

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, March 17, 1953.

The Senate was called to order by the President.

Prayer by the Rev. Hazen C. Rigby of Gardiner.

Journal of yesterday read and approved.

House Papers

"Resolve in Favor of the Town of Freeport." (H. P. 500) (L. D. 1177)

(In Senate, on March 11th, the Majority Report, "Ought Not to Pass," was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the Minority Report, "Ought to Pass" was accepted, and the bill passed to be engrossed; and now asks for a Committee of Conference.

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

"Resolve in Favor of the Town of Medway." (H. P. 63) (L. D. 1176)

(In Senate, on March 11th, the Majority Report, "Ought Not to Pass," was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the Minority Report, "Ought to Pass" was accepted, and the bill passed to be engrossed, and now asks for a Committee of Conference.

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

Bill "An Act Authorizing Appointment of Special Guardian." (S. P. 42) (L. D. 55)

(In Senate on February 25th, passed to be engrossed.)

Comes from the House, engrossing reconsidered, and recommitted to the Committee on Judiciary in non-concurrence.

In the Senate, on motion by Mr. Weeks of Cumberland, that Body voted to recede and concur with the House in the recommitting of

the bill to the Committee on Judiciary.

Bill "An Act Creating the Model Anti-Gambling Act." (H. P. 1187) (L. D. 1336)

Bill "An Act Creating a Racing Commission." (H. P. 1188) (L. D. 1337)

Bill "An Act Creating the Town of Gray High School District." (H. P. 1189) (L. D. 1338)

Bill "An Act to Incorporate the Town of Eagle Lake School District." (H. P. 1190) (L. D. 1339)

Which were severally referred to the Committee on Legal Affairs in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Committee on Appropriations and Financial Affairs be directed to present forthwith such Act and/or Resolve or Acts and/or Resolves as should be considered in relation to the generous offers of former Governor Percival Proctor Baxter for the more complete utilization of Mackworth Island." (H. P. 1193)

Which was read and passed in concurrence.

**House Committee Reports
Ought Not to Pass**

The Committee on Inland Fisheries and Game on "Resolve, Opening Pleasant Pond, Oxford County, to Ice Fishing," (H. P. 411) (L. D. 460) reported that the same ought not to pass.

(On motion by Mr. Fuller of Oxford, tabled pending consideration of the report.)

The same Committee on "Resolve, Providing for Dam and Fish Screen at the Outlet of Lake Embden," (H. P. 816) (L. D. 900) reported that the same ought not to pass.

The Committee on Sea and Shore Fisheries on "Resolve, Regulating Fishing for Smelts in Damariscotta Bay, Lincoln County," (H. P. 544) (L. D. 525) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Claims on "Resolve in Favor of Joseph A. DiDonato," (H. P. 641) (L. D. 1331)

reported that the same ought to pass.

The same Committee on "Resolve, in Favor of the Town of Whitefield," (H. P. 718) (L. D. 1332) reported that the same ought to pass.

The Committee on Inland Fisheries and Game to which was re-committed "Resolve, Regulating Fishing in Rancourt Pond, Somerset County," (H. P. 220) (L. D. 247) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Bass Fishing in Washington County," (H. P. 169) (L. D. 165) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in Ell Pond, York County," (H. P. 330) (L. D. 398) reported that the same ought to pass.

The same Committee on "Resolve, Opening Certain Waters in Sagadahoc County to Ice Fishing," (H. P. 587) (L. D. 612) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act Repealing the Act Providing for the Incorporation of the Town of Chelsea School District," (H. P. 530) (L. D. 567) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves read once and tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Closed Season on Deer on Cranberry Isles, Hancock County," (H. P. 410) (L. D. 459)

Comes from the House, re-committed to the Committee on Inland Fisheries and Game.

In the Senate, on motion by Mr. Wight of Penobscot, re-committed to the Committee on Inland Fisheries and Game in concurrence.

The Committee on Inland Fisheries and Game on "Resolve Regulating Ice Fishing in Hopkins Pond, Penobscot County," (H. P. 99) (L. D. 101) reported that the same ought not to pass.

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

In the Senate, on motion by Mr. Dunham of Hancock, tabled pending consideration of the report.

The same Committee on Bill "An Act Relating to Daily Bag Limit on Rabbits in York County," (H. P. 806) (L. D. 890) reported that the same ought to pass.

Comes from the House, the report read and accepted and the bill read once, and subsequently indefinitely postponed.

In the Senate:

Mr. BROGGI of York: Mr. President, I move that the Senate concur with the House. The York County Fish and Game Club made it manifest to the Fish and Game Committee that they wanted a change in their bag limit on rabbits. The committee very courteously respected their wishes and passed out an ought to pass report. Apparently the York County Fish and Game changed their minds and I therefore move that the bill be indefinitely postponed. The motion to indefinitely postpone in concurrence prevailed.

The Committee on Transportation on Bill "An Act to Increase the Fee Allowed Official Motor Vehicle Inspection Stations," (H. P. 450) (L. D. 445) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment Filing No. 61)

Comes from the House, indefinitely postponed.

In the Senate:

Mr. CUMMINGS of Sagadahoc: Mr. President, I move that the ought to pass report be accepted in non-concurrence. I might say that if this meets with approval, I will move that the amendment be handled separately.

Thereupon, the "Ought to Pass" report was accepted in non-concurrence and the bill read once; Committee Amendment "A" was indefinitely postponed, and the bill was tomorrow assigned for second reading.

The Committee on Welfare on "Resolve, to Repeal Certain Special Resolve Pensions," (H. P. 612) (L. D. 732) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment Filing No. 78)

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto. (Amendment Filing No. 91)

In the Senate, on motion by Mr. Reid of Kennebec, the resolve was laid upon the table pending consideration of the report, to be taken up later in today's session.

The Majority of the Committee on Inland Fisheries and Game on Bill "An Act to Place a Bounty on Porcupines," (H. P. 646) (L. D. 661) reported that the same ought to pass.

(signed) Representatives:
 WATSON of Moose River
 Plt.
 HARNDEN of Rangeley
 CURRIER of Caribou
 WHITNEY of Bridgton
 BUTLER of Franklin

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

(signed) Senators:
 WEEKS of Cumberland
 WIGHT of Penobscot
 CARPENTER of Somerset

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed as amended by House Amendment "A" (Amendment Filing No. 88) as amended by House Amendment "A" thereto. (Amending Filing No. 90)

In the Senate:

Mr. WIGHT of Penobscot: Mr. President, I move that the Minority Report "Ought not to pass" be accepted, and in support of that motion, I will say that we all recognize that porcupines are very destructive. They are destructive to trees of various sorts. They are destructive to camps. I heard one man say that he had an old automobile left out in the woods, and the porcupines had eaten the steering wheel off the car. There was enough grease in that steering wheel so that the porcupine was attracted to it. I don't think anyone will state that they are not destructive.

On the other hand, bounties are ineffective. The state had a bounty at one time on porcupines and if

I remember correctly the state paid out about \$18,000 one year and \$7,000 another year and there are just as many porcupines today. After discussing this situation fully and recognizing how destructive they are, and taking everything into consideration, a minority of the committee here in the Senate decided that it is not advisable to have a bounty on porcupines. Therefore, I move the acceptance of the minority report "Ought not to Pass".

Mr. PARKER of Piscataquis: Mr. President, I expect it will be a futile attempt on my part to try to change the thinking of my good friend, the Senator from Penobscot, but I certainly do believe that some attempt should be made to correct the present menace that we have here in the State of Maine not only in the wooded areas but in the less wooded areas, on the destruction that porcupines are now making. As was brought out by Senator Wight, they not only damage many pieces of equipment on our farms and in our woods, but also do a great deal of damage to the camps of our summer residents. Anyone who happens to be fortunate enough to own a cottage at one of our seashores, is very familiar with what they find when they return to their cottage in the spring.

Many times the floors of these cottages are filled with holes, doors are chewed and so forth. Those of us who happen to be farmers and have stock pastured away from home that are not visited too often, find animals with their faces full of quills, and I don't want to dwell on the menace. It has been brought out by my good friend that there is a menace. I certainly believe that the Senate should think very carefully before we vote to accept the minority report on this measure.

Thereupon, a viva voce vote being doubted by the Chair,

A division of the Senate was had.

