that grieved the Appropriations Committee as a group more than the report they sent out on those schools because they realized the should pass but because there was \$700,000 of bills calling for money, it appeared that we must be consistent.

As far as the money that has been spoken of and the report of the Appropriations Committee being not being sacred and that we should have another sheet showing the possibilities of more money, I don't think that would be hard to arrive at. True, they might not materialize but I will point out they are more likely to than anything else we have and you could have a sheet here showing a half million dollars a year of new revenue which would be as sound as anything we are putting in the budget because you would add revenues which we are receiving this year to the revenues which we received last year and the year before which in the budget were underestimated.

I am not criticising anybody for doing that but in the matter of insurance already there is over a million dollars of insurance money collected which is nearly as much as would have to be added to the budget to take care of some of these desirable bills. On the inheritance tax we had an increase two years ago which has been called to your attention several times. We are now receiving revenue from that. The inheritance tax now is nearly up to the estimate for this year with nearly two months still to go.

That is only normal business. They haven't had a large estate this year. So we are running far over the estimate. Telephone and telegraph. There are many who think, correctly, probably that there will be an increase in rate and if there shouldn't be that is already running away over the estimate of the increase in the number of telephones that are being placed. I recall a slip in my telephone bill this month stating how many thousands of new phones they have put in in New England. All of these things are increasing. Of course I

know people are pessimistic about liquor. They felt pessimistic in 1941, 1943 and 1945 and so forth. There is another matter that has not been mentioned here. If you watch the work of the liquor commission you will find there is no decrease in the matter of beer licenses. On every corner new beer licenses are being asked for and being granted to a large extent, and there is an increase in revenue.

So I think in considering these, if the Senate should decide they should pass upward of \$400,000 or \$500,000 worth of bills, they wouldn't have to worry too much. They could up the revenue on a sound enough basis to cover those particular bills.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I certainly do not intend to debate the merits of this bill because I think probably it has many desirable features, but I should point out to you that we must as a legislature decide whether we will follow the considered judgment of our administrative officers in arriving at some sound and conservative budget figures or whether we will reach into thin air and pluck out a figure, any figure which suits the need.

I don't think that is a sound way to legislate. I think we should follow the custom of years of conservatively estimating our revenue. And I point out to you the very dangerous thought behind this phantom money, as the Senator aptly put it; we have in our surplus account, which is all the state has to operate on throughout the fiscal year what is considered to be barely half enough for proper operational expenses and each year we should hope that something will be added to this to bring it into proper line for a contingency and surplus account.

Now I think we should consider the facts of the last 24 hours. Should we as a Senate do this thing—should we cut the heart out of our institutional program, cut the teachers' bill beyond 50 per cent, cut out a bill for military expense, throw out the bonus bill, cut Old Age and Health and Welfare to the bone, throw out the medical college and the law school, and while we still have on the table a bill to adjust the salaries of all full time state employees, should we take the chance of cutting out that merited bill for the

doubtful purpose of aiding private colleges?

I don't think we would be particularly praised as a legislature for taking that stand of throwing out things of statewide interest and statewide welfare to grant the money to schools, no matter how worthwhile which are private institutions.

Mr. SPEAR of Cumberland: Mr. President, I think there is one point which has not been covered. It has been stated that this institution and three others that have appropriation bills on the table are private institutions. That is true. I don't know whether you have thought of the fact that they are maintained and have been to a considerable extent by private subscription or donations by interested alumni. If any one, or all four of them should fold up or any other private institution of the state that sells education or gives it away, then the taxpayers would pay all the bills. It seems to me we are debating this morning about \$130,000 or thereabouts. We would not be here debating about \$130,000 if there hadn't been a couple of serious fires and some returned war veterans. For one, if I had voted against the cigarette tax, we wouldn't be here debating what we would do with the money. It would only have taken one more vote to have passed it as an emergency.

It has been estimated there would be four or five hundred thousand dollars additional revenue from that. There wouldn't be more than \$130,000 needed if all four of these bills should pass that are on the table. I hope the motion of the Senator from Washington, Senator Murchie does not prevail and if these four bills don't live, will all die together.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Murchie, that the resolve be indefinitely postponed.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Morrill of Cumberland, the rules were suspended to permit that Senator to make a motion to reconsider.

Mr. MORRILL of Cumberland: Mr. President, I move that the Senate reconsider its former action

whereby this resolve was passed to be engrossed.

Mr. MURCHIE of Washington: Mr. President, I ask for a division.

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

Mr. BOUCHER of Androscoggin: Mr. President, I move the indefinite postponement of this resolve.

Thereupon, on motion by Mr. Morrill of Cumberland, the resolve was laid upon the table pending the motion of the Senator from Androscoggin, Senator Boucher, that the resolve be indefinitely postponed.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to Salary of Superintendents of Schools (H. P. 111) (L. D. 95) tabled by that Senator on May 12 pending passage to be engrossed.

Mr. BARNES: Mr. President, having inquired into the matter from both Senator Ela and Senator Bishop, it is my understanding that this bill with the amendment which has been adopted, has a price tag of \$32,500 and that comes within the two million dollars on the appropriation list. I move that the bill be passed to be engrossed as amended in non-concurrence.

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

Sent down for concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table bill, An Act Adjusting the Salaries of All Fulltime State Employees (H. P. 1735) (L. D. 1477) tabled by that Senator on May 12 pending passage to be enacted.

This being an emergency measure, a division of the Senate was had.

Twenty-four having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table Resolve to Authorize a Forest Survey for the State of Maine (H. P. 1047) (L. D. 686) tabled by that Senator on May 12 pending final passage.

Mr. CROSS of Kennebec: Mr. President, regretfully I have to point out that this comes from the post war fund, and bills already obligated against that fund leave only \$29,000.

I move the indefinite postponement of this resolve.

A viva voce vote being had The resolve was indefinitely postponed.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution to Regulate Traveling Expenses of Members of the Legislature (H. P. 1727) (L. D. 1459) tabled by that Senator on May 12 pending the motion of the Senator from Aroostook, Senator Barnes, that the resolve be indefinitely postponed.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, at the time I made the motion to indefinitely postpone this resolve yesterday I was fully satisfied in my own mind and I am satisfied now that this matter could be taken care of without a Constitutional amendment, and that is my reason for moving indefinite postponement. Regardless of whether my belief is correct or not, there have been attorneys in both branches of this legislature who have felt that Item 12 which I thought we should pass, is not constitutional. As I say, my mind is made up but I have been wrong before and this will insure the passage of a measure that will be constitutional. Therefore, I ask leave to withdraw my motion to indefinitely postpone.

The Senator was granted leave to withdraw his motion.

The PRESIDENT: The question now before the Senate is on the passage of this resolve.

Mr. CROSS of Kennebec: Mr. President, I ask that this vote be taken by the Yeas and Nays.

Mr. HASKELL of Kennebec: Mr. President, I hesitate to vote on this resolve as a constitutional measure because I had the feeling that it has some of the restrictions that some of the other measures we are voting on her this morning have. As you know, we are substantially in the red now and this measure requires the additional expenditure of \$35,000 and that necessarily must be in the budget for the next biennium. I place it at that figure on the assumption that the next legislature

will pass legislation generally similar to the legislation sought in the statutes that apparently we intend to kill. Now if that is not the intent of the thing, I am one of those confused Senators who would like to be straightened out. On the Yea and Nay vote for the resolve.

Mr. BARNES of Aroostook: Mr. President, I think there may be some confusion between Item 4 on the calendar which we are now considering, and Item 12. Item 4 is a Resolve proposing a change in the constitution. I can't quote it exactly but at the present time the constitution states that members of the House of Representatives shall be paid once in each session and no more for necessary traveling expenses to and from the legislature. The matter was discussed and taken up with the Deputy Attorney General, Mr. Breitbard, who made some study of the proposition and he came to the conclusion himself that the qualifying phrase "once and no more" related to the time of payment of travel expenses whatever they might be and therefore it was perfectly proper within the constitution as it now exists to pay legislators, if this Body and the other concur, actual travel expenses once each week. All I wish to point out at this time is that this resolve if we send it to the people doesn't require any additional fund at this time. It wouldn't change the financial picture at all if we kill Item 12 because the measure would have to go before the people for adoption and some future legislature, if the members felt it was right and just to do so, could enact legislation that would pay actual expenses once in each week.

I think perhaps the Senator from Penobscot, Senator Haskell, may be confused on the fact that there is no money for this resolve if we pass it. I think several other measures are going before the electorate on constitutional revision and this would not be any extra expense. Before the vote is taken on the Yeas and Nays, however, I think I should point out one thing: There was a bill before this legislature and on the table in one branch or the other relative to the salaries of the officers of the legislature. Those changes would include the Secretary of the Senate and the Clerk of the House and that seemed to be the only bill on which the germaine amendment could be added that

would take care of travel expenses for the legislature, if we were to decide it was constitutional to do so. That bill was recommitted to the Committee on Salaries and Fees and we discussed it thoroughly down there. The members of the committee were somewhat troubled as to whether or not this would be constitutional and that is how the Deputy Attorney General happened to be called in for an opinion.

I have been given to understand this morning that the officers who are included in the original bill here have been taken care of in another matter and would not object if Item 12 were rejected altogether. Personally if that comes to a vote and whether or not the Yeas and Nays are ordered, I should vote for Item 12. There is another amendment on 12 that ties in with the bill we have before us relative to the traveling supervisor of transportation who has been set up so that when men from different departments are leaving Augusta he can load two or three in one car and thus save money, and in my opinion the traveling expenses of the legislator could be taken care of under that bill. That, however, will come later.

This question we are voting on now is simply a question of whether or not in view of what may be an ambiguity in the constitution, we should make plain and clear that it is within the constitution to pay travel to a greater extent at least than is being paid at the present time.

I see no particular objection to the passage of this resolve and I will say I was somewhat amazed at the vote taken on it because even if we should decide to pass Item 12 it still might be a good idea to put Item 4, the constitutional resolve, before the public when the time comes. I hope I have made myself clear. If there are any questions I will be glad to answer them.

Miss CLOUGH of Penobscot. Mr. President, L. D. 1459 which I understand we are voting on now, is not in my book. I wonder if somebody could read me the question.

Mr. BARNES: Mr. President, I think I can state that where the constitution now says, "Once in each session and no more", the only change is "in each week". So it will then read "once in each week in each session."

Mr. MURCHIE of Washington: Mr. President, I am a little astray

on this bill and what is involved in it in the way of immediate expenditure. May I be informed as to what number that was on the Senate tabled matters on the calendar of yesterday on the list showing the seventy to eighty odd bills? I cannot find it here. If it is Number Forty-four, it calls for \$50,000 and I gather this morning from the remarks of the Senator from Aroostook that there is no expense attached to it.

The PRESIDENT: The Chair will state for the information of the Senate that you are now voting on L. D. 1459 which is a Resolve proposing an amendment to the constitution to regulate traveling expenses of the members of the legislature. Should you pass the resolve the question would be submitted to the people either at the next regular September election or at a special election to be called by the Governor and if adopted by the people, the constitution would be amended.

Mr. MURCHIE: Mr. President, we haven't paid much attention to this bill but this item says it is going to cost \$50,000 under the present program. Am I right on that? That is what I want to know. That was my reason for voting as I did.

Mr. BARNES: Mr. President, there is a price tag apparently in that item on yesterday's calendar. I cannot conceive but that must have been a mistake because like any other constitutional resolve and where there are others going to the people at the same time, I can't see how this would add any expense to the people of the state of Maine. When you come to Item 12, the price tag of \$50,000 is right on that one.

The PRESIDENT: The question before the Senate is on the final passage of the resolve and the Yeas and Nays have been requested.

A division of the Senate was had. Obviously more than one-fifth having voted in the affirmative, the Yeas and Nays were ordered.

YEA: Senators: Barnes, Batchelder, Blanchard, Clough, Cross, Denny, Dube, Ela, Greeley, Haskell, Hopkins, Leavitt, MacKinnon, McKusick, Morrill, Murchie, Savage, Spear, Welch, Willey, Williams—21.

NAY: Senators: Boucher, Boutin—2

ABSENT: Senators: Baker, Bishop, Cleaves, Crosby, Davis, Dunbar, Edwards, Noyes, Smith—9.

Twenty-one having voted in the affirmative and 2 opposed, the resolve was finally passed.

On motion by Mr. Cross of Kennebec,

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

#### After Recess

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table Resolve in Favor of Portland Junior College (H. P. 414) (L. D. 244) tabled by that Senator earlier in today's session pending the motion of the Senator from Androscoggin, Senator Boucher, that the resolve be indefinitely postponed.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate, this resolve and all it involves regarding our program today has been debated at length this morning. I am not going to attempt to further debate it. I do hope that when the vote is taken, the motion of Senator Boucher will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the resolve be indefinitely postponed.

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

A division of the Senate was had.

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

Thereupon, on motion by Mr. Morrill of Cumberland, the rules were suspended and the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed, and that Senator offered Senate Amendment B and moved its adoption.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate I cannot believe that we have departed so far from our basic assumptions this morning. In view of the action within the last ten minutes of the other Body of this legislature I am reasonably well reconciled to the fact that new revenue sources are non-existent in this legislature. You have had what I assume is the answer to the little sheet that wasn't there put on your desks and it is pitifully inadequate and without any semblance of accuracy or certainly. I note with in-

terest the fact that there is no indication on this phantom sheet to acknowledge the accuracy or inaccuracy of liquor revenue and I have recited too many times in this Senate the hazard that already exists in this budget on liquor revenue. If you have your budget book and I am sure few of us have kept our budget books to this late date, on page 307, you will see the optimism expressed in that budget on liquor revenue. You have heard read into the record in this Senate, the considered conclusions of your Appropriations Committee and of the Liquor Commission, that liquor revenues are grossly over estimated.

You have also by your action in this Senate said in effect, "We want appropriate any money for the contingency fund; we will let it come out of the pitifully inadequate surplus." I think by your actions this morning you are indicating your conclusions of several hundred thousand dollars over and above what the Appropriations Committee are willing to tell you is estimated revenue. If this phantom sheet, instead of being signed by my distinguished colleague had been an endorsement of the Appropriations Committee I would have assumed it had the endorsement of the Budget Officer and I could have gone along on a new source of revenue.

I am willing to agree to the chance that telephone and telegraph taxes may go up a hundred thousand dollars. I am willing to believe that if the death rate follows some unusual sequence you might get \$175,000 from the inheritance tax. I am willing to agree that we might get \$125,000 from insurance tax. The last item on the phantom list is minor but they have stretched that to the breaking point in having already put into the first sheet, the factual sheet, \$35,000 from that sources. What are we doing?

We are saying, I think, "Shall we support one of these worthy projects out of our phantom income?" I remember the statements of the Governor in his inaugural address that he will veto those items that are not substantiated by income. I cannot believe that the Governor or the Appropriations Committee or the Budget Officer are going along with some phantom revenue.

Members of the Senate, the revenue is not there and by your vote on this motion you are going to upset the conclusions of this legis-

lature, I think. And you are going to listen to motions to reconsider our action whereby we killed the Calais bill, maybe the Bangor Airport bill, the Sacred Heart bill, maybe the contingency bill itself and maybe several other substantial bills. I think it is eminently unfair to pick out one bill and because the proponents have pictured a rosy picture of what might happen, say that we will give to that bill the dollars they want.

Senators, there are dozens of worthy projects and if we are going to appropriate dollars out of phantom revenue, let us be fair and take all of them, and by your action on this motion I think to be consistent you have got to revive all of these bills we have killed. I think we can even revive the Health and Welfare and wonder whether or not you were wise in accepting the appropriations bill, that took a couple of hundred thousand dollars out of world war assistance, and go on back to the ten million dollars that were on this table at the start. I think you can well consider the law school because certainly the arguments for veterans are equally important in the support of that bill. I think it is a fundamental question.

Are we going to support the Appropriation bill on phantom revenue? I hope these figures do exist and I insist that if they do we should use every dime of it, and more too, to support the contingency fund for the next biennium. I contend that this is not in the spirit in which this Senate has applied the axe to these bills in the last two days. I think we have been eminently fair. I think many of us have bowed to the obvious difficulties of our floor leader. I have bills in here that I would like to see passed. I don't think it is the spirit which this Senate has displayed in the last 24 hours.

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

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

A division of the Senate was had. Fourteen having voted in the affirmative and ten opposed, the motion to adopt Senate Amendment B prevailed.

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



Mr. BARNES of Aroostook: Mr. President and members of the Senate, I have purposely refrained from voting on the various motions made in this matter up to the present time. I have felt that as one who comes from the town of Houlton where this legislature did a similar job for Ricker Classical Institute that at least up to the point of where we were to decide the final question, I should remain silent and listen to the argument presented.

We may have made a mistake last summer when we appropriated this same sum for Ricker Classical Institute. I have tried in my original remarks on this to point out to you some of the things I felt were different in the facts about this resolve, but one thing stands out and necessarily makes me vote against the engrossing of this measure, and that is that last summer when we considered the Ricker Classical measure, there was money to take care of it.

I wish—and no one knows how hard I wish it—that this legislature had enacted a tax program that would take care of the worthy measures and the school measures and all the other things that are on the calendar today and to which we had to put the axe but although we had the money last summer, we have not any money in sight today. The list that was put on our desks this morning shows what we did with the \$390,000 that we had yesterday. Perhaps we did wrong, I don't know. But we are in the red \$53,000 in the general fund. To make my position perfectly clear, the reason I shall vote against this measure when it comes to engrossing, is because we simply haven't the money for this and some other things coming up this afternoon including Senator Williams' bill and the veterans' division bill and when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the passage to be engrossed of this resolve.

A division of the Senate was had.

Thirteen having voted in the affirmative and twelve opposed, the resolve was passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from

the table Resolve in Favor of Anson Academy (H. P. 1055) (L. D. 1503) tabled by that Senator on May 12 pending final passage.

Mr. ELA of Somerset: Mr. President and Members of the Senate, I will try to be brief. Last winter during a howling winter storm, Anson Academy buildings which had existed for 125 years were burned. That left the community and the area of central Somerset County without this vital institution. This serves a broad area. It can be filled by no other agency apparently at the present time and the resources of the trustees and of the vicinity have been exploited to the utmost. As in the case of Ricker which we heard this morning, the trustees and graduates have contributed to the utmost of their ability.

Now we think that perhaps Somerset County has been modest in its requests of this and previous legislatures. I can't recall a single item in this session pertaining particularly to Somerset County, other than this one item. I have voted for items far and wide all over the state. I voted for state parks in Aroostook County, for state parks in York County and in previous sessions I voted for blueberry farms and experimental stations which are good and I hope they will produce good results. We have invested \$25,000. I hope the money will sometime come back. I have voted for experimental stations for potatoes in Aroostook, for bridges from one end of the state to the other.

I am glad that in the highway program bill we were able to justify an expenditure of nearly two million dollars for a bridge across the Kennebec river here. In Penobscot County near Millinocket bridges were made possible. Another one near Lincoln. Far and wide all over the state those things have been made possible by action which occurred here in this legislature.

This academy is worthy. It has never before sustained this sort of a catastrophe. It is a non-recurring item. Many places have had airports which continually get funds from the gas tax. We in Somerset County apparently do not need so much. Therefore nearly all that money goes to other places. I think if you will recall a few days back, last Thursday or Friday, things didn't look too pretty right here. The Appropriations Committee have been tossed and batted

around, their figures denied and repudiated, if I may say so, the fiscal officers of this state had, without defense apparently, been proven erroneous in all their needs. The Republican party and the administration were held up to scorn and ridicule by those who in their earnest desire, may I concede, were thoroughly imbued with the idea that they must be sound, prudent and solvent, but we might differ as to what degree.

At that time I called attention to some of the reasons for the budget estimates. It had been continually stated that liquor revenues were figured too high, no mention made at that time, may I say, of any other thing but liquor. I am not going into that to a great extent. Perhaps I can recall them from memory. Insurance was figured at \$880,000. Already over a million has been received this year. Insurance policies are being put on in increasing numbers. That figure which I gave you to sustain only decreased liquor revenue is in existence now, I didn't allow for any increase. You cannot help but have an increase over the projection that I made.

Inheritance I figured only at the existing rate of income. I believe, and I think anyone who studies it will believe, that projected revenues will exceed the figures I have you. So those figures which have been used over and over again have only projected the existing rates now. In those categories they cannot fail to exceed the estimate. I don't want to debate this too long but I do wish to call your attention that if any of these educational matters are good, if any of them which we have passed are sound, this is a good bill. It does have the trouble, perhaps, of being too modest. The effort is for a hundred thousand dollar institution. The bill didn't call for that. It called for a supreme effort on the part of the community to finance their own job. It did call for \$20,000. I move that the bill pass to be enacted.

Mr. CROSS of Kennebec: Mr. President, I am very reluctant to oppose the motion of the Senator from Somerset. I would only point out one or two things which have been pointed out before and that is, that it is not the amount necessary but the principle of the thing and if we are going to support these

private academies we are creating a precedent which will continue for years to come. I think the Senator from Somerset has been very modest in his request. As I see it, it only involves \$10,000 a year.

I have notice in another bill which is entitled "Aid to Academies" and which is a recurring item that the state has recognized Anson Academy to the extent of \$1900. I was also interested to note that Bridgton Academy received \$800. Freedom Academy received \$1900 and Ricker Classical \$1000. Those are the usual "aid to academies" bills.

Now the education committee in its wisdom has gone along in aiding these academies to the extent of the figures which I have quoted, and I see nothing in this bill in the statement of facts which would indicate there was the slightest flavor of help to veterans in the bill. The word "veterans" in this one isn't mentioned. In fact, I have not seen it in any of the other bills, except Portland Junior College. I think we should consider this carefully in the light of facts that it has no more or less standing than the others which are contained within the ordinary aid to academies bills. Apparently the Education Committee saw no reason to differentiate there and I see no reason why we should differentiate here.

The PRESIDENT: The question before the Senate is on the final passage of the resolve.

A division of the Senate was had.

Thirteen having voted in the affirmative and eleven opposed, the resolve received a final passage.

Mr. MURCHIE of Washington: Mr. President, I would like to make a motion to suspend the rules to permit me to make a motion to reconsider.