Eighteen having voted in the affirmative and seven opposed, the Ought Not to Pass report was accepted in non-concurrence.

Sent down for concurrence.

Senate Papers:

The following Bills were transmitted by the Director of Legisla-

tive Research, pursuant to Joint Order, S. P. 29; and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Judiciary

Mr. Reid of Kennebec presented Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945, 1947, 1949 and 1951." (S. P. 490)

Sent down for concurrence.

Mr. Chapman of Cumberland presented Bill "An Act Relating to Corrupt Practices in Elections." (S. P. 491)

(Ordered printed)

Sent down for concurrence.

The same Senator presented Bill "An Act Relating to Submission of Information by State Employees and Candidates for Certain Public Office." (S. P. 492)

(Ordered printed)

Sent down for concurrence.

Senate Committee Reports

Mr. Cummings from the Committee on Business Legislation on Bill "An Act Repealing the Unfair Sales Act," (S. P. 348) (L. D. 961) reported that leave be granted to withdraw the same.

Mr. Dennett from the same Committee on Bill "An Act Relating to the Establishment of a Fund for Fire Fighters," (S. P. 370) (L. D. 1033) reported that leave be granted to withdraw the same.

Mr. Weeks from the Committee, on Inland Fisheries and Game on Bill "An Act Prohibiting Hunting within One Hundred Feet of Highways," (S. P. 398) (L. D. 1107) reported that leave be granted to withdraw the same.

Mr. Cummings from the Committee on Transportation on Bill "An Act Relating to Signals for Turning Motor Vehicles," (S. P. 215) (L. D. 548) reported that leave be granted to withdraw the same.

Mr. Cummings from the Committee on Business Legislation on Bill "An Act Relating to Insurance for Death or Injuries While Hunting," (S. P. 394) (L. D. 1101) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Limitations of Real Estate Holdings of Savings Banks," (S. P. 293) (L. D. 821) reported that the same ought not to pass.

Mr. Weeks from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Closed Season on Deer," (S. P. 48) (L. D. 76) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Enlarging the Jefferson-Whitefield Game Preserve," (S. P. 246) (L. D. 670) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Carter from the Committee on Taxation on Bill "An Act to Exempt from the Maine Sales and Use Tax Beer, Ale and Other Drinks," (S. P. 332) (L. D. 834) reported that the same ought not to pass.

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

Mr. CHASE of Cumberland: Mr. President, will the Senator from Androscoggin assign a day for consideration?

Mr. BOUCHER of Androscoggin: Mr. President, I would be very pleased to do so and to debate with my good friend Senator Chase. I would assign it for a week from tomorrow.

Mr. CHASE of Cumberland: Mr. President, speaking only to the question of assignment, I wish to remind the Senate that it is urgently necessary to expedite consideration on these bills which effect revenue. The Taxation Committee cannot work expeditiously or intelligently unless these bills are disposed of. I would hope that the gentleman would assign an earlier day and I ask for a division on the motion to table.

Mr. HASKELL of Penobscot: Mr. President, again speaking only as to the time involved, I would add to the comments of Senator Chase and believe that Senator Boucher will agree that not only is the Committee on Taxation dependent

on early disposition of these matters, but I believe even to a more marked degree, the members of both branches are dependent on an early decision from the Appropriations Committee. I join the Senator in hoping we may have possibly a more expeditious date of assignment.

Mr. BOUCHER of Androscoggin: Mr. President, apparently my good friend the majority leader is trying to run out of the legislature before the end of the month. That is agreeable to me if everybody else will go along. I will assign this bill for Thursday of this week if that meets with approval.

Mr. CHASE of Cumberland: Mr. President, I withdraw my request for a division on the motion to table.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher that the bill and accompanying papers lie on the table pending consideration of the report and that it be especially assigned for Thursday, March 19.

Thereupon, the motion to table prevailed.

The same Senator from the same Committee on Bill "An Act Relating to the Sales Tax on Motor Vehicles (S. P. 421) (L. D. 1133) reported that the same ought not to pass.

Thereupon, on motion by Mr. Cummings of Sagadahoc, the bill was laid upon the table pending consideration of the report and was especially assigned for Wednesday, March 18.

Mr. Cummings from the Committee on Business Legislation on Bill "An Act Relating to Change of Purposes of Domestic Mutual Insurance Companies," (S. P. 393) (L. D. 1102) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Retiring Allowances or Life Insurance for Officers and Employees of Savings Banks," (S. P. 368) (L. D. 1034) reported that the same ought to pass.

Mr. Dennett from the same Committee on Bill "An Act Relating to the Revocation of an Insurance

Agent's License," (S. P. 369) (L. D. 1934) reported that the same ought to pass.

Mrs. Kavanagh from the Committee on Claims on "Resolve to Reimburse the Town of Pittsfield for Support of Dianne K. Edwards," (S. P. 244) (L. D. 668) reported that the same ought to pass.

The same Senator from the Committee on Public Health on Bill "An Act Relating to Promotion of Medical Education," (S. P. 323) (L. D. 813) reported that the same ought to pass.

Mr. Wight from the Committee on Taxation on Bill "An Act Relating to Exemption of Certain Food Products from Taxation," (S. P. 188) (L. D. 429) reported that the same ought to pass.

Mr. Broggi from the Committee on Towns and Counties on Bill "An Act Increasing the Salary of the Recorder of the Portland Municipal Court," (S. P. 362) (L. D. 972) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Salary of Judge of the Lewiston Municipal Court," (S. P. 336) (L. D. 841) reported that the same ought to pass.

Mr. Ward from the same Committee on Bill "An Act Relating to Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court," (S. P. 342) (L. D. 838) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Increase the Salary of the Recorder of the Rockland Municipal Court," (S. P. 358) (L. D. 973) reported that the same ought to pass.

Mr. Weeks from the same Committee on Bill "An Act Increasing Salaries of Certain Officers of Knox County," (S. P. 359) (L. D. 969) reported that the same ought to pass.

Mr. Cummings from the Committee on Transportation on Bill "An Act Relating to Motor Vehicle Accident Reports," (S. P. 214) (L. D. 549) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Repealing Law on Vehicles Approaching Stationary Street Car from Rear," (S. P. 213) (L. D. 550) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Repeal-

ing the Provision that Bells Shall be attached to Foremost Horses on Vehicles Driven on Snow," (S. P. 150) (L. D. 443) reported that the same ought to pass.

Which reports were severally read and accepted, the bills and resolves read once, and tomorrow assigned for second reading.

Mr. Butler from the Committee on Natural Resources on "Resolve Authorizing Commissioner of Institutional Service to Convey to Portland Water District a Right of Way for a Pipeline Over Land of the State School for Boys in South Portland," (S. P. 443) (L. D. 1151) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the resolve read once. The Secretary read Committee Amendment A:

Committee Amendment A to S. P. 443, L. D. 1151. "Amend said resolve by striking out the words 'to be recorded in Cumberland County Registry of Deeds, a copy of which plan is made a part hereof', in the 8th and 9th lines from the end, and inserting in place thereof the words 'recorded in Cumberland County Registry of Deeds in Plan Book 39, at page 26.'"

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

Mr. Haskell from the Committee on Transportation on Bill "An Act Relating to Turning Movements and Required Signals for Motor Vehicles," (S. P. 118) (L. D. 315) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A:

Committee Amendment A to S. P. 118, L. D. 314. "Amend said bill by inserting at the beginning of the 1st line thereof the underlined abbreviation and figure 'Sec. 1.'"

Further amend said bill by adding at the end thereof a new section to read as follows:

'Sec. 2. Effective date. The provisions of this act shall become effective on January 1, 1954.'

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

The Majority of the Committee on Taxation on Bill "An Act to Amend the Bracket Schedule in the Sales and Use Tax Law," (S. P. 191) (L. D. 439) reported that the same ought to pass.

(signed)

Senators: WIGHT of Penobscot
CARTER of Oxford
CHASE of Cumberland

Representatives:

LOW of Rockland
WILLEY of Ellsworth
KEAY of Albion

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

(signed)

Representatives:

ALBEE of Portland
SEAWARD
of Kittery Point
SANFORD
of Dover-Foxcroft
DUQUETTE of Biddeford

On motion by Mr. Wight of Penobscot, the bill and accompanying papers were laid upon the table pending consideration of the reports and was especially assigned for Wednesday, March 18.

The PRESIDENT: The Senator from York, Senator Broggi has called to the attention of the Chair, the fact that the group of students in the Senate Chamber is from Kennebunk High School in the County of York. It is always a pleasure to have school students visit us and on behalf of the Senate we welcome you here this morning.

Passed to be Engrossed

"Resolve, in Favor of Angelo Cote, of Augusta." (H. P. 117) (L. D. 89)

Bill "An Act Repealing the Charter of the Boothbay Region Community School District." (H. P. 189) (L. D. 200)

Bill "An Act Relating to Expenses of Dairymen's Conference." (H. P. 309) (L. D. 381)

Bill "An Act Relating to War-rant Committee of Town of Sanford." (H. P. 346) (L. D. 361)

Bill "An Act Relating to Tree Surgeons." (H. P. 348) (L. D. 364)

Bill "An Act Relating to Penalty Provisions of the Narcotic Drug Act." (H. P. 416) (L. D. 464)

"Resolve in Favor of Mrs. Ada A. Hiscock, of Farmingdale." (H. P. 490) (L. D. 509)

Bill "An Act Relating to Return Day for Brunswick Municipal Court." (H. P. 523) (L. D. 561)

"Resolve, in Favor of H. W. Flint, of Baldwin." (H. P. 580) (L. D. 622)

Bill "An Act Relating to Stipend to Agricultural Societies." (H. P. 626) (L. D. 650)

Bill "An Act Relating to Cattle Diseased with Tuberculosis." (H. P. 627) (L. D. 651)

Bill "An Act Relating to Proceeds from Sale of Carcass of Diseased Animals." (H. P. 713) (L. D. 737)

Bill "An Act Repealing Law Relating to Record of Advertised Stallions." (H. P. 714) (L. D. 738)

"Resolve, Closing Sandy Stream in the County of Somerset to All Fishing." (H. P. 740) (L. D. 757)

Bill "An Act Permitting Savings Banks to Invest in Mortgage Bonds of Natural Gas Companies." (H. P. 792) (L. D. 846)

Bill "An Act Relating to Powers of Rangeley Trust Company." (H. P. 793) (L. D. 847)

Bill "An Act Relating to the Danville Mutual Fire Insurance Company." (H. P. 794) (L. D. 848)

Bill "An Act Relating to Salaries of Judge and Recorder of Northern Cumberland Municipal Court." (H. P. 875) (L. D. 946)

"Resolve, Regulating Fishing in Warren Pond, York County." (H. P. 813) (L. D. 897)

"Resolve, Authorizing the Commissioner of Inland Fisheries and Game to Convey a Right of Way over State Owned Land in Littleton." (H. P. 842) (L. D. 881)

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

Bill "An Act Relating to Aid to the Disabled." (H. P. 1181) (L. D. 1309)

On motion by Mr. Haskell of Penobscot, tabled pending passage to be engrossed, and especially assigned for Wednesday, March 18.

Bill "An Act to Increase the Salary of the Clerk of Courts of Lincoln County." (H. P. 78) (L. D. 73)

Bill "An Act to Repeal the Liquor Research Commission Law and Provide that the Department of Health and Welfare Assume Certain Responsibilities Relating to Alcoholism." (H. P. 206) (L. D. 237)

"Resolve Opening Moose River to Fishing." (H. P. 217) (L. D. 244)

Bill "An Act Relating to the County Law Library of Penobscot County." (H. P. 441) (L. D. 485)

Bill "An Act Relating to Salaries of County Officers and Clerk Hire in Piscataquis County." (H. P. 611) (L. D. 610)

Bill "An Act Relating to Vaccination of Cattle Over Eight Months of Age." (H. P. 623) (L. D. 648)

Bill "An Act Relating to the Charter of the Old Town High School District." (H. P. 977) (L. D. 1065)

Which were severally read a second time and passed to be engrossed as amended, in concurrence.

Bill "An Act to Facilitate Voting by Members of the Armed Forces of the United States." (S. P. 70) (L. D. 152)

Which was read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

Order

(Out of Order)

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

ORDERED, the House concurring that the Committee on Appropriations be and hereby is directed to report on L. D., Department Heads Salary Bill in such a manner that each department head's salary that the committee may desire to report upon, shall be reported in a separate bill.

Orders of the Day

The President laid before the Senate bill, An Act to Secure Uniformity of Assessment of Forest Lands for Purposes of Taxation (S. P. 36) (L. D. 39), tabled by the Senator from Cumberland, Senator Weeks on March 11th pending

passage to be engrossed, and the Chair recognized that Senator.

Mr. WEEKS: Mr. President and members of the Senate, I offer Senate Amendment A and move its adoption and in explanation of the proposed amendment I will briefly say that I am heartily in accord with the purpose of the bill which deals with uniformity of assessment of forest lands for purposes of taxation. What I object to is the provision which starts in the second line of section 158 where the duties of the state tax assessor as such are defined as to prepare and issue instructions designed to guide municipal assessors to uniformity in the taxation of forest land and goes on to provide that upon request of any court in which an action at law is pending under section 157 the state tax assessor shall cause the forest land in question to be examined by a competent person at the expense of the party challenging the assessment and shall thereafter render to the court and to the contending parties an opinion as to its just value for purposes of assessment.

It appears, therefore, that anyone who wants to contest the size of an assessment is therefore faced with the testimony of a person hired by the tax assessor at the expense of the contestant who of course is offered to the court under the cloak of state authority and of course his opinion on the matter would be quite compelling. There is nothing in the bill to say that I as a contestant cannot employ another assessor if I wish to or another competent person, to place a value there but still the force of the bill does place a contestant in a tax matter under a handicap and under additional expense.

The purpose of the amendment is to strike out section 158 and the following section which deals with administration. That is my sole objection to the bill and, Mr. President, I offer the amendment.

Mr. CHASE of Cumberland: Mr. President, the last legislature directed the legislative research committee to study the question of forest land taxation with particular reference to the yield of severance tax. The committee had a number

of conferences with persons familiar with the problem involving the problem of forest taxation. I suppose all the members of the Senate are familiar with the arguments which have been advanced in regard to a yield tax on timberland. The research committee did not think that a yield tax was the thing for the State of Maine at the present time, for two reasons, of which the main one is that in order to have a yield tax and make it effective, as in New Hampshire, certain incentives have to be offered to the timberland owners to induce them to operate their land according to the principle of conservation. Under our Constitution which requires uniformity of assessment of all property there would appear to be no possibility at the present time of offering any incentive to timberland owners on the basis of behavior. Furthermore, it appeared to the research committee that the problem was largely confined to the organized towns. In the organized towns of the state in recent years about twice as much wood has been cut as in all of the unorganized territory which on the basis of acreage means that the organized towns are paying about four times as much as the unorganized territory. It is a very real problem to those towns which depend to a great extent upon the wood to provide them with a means of income.

Now, the problem in the organized towns is important. I do not think there is any question but what some of the organized towns are soaking the timberland owners. A good deal of land has been stripped on account of high taxes. We thought, therefore, that before we embarked on a new field of yield taxation an effort should be made to improve the assessment method. There is a lot to be said for the assessment method from the standpoint of state and municipal government. The assessment method provides a regular income to the towns. If you have a yield tax it means the state has to set up some sort of equalization fund, the towns cannot budget because they don't know whether an owner is going to cut or not and the result is, as

in New Hampshire, that it may involve borrowing at the state level. Therefore, I believe an effort should be made to improve the assessment method in this state.

Now if the assessment method is to be improved, under our present constitutional requirements that apply to uniformity of assessments, there is no way to get uniformity of assessments except through some kind of educational campaign carried on by the state tax assessor and this is the purpose of the section which the Senator's amendment would strike out completely.

The Senator made a point regarding the requirement in the act that if a timberland owner went to court under the previous section 157 he would have to pay for an appraisal of the land if the court requested it. Now I call your attention to the fact that the timberland owners do not have to go to court at all if they don't want to go and it is extremely unlikely that there would be any need for appraisal unless the case were to be decided in favor of the land owner.