The PRESIDENT: The Chair would inquire which bill the Senator wishes to reconsider.

Mr. MURCHIE: Mr. President, I would like to know if L. D. 975 is in the possession of the Senate?

The PRESIDENT: The Chair will state that L. D. 975, Resolve in Favor of the City of Calais to Aid in Rebuilding School, is in the possession of the Senate having been indefinitely postponed on May 12 in the Senate. Suspension of the rules is not necessary to make a motion

to reconsider. A motion to reconsider is in order at this time.

Thereupon, the Senate voted to reconsider its former action whereby the resolve was indefinitely postponed, and on further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby the resolve was passed to be engrossed.

Mr. MURCHIE: Mr. President, if I were to make an attempt to again tell the story of this school I think I might well use the words of Senator Ela, a few moments ago, but with the thought that I do not propose to delay the proceedings of this legislature to the extent of a long discussion on this matter and assuring you that it is not a recurring item and it is a mighty worthy thing for a town that is struggling to pay for schools it had to build to take care of children from half a dozen towns, I move that the bill be passed to be engrossed.

The motion prevailed.

The PRESIDENT: The question is now on the final passage of this resolve.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, you started with Junior Colleges, then aid to veterans, and went down the list to academies and now we arrive — I don't even know as it is a high school. It says a school in the city of Calais. I certainly don't intend to say any more than that. If this Senate is going to build and rebuild schools, colleges and academies when we have voted against other bills affecting statewide interests, I have no interest in the thing itself. I certainly won't oppose my good friend from Oxford further. I would merely point out the fact that we are getting down pretty close to kindergarten.

Mr. BISHOP of Sagadahoc: Mr. President, may I inquire if Calais Academy is not now Calais High School?

Mr. MURCHIE of Washington: Mr. President, the Senator is right. It is now a high school.

Mr. BISHOP: Mr. President, I believe public high schools are taken care of by other means and for that reason I don't believe Calais Academy which does not exist any more would come under this category. When we were working on legislative aid to academies we learned that fact, that the academy is now a public high school. There-

fore I believe this is an entirely different proposition.

The PRESIDENT: The question before the Senate is on the final passage of the resolve.

A division of the Senate was had.

Five having voted in the affirmative and eight opposed, the resolve failed to receive a final passage.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the table Resolve in Favor of Freedom Academy (S. P. 375) (L. D. 1059) tabled by that Senator on May 12 pending final passage.

Mr. GREELEY of Waldo: Mr. President, I move that the rules be suspended in order that I may make a motion to reconsider engrossing of this resolve and I might say in explanation that this amendment would cut down from \$40,000 to \$29,000 this appropriation. It is supposed to come from the post war reserve fund and on our papers this morning there was a balance in that fund of \$29,000.

The motion to suspend the rules prevailed and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed and that Senator offered Senate Amendment A and moved its adoption.

Senate Amendment A to L. D. 1059:

"Amend said resolve by striking out the emergency preamble. Further amend said resolve by striking out the last paragraph before the emergency clause and inserting in place thereof the following: 'Freedom academy; appropriation for. Resolved: that the sum of \$29,000 be, and hereby is, appropriated from the Maine Post War Public Works Reserve to be expended by the president and board of trustees of Freedom academy toward the building and equipping of a school building to furnish secondary school privileges to the youth of Freedom and vicinity.' Further amend said resolve by striking out the emergency clause."

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

Thirteen having voted in the affirmative and five opposed, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Resolve in Favor of Bridgton Academy (S. P. 416) (L. D. 1202) tabled by that Senator on May 12 pending final passage.

Mr. SPEAR of Cumberland: Mr. President I move that the rules be suspended in order to permit me to offer an amendment and in defense of that motion I would say that this amendment if adopted would cut down the amount involved from \$75,000 to \$30,000. The Senator from Kennebec, Senator Cross stated that he didn't think one of these bills said anything about veterans. In the Bridgton Academy bill it does say something about World War II veterans and there are 42 of them at this academy out of 160 students. If it were not for the veterans we wouldn't be here asking for some money and as far as construction is concerned, we won't be here again.

The alumni have pretty generously contributed and are still contributing. We have teachers but we lack buildings and equipment. I won't go into a long debate, although I think others in this session have talked as long as I have. I have tried to be prudent and tolerant and I hope you will be with me. I hope you will give this bill the same consideration you have the others.

The motion to suspend the rules prevailed and on further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

The same senator presented Senate Amendment A and moved its adoption:

Senate Amendment "A" to S. P. 416, L. D. 1202, "Resolve, in Favor of Bridgton Academy."

"Amend said Resolve by striking out all of the paragraph before the emergency clause and inserting in place thereof the following:

**'Bridgton academy; appropriation.**

**Resolved:** That the sum of \$30,000, be, and hereby is, appropriated from the general fund to be expended by Bridgton academy for the purpose of completion and equipment of its school buildings and for furnishing facilities for veterans of World War II attending said Bridgton academy under the G. I. Bill of Rights, so called.' "

A viva voce vote being had, Senate Amendment A was adopted, and on motion by Mr. Spear of Cum-

berland, the resolve as so amended was passed to be engrossed.

Sent down for concurrence.

Mr. MORRILL of Cumberland: Mr. President, may I ask if L. D. 203 is in the possession of the Senate?

The PRESIDENT: The Chair will state that L. D. 203, Resolve in Favor of the University of Maine is in the possession of the Senate having been indefinitely postponed in the Senate in yesterday's session.

Mr. MORRILL: Mr. President, having been one who voted with the majority in the indefinite postponement of this bill, I would ask that we reconsider our action whereby it was indefinitely postponed, in order that the bill may be again voted on.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I regret that the Senator from Washington, Senator Dunbar is not here to express his conclusions on this bill, but if there was a single bill before this legislature that was a G. I. bill is certainly is the bill before us now. Senator Dunbar explained very effectively to the Senate that this bill means more to the G. I. in the State of Maine from an educational standpoint than any bill he could conceive of. I heartily concur in that conclusion. Law schools in this state are negligible as you know. Certainly the modest appropriation sought to set up a law school in the State of Maine should have your serious consideration along with these other educational bills and I sincerely hope that the reconsideration procedure receives your favorable action.

Mr. BISHOP of Sagadahoc: Mr. President, in school I learned that the legislature was made up of two Bodies, the lower House which has been referred to recently as the House of Reconsideration, and the Senate which is now becoming famous as the House of Inconsistency. Last week this Body turned down a simple harmless bill to permit local school committees to transport elementary school children and establish bus routes. The argument presented was that it wasn't a religious issue, it was a case of using public funds for private schools. Yet within 30 minutes following that action we in this Senate passed

measures that took \$215,000 for private academies.

At the very moment, the Committee on Education was working on the allocation of \$120,000 for the legislative aid fund. That fund is divided up about \$33,700 to \$33,900 on an equalization basis, the rest goes on a per capita basis. The case of Ricker Classical Institute has been cited here today. At the last special session we allocated \$50,000 to Ricker to make it possible for them to finish a building so that they could carry on a valuable education program they were offering and they now have 161 veterans there.

Portland Junior College at the present time has 197 veterans. These other academies we have just acted upon serve not only as an academy but as a local high school in the community where they exist and for secondary school pupils in surrounding towns.

If we are so prone to care for our youth and veterans on the college level, then we must take care of them on the secondary level. I think the argument in regard to the law school, it may be worthy, I think it is, but I am sure that the veterans in the state will not benefit from this school anywhere near as much as they will from the private schools or local high schools that prepare those youngsters to get ready to go to the college level. We are doing quite a bit at the University of Maine and at the campus at Brunswick on the college level. I think if we have any effort to exert for the veterans it should be on a secondary level in preference to this law school at the University of Maine.

Now to show you that my heart was in the right place and I wasn't offended by the action on the bonus bill, I have supported these other academy measures because I have been assured that there are funds available from the phantom sheet that has been quoted to you that will take care of them. I believe that inasmuch as less than two percent of our population ever go to college we had better spend the other 98 percent of our effort on the elementary and secondary schools. I hope the motion to reconsider this measure does not prevail.

Mr. McKUSICK: Mr. President, I just rise to correct one statement. I think Senator Bishop said that

there were 197 veterans at Portland Junior College. If I am correctly informed the figure is practically twice as much. I think it is 320.

Mr. BISHOP: Mr. President, I meant to say 197 veterans at that college beside the other students.

Mr. McKUSICK: Mr. President, I have been given to understand that it was 320 veterans. I may have been wrongly informed.

Mr. CROSS of Kennebec: Mr. President, I think we should be very pleased with our record here this afternoon of consistency. We have gone beyond our budget and not for statewide enterprises but for private ones and we have done it in the name of the veteran. I wish to help the veterans as much as anyone here but I must insist that if the Senate is going to be consistent in these things, I think we should be consistent in this one. If we are going to help one school, let us tip the budget over completely and help the other schools. Let's reconsider a half dozen other money bills which were killed today, bring them back, dress them up and then go back to work and pass a tax measure to finance them, because that is just the way we are headed this afternoon. I therefore hope, Mr. President, that the motion to reconsider, to be consistent, prevails.

Mr. BARNES of Aroostook: Mr. President, I don't know but what it is about time for the setting up of a branch "I am Bewildered" Club in this Senate and perhaps I might be the first one to join. You will recall that when the law school bill originally came up, I opposed the Senator from Washington, Senator Dunbar on it, not because I did not think a law school was a good thing for the state of Maine. We had a corker here years ago and there is no reason to believe we couldn't have another. My only objection at that time and my only objection today is that we don't have the money in sight.

Since that time an active tax program which would provide the money the state needs has been turned down and we have enacted a cigarette tax that will give us not much over half the money we need. Although according to the sheet that was put on our desks this morning post war fund has only \$29,000 in it, we have as I understand it appropriated out of that \$29,000—\$50,000 for Portland Junior

College, \$29,000 for Freedom Academy, \$20,000 for Anson and \$30,000 for Bridgton. Perhaps I am bewildered but I don't see how you can take a barrel of potatoes and get two or three barrels of potatoes out of that one barrel.

I have voted on the enacting stage against all these measures. I will try to be consistent and although it is in my own profession and I am very much in favor of the law school in Maine, when the time has come that the state can pay for it, and although I realize the bill would benefit the veterans, I can't find the money. The barrel has long since been emptied. I shall vote against it and I ask for a division.

Mr. HASKELL of Penobscot: Mr. President, rarely do I rise to oppose the conclusions of Senator Barnes but I think he fails to recognize that this Senate this afternoon has recognized the existence of a third sheet here. I agree with him that the first two sheets do not substantiate our action but I think if he will be consistent he will agree that we are voting on this third sheet of phantom revenue and I think what we are voting on is whether or not the establishment of a law school at the University of Maine for \$70,000 for the biennium compares favorably with the support we have given private secondary schools.

If the question is going to be settled on its merits the veterans probably come into it and certainly there are hundreds of veterans in our state who should have the benefit of a legal education if they see fit and they do see fit, and since we have that facility and since it can be operated for such a modest amount of money, certainly there cannot be any more logical way to use the money of the phantom sheet than to establish a law school. I debated against the basic soundness of the phantom sheet but if we are going to appropriate money from it, certainly there is a great deal of justice in re-establishing such a fine institution that has turned out the impressive list of leaders of the legal fraternity in the State of Maine and I can think of no good reason consistent with our former action in not supporting this request.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland,

Senator Morrill that the Senate reconsider the indefinite postponement of the bill.

A division of the Senate was had. Nine having voted in the affirmative and eleven opposed, the motion to reconsider did not prevail.

#### Passed to be Enacted

Bill "An Act Creating a Commission to Study the Need for a Medical School." (S. P. 164) (L. D. 403)

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

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

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

#### Emergency Measure

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1948, and June 30, 1949." (S. P. 553) (L. D. 1509)

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

#### Emergency Measure

Bill "An Act to Provide Revenue for the Construction and Extension of Airports, and to Regulate and Control the Expenditures Thereof." (H. P. 1690) (L. D. 1408)

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.

On motion by Mr. Barnes of Arcostook, the Senate voted to take from the table bill, An Act Relieving Towns from Care of Neglected Children (S. P. 246) (L. D. 663) tabled by that Senator on May 12 pending passage to be enacted.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, we have been criticising some bills that passed this afternoon because they were of a private nature. This certainly is of a public nature where every municipality in Maine would benefit, by taking over the care of neglected children. A high official of the state this morning said some-

thing about on Friday he was going to address the Maine Municipal Association and he was asking what he would tell them that this legislature had done for the municipalities of the state. Apparently he was at a loss to know and he asked me if I could tell him. He said, "I realize one thing. If your bill passes, I could speak of that." A little later I mentioned the education bill as one of the things he might say the state did for municipalities and some time later he said, "If your bill doesn't pass, I am not going to speak because I would have nothing to say that the legislature did for the municipalities at this time."

I think as much as we have debated this thing pro and con there is no need of debating more. I think in the figures that have been presented, phantom or otherwise, if there is money to take care of all the other expenses of the state, there is plenty money to take care of \$250,000 a year which this bill would require.

Mr. CROSS of Kennebec: Just one more word on this bill. If you consider the phantom sheet to be correct you may pass this measure with a clear conscience but I point out to you that it is a half million dollars for the biennium and we have already passed another \$150,000 or so of other bills which brings it dangerously close to  $\frac{3}{4}$  of a million dollars. I leave it to your common sense as to whether you think this should go through.

The PRESIDENT: The question before the Senate is on the passage of this bill to be enacted.

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

A division of the Senate was had.

Twelve having voted in the affirmative and twelve opposed, the bill was not passed to be enacted.

Mr. CROSS of Kennebec: Mr. President, inasmuch as the Senate is in a mood to reconsider measures to a certain extent, it has been brought to my attention that this morning I made a motion to indefinitely postpone a bill and the sponsor of the bill has asked me to give this information to the Senate and see if the Senate would permit reconsideration of the bill. I will do that. The bill is L. D. 686, Resolve Authorizing a Forestry Survey in the State of Maine. The state-

ment of facts states that the federal government will contribute approximately \$200,000 toward this survey. The state's share under the original bill was \$50,000 to come out of the post war fund.

We have remaining, at the moment unobligated, \$29,000 in the post war fund. If this motion to reconsider carries, I will offer an amendment to deduct from the post war fund, \$25,000 for the purpose of this bill. I leave it entirely in the hands of the Senate. I move that the Senate reconsider its action whereby it indefinitely postponed L. D. 686.

Mr. MURCHIE of Washington: Mr. President, while I did have a considerable hand in the opposition to a good many forestry bills, I have come to the conclusion since the indefinite postponement yesterday, that it is a good idea. While I do believe the amount of the amendment should have been cut down, still I do believe it should be enacted.

Mr. CROSS of Kennebec: Mr. President, I ask for a division.

Miss CLOUGH of Penobscot: Mr. President, before the motion is put, may I inquire what the tally is on the post war reserve fund. Is there \$29,000 in the post war reserve fund?

Mr. CROSS: Mr. President, in fairness to Senator Greeley, I will remind the Senate that he has put an amendment on his bill which calls for \$29,000 from the post war reserve fund, but as of the moment there is still \$29,000.

Miss CLOUGH: Mr. President, there must be another sheet! If that has been taken care of in the amendment presented by Senator Greeley, I cannot see where the other \$29,000 is.

Mr. CROSS: Mr. President, I merely pointed out that there is in that fund \$29,000 period. Senator Greeley took \$29,000. If you accept this, it will be a choice between Freedom Academy and the Forestry Survey.

Mr. SPEAR of Cumberland: Mr. President, through the Chair I would like to ask the Floor Leader why all of a sudden this burst of enthusiasm for this resolve. I would like to know what is behind it if I may.

Mr. CROSS: Mr. President, I would be very pleased to give all the information which I have to the Senator. In indefinitely postpon-

ing this resolve, no one seemed to have any thought of saving it in the Senate, so as your floor leader, I did the duty of the floor leader and moved to indefinitely postpone the resolve. Since then the Forest Commissioner has told me these facts which I have read to you from the Statement of Facts. Now if you want to get these federal funds and if you think the service is necessary, I think we should reconsider the resolve. I have no personal interest in the matter whatsoever and it is in the judgment of the Senate.

A division of the Senate was had. Ten having voted in the affirmative and ten opposed, the motion to reconsider indefinite postponement did not prevail.

### Orders

(Out of Order and under suspension of the rules)

Mr. Barnes of Aroostook presented the following Order and moved its passage:

**ORDERED**, the House concurring, that H. P. 22, L. D. 12, bill An Act Relating to Salary of State Auditor be recalled from the Governor to the Senate.

Mr. BARNES: Mr. President and Members of the Senate, in support of the Order I will simply say that in this particular case—and this is different than any of the other salary bills that came before us—this salary was made retroactive as of January 1st and it seems that that was an unfair discrimination. Therefore I would like to see the matter recalled so that an amendment could be put on that would put it on an equal basis with all the similar measures that have been passed in this session.

The motion prevailed and the Order received passage, and on further motion by the same Senator, the Order was sent forthwith to the House.

Mr. Bishop of Sagadahoc presented the following Order and moved its passage:

**ORDERED**, the House concurring that the bound copies of the Legislative Record of the 93rd Legislature complete with suitable index be delivered to the members of the 93rd Legislature not later than December 31, 1947, under direction of the Secretary of the Senate and Clerk of the House.

Mr. BISHOP of Sagadahoc: Mr. President, in explaining this Order, I would like to say I have checked with the printers and they have the materials and would be able to get that printed and bound. I have also checked with the reporters and they feel they will have the copy ready long before that and I feel also that some of you gentlemen who may be seeking public office in the future would like to have this record to refer to. The last Legislative Record was more than two years delayed. I hope the Order will be accepted in order that we may all have the bound Legislative Record by January 1, 1948.

The motion prevailed and the Order received a passage.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table bill, An Act Continuing the Division of Veterans Affairs, (S. P. 472) (L. D. 131) tabled by that Senator on May 12 pending the motion of the Senator from Aroostook, Senator Barnes, that the bill be indefinitely postponed.

Mr. Barnes of Aroostook: Mr. President and Members of the Senate, at the time that I made my motion to indefinitely postpone this measure it was on the theory that I held yesterday and have held today that we should not enact appropriation measures when there weren't the dollars to meet them. But I have understood since that time, that the dollar sign attached to this bill doesn't actually mean what it says because if we didn't have this department, the same work would be carried on by the Health and Welfare Department at almost the same cost and meanwhile I have received a number of telegrams from Legion Posts around the county. I therefore ask leave to withdraw my motion to indefinitely postpone.

Thereupon, that Senator was granted leave to withdraw his motion to indefinitely postpone.

Mr. CROSS of Kennebec: Mr. President, I intend to say very little on this bill. I would like to just strengthen in the minds of the Senators the matter of finances. If you will turn to your sheet of general funds, which you had this morning, you will see under Appropriations and under the term Veterans Affairs, the figure \$84,850 which is the



amount they have estimated would be needed if it was to be under the Department of Health and Welfare. The bill before you has a price tag of \$157,000 for the biennium. There is a difference of approximately \$70,000 between two methods. In either event the veterans needs will be taken care of and it is merely a question of whether we wish to do it under the Health and Welfare Department as a division, or pay \$70,000 more to have it in a separate division. I merely point out that fact to you and calmly and sanely ask that you will not be swayed by anything but facts and will use your judgment in the matter.

Mr. BATCHELDER of York: Mr. President, I have spoken on this several times and covered the facts quite thoroughly yet it might need a little more explanation at this time. This new statement that has been presented to you is an attempt to place this back in the Health and Welfare Department and reduce the amount of money asked for. As I formerly stated, the Governor recognized the necessity for this two years ago when he created this separate division under civilian defense. The Civilian Defense will go out of existence shortly and ninety days after the legislature has adjourned, this division will cease to exist.

I believe it has been mentioned that we have been doing considerable for the veterans in many ways as far as education is concerned and I have heard it mentioned often here that we are only too willing to do all we can for our disabled veterans that are returning. This bill will affect our veterans and their families in many ways. Probably Togus provides for our veterans and yet the members of their families have to be provided for and that matter is very dear to those veterans to know what is being done with relation to their families. Along in line with this department there are several field agents that cover the whole state, advising the veterans in many ways as to what benefits they are entitled to and often taking some of the burden off the state and placing it in the hands of the federal government where it belongs. In so doing, hundreds of thousands of dollars have been recovered and the state hasn't had to pay it out.

Last year in the operation of this department, the cost was over \$48,000 for operation. At the present

time there are over 300 cases that are being handled. These matters are practically all from the state as our veterans are returning and we find a great many are requiring assistance. That being so it is going to be necessary to put on several more field agents and require further services of the department. That is why additional funds are being asked.

I believe in fairness to our veterans, and this has the endorsement of the American Legion and all veteran organizations as well as some departments in the federal government, and in view of that I think that we should go along with the veteran and try to help him and see that this promise is kept that has been made to them and not repudiate what our Governor has already told him, that he had created this department and it would be continued. If this is left as it is now, it will put it back in the Health and Welfare Department. This has had the unanimous report of the committee and I hope it has a passage.

Mr. DUBE of Androscoggin: Mr. President and members of the Senate, when I came back last year from overseas with all my trinkets and souvenirs including some of the currency which I gave out here and what I have had on display in the rotunda, I received a little token of gratitude from the state, with the endorsement of the Governor, and it stated that we were welcome home, we did a very good job and that the state had created a new department for the veterans. That is what we are fighting for today. We voted down four bonus measures here leaving Maine the only state in the union which is not paying a bonus to its war veterans. We placed a time limit on free fishing licenses previously granted for two years after discharge, or two years after the official close of the war, whichever was later. We reduced the budget of the Health and Welfare Department veterans relief division from \$360,000 to \$250,000. This is a non-partisan measure on which all veterans organizations in Maine are agreed both in World War I and World War II. In view of our record up to the present time, it seems to me this bill should pass unanimately.

Mr. HASKELL of Penobscot: Mr. President, in the special session last summer, I was one of the handful

in the House that consistently opposed the veterans' bonus. I did it because I felt that the state was facing a basic problem of income. I felt that it would be imposing a hardship upon the veterans. I have voted against the bonus in this session.