The arguments that have been advanced, and which have come mainly from the corridors and the lobbies, with respect to this bill, are a little difficult for me to understand. We do occasionally hear of objections being based on one ground where the objection is really on another ground which the objectors do not care to talk about and while I don't have a suspicious mind in this particular case I do suspect that some of the people who do not like this particular section may really not be objecting to the provisions which might require a land owner to pay the cost, if he went to court, of having the appraisal made but to the proposition that the state tax assessor should have anything to say to the municipal assessors in the nature of an educational campaign.

It seems to me that if we are going to improve the assessment method, which I think is a most desirable move, it must be under some guidance at the state level. I think the state tax assessor is doing a splendid job in the timberland assessment work which he is doing in unorganized territory and

I don't believe it will do the municipal assessors any harm to study such instructions or educational program as the state tax assessor may put out if this particular provision becomes a law. I regard that as essential to the improvement of the assessment method and, as I have said, it seems to me that the method proposed is greatly to the advantage of this state if we can make it work in a proper manner.

Therefore, Mr. President, I hope the amendment will not be adopted and when the vote is taken I ask for a division.

Mr. HANSON of Washington: Mr. President, not speaking from the point of view of the lobbies or the point of view of the corridors, but speaking from the point of view of the little owners scattered in many places throughout the State of Maine, I do not think this is good legislation. There are thousands upon thousands of individual patches of land in the State of Maine in all grades of having had the wood taken off them for fuel and other purposes, and this problem has been handled by the assessors of the small communities throughout the state ever since the state was organized. It is proposed to transfer all these powers to the state tax assessor. He is to recommend a uniform method. How he will arrive at that uniform method I don't know. He is also to act on the basis of productivity. I ask you what is productivity on these various small plots of land and who is to reasonably arrive at what it is? Furthermore, this is to be gauged by the services of a competent man? Who is to determine the competent person to relegate the multitude of things concerning these small lots of land in the State of Maine? I think the powers of assessing these lands should be continued where it has been for some time. Personally I have been hurt by it but I will take my chances of getting hurt locally and not at the hands of the state assessor. Thank you.

Mr. PARKER of Oxford: Mr. President and members of the Senate, I would take issue with my friend the Senator from Washington County wherein he says that this relegates all the powers to the

state tax assessor. This bill is not meant to do that at all. It is just a method of educating the local assessor in order that they may do a better job than they are doing today. There is nothing obligatory about it. As far as the taxes are concerned the state tax assessor has no right to tell them what to do. It is just a matter of education.

Mr. WEEKS: Mr. President, many of the remarks of Senator Chase regarding this measure were in support of the identical purpose of the bill, with which I believe most of us would be in accord although he did make some remarks which I think do not apply to the true situation. I have been involved with assessors quite a lot for quite a little while and one of the things we have been doing is to inquire of the state tax assessor as to his decision on various points that come up in the municipal assessment offices. Not only do we receive information or instruction from him so far as he is able to give it but we also have solicited them. In fact I have on many occasions and it is amazing over a period of years what confusing questions frequently arise. No matter how much you will deal with the subject of taxation there are many confusing questions continually arising.

I am not opposing the general purpose of the bill in as much as much of it is designed to accomplish obvious purposes of uniformity and I find no fault with it. I do object to the state tax assessor having something of the substantial control to which the Senator from Washington referred but I should think he may have exaggerated the state assessor's powers beyond what they actually are when it comes to a court proceeding but at least when he is able to produce this competent person at the expense of individual owners and he appears in court under cloak of the authority of the state department, he has quite an advantage which the ordinary expert witness in court would not have whose testimony would be to that extent less impressive.

Mr. REID of Kennebec: Mr. President, earlier in the session, in fact quite early, the Senator from Cumberland, Senator Chase and I

had a discussion as to which committee this bill ought to go and he said it should go to the tax committee and I said that was alright with me, particularly in view of the fact that he was on the research committee which had several hearings on this bill, and I asked him at the time how the timberland owners felt about it. My recollection is that he thought they would be glad to go along with the bill but it is now my understanding that they will be glad to go along with the first portion but do not care to go along with the last two paragraphs. I further understand from his remarks that the Senator is anxious to have it passed for what good it will do. I think their judgment ought to supersede the Senator's, particularly on the last two paragraphs, and for that reason I hope the amendment will be adopted.

Mr. CHASE: Mr. President, the matter of conservation of timberlands is of enormous importance to the state. We have had in connection with this bill a great number of conferences with people who are thoroughly familiar with the matter in a practical way, who know this problem, who operate the land and who are familiar with the local problems.

There is nothing in the bill which gives the state tax assessor any authority except to educate the municipal assessors. You cannot deal with a problem of this importance to the economy of the State of Maine without risking here and there treading on a few toes or giving someone the authority to deal with this problem of education. I feel that this section of the bill which the amendment strikes out is vital to carrying on such an educational campaign in the interests of the economy of the state. If the objection is really to the legal provisions in regard to going to court then I would be glad to consider an amendment to that particular section but if we are going to have uniformity, if we are going to improve the present method, the educational campaign must obviously be conducted at the state level and I know of no way it can be done except through the state tax assessor.

The PRESIDENT: The Senator from Cumberland, Senator Weeks, presents Senate Amendment A and moves its adoption.

The Secretary read the amendment: "Amend said bill by striking out all of that part designated Section 158 of Section 1 thereof. Further amend said bill by striking out Section 2 thereof."

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A and the Senator from Cumberland, Senator Chase, has requested that when the vote is taken it be taken by division. Is the Senate ready for the question?

A division of the Senate was had. Nineteen having voted in the affirmative and seven opposed.

Senate Amendment A was adopted.

Mr. GREELEY of Waldo: Mr. President, I move that the bill and accompanying papers be laid upon the table and be especially assigned for Tuesday, March 24th.

The PRESIDENT: The Senator from Waldo, Senator Greeley, moves that the bill lie upon the table pending passage to be engrossed and the matter be especially assigned for Tuesday, March 24th. Is the Senate ready for the question?

A viva voce vote being doubted by the Chair

A division of the Senate was had.

Nine having voted in the affirmative and sixteen opposed the motion to table and assign did not prevail.

Thereupon the bill was passed to be engrossed as amended by Senate Amendment A.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec the Senate voted to take from the table, House Report from the Committee on Welfare on Resolve to Repeal Certain Special Resolve Pensions (H. P. 612) (L. D. 732) reporting that the same ought to pass as amended by Committee Amendment A, which resolve comes from the House passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A thereto; tabled by that Senator earlier in today's session pending consideration of the committee report, and the Chair recognizes that Senator.

Mr. REID: Mr. President, when I first saw this resolve the title intrigued me because resolves usually are to enact something and this resolve was to repeal something. I find that the resolve removes from the list of eligibles for pension some 31 or 32 people, apparently because the Health & Welfare Department investigated these persons and found they were no longer in need of pensions. Committee Amendment A added to the list of ineligible one Kenneth Hunt of Burnham. There is a House amendment which removed him from the list of ineligible so it would appear to me that either the committee or the Health and Welfare Department was wrong or the other Branch was wrong, and I rise to a point of information because there are several persons on the bill ineligible from Kennebec County and I would like them all to be treated alike and would like the Chairman of that committee or someone to tell me why Mr. Hunt from Burnham was added to the list of ineligible after investigation by the Health and Welfare Department and why it was necessary to disagree with the Committee. Before I make any motion I would like to ask either the Senator from Somerset or the Chairman of the Health and Welfare Committee if there is any explanation for that.

The PRESIDENT: The Chair understands that the Senator from Kennebec, Senator Reid, desires information.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate, this particular resolve in which certain people were taken from the list went into the House and as I understand it this Mr. Hunt whom we recommended shouldn't continue having a pension was added to the list — this bill was amended so he should be on the list. As this particular man is in the bailiwick of the good Senator from Somerset I would like to ask him about this gentleman.

Mr. SINCLAIR of Somerset: Mr. President, I might say first to the Senator from Kennebec and the Senator from Hancock that Burnham is not in Kennebec County, it is in Waldo County, but knowing something of the family in question I was asked this morning if I

felt it was a deserving case. I feel that it is a deserving case although from the report I read this morning I understand the department doesn't agree with that opinion. Other than that, not having seen the amendment until about ten minutes ago I have no other information on this so-called Hunt family.

Mr. REID of Kennebec: Mr. President, the only point I tried to make about the matter, regardless of the particular individual involved, was that I think as a matter of system the Health & Welfare Department made the investigation and recommendations and the committee went along with them. If we are to start legislating in order that people now receiving pensions should continue to receive them, that is one thing. I have no particular interest in the matter except that in chasing it down it did occur to me that they were embarking on a rather irregular procedure.