I have also had the privilege as a member of the research committee to study the work of this Bureau. I think it is a sounder procedure this way than it would be to put it back into the Health and Welfare Department. I think the Maine veterans deserve that privilege and support. I think this legislature having concluded that there are additional dollars not acknowledge in our conclusions by the Committee on Appropriations, should feel that this is one of the bills that ought to have favorable consideration. To do anything other than that I think is being very harsh and I certainly am going along with Senator Dube and Senator Batchelder in the support of their desires in this matter.

The PRESIDENT: The question before the Senate is on the passage to be enacted of this bill.

Mr. BATCHELDER: Mr. President, I ask that the vote be taken by division.

A division of the Senate was had. Nineteen having voted in the affirmative and three opposed, the bill was passed to be enacted.

Mr. BARNES of Aroostook. Mr. President, may I inquire if L. D. 203 is still in the possession of the Senate?

The PRESIDENT: The Chair will state that the resolve is in the possession of the Senate having failed of reconsideration.

Mr. BARNES: Mr. President, I would ask if a motion to reconsider is in order.

The PRESIDENT: The Chair will state that such a motion is not in order.

Mr. BARNES: Mr. President, I ask that the rules be suspended in order for me to make a motion to reconsider.

A division of the Senate was had. Ten having voted in the affirmative and nine opposed, and the vote being less than the required two-thirds, the motion to suspend the rules did not prevail.

On motion by Mr. Barnes of Aroostook, the Senate voted to take

from the table bill, An Act Relating to the Salaries of the Officers of the Legislature (H. P. 1759) (L. D. 1506) tabled by that Senator on May 12 pending passage to be enacted.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, this is the companion bill to Item four on your calendar concerning which I spoke this morning. If you will recall, there was a measure introduced in the other branch of the legislature earlier in the session to increase the salaries of members of the legislature. That bill failed of enactment and by unanimous consent, Item Four, a resolve to change the constitution, was admitted. Now after that time, and this is somewhat of a repetition of what I said this morning, but for the purpose of clarity I will again state that after that time, there was an opinion expressed by some members of the Senate, that perhaps the Constitutional amendment was not needed. The constitutional provision providing that members of the House of Representatives have their expenses paid once and no more during the session was thought to have been construed by the Attorney General's Department to mean that instead of the members running around each week to collect that expense, it would be paid once during the session, and in that view, it was not necessary to amend the constitution.

Now perhaps a member of this Body, from Aroostook County would be as well qualified as anyone to say to you that under the present system there is some unfairness in the pay received by the members of the legislature. True, our salaries are all the same, but under the present system where we are paid twenty cents per mile travel one way, it only pays the expense of the members of the legislature about four times during the session. In the olden days, when this rule first came into effect, I assume that members came down here to Augusta and stayed here during the session and did not have perhaps more than one or two expenses of travel during the session, but you members of the Senate and of the House know that at the present time, members travel back and forth at least once a week to their homes and there is some injustice in paying the same thing to a man in the Senate or House who travels some 200 miles as to one who travels perhaps one mile to the

legislature, and it has seemed that although a salary increase might not be justified, particularly when the state is in the financial stress it is in now, that in order to equalize the matter, of the actual travel expenses of the legislators are paid once a week, it would equalize that pay.

It was too late to introduce a bill. The time during which bills could be introduced had long since gone by. As a matter of fact, this was only a week and a half ago. But one bill was on the table relating to salaries of the officers of the legislature, and this bill was recommitted by concurrent action, to the Committee on Salaries and Fees, and there an amendment was worked out which would make it possible for every member of the legislature to be paid his travel expenses at the rate of three cents per mile both ways from his home to Augusta, and returning, once in each week. That is Item 12, the one which has just been taken off the table. It seems eminently fair. It would not take effect until at least the next special session of the legislature if there is one.

There are a great many members in both branches of this legislature who feel that this bill should be passed. There are those who hold to the other opinion that the qualifying phrase in the constitution which says that they shall be paid once and no more during the session applies to the number of times of travel permitted from their homes to Augusta.

In discussing this matter with the Deputy Attorney General and it was discussed not only with me but with other members of the committee, he pointed out the fact that back as far as 1841, over a hundred years ago, travel was paid at the rate of twenty dollars for every twenty miles travel which would be just about the same as it is today, and that is, it would take care of four items of expense of travel at the rate of ordinary day coach mileage and that having operated under that system and under the same constitution for some 106 years, it probably was not necessary to amend the constitution.

That opinion is not held by everyone in the legislature but it is a question that has been passed upon by some of us who are lawyers and also the Deputy Attorney General who says this bill could become a

law in spite of the present constitutional limitations. In view of all this, if this bill were passed to become a law at this time, even though the constitutional resolve is going out to the people to vote on, this law might still be operative. The question at this time is on enactment and therefore it is unnecessary for me to make any special motion.

I did believe that this matter should be brought out and the members of the legislature given an opportunity to vote upon it and I therefore move the question. If the question falls I will have another motion to make to refer this to the next legislature.

Mr. CROSS of Kennebec: Mr. President, I am somewhat at a loss to oppose Senator Barnes for this reason. In the debate on Item 4, a Resolve Proposing a Constitutional amendment, as I recall it, he made a statement that there were two alternatives, Item 12 and Item 4. He thought it would be much better to pass Item 4 and if we did, he would indefinitely postpone Item 12. Now I understand he is urging the passage of Item 12.

I don't know just how this bill would be interpreted but it says specifically that the representative or Senator is entitled to mileage pay immediately after adjournment of the session. There is no emergency on the bill but I believe the Finance Officer has put a price tag on it of \$50,000. I doubt if that would be effective for this legislature because of the way the resolve reads.

I think we should consider carefully that we are putting out this constitutional amendment which is perhaps the proper procedure at least of handling this matter and referring to the next legislature, if the amendment is passed, the problem of enacting such legislation. If the amendment fails, the next legislature can still do what it sees fit in regard to the matter. I move the indefinite postponement of this bill.

Mr. BARNES of Aroostook: Mr. President, I rise once more simply for the purpose of answering some of the questions asked me by the Senator from Kennebec, Senator Cross. In the first place, I think the item with the price tag must have been a mistake, because of course this doesn't carry an emergency and it would not apply to

this legislature. Senator Cross says that I was urging the enactment of this measure. I am not urging the enactment of this measure. It just so happens that several members of both branches have come to me since I spoke this morning saying they would like to have an opportunity to vote on this matter. If you decide to vote in favor of the motion of Senator Cross to indefinitely postpone, that ends it. At least I have given you a chance to debate on it. I hope the motion to indefinitely postpone will not prevail because this bill took some care to draw and I think if they will refer it to the next legislature provided we don't want to enact it now, it would already on the books ready for consideration by some other legislature.

As far as the constitutional resolve is concerned, this morning when I said I would indefinitely postpone this measure, I was sincere about it, but since that time several members in both branches have said they want a chance to vote on the measure, and I hope the motion of Senator Cross to indefinitely postpone does not prevail, because if we are not going to enact it, at least it would be beneficial to refer it to the next legislature.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I am not quite clear on what we should do on this matter. It seems to me as I heard the Senator from Aroostook discussing the situation that there is no need to tinker with the Constitution. The Constitution says we may be paid for one trip to Augusta from our homes and it would seem to me the simple way to accomplish what we apparently need to accomplish would be say we would be paid so much a mile per trip. Why not make it approximately a dollar a mile or a dollar and a half or a dollar seventy-five or any other figure you wish. I see no object at all in changing the constitution. The constitution says we shall be paid one trip. It doesn't say one trip a week. Apparently there is some difference of opinion as to what the constitution means on this but it has always been interpreted that it means one trip only.

Why not take this bill and amend it to say instead of paying about three cents a mile we shall be paid one dollar a mile for one trip which would be consistent and give about

the same amount of compensation and simplify the law? I would like to have the Senator from Aroostook comment on that.

Mr. LEAVITT of UMBERLAND: Mr. President, during the legislature we have had a copy of the constitution on our desks. Unfortunately I put mine in a box and sent it away but as I remember it says "shall be paid twenty cents a mile." I think that is in the constitution. Am I wrong?

Mr. BARNES: Mr. President, if the Senator will refer to L. D. 1459 he will find that particular provision of the constitution there and it does not refer to twenty cents a mile. That is by legislative enactment under the constitution.

Mr. CROSS of KENNEBEC: Mr. President, I would like to clear with the Senator, my attitude on the bill. I think you should not consider that because I am from Augusta I am not in favor of this bill. It doesn't benefit me to any material degree and I agree with Senator Barnes that something should be done in respect to this mileage. It was at my suggestion, I think, that he prepared this bill which we are now considering, but we did differ as to which method was the best.

My personal feeling was that we should not bother with tinkering with the constitution as the Senator stated, but should amend it through the statutes and this bill was drawn in that respect. I can't see why we should put out these two methods and that is the reason for my motion. If we bother to amend the constitution, I don't think we should pass this legislature which is in effect passing something before we have had our answer to the constitutional amendment.

In reverse English, I would much preferred to have indefinitely postponed #4 this morning and to have passed #12 but since we have passed #4 I don't think we should pass #12.

Mr. BARNES: Mr. President and members of the Senate, I don't wish to bore you but Senator Hopkins asked a question and I will say I am in entire agreement with his interpretation that the constitutional provision is a limitation only on the number of times that travel is paid and I believe we could enact our statutes under which we receive so much per mile upward so as to take care of the situation but the Republican floor leader in the House and another member of the Senate came to me this morning and said I was

wrong and I thought this problem might run into trouble in the other branch and I therefore thought it would be a good thing to pass the constitutional measure out, too. I don't see how there is any inconsistency because you will bear in mind that we are operating under two provisions, a constitutional limitation whatever it means, and also a statute as to how much we get per mile for travel.

So whether the constitution is amended or not, if it is the purpose and intent of the members of the legislature to fairly repay members of the legislature for what it costs them out of pocket to travel from their homes to Augusta and back, this document, Item 12, perhaps should be passed in any event. You have the two things in your statute now. You have the constitutional provision and also the statutory provision. These two items would change each and if the constitutional measure is accepted by the people there would be no question about Item 12 here and if it did not pass by the people still under the interpretation of the present Attorney General's office this bill could be passed.

It is immaterial to me but I did think it should be brought to the attention of the members of the Senate and probably passed to the other branch for their consideration too.

Mr. HOPKINS: Mr. President, I think if you will look at the bill you might agree with me that if you change that paragraph so it would say, "once in each session and no more a sum equal to one dollar per mile" and then strike out the rest of it, it would give the same travel compensation as the bill before you and I don't believe we need to amend the constitution. It seems to me that would be a sensible way to amend the bill and I would like to see somebody interested present an amendment of that nature.

The PRESIDENT: The question is on the motion of Senator Cross to indefinitely postpone the bill.

A viva voce vote being had

The bill was indefinitely postponed.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table bill, An Act Relating to Taxation of Various Corporations." (S. P. 244) (L. D. 664) tabled by that Senator on May 12 pending passage to be enacted.

Mr. WILLIAMS of Penobscot: Mr. President, as this is a bill that would raise revenue for another bill that was killed earlier, I now move its indefinite postponement.

A viva voce vote being had

The bill was indefinitely postponed.

The PRESIDENT: The Chair will state that L. D. 12, bill, An Act Relating to Salary of State Auditor is in the possession of the Senate.

Mr. BARNES of Aroostook: Mr. President, and members of the Senate, for the purpose of introducing the amendment I spoke of earlier in the day, I move that we reconsider our action whereby the bill was passed to be enacted.

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

Thereupon, Senator Barnes of Aroostook presented Senate Amendment A and moved its adoption:

Senate Amendment A to L. D. 12: "Amend said bill by striking out all of Section 2 thereof."

Mr. BARNES: Mr. President and members of the Senate, Section 2 reads as follows: "Effective date. The salary provided for in Section 1 of this act shall be retroactive as of January 1, 1947". There was no similar provision in the other salary bills and this would make this bill conform and I therefore move the adoption of the amendment.

The motion prevailed, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed; and on further motion by the same Senator the bill was sent forthwith to the House.

#### Communications

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

May 13, 1947.

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

Sir:

The Governor of the State having returned to the House

"An Act Increasing the Share of the State in Pari Mutuel Pools." (HP 1730) (L. D. 1460)

with his objections to the same, the House proceeded to vote on the question

"Shall the bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; 70 members voted in the affirmative, and 44 in the negative, and accordingly, the Veto of the Governor was sustained, and the Bill failed to become a law.

Respectfully,

HARVEY R. PEASE

Clerk of the House.

Which communication was read and ordered placed on file.

#### Committee Reports

Mr. Hopkins from the Committee on Labor submitted its Final Report.

The same Senator from the Committee on Mercantile Affairs and Insurance submitted its Final Report.

The same Senator from the Committee on Mines and Mining submitted its Final Report.

Mr. Willey from the Committee on Claims submitted its Final Report.

Which reports were severally read and adopted.

Sent down for concurrence.

#### Order

Mr. Haskell of Penobscot presented the following Order, out of order and moved its adoption:

ORDERED, that the Senate members of the Committee on Appropriations and Financial Affairs, and the Senate members of the Committee on Taxation, receive from the finance officer such monthly operating statements and balance sheets as are regularly prepared by the Department of Finance.

Which Order received a passage.

On motion by Mr. Cross of Kennebec,

Recessed until 7 P. M., E. S. T.

#### After Recess

The Senate was called to order by the President.

#### Passed to Be Engrossed

Bill "An Act Relating to Applications for Old Age Assistance." (S. P. 487) (L. D. 1355)

Bill "An Act Relating to Reimbursing Towns for Tuition for Pupils Attending Secondary Schools." (S. P. 501) (L. D. 1369)

#### Order

On motion by Mr. Morrill of Cumberland, out of order and under suspension of the rules, it was

ORDERED, that the office of the Secretary of the Senate, including the furniture and equipment therein, shall remain in the custody of the Secretary.

Which was read and passed.

#### Communication

STATE OF MAINE

Office of the Governor

May 13, 1947.

To the President of the Senate,  
93rd Legislature.

Dear Sir:

There is returned herewith without approval legislative document 644, An Act Relating to Pensions or Annuities of Deceased Teachers.

The purpose of this act is to permit the pensioner or annuitant to name a beneficiary to receive any refund remaining at the time of the decease of the pensioner or annuitant. The provisions therein dealt with are repealed by the major bill, H. P. 1180, L. L. 837, which has been approved by me.

Respectfully submitted,

HORACE HILDRETH.

The PRESIDENT: The question before the Senate is, shall this bill become a law notwithstanding the opposition of the Governor. The Chair will state that the Constitution provides that the vote must be taken and recorded by the Yeas and Nays.

Mr. CROSS of Kennebec: Mr. President, I think in explanation of this I might say that I believe this bill is covered in the general pension plan law. It is nothing out of line. It will merely save confusion in the statutes.

Mr. BARNES of Aroostook: Mr. President, may I inquire just what this bill is?

The PRESIDENT: The Chair will state that the bill is L. D. 644, An Act Relating to Pensions or Annuities of Deceased Teachers.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, just a word in explanation. The Commissioner of Education was confused on the interpretation of it.

Mr. Roderick from the State Department was confused and he asked me to table it waiting the action on the major pension bill. The Attorney General ruled that it was not necessary and only conflicting. We finally got hold of the Insurance Commissioner and he said it isn't necessary. I am now convinced it isn't necessary and we should vote no.

The Secretary called the roll.

YEA: Senators: Barnes, Batchelder, Boucher, Boutin—4

NAY: Senators: Baker, Bishop, Cleaves, Clough, Cross, Davis, Denny, Ela, Greeley, Haskell, Hopkins, Leavitt, MacKinnon, McKusick, Morrill, Murchie, Noyes, Savage, Spear, Williams—20

ABSENT: Senators: Blanchard, Crosby, Dube, Dunbar, Edwards, Smith, Welch, Willey—8.

Four having voted in the affirmative and twenty opposed, the veto was sustained and the bill did not become a law.

Mr. MacKINNON: Mr. President, is S. P. 246, L. D. 663 in the possession of the Senate?

The PRESIDENT: The Chair will state that L. D. 663, bill, An Act Relieving Towns from the Care of Neglected and Dependent Children is in the possession of the Senate.

Mr. MacKINNON: Mr. President, I move that the Senate reconsider its action taken earlier in the day whereby this bill failed of enactment.

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

#### Orders (Out of Order)

On motion by Mr. MacKinnon of Oxford, it was ORDERED, that the State Librarian be directed to forward bound copies of the Legislative Record to members and officers at their home addresses.

On motion by Mr. Spear of Cumberland, it was Ordered, that the State Librarian mail to each member and officer of the Senate, a copy of the Laws of this session when completed.

On motion by Mr. Bishop of Sagadahoc, it was Ordered, that the State Librarian mail to each member of the Senate, the balance of

the Legislative Record, beginning April 9th, 1947.

On motion by Mr. Batchelder of York, it was Ordered, that the Superintendent of Buildings be directed to deliver to the Secretary of the Senate, such equipment and supplies as the Secretary shall deem necessary for use in completing and indexing the Journal of the Senate.

#### Communication STATE OF MAINE Office of the Governor Augusta

May 13, 1947.

To the Honorable Senate  
93rd Legislature

There is returned herewith, without my approval Senate Paper 30, Legislative Document No. 1481, "Resolve in Favor of Hugh J. Andrews of Waterville."

This Resolve provides for an appropriation of the sum of \$105 to be paid to the said Hugh J. Andrews for expenses incurred by him "in defending an alleged criminal charge brought against the said Hugh J. Andrews by the state liquor commission in behalf of the state of Maine."

I feel that the enactment of this Resolve might establish a precedent, whereby accusations lodged by our enforcement officers, resulting in criminal prosecutions by indictment or otherwise, would be the basis for claims upon the State for reimbursement where the accused has been acquitted of the charge. There are instances where a person who has been convicted and sentenced to imprisonment was able subsequently to establish his absolute innocence. In these extraordinary cases, in some instances, compensation has been allowed; but the mere acquittal of the accused should not be used as a basis for reimbursing him for counsel fees incurred in his defense.

For this reason, I am returning, without approval, Legislative Document No. 1481.

Respectfully submitted,

HORACE HILDRETH  
Governor of Maine

The PRESIDENT: The question before the Senate is shall this resolve L. D. 1481, Resolve in Favor of Hugh J. Andrews of Waterville, become a law notwithstanding the opposition of the Governor? Under the Constitution the vote must be recorded by the Yeas and Nays.

Mr. HOPKINS: Mr. President and members of the Senate, I am not quite sure that all the members of the Senate are aware of the details in connection with this particular resolve. This is a claim introduced by an employee of the State Liquor Commission, who was a clerk in the Waterville liquor store. Some time ago two minors entered the liquor store in Waterville. One was old enough to have the appearance of being over age and he purchased a certain amount of liquor at the store, as far as anyone knows, and the two drank the liquor and one of them died as a result of it and the clerk was arrested for false sale, and prosecuted and acquitted.

Early in the trial the record seemed to indicate that there was clear proof that the clerk did make the sale but in the court hearing the testimony appeared to be that the manager of the store at least raised a doubt as to whether or not this Andrews made the sale and the manager of the store said definitely he didn't think this man made the sale. In any case Andrews was acquitted and the claim is to compensate him for pay during the time he was out of employment.

I think most of the Senators would agree that state employees who are employed to sell liquor should be defended in their duties as sellers of liquor if and provided no criminal intent or negligence on their part can be shown. As far as Mr. Andrews is concerned, there was nothing in the testimony or the court case that indicated he was in any way negligent. In fact, it wasn't even proven that he made the sale.

I can understand the position of the Governor in his veto message in which he says it has not been the custom to compensate except under conditions he mentions in his message. I had thought all along that Mr. Andrews had a fair claim and should be compensated, for his loss of time. But I am sure it is a moot question and I hope the Senators will vote as they see it. I have given you the information as I know it to be and I think I have made myself clear, so that you will understand the point at issue in the case and I hope you will vote accordingly.

The PRESIDENT: The question is shall this resolve become a law notwithstanding the veto of the Governor.

Mr. HOPKINS: Mr. President I would appreciate it if the Secretary would read the claim so the Senators may know the amount of it. It is small. It is largely a matter of legal fees. I don't know whether there is lost time involved in it or not.

The Secretary read the resolve.

Thereupon, the Secretary called the roll.

YEA: Senators: Baker, Boucher, Boutin, Clough, Ela, Greeley, Haskell, Hopkins, Savage—9.

NAY: Senators: Barnes, Batchelder, Bishop, Blanchard, Cleaves, Cross, Davis, Denny, Leavitt, MacKinnon, McKusick Morrill, Murchie, Noyes, Spear, Welch, Williams—17.

ABSENT: Senators Crosby, Dube, Dunbar, Edwards, Smith, Willey—6.

Nine having voted in the affirmative and seventeen opposed, the veto was sustained and the resolve did not become a law.

On motion by Mr. MacKinnon of Oxford, the Senate voted to take from the table bill, An Act Relieving Towns from Care of Neglected and Dependent Children (S. P. 246) (L. D. 663) tabled by that Senator earlier today pending his motion that the Senate reconsider its action whereby the bill failed of passage.

Mr. WILLIAMS of Penobscot: Mr. President, earlier today in a vote of 12 to 12, this did not pass. Since that time, after the vote was taken, in discussing this with some of the Senators, I found they felt that the sum of this bill was \$450,000 each year. I don't wonder at the confusion because we changed this bill so many times. This is simply the board and care of neglected children which calls for \$250,000 per year.

I think we have been into the financing of this so many times that there cannot be any need of repeating it. But on this so-called phantom sheet here, of the proposed revenues that are available you will see there is sufficient to take care of this bill each year and also the other bills that have been enacted.

I want to say something about this bill on another angle which has often been discussed as to where it was on the appropriations bill and whether at this late hour it would cause any inconvenience if this were enacted. This item is



already in your budget. You will find it if you look up L. D. 1475. There is a new draft of that which is probably being considered in the other branch but you will find under the Department of Health and Welfare under "board and care of neglected children" a sufficient sum in that to take care of this bill.