The PRESIDENT: The Chair might suggest, if it would be of any assistance to the Senator, in view of the matter now having been taken from the table and there is a little bit of confusion being apparent, the Chair would be glad to entertain a motion for a recess so that the Senator may confer with any other member of the Senate.

Mr. WEEKS: Mr. President, due to the fact that I also see one from my bailiwick on this list, with due regard to time I would like to have it lie on the table until tomorrow. I therefore move that the bill be tabled pending consideration until March 18th.

Mr. BOUCHER of Androscoggin: Mr. President, I went along with this bill because it was a department bill but I also would like to know about the three or four in my county who were taken off the roll and I think I agree with the Senator from Cumberland that we should table this matter until tomorrow.

The PRESIDENT: The Senator from Cumberland, Senator Weeks, has moved that the resolve and accompanying papers be laid upon the table and be especially assigned for Wednesday, March 18th,

pending consideration of the report of the committee. Is this the pleasure of the Senate?

The motion to table and assign prevailed.

The President laid before the Senate bill, An Act Relating to Divesting Property in Qualifications for Old Age Assistance and Aid to the Blind (H. P. 199) (L. D. 209), tabled by the Senator from Cumberland, Senator Chase, on March 12th pending passage to be engrossed, and the Chair recognized that Senator.

Mr. CHASE: Our law now provides that any applicant for Old age assistance must divest himself, directly or indirectly, of any property without any reasonable consideration or, for the purpose of qualifying for such assistance, would forfeit all right to receive assistance under the provisions of the act, and similar provision exists with respect to the blind. This bill, by writing in January 1st, 1952, has the effect of forgiving everybody who did this prior to that date. Under the existing law I suppose it goes back to the time when the law was passed which I believe was in 1938.

Now, it seems to me peculiar that the date of January 1st, 1952, should be taken since that day is only fifteen months ago and I tried to find out why that date but I was unable to do so. I have suggested to the Department of Welfare that an earlier date might be established and that a provision might be inserted which would not require the department to go back more than five years in making such investigation of transfers of property, or that the department might be given discretion so that it would not have to go back five years but could go back further if it wants to. None of these provisions appear to be acceptable to the department. As I understand it this would open up approximately 75 questionable old age cases where there have been such transfers of property for one reason or another, which would amount to forty or forty-five thousand dollars additional state expenditure. If the state has that amount of money which can be spared for additional old

age assistance, or for any other purpose, I personally would prefer to see it given to those where there is no question of funny business or possible dishonesty. Since I have been unable to find any amendment which would be acceptable to the department, which for some reason or other insists on this very specific date of January 1st, 1952, my only option in the matter, since I think the bill is wrong, is to move that it be indefinitely postponed.

Mr. SINCLAIR of Somerset: Mr. President, I rise in opposition to that motion. I think the bill has merit. I would like to have this bill retabbed and especially assigned for tomorrow.

The PRESIDENT: The Senator from Somerset, Senator Sinclair, moves that the bill lie upon the table pending the motion of the Senator from Cumberland, Senator Chase, that the same be indefinitely postponed, and that the matter be especially assigned for Wednesday, March 18th. Is this the pleasure of the Senate?

The motion to table and assign prevailed.

The President laid before the Senate, Bill, An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954, and June 30, 1955 (S. P. 476) (L. D. 1316) tabled on March 12th by Mr. Collins of Aroostook, pending passage to be engrossed; and today assigned.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, last week when the Senate accepted the report of the committee on L. D. 1316, I told you I would give an explanation of the bill today. I propose to do that now and I hope that as I discuss the bill you may see some of the reasons that we arrived at the conclusions that we did.

This appropriation bill which deals only with the general funds of the state is the vehicle which sets up the amount of money that each department will have available during the next two years. If you wish to look at the total figures as shown on page ten of the bill, you will find that for the first year of the biennium the amount is \$33,613,725 and

for the second year, \$33,928,830. This totals \$67,541,555 for the two year period.

These figures represent an increase over the Governor's budget of \$987,362 in the first year and \$984,804 the second year. However, it should be borne in mind that the increase can be accounted for in part by the passage of the increase in old age assistance, and aid to the blind. These are the 50 to 55 bills, so-called, and added over \$209,000 each year to the amount in the Governor's budget. There is also included in this bill a one step increase in salaries of state employees and this amounts to \$400,000 per year.

I think that it should be pointed out that we did use a different figure in estimating revenue than the Governor used in preparing his budget. We did this because the Commissioner of Taxation came before us and gave us a revised estimate of revenue from the sales and use tax for the next two years. He told us on two different occasions that the income from that source would be \$13,500,000 each year instead of the \$12,800,000 estimated last October before the Governor and the advisory budget committee. This indicates \$700,000 more than the figure the Governor used.

It is true that the Commissioner based his estimate upon the present tax set up and also upon no abnormal changes in the economic situation. We used the same amount of liquor income that the Governor used in his budget but we did another item for additional revenue that was not apparent last fall. This was additional revenue to the state in the amount of \$154,000 per year from the telephone company as a result of the recent increase in rates that they have just received.

So with this difference in revenue we were able to increase some of the appropriations beyond the recommendations of the Governor but it should also be borne in mind that the bill we are presenting is still two million dollars less than the revised requests of the departments. I think that perhaps one of the important things to remember is the fact that using both the committee's revenue figures and expenditure figures, we come out with an operating gain the first year of

\$580,988 and the second year of the biennium \$284,195.

So much for the general aspects of the bill. Now let us look at it in more detail. As a general proposition I would say that where the Governor's budget recommendation and the figures used by the Appropriations Committee are in agreement, there is a pretty good argument that these figures might be sustained by a majority of both branches of the legislature. If this assumption is true, we can eliminate from too much discussion, the following items which follow the Governor's budget quite closely. The minor variations all had some reason for the change which members of the committee can explain.

1. Bureau of Accounts and Control. That is in the Governor's Budget.
2. Dept. of Adjutant General. That calls for an increase of \$11,400 the first year and \$13,000 the second year.
3. Dept. of Agriculture, has an increase of \$7843 the first year and \$8892 the second year.
4. Apprenticeship Council if you are following your books, shows \$404 increase each year.
5. Atlantic States Marine Fisheries Commission stays as in the Governor's budget.
6. Attorney General's Dept. calls for \$3352 over the amount recommended by the Governor in the first year and \$2704 the second year.
7. The Department of Audit has an increase of \$3985 and \$2700.
8. Department of Banks and Banking was as in the Governor's budget.
9. The Boxing Commission was the same.
10. The Civil Defense Agency was the same.
11. In Contributions and Transfer to other funds, there was a decrease of \$2000 the first year and \$13,964 the second year.
12. Executive Department followed the recommendations of the Governor's budget.
13. The Finance Commission and Budget Officer followed the budget.
14. Search for Lost Persons remained the same as in the Governor's budget.
15. The Forestry Department had an increase of \$5,000 but in reality

it was following the Governor's budget and that involved a transfer from Forestry to Agriculture.

16. The G. A. R. Dept. of Maine and
16. The G A R Dept. of Maine the budget.
17. The Historian remained as in the budget.
18. The Industrial Accident Commission had an increase of \$1908 the first year and \$1976 the second.
19. The Department of Insurance,
20. The Commission on Interstate Cooperation,
21. The Department of Labor and Industry all remained as in the Governor's budget.
22. The Legislative Expense and Research Commission had an increase in the first year of \$9115 and in the second year of \$7435.
23. The State Library had an increase of \$1190 the first year and \$1730 the second year.
24. The Maine Maritime Academy was increased over the Governor's budget by \$7500 each year.
25. The Merit Award Board,
26. The State Park Commission,
27. The Baxter State Park Commission,
28. The Department of Personnel,
29. The State Police all follow the Governor's budget recommendations.
30. The Supt. of Public Buildings have an increase of a little over \$8,000 per year.
31. Public Utilities Commission followed the Governor's recommendations.
32. The Bureau of Purchases have a decrease of \$2317 the first year and \$2687 the second year.
33. Harness Racing Commission and
34. The Running Racing Commission remained as the Governor recommended.
35. Sea and Shore Fisheries shows an increase of \$4136 the first year and \$3723 the second.
36. Secretary of State shows an increase of \$4613 the first year and \$4580 the second year.
37. Supreme Judicial and Superior Courts were left as in the Governor's budget.
38. The Bureau of Taxation showed the largest increase with \$29,999 the first year and \$25,834 the second. This was explained to

us by the fact that some new positions were required to carry out the provisions of the act and when the matter was originally presented to the Governor certain of these employees had not been included nor had certain promotions that seemed desirable.