I don't want you to think that is hidden away there because it is not. This \$250,000 a year is received from municipalities to the state so it does cut the revenue to that amount but these proposed revenues would more than make up that difference so it would make so difference to the appropriations bill as to this act being passed at this time, on the engrossing or for speedy adjournment.

Mr. HASKELL of Penobscot: Mr. President, I agree thoroughly with my colleague from Penobscot as to the cost of this bill. If the bill is enacted we would take it from the Department of Health and Welfare. He has recited the sum of half a million dollars as income. I think we have taken just about all the money we can from income. We have had flashed across our faces here this phantom sheet and I wonder whether we want to take from our revenue estimate another half million dollars. I have a great deal of respect for the efforts of my colleague and I think they should have been rewarded with success. I am sincerely regretful that they were not. The phantom sheet so-called has been spent several times and whether or not this Senate in its late hours can spend out of income another half million dollars. I seriously doubt it.

Those of you who believe we are coming back to adjust this problem might disagree with me but let's not make the problem more serious than it already is. It is serious enough as we stand here tonight and to deliberately take from income another half million I think is going away beyond a sound consideration of our procedure here.

Mr. NOYES of Hancock: Mr. President, this Williams bill so-called has been before this legislature previously and every member here knows what it is. I hope that the motion to reconsider will prevail.

When we came down here in January, some of us held high hopes that this legislature would recog-

nize the problems of Maine's 492 municipalities and do something to relieve the tax burden on real and business property. The Taxation Committee reported out one bill known as the Burgess bill with a million dollars allocated to the towns to help them in their highway programs. Taxation reported out a two cent sales tax with three and a half million dollars earmarked for the general fund of the state and the balance to be allowed to the municipalities on the basis of population.

Those two bills, if they had been enacted, would have furnished relief to the poorer municipalities in the state, some of them to the tune of twenty mills or more on their tax rate. We had before this legislature a bill which would have given relief of 7¼ mills to all municipalities. I think the majority of the Committee on Taxation felt that to a town whose tax rate was above 100 mills, 7¼ mills relief didn't mean so much.

The program which we offered on which we took the Williams bill, so-called, into consideration, passed out the railroad stock tax and the bank stock tax making three bills on which we took the position that the poorer towns were the towns to receive relief. This bill we have before us tonight is less than half the Williams bill and it seems to be a far cry from what the municipalities expected of this legislature and up until a month ago had high hopes of receiving, in other words substantial aid.

It has been voiced around this legislature that the towns were not capable of spending their money but I would remind the Senate of a list presented to you some weeks ago of the deorganized towns in the state of Maine, 35 in number, and most of these towns deorganized in that period between 1932 and 1939. The reason they were deorganized was to bring tax relief to them and if you notice on that sheet an average tax rate of about 27 mills as against a state average of more than 60 mills. Some day some legislature is going to take that into consideration, and unless the legislature of Maine recognizes these problems of the municipalities and does it right away, I am afraid that in the next depression there will not be only 35 towns, there is likely to be 135 towns come to this legislature for deorganization. That solves the prob-

lem for the towns. It doesn't solve it for the state.

It simply increases the burden for those unorganized towns to try to carry on. As for the phantom sheet, I am not too much concerned. I believe the only way we are ever going to do anything with this Williams bill is to enact it into law. Once it is enacted, the next Appropriation Committee will take care of the funds necessary, and a new tax measure would necessarily be required to finance it.

Mr. LEAVITT of Cumberland: Mr. President and Members of the Senate, we have had a lot of fun talking about this phantom sheet. This is no phantom sheet, it is real income, income that has been proven. We have already earned it. It doesn't even take into consideration the income that will be earned in the next two months, which of course, is one-sixth of the entire year.

The only reason that this could be called a phantom sheet by some people is because they will not see it. They will not look at it. They will not recognize it as a reality. It is here. I think everyone knows it is here. I know the money is here. I am not playing with ghosts, I am playing with reality. I hope the motion to pass this Williams bill will be successful.

Mr. CROSS of Kennebec: Mr. President and Members of the Senate, this bill is a very worthwhile bill. As I told you before, I have voted for it consistently in other sessions of the legislature and I will only remind you that by your action today, we have debated this thing for hours today, and by your action you have voted to five communities in the state, almost enough money to finance this measure which is a measure which would affect every town and city in the State of Maine. Personally, I don't think that is a fair and proper way to legislate, to turn down, as we have today, a bill which involves state wide importance for something which is of sectional importance.

I have no desire to debate the merits of the bill. I will only remind you of the obvious effect of your actions today in regard to various bills before you, and remind you that even with the phantom sheet, you cannot continue to pick money out of thin air.

Mr. WILLIAMS of Penobscot: Mr. President, I would like to say once more regarding these figures that in the first year of the biennium according to the phantom sheet so-called, which I am pleased to see about everyone tonight is agreeing may be right only they don't think it should be taken for this particular bill. For the first year it would take most of the revenue, but for the second year it would take only \$250,000. I believe these estimates are just as reliable as any that the money is available.

Mr. HASKELL of Penobscot: Mr. President, the intimation has been made that all of us believe in this phantom sheet. I am one who questions the phantom sheet. I believe it is a red figure. I still believe we will be called back here and told by our governor that that kind of a sheet is a red sheet. But be that as it may, assuming those who seek to place in front of us a phantom piece of income which even my esteemed colleague as a member of the Committee on Appropriations has seen fit not to present to us are right, I still submit that the services under this bill are being performed. They are being performed by the community. Let us be reasonable, Senators. We have denied millions of dollars of service in the last 48 hours. Those services are being performed. If we must deny for the next two years, desirable essential services in education and state institutions, in the category of Health and Welfare, let us be sensible. Let us not say that these services that are already being performed by the communities are going to be performed by the state and I state and predict to this Senate that if you pass this bill, the Committee on Appropriations will fail to provide the dollars with which the "shirt factory" so-called can provide these services. They have cut the heart out of that appropriation already. They have cut the categories down to a minimum and yet they seek to take out of income those dollars that really support that service.

I predict to you that if you pass this bill they are going to stand here and say to you they cannot perform a miracle and effect further economies of another half million dollars. I have stood here helplessly and tried to defend that department. I wonder how far we can

go. I wonder whether or not in taking out of their income down there another half million dollars, we are being reasonable. I for one don't think it is reasonable and I don't think the bill should pass.

I would have been one of those who would have supported it if we had the income but I don't think the action of this legislature has been sufficient to take the communities out of this thing and I don't think the income side of the operating sheet can afford a half million dollar cut. Seriously I believe if you do pass it you are coming back here with a problem that is just a half million dollars more severe and it is going to continue year in and year out. The towns more and more anxious to put on to the state this expense of the board and care of neglected children.

When we have the income, and have the courage to pass income measures, I will be the first to support them, but until we do I cannot believe we should go further into the phantom sheet to the tune of a half million dollars. I think we have gone way beyond anything that can possibly exist and to push another half million dollars into the phantom sheet, I think approaches absurdity.

Mr. WILLIAMS: Mr. President, I apologize for rising again but I think some things have been brought out that maybe I should clarify. There is no question but this bill is designed to relieve some towns in the state of Maine which are struggling with tax burdens which they cannot bear. I am surprised that my fellow Senator doesn't wish to do something about the tax problem because he has made many a speech on that angle. Regardless of that, the statement that this money would be taken out of Health and Welfare is not a fact. Appropriation has not been cut to the bone. We haven't cut as many accounts to the bone as some might think today.

I submit that this legislature has done a good job on finances. The appropriations to institutions was adequate. In this matter of board and care of neglected children they asked in the department for \$694,000 and mind you this appropriation covers all of it, what the state puts in and what the municipality puts in to the account. They asked for \$694,000 and we gave them \$716,000.

So if this bill is passed you will not deprive anyone in the Health and Welfare department anyone helped under the categories of that department from aid. You will save maybe some towns in the state and I could point out on my list, several of them that will ask to be organized at the next session unless this is passed. I think this sheet is just as reliable as anything in the budget you have and there is money enough to take care of this for both years of the biennium for this account.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I have been here all day today and I have wondered just why we have taken the action we have on some of these measures and I think I have come to the conclusion and the answer.

As the appropriation bills came along, this one and others which were equally deserving, we piled them up until we had about eighty, hoping all the while that the other branch would give us adequate taxes to meet the expense. It happens that they did not do it, and so all day today we have been arguing these things back and forth on the strength of their merit, and they all have merit, and we have cut here and cut there and passed a lot of bills that we don't have any revenue to meet.

The post war fund is down to \$29,000 and the general fund is \$53,000 in the red and in spite of that we have gone on passing these appropriation measures. This is how this happened. We have been reminded several times of the phantom sheet. They say that those who want to believe in fairies can see them, and those who think they are not real, cannot. We have gone on the strength of the phantom sheet and passed measures with no revenue in sight to meet them. I don't often differ with Senator Haskell on these matters, but at this point, having been overwhelmed by the desire of the Senate to continue passing appropriations where no dollars are in sight, I hope the Senate is going along and is consistent in this matter and passes this measure too.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator MacKinnon, that the Senate reconsider its action whereby this bill failed of passage.

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

A division of the Senate was had. Seventeen having voted in the affirmative and eight opposed, the motion to reconsider prevailed.

Mr. WILLIAMS of Penobscot: Mr. President, I move that the bill be passed to be enacted.

Mr. CROSS of Kennebec: Mr. President, I ask for a division.

A division of the Senate was had. Fourteen having voted in the affirmative and eleven opposed, 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 to Make Allocation from the General Highway Fund for the Fiscal Years Ending June 30, 1948 and June 30, 1949, (S. P. 553) (L. D. 1509) tabled by that Senator earlier in today's session pending passage to be enacted; and the same Senator moved that the bill be passed to be enacted.

This being an emergency measure, a division of the Senate was had.

Twenty-four having voted in the affirmative and none opposed, the bill was passed to be enacted.

#### Passed to be Enacted

Bill "An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers." (S. P. 478) (L. D. 1336)

Bill "An Act Relating to Salary of Superintendents of Schools." (H. P. 111) (L. D. 95)

#### Finally Passed

"Resolve, in Favor of the University of Maine for General Operations." (H. P. 79) (L. D. 67)

"Resolve, Providing Water Facilities for the Passamaquoddy Indians at Pleasant Point." (H. P. 1535) (L. D. 1166)

"Resolve, in Favor of Freedom Academy." (S. P. 375) (L. D. 1059)

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

#### Passed to be Enacted

Bill "An Act Relating to Salary of State Auditor." (H. P. 22) (L. D. 12)

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

#### Committee Report

The Committee on Appropriations and Financial Affairs to which was

recommitted Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1948, and June 30, 1949," (H. P. 413) (L. D. 295) reported the same in a second new draft (H. P. 1763) under the same title and that it ought to pass.

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

Sent forthwith to the engrossing department.

#### Communication

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

May 13, 1947

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

The Governor of the State having returned to the House

"An Act Amending the Law Relating to the State Board of Arbitration and Conciliation." with his objections to the same, the House proceeded to vote on the question

"Shall the bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; 7 members voted in the affirmative, and 100 in the negative, and accordingly, the Veto of the Governor was sustained and the bill failed to become a law.

Respectfully,

HARVEY R. PEASE,  
Clerk of the House

Mr. HOPKINS of Kennebec: Mr. President in making the motion that this communication be placed on file inasmuch as we seem to have plenty of time here tonight, it might not be out of order I think to say a word about this. I think the Senate can be shown that it voted for a good measure. The fact that both labor and management were against the bill at one time, but more recently they were both for it at one time, and still more recently were both against it and they have been able to place enough heat on the executive to send in a veto message, is indica-

tion that it must have been a pretty good measure for the public.

We are told the measure provides for compulsory arbitration. It did nothing of the sort. It simply said that in case of public emergency when large amounts of money were being spent by the public and there was danger of great property damage and personal injury that some public agency should be given the power to require both parties to maintain their proper relationship so that public interests will be protected for a certain length of time. I am sure it is a good bill. Some time when there is a public emergency of sufficient magnitude so that the pressure will be taken off the executive while the law is being enacted it will become a law of the state of Maine.

I move that the Communication be placed on file.

The motion prevailed and the communication was ordered placed on file.

At this point, the President appointed as members on the part of the Senate to serve on the Legislative Research Committee in accordance with Section 23, c. 9 of the R. S., Senators: Denny of Lincoln, Savage of Somerset and Haskell of Penobscot.

The President appointed as members on the part of the Senate, to serve on the Election Expenditures Committee, under the provisions of Sec. 43, c. 4 R. S., Senators: Crosby of Franklin and Noyes of Hancock.

#### Emergency Measure

Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1948 and June 30, 1949."

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

#### Communication

STATE OF MAINE  
Office of the Governor  
Augusta

May 13, 1947.

To the Honorable Speaker  
of the House  
of Representatives:  
There is returned herewith, without approval, House Paper 1069,

Legislative Document 700, "An Act Relating to Determination of Valuation of Property with Relation to Inheritance Tax."

The Attorney General has written with reference to this Act as follows:

"This Act purports to repeal and replace Section 26 of Chapter 142 of the Revised Statutes, as it now exists, which is in conflict with Section 10 of Chapter 354 of the Public Laws of 1947, passed by the legislature and approved by the Governor on May 8, 1947, which provides that the State Tax Assessor shall determine the value of property.

"Furthermore, the provisions of this proposed legislation are contrary to the policy of this State, in that it places the burden upon the State to accept the appraised value of the property as submitted by attorneys for heirs in estates where inheritance taxes may be payable; and the only way that the State Tax Assessor or Commissioner could alter the appraised value of the property of the estate of a deceased person, as set out in the inventory filed by the executor, administrator or trustee, is by petition in equity to the Probate Court in the county where the estate is being administered for alteration of such value, which places an undue burden upon the taxing agency of the sovereignty, whether it is the Inheritance Tax Commissioner, as provided under the present statute, or by the State Tax Assessor, as provided by Chapter 354 of the Public Laws of 1947.

"Therefore, as attorney for the State, I cannot approve this type of legislation."

In view of the foregoing I do not feel justified in signing this bill.

Respectfully submitted,

(Signed) HORACE HILDRETH  
Governor of Maine.

Which communication was read and placed on file.

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

Comes from the House, the Governor having returned the bill to the House without his approval, pursuant to the provisions of the Constitution, after reconsideration, the House proceeded to vote on the question, "Shall this Bill become a law notwithstanding the objections

of the Governor?" 103 voted in favor of the same and 3 against, and accordingly, it was the vote of the House that the Bill become a law notwithstanding the objections of the Governor since two-thirds of the House so voted.

Mr. BARNES of Aroostook: Mr. President, I am sorry that tonight the Chairman of Judiciary is ill and cannot be present. I will try to explain the position of the Judiciary Committee on this bill. This is a unanimous report. We felt, after full hearing before the Judiciary Committee, that the appraisers appointed in our own counties were better able to determine the value of property than the assessors from Augusta.

This, as I see it, is a question of home rule as to whether or not the burden of upsetting the valuation should be placed upon the appraisers who appraise the property in each county or the State Assessor in Augusta. It seemed plain to us that those who are in our own locality could appraise property better than those in Augusta and therefore we passed this bill out unanimously.

There were nine of us who were members of the Judiciary Committee who are members of the Bar and one who wasn't. This was a unanimous report. I feel that this Senate should reject the veto of the Governor and go along with the Committee in this report and I therefore suggest and hope that the members of the Senate will vote to make this bill a law despite the veto of the Governor.

Mr. CROSS of Kennebec: Mr. President and Members of the Senate, I think we should consider very carefully what we are about to do in this bill. I have no doubt this bill in its original report from committee was a good bill. I have no quarrel with it but I have talked with the Attorney General and Assistant Attorney General and this is the story as I understand it.

When passed this bill we set up a new method of determining the valuation of estates. This of course is one method. When we passed the other bill which took the administration of the inheritance tax from the Attorney General to the Tax Assessor's Department, we passed another bill. The former bill making the transfer to the Tax Assessors Department uses one method

of determining the assessment. It uses the same method we have always used of the state determining the assessment. This other bill comes along and is setting up the alternative method or the new method of doing so, but in doing so they neglected tying this in to the new law so now they are in complete conflict as to the language and method of determination of assessment.

The Assistant Attorney General told me tonight when we were discussing this that in his opinion if this bill becomes a law you will not be able to take into any court an appeal from an assessment because the assessment will not be properly made.

In other words, whatever method use in determining assessment will be in complete conflict with the other bill, and we will have two statutes on the books setting up different methods of determining assessment.

That is purely a matter of administration and legality, as I understand it, of the assessment. If the assessment is not properly made in conformity with the statutes no judge of the Probate Court can properly rule upon the assessment. I am a layman and I don't understand legal technicalities but I do assume that we would be creating a state of confusion if this bill becomes a law and I am basing that contention on the written statement of the Attorney General and the verbal statement of the Assistant Attorney General. I feel we should sustain the Governor in his veto.

Miss CLOUGH: Mr. President and Senators, as the lay member of the Committee, perhaps I don't have the legal terminology, but my impression of the bill was that, simple as it was, it was easy to understand that when the probate court passed upon the inventory, that was the inventory and if the state was dissatisfied, the state could make an appeal, and this bill was necessary to protect that right of appeal. I hope that the bill will become a law despite the veto.

The PRESIDENT: The question before the Senate is shall this bill become a law notwithstanding the veto of the Governor. According to the Constitution the vote must be taken by the Yeas and Nays.

The Secretary called the roll.

YEA: Baker, Barnes, Batchelder, Boucher, Boutin, Clough, Dube,

Haskell, Leavitt Morrill, Savage—11.

NAY: Bishop, Blanchard, Cross, Davis, Denny, Ela, Greeley Hopkins, MacKinnon, McKusick, Murchie, Spear, Welch, Williams—14.

ABSENT—Cleaves, Crosby, Dunbar, Edwards, Noyes, Smith, Willey—7.

Eleven having voted in the affirmative and fourteen opposed, the veto was sustained and the bill did not become a law.

#### Committee Reports (Out of Order)

Mr. CLEAVES from the Committee on Appropriations and Financial Affairs submitted its Final Report.

Mr. NOYES from the Committee on Taxation submitted its Final Report.

Mr. WELCH from the Committee on Ways and Bridges submitted its Final Report.

Which reports were severally read and adopted.

Sent down for concurrence.

#### Order

##### (Out of Order)

On motion by Mr. McKUSICK of Piscataquis, it was

ORDERED, that a message be sent to the House of Representatives informing that body that the Senate has transacted all the business which has come before it and is ready to adjourn without day.

Which was read and passed.

The Senator from Piscataquis, Mr. McKUSICK, was appointed to convey the message and subsequently reported that he had discharged the duty assigned to him.

A message was received from the House of Representatives by Nathaniel Haskell of Portland that that body had transacted all the business before it and was ready to adjourn without day.

On motion by Mr. CROSS of Kennebec, it was

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make. (S. P. 556)

The President appointed as members of such a Committee on the part of the Senate:

Senators:

CROSS of Kennebec  
BOUCHER of Androscoggin  
SAVAGE of Somerset

Which was read and passed.

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

#### From the House (Out of Order)

Ordered, the Senate concurring that all members of the Legislative Research Committee receive from the Finance Officer such monthly operating statement and balance sheets as are regularly prepared by the Dept. of Finance.

Which was read and passed in concurrence.

#### Communication

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

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

Sir:

I have the honor to transmit to you, a list of the members of the House appointed by the Speaker to serve on the following committees:

#### Legislative Research Committee

Representatives:

COLLINS of Caribou  
BROWN of Unity  
ELLIOTT of Corinth  
SILSBY of Aurora  
ALLEN of Portland  
BROGGI of Sanford  
JALBERT of Lewiston

#### Committee on Election Expenditures

Representatives:

ROLLINS of Greenville  
DeSANCTIS of Madison  
MUSKIE of Waterville

Respectfully,

HARVEY R. PEASE,  
Clerk

Which communication was read and ordered placed on file.

Mr. Cross from the Committee Appointed to wait upon the Governor subsequently reported that the Committee had attended to the duties assigned to it, and that the Governor was pleased to say he would send a communication forthwith.

STATE OF MAINE  
Office of the Governor  
Augusta

May 13, 1947.

To the Honorable Senate and House  
of Representatives:

There is herewith a tabulation of  
the results of the 93rd Legislature.

|                   |     |
|-------------------|-----|
| Acts approved     | 596 |
| Resolves approved | 185 |
| Vetoes presented  | 5   |

In normal times the duty of providing adequate and just legislation for the best interests of the State and its people is not an easy one. From the standpoint of government and public finance, these are by no means normal times and probably no Maine Legislature, for many years, has faced more difficult and more involved problems than those with which we have been confronted at this session. Whether or not our decisions and actions will prove to be for the best interests of all concerned, history alone can tell. Certainly, no one can question the seriousness of purpose with which you have applied yourselves to your duty.

The spirit of cooperation which you have displayed during the session is greatly appreciated. Without teamwork, much of our effort would have been futile.

My best wishes for a pleasant journey home go with each of you, and to each of you and your families Mrs. Hildreth and I wish great happiness in the days and years to follow.

(Signed) HORACE HILDRETH  
Governor of Maine.

Which was read and placed on file.

The PRESIDENT: Now, in accordance with long established custom, for the purpose of making the motion for final adjournment, the Chair recognizes the "old man of the Senate." The Chair recognizes the Senator from Washington, Senator Murchie.

Mr. MURCHIE of Washington: Mr. President and members of the Senate, I first must refute the charge that has been made against me by using the words of a famous man to a slight extent but I must use them perhaps in reverse English: "The atrocious crime of being an old man to which the Honorable President has with spirit and dignity charged upon me, I neither attempt to palliate or deny but I content myself with hoping that I may be one of those whose follies cease when I have attained the age of ninety years, and with that assurance, and with the assurance that I have enjoyed the society of every one of these gentlemen, I appreciate your courtesy and I particularly love the girls that are here, I now move the adjournment without day.

Thereupon, on motion by Mr. Murchie of Washington, the President of the Senate, George D. Varney, at 12:43 A. M. Eastern Standard Time, on Tuesday, May 13, 1947, declared the Senate of the 93rd Legislature adjourned without day.