39. Treasurer of State had a slight increase. \$3,000 the first year and \$2700 the second.

40. Commissioners of Uniform Legislation is the same as in the Governor's budget.

41. The Division of Veterans Affairs also carried quite an increase which amounted to \$43,368 the first year and \$62,555 the second year. This increase was due to added case loads for world war two veterans and Korean veterans and had been cut down substantially in the Governor's recommendations and I think that at this time he feels that this amount should be added to the budget.

These constitute some forty-one items in the budget, or in the bill, and I think that most of them could be agreed upon without too much trouble. This leaves the following Departments and appropriations that should be evaluated and in which there can be honest difference of opinion. The first of these are the charitable institutions and the public and private hospitals. The charitable institutions follow the Governor's budget, but in L. D. 1316 the aid to public and private hospitals has been increased from one million to one million, two hundred thousand dollars for each year of the biennium. In presenting their case before the committee the people running the hospitals of Maine demonstrated to our satisfaction that on every State Aid case that they handle at the million dollar figure, they receive only half of the cost back. While I think that they realize that they cannot recover 100% of cost, they feel, that is the hospital people, that if the amount is increased to the million, two hundred thousand dollars, they would be getting back 60% of cost. The committee was impressed by their arguments and increased the amount as requested, convinced that to leave it at a million dollars would simply pass an unfair burden onto

those who are able to pay their hospital bills.

The next department that requires a lot of money is the Department of Education. The appropriation bill is \$106,324 more in the first year and \$117,699 more in the second year than in the Governor's budget.

The increases include \$25,000 each year in the student scholarship fund for Teachers colleges which has been added in lieu of a cut in tuition charges. It was our thinking and I think that this is shared by the committee on Education that this is more desirable than cutting tuition, for by so doing aid can be given to worthy cases while those who could afford to pay tuition would help carry the load.

The State Teacher's colleges and the Madawaska Training School were increased under the bill by \$37,521 the first year and \$39,155 the second year. And the last item in Education that was increased was schooling of children in unorganized territory. Here we added \$43,585 the first year and \$53,544 the second year. When you consider the fact that 1500 children are taken care of under this program, I believe that you will find the cost remarkably low.

You will note that I have not spoken of the big item under Education which is the general purpose subsidy. In this matter we followed the Governor's budget. This amount will be 95.6% figured under the formula and in the opinion of the committee was as far as we could go.

While we are considering education let us give our attention to the University of Maine. The appropriation bill calls for \$305,000 the first year and \$385,000 the second year more than the Governor recommended. It is still under the revised request of the University by \$152,000 for the two year period. It seemed rather reasonable to us that the request for higher salaries be made. It seemed rather reasonable that the changes in personnel and the equipment asked for be granted. And I think also that a good case was made for research and extension. But I am not going to dwell on the Uni-

versity of Maine because you might feel that I am prejudiced on this particular phase of the bill. I am confident you will consider it honestly and respect the judgment of the committee.

In the Department of Health and Welfare we followed the Governor's budget but did have to consider the changes in the Old Age Assistance and Aid to the Blind which cost \$209,000 per year. And we also added a \$25,000 per year for old age assistance burials. This raises the burials from \$100 up to \$150. Altogether this Department shows \$239,447 over the Governor's budget.

Now let us give a little thought to institutions. This is one of the situations where it is very difficult to get a proper adjustment of what we should do to the number of dollars that we can provide. The total amount we provide in the bill is \$6,706,847 the first year and \$6,736,311 the second year. It is \$152,772 over the Governor's budget the first year and \$33,614 under his budget the second year. The bill provides for an additional \$50,000 per year for the Augusta State Hospital. It allows a teacher for the State School for Boys at \$3500 per year. It adds \$14,000 to the Central Maine Sanatorium but cuts out \$112,000 the second year for the operation of the new medical and surgical building because we were told that the building wouldn't be in operation enough of that year to justify more than the \$75,000 which we set up in the second year.

The Maine School for the Deaf, the Men's Reformatory, the Maine State Prison, Pownal State School, and the Western Maine Sanatorium all have been given substantial increases but in each instance seem to be justified.

Before I approach the next item I think of an incident that happened up home the other day. We had a big snow storm and as I came out of the house, over at a neighbor's house was a little girl who had brought a shovel out and was looking rather dubiously at the drifts which lay about. Well you know how it is, I was being very

encouraging and I said, "Pitch right in." We can always wax enthusiastic over some one else's work and then I gilded the lily by quoting,

"If a task is once begun,
Never leave it 'til it's done,
Be the labor great or small
Do it well or not at all."

And at that the little six year old girl shouldered her shovel and said, "I'm not going to start it."

In referring to this last item, there is one institution that gave us considerable concern. That is the Military and Naval Children's Home in Bath. In the case of this institution there was such a wide discrepancy between the per capita costs, and the per capita cost of taking care of other children under state care, that it gave us grave concern.

Here is a home which is a splendid institution, and I have no doubt is excellently run, but at the same time is way out of line as to costs. It costs over \$1636 per child on actual population to run this Home, and it seemed to the Committee that this was an extravagance that the State of Maine could not afford. Consequently by drastically cutting the appropriation we felt that it would focus attention on something that you might want to think about and take action. It may well be that the committee did not consider its action to be such a bombshell as it apparently is. Certainly there was no feeling to discriminate against any group or against any location. But if in the judgment of the members of the legislature this Home should be continued at the rate per capita that exists now, certainly that is its rights and privilege.

But let us do it knowing that we are doing and not have any misconceptions as to the number of people being served. Let us be honest in evaluating its worth to the State of Maine. If it is to continue lets change the appropriation bill. It it is to be discontinued let us adjust our figures to the situation. It may well be that there is a compromise area wherein the good people of Bath and Sagadahoc County will recognize some of their own responsibility.

I have presented to you the picture of appropriations as the committee sees it. My colleagues on the committee, Senator Haskell of Penobscot, and Senator Sinclair of Somerset will be glad to discuss any of the issues with you. I am sure that we will try to answer any questions that we can.

I believe, Mr. President that the proper motion at this time is to move that the bill pass to be engrossed, and I make this motion. However, before the question is put I think there should be full debate on the bill and if the Senate does not wish to send it over to the other branch at this time, and wants to hold it here, I will withdraw my motion and lay the bill on the table. Certainly there is no thought in my mind to try to rush anything through without full consideration. In the event after full discussion you wish the bill to go to the House, the present motion is in order but, as I say, if you desire that the bill be tabled, I am perfectly willing to do so.

Mr. CUMMINGS of Sagadahoc: Mr. President and members of the Senate, it is my privilege to address you today on the subject which has been brought up by the good Senator from Aroostook, Senator Collins. He has dwelt at some length and justly so, I believe, on the question of the Military and Naval Children's Home at Bath. He has brought to your attention that this home, the life of this home is being questioned at this time merely on the basis of costs, on the per capita cost of each child in the institution. Being from Sagadahoc and being cognizant of the vast problems of the State that we have got to consider in the problems of appropriations and taxation, I want to be the first to commend the Appropriations Committee's report and the approach taken to this general problem, and specifically the problem in Bath by the members of the Appropriations Committee.

I will dwell on costs, myself, first in my brief remarks because I believe the cost is of the minor nature, and therefore, should be considered first. Let's consider the least of the problems last. It is true that the per capita cost of this home is at the present time

\$1636 per child. Now, we in Sagadahoc have had only a brief time to get at the facts causing this present situation. In the brief time allotted to us to date we have run across some interesting things. We find that the per capita costs are largely costs arising from personnel in the home. I might say that this home is an old Colonial mansion which has been a state institution from the time of 1870. To maintain such a home obviously costs money. At the present time there are only 32 children in this home, children who are the sons and daughters of military and naval veterans.

Now, the only way to approach this problem it seems to me is the same way that you would approach the problem in your own home if the same problem there existed. If you found you had two children and a large house and you were overly concerned because of the cost per child in your own family it would seem to me you would have to adopt more children if you wanted to lower the cost per child. I don't think any one of us would think for a moment of closing our home and putting our children out for adoption. It seems to me there is a parallelism. I imagine there are more than 32 children of veterans in the State of Maine at the present time who would best be served if they were living in this fine and honorable mansion in Bath. I would like to believe the veterans are no longer with us and that war is a thing of the past. Such we know is not the case. Veterans are on the increase and veterans' children and veterans' children's problems are on the increase, and I say to you that we will not serve that problem by closing an institution.

Sticking to the cost, I might say we find if we added 30 more children in this home for which we have facilities, we could take these additional children at a cost of somewhat less than \$900 a year, average cost per child. It seems to me it is the logical way to approach this question, and it is the way we of Sagadahoc, and I believe certain members of this committee and I believe it is the way the Senate would have us approach this problem, from the point of view of

adding to the number of children who can best be served in this great institution.

In carrying out that logic we have not only bowed to the recommendation in the budget of the Executive Department but we have willingly cut down the amount of this appropriation substantially in Senate Amendment "A" which I propose to offer at this time. We have substantially reduced the Governor's recommendation, feeling that we in Sagadahoc, and other perhaps veterans' organizations will be glad to come to the rescue of such a fine and honorable institution. So the costs, I think, are pretty adequately cared for both by proposed additions to the number of inmates in the home and by lowered cost as to the budget.

In closing, I would like to make just a few remarks about the Bath Military and Naval Children's Home. This is, as I have said, a large Colonial mansion which was deeded to the State of Maine in 1869 by the Honorable Henry Rogers of Bath. The purpose of deeding this home was to make a home for children of veterans of the Civil War. This home has been open, flags flying, and doing business ever since, over 80 years. From this home we have graduated and produced some of the outstanding citizens. Many of them have become teachers, nurses, doctors, professional people. We have, I believe, a higher than average type of graduate from this home than graduate from the high school in Bath. The children in this home are reared from the age, I believe, of five, through high school, and are sent out in the world well prepared to take their rightful place in our great democracy. We have produced in this home a major general of the United States Army, a man who entered the Army Air Force as a private in 1923 and went up through the ranks and today is a major general in that great Army Air Force of our country. That is only one of the more glamorous cases. There are many more equally to be compared.

In closing, I would say to you that we have in Bath produced a home which takes care of a large number of children and rears them in the finest of atmospheres, rears

them and nurtures them in such a way that they can become a part of our great democracy. I believe there is no home in the State, public or private, which rears children with any finer zeal or zealotness than we do in the Bath Military and Naval Home.

So I would like to remind you that ghosts are haunting us this morning as we talk about this subject, ghosts of every war we have fought since the Civil War. We also have Senatorial ghosts because each and every Senate for the last 45 Senates has voted to maintain and keep open this home. I believe we would be derelict in our duty at this time if we took any step that would in any way challenge the State's right and duty and privilege of caring for these children, veterans' children. So at this time, only because I feel this problem can best be handled right here in the Senate, I offer Senate Amendment "A" and move its adoption.

The Secretary read Senate Amendment "A":

"Senate Amendment 'A' to S. P. 476, L. D. 1316, Bill An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954, and June 30, 1955. Amend said bill by striking out under that part which relates to INSTITUTIONAL SERVICE, DEPARTMENT OF the following lines:

| | | |
|------------------------------------|-----------|------------|
| Military and Naval Children's Home | 25,000 | |
| Total Institutions | 6,647,173 | 6,701,123 |
| Total Institutional Service | 6,731,977 | 6,784,450' |

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I speak as a member of the Appropriations Committee, and at the outset I will tell you that I shall vote for Senate Amendment "A", but to me the important thing for the record to show, and I accept as both honest and sincere, and no one could know the Senator from Sagadahoc, Senator Cummings, without knowing his honesty and sincerity, that there is a feeling that this particular institution in some categories, at least, is not unlike several of the other homes that the State

appropriates money for, and I refer to such institutions as the Good Samaritan Home, the Healy Asylum, the Maine Children's Home Society, Opportunity Farm, St. Joseph's Orphanage, St. Elizabeth Orphanage, the Healy Institution, Holy Innocents' Home, etc., wherein the State does recognize that those institutions do take care of destitute youngsters, and by taking them into those homes they are not problems for World War Assistance appropriations, Committed Child appropriations or A. D. C. appropriations.

I recognize to make a transition from a wholly subsidized home of this type directly to the type of institutions that are many throughout the State would, of course, be impossible, but to me the gratifying comment that has been made by the good people of Bath that they will make an effort to be partners with the State in the support of this institution seems reasonable and fair. I don't think any legislature is going to force the issue. I think it is well, as the Senator from Sagadahoc, Senator Cummings, has said, to lay the issue before the legislature, but I believe with the type of spirit that has been evidenced both by Bath people and Sagadahoc people and Veterans' organizations that they will make every reasonable effort so that come the next budget hearings and the next Appropriations Committee, within their interest they will be partners with the State in maintaining what is without any doubt an institution just as fine as many other institutions throughout the State. I think the solution which he offers which, in brief, is to reduce the appropriation by \$4,000 the first year and \$6,000 the second year, is a guess and can only be a guess in this short time as to what he may hope to find for local financial support, and I think anyone voting for this amendment should be appreciative of the thought expressed in his comments. I am willing to take them at more than face value, hopeful that the joint interests of the interested people can do the thing we all want done.

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

Thereupon, Senate Amendment "A" was adopted.

Mr. CHASE of Cumberland: Mr. President, I remember when I was a boy a diary which was then in circulation of a small boy contained entries somewhat as follows: "Earned five cents picking blueberries. Spent it all. Earned fifty cents sawing wood. Spent it all. Received from Grandmother \$1.00 for birthday. Spent it all." The same boy might 40 to 50 years later have come to the last legislature and made an entry that he participated in the revision of the State's tax structure, added greatly to the State's revenue which resulted in the creation of a substantial surplus, and came back to the next legislature and was obliged to repeat the boyhood entry, "Spent it all".

I speak to the general issue of this bill because I think the Taxation Committee has a peculiar responsibility to raise the money to pay these bills. I am sure the committee will accept that responsibility once these recommendations have been submitted to the test of majority vote in both branches of the legislature.

I call you attention to the fact that in the estimates of revenue there has been two increases made in the estimates of the sales tax, the first of which was included in the Governor's budget, and the second of which, \$637,500 was a supplementary estimate. I have no doubt the State Tax Assessor knows what he is talking about in making that estimate. The Committee on Taxation, however, had had no part in estimating that increase. I further call your attention to the fact this \$637,500 is presumably the so-called phantom revenue to which the Governor referred in a foot-note in his budget message, in which he expressed the hope that the revenue would exceed the estimate and from his excess the legislature might be able to reduce taxes in certain respects and he had particular reference to the tax on the net purchases on automobiles.

Looking at these figures and realizing that there are other worthy bills in this legislature which will add to the expenditures, I want to call the Senate's attention to the fact that it would appear from

these figures that no reduction in taxes can probably be made, and there is at least a possibility that additional taxes will have to be levied in order to finally balance the budget at the adjournment of the legislature. I had hoped sometime during my life to be a member of a legislature which reduced taxes in some important respect. The growth in State expenditures which has taken place during my lifetime is \$1,765,000. The towns at the time were raising three times as much money as the State, some of which, of course, was for the State. In 1910 the towns were raising twice as much money as the State, which then got up to around \$4,000,000. That was the year in which they enlarged the state house and Governor Fernald was defeated for reelection because they raised the taxes and extravagance was the issue. That seems pretty small compared to the current level of expenditures of around \$7,000,000, and I know people seem less concerned now about \$70,000,000 than they were then about \$4,000,000. In 1920 the towns were still raising one and a half times as much as the state. In 1930 it was roughly the same. In 1940 the State was way ahead of the towns, raising about 1.2 times as much, and in 1950 it was working up around one and a half times as much. Now, during all this period there has been a great flight from responsibility on the part of the towns. More and more of these burdens are being pushed on to the State. Even though the towns' expenditures have increased very substantially, they have not increased anywhere near in proportion to State's expenditures. We relieved the towns to some extent in the last legislature in the hope that they might be able to pick up some of their local burdens and be able to exercise local responsibility in local matters to some extent. They didn't show any great zeal to take the burdens back, which the State had previously assumed, but they did substantially increase their own expenditures for local education and other things. Now, it may be this burden must continue to grow. It may be the organization of govern-

ment has got beyond us all. I think the Appropriations Committee has done a fine job in presenting this budget to the legislature. I think, however that committee which is far more familiar than I can possibly be regarding these problems, it at a great disadvantage when they face this organization of state departments who know so much more than the legislature can possibly know unless somehow we create some kind of new instrument to bring it under some kind of control. At the rate these expenditures are increasing it will be another session or two before we will face the necessity of a new major tax.

I am not going to find fault with any particular recommendation in this bill. I got up because no one else seemed willing to discuss it and because I felt I had some peculiar personal responsibility somehow to raise the money through the Taxation Committee to pay for these bills. I do hope that before this bill finally passes that those who do have misgivings about it either in particular items or in toto will say what they think, will ask questions, will satisfy themselves that this truly has been submitted to the test of majority vote. When that is done I shall feel it is my duty to do my part in raising as much additional money as may be necessary to finance these appropriations.

Mr. HASKELL of Penobscot: Mr. President, I appreciate the very frank and objective comments made by the Senator from Cumberland, Senator Chase. I would remove any doubt he may have created in your minds with relation to the revenue estimates. I honestly believe and I think the other members of the committee honestly believe, and I am quite certain the State Tax Assessor honestly believes we have not resorted to phantom income in constructing the income at Augusta. By the same token I think it is much nearer to what may be actual income than many other estimates I have seen in this legislature and I think the earnings that will accrue to surplus from the fact the income estimates were under estimated will be at a minimum in the next bienn-

nium, based on these income estimates.

I would like also to explain in a bit more detail the thought expressed by the Senator from Cumberland, Senator Chase, with relation to exactly what the impact upon other bills will be by your acceptance of the general level of this appropriation measure. The Senator from Aroostook, Senator Collins, has told you that in round figures there would be \$600,000 the first year and \$300,000 the second year remaining unappropriated out of estimated income for those years. Those who are particularly interested in tax reduction measures should mark well those two figures of \$600,000 and \$300,000. In complete fairness, those who are interested in the Four Category bill, in the elderly teachers' bill, in the pardon bill which the Senator from Somerset, Senator Sinclair, tabled this morning, or in the head tax which relates to dividing 400,000 population of the State of Maine and relieving the towns except for that of A. D. C., should take into account the small amount of money because I think there is about \$150,000 on that bill. So before this bill leaves the Senate, although I know that engrossment may be reconsidered and I know further amendments may be put in in the other branch, when it does leave this stage of its journey through the legislature no one should be unmindful of the modest amount of money there is left for the L D's that relate to new services, expansion of existing services or reduction of income sources.

Those remarks I have tried to make in all fairness so that no member of this Senate will come to a sudden conclusion that an appropriation measure has been passed based on estimated existing revenue and does not leave room for the things he seriously and honestly believes should be under the general appropriation.

Mr. SQUIRE of Kennebec: Mr. President, in considering this bill I would like to add what I think is a word of caution. It seems to me that in considering the estimated revenue of the State we are basing somewhat our increases on income from the sales tax. I think we are appreciative of the hard work of

the Committee, and I for one in the Senate want to thank them for what I know is a tremendous task. I think we should take into consideration the fact that there probably won't be additional items on which to levy a sales tax. It seems to me there are more bills before the Taxation Committee to reduce it, plus the fact that an increase in sales tax income must be necessarily based on an increase in business. Being a business man, I would say the business index so far for this nearly completed first quarter of the year does not indicate an increase in business. Consequently, we should perhaps take into consideration that there may be a decrease in the take of the sales tax rather than an increase; I don't know how much, but I think we ought to consider it.

Mr. COLLINS: Mr. President and members of the Senate, the hour is getting a little late and I have received information that one of the Senators wants to propose another amendment and so at this time I would like to withdraw my motion for passage of the bill to be engrossed, and if that is agreeable then I would move to have the bill laid on the table and have it assigned for tomorrow's calendar, if we have room for it. I withdraw my motion that the bill be sent for engrossing.

The motion that the bill be passed to be engrossed was withdrawn.

Mr. HASKELL: Mr. President, speaking only on the time I would ask if it is possible to have it assigned as the first matter on tomorrow's calendar?

Thereupon, on motion by Mr. Collins, the bill was laid upon the table pending passage to be engrossed and especially assigned as the first tabled and assigned matter for tomorrow morning.

The President laid before the Senate, Bill, An Act Permitting the Separation of Cumberland Fore-side from the Town of Cumberland (S. P. 488) tabled by Mr. Chapman of Cumberland on March 12th pending reference, and today assigned.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate, I wish to apologize for perhaps not making my purpose clear last week in wanting to speak only

to the time this matter should be deferred. Because the hour is late I will say briefly it was may hope that the pending petition for withdrawal might be cleared by the State. On that basis and that basis only I suggested it be deferred. That matter is not yet clarified and it is only appropriate at this time that the matter be referred to the committee as originally suggested, the Committee on Towns and Counties.

Thereupon, the bill was referred to the Committee on Towns and Counties, ordered printed, and sent down for concurrence.

The President laid before the Senate, Bill, An Act Relating to Limitation of Slander and Libel Suits (S. P. 486) tabled by Mr. Chapman of Cumberland on March 12th pending reference, and today assigned.

Mr. CHAPMAN: Mr. President and members of the Senate, the purpose for tabling this matter pending reference having been accomplished I now move the bill be referred to the committee originally suggested, the Committee on Judiciary.

Thereupon, the bill was referred to the Committee on Judiciary, ordered printed, and sent down for concurrence.

Mr. CHASE of Cumberland: Mr. President, may I inquire if the Senate has in its possession, Resolve Proposing an Amendment to the Constitution Providing for One Hundred and Fifty-six State Representatives (S. P. 483) which was referred to the Committee on Judiciary on the last legislative day.

The PRESIDENT: The Chair will answer the Senator by stating that the Senate does have in its possession the bill in question.

Mr. CHASE: Mr. President, I move to reconsider the vote by which this was referred to the Committee on Judiciary. I do this and move the consideration be taken up tomorrow because the Senator from Franklin, Senator Butler, is not present, and because of the vote which was taken last Thursday it seemed to me that the Senate did not clearly understand the matter. I have no plans regarding the bill and no further motion to make but

am moving to reconsider simply that it may be taken up when the Senator from Franklin, Senator Butler, is here.

Mr. CHAPMAN: Mr. President, as sponsor of the original motion I would like to state I now concur wholeheartedly in the motion by Senator Chase of Cumberland.

On motion by Mr. Chase of Cumberland, the bill was laid upon the table pending that Senator's motion for reconsideration and especially assigned for tomorrow.

Mr. CHAPMAN of Cumberland: Mr. President, I request unanimous consent to address the Senate for just a brief moment, and if the request is granted I would like to say a word or two regarding the untimely passing of Mickey O'Brien.

Unanimous consent was granted to Mr. Chapman to address the Senate.

Mr. CHAPMAN: Mr. President and members of the Senate, it seems to me appropriate under the circumstances that we should at least acknowledge the passing of our very good friend Mickey O'Brien—Mickey, as we all affectionately knew him. I don't rise from a sentimental point of view because that would not be appropriate either to Mickey or the views I have. I don't propose any long eulogy because that again I know would be inappropriate and not at all to his liking, but I do think it is pertinent to point out just as his observations were succinct, short and sweet, and sometimes not so sweet, I think we should perhaps in justice to him say a word. Many conclude that Mickey in his observations was often wrong yet most of us or many of us would admit privately that he was often right and we did not want to admit it. He was certainly a therapeutic and helped phenomenally in and around the state house. As we have often heard him use the expression, he "called the shots as he saw them." He annoyed us at times but even so, he kept us on our toes and on our mettle. Lastly, I want to say he was one of the most pleasing and genial and at the same time one of the most amusing and entreating personalities who has done business in these

state house corridors. I counted him as a friend, and in his untimely, unexpected death I have lost a friend. I know all of us feel the same way, that we have lost a friend.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at ten o'clock.