

# 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 24, 1953.

The Senate was called to order by the President.

Prayer by the Rev. Arthur Christopher of Augusta.

Journal of Thursday, March 19, 1953, read and approved.

**House Papers**

"Resolve for the Laying of the County Taxes for the Years Nineteen Hundred Fifty-three and Nineteen Hundred Fifty-four." (H. P. 1205) (L. D. 1375)

Reported by the Committee on County Estimates, and comes from the House, passed to be engrossed, as amended by House Amendment "A".

Which resolve was read once, House Amendment "A" was read and adopted in concurrence, and under suspension of the rules, read a second time and passed to be engrossed, as amended, in concurrence.

Joint, Order re. Lists of Hearings scheduled, being made available to Weekly Newspapers. (S. P. 238)

(In Senate, on March 18th, passed as amended by House Amendment "C" in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the order was passed as amended by House Amendments "A", "B" and "C".

In the Senate, on motion by Mr. Reid of Kennebec, the Order was laid upon the table pending consideration and especially assigned for later in today's session.

Bill "An Act Relating to the Salary of the County Attorney of Piscataquis County." (H. P. 363) (L. D. 379)

(In Senate, on March 10th, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Weeks of Cumberland, the bill was laid upon the table pending consideration, and especially assigned for later in today's session.

Bill "An Act to Amend the Bracket Schedule in the Sales and Use Tax Law." (S. P. 191) (L. D. 439)

(In Senate, on March 18th, the Majority Report "Ought to Pass" accepted, and the bill passed to be engrossed.)

Comes from the House, the Minority Report, "Ought Not to Pass" accepted.

In the Senate, on motion by Mr. Chase of Cumberland, the bill was laid upon the table pending consideration and especially assigned for later in today's session.

**House Committee Reports**

The Committee on Towns and Counties on Bill "An Act to Amend the Charter of the City of Calais re Term of Office of School Committee," (H. P. 874) (L. D. 945) reported that the same be referred to the Committee on Education.

Which report was read and accepted in concurrence.

The Committee on Claims on "Resolve, in Favor of Mrs. Carol Hapworth of Winslow," (H. P. 319) (L. D. 390) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Disposal of Wild Animals Damaging Motor Vehicles," (H. P. 586) (L. D. 628) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence and the bill and resolve read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bill and resolve as amended were tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting with Bow and Arrow," (H. P. 256) (L. D. 286) reported the same in a new draft, (H. P. 1196) (L. D. 1350) under the same title, and that it ought to pass.

Comes from the House, the bill in new draft passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Parker of Piscataquis, the bill and

accompanying papers were laid upon the table pending consideration of the report, and especially assigned for Wednesday, March 25.

The Majority of the Committee on Towns and Counties on Bill "An Act Relating to Items of Business in Millinocket Town Meetings," (H. P. 77) (L. D. 72) reported that the same ought not to pass.

(Signed)

Senators:

WEEKS of Cumberland  
BROGGI of York

Representatives:

STANLEY of Hampden  
PETERSON of Bar Harbor  
EVANS of Cornish  
SCOTT of Wales  
HILTON of Bremen  
EDWARDS of Raymond  
CALL of Cumberland

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed)

Senator: WARD of Penobscot

Comes from the House, the Majority Report read and accepted.

In the Senate, the Majority Report was read and accepted in concurrence.

The Majority of the Committee on Sea and Shore Fisheries on "Resolve Relating to the use of Purse or Drag Seines in Certain Waters," (H. P. 237) (L. D. 219) reported that the same ought not to pass.

(Signed)

Senators:

BROWN of Washington  
DOW of Lincoln  
LITTLEFIELD of York

Representatives:

HANSON of Machiasport  
BILLINGS of Stonington  
McCLUSKEY of Warren  
STANWOOD of Steuben

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed)

Representative:

TUPPER of Boothbay  
Harbor

Comes from the House, the Majority Report read and accepted.

In the Senate, the Majority Report was read and accepted in concurrence.

The Majority of the Committee on Inland Fisheries and Game on "Resolve, Relating to Ice Fishing in Peabody Pond, Cumberland County," (H. P. 66) (L. D. 62) reported that the same ought not to pass. (signed) Senators:

WIGHT of Penobscot  
WEEKS of Cumberland

Representatives:

FRECHETTE of Sanford  
HARNDEN of Rangeley  
BUTLER of Franklin  
WATSON of Moose River  
Pt.  
CURRIER of Caribou  
VAUGHAN of Hallowell

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

(Signed) Representative:

WHITNEY of Bridgton

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

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

#### Communications:

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

March 18, 1953

Hon. Chester T. Winslow  
Secretary of the Senate  
96th Legislature

Sir:

The Speaker of the House today appointed the following conferees on the part of the House on the disagreeing action of the two branches of Legislature on Resolve in Favor of the Town of Medway, (H. P. 63) (L. D. 1176) and also Resolve in Favor of the Town of Freeport, (H. P. 500) (L. D. 1177):

Messrs. POTTER of Medway

TUTTLE of Pownal  
GATES of Millinocket

Respectfully,

HARVEY R. PEASE  
Clerk of the House.

HRP/rwb

Which was read and ordered placed on file.

Mr. HASKELL of Penobscot: Mr. President, with no little embarrassment, I offer another bill and ask unanimous consent for its acceptance. This one, I think, has a little merit. It involves an electric light company up in Bangor, and the state hospital up there, wherein the state hospital would like the electric light company to give it a second source of service and the electric light company would be very happy to do it.

It would be very happy to have the state build its own lines and the state doesn't look with too much favor on that. They want the electric light company to build the lines. In order for the electric light company to build the lines, there is the little matter of easement to get over the land and this bill would authorize the Commissioner to make such a dicker as he sees fit so that the electric company at its own expense could supply a source of energy to the Bangor State Hospital. That is the reason for this bill and I am seriously hoping that it meets with approval—for the good of the state only.

Mr. BOUCHER of Androscoggin: Mr. President, since I have no more bills that will require unanimous consent, so far as I know, I am almost tempted to refuse unanimous consent for this one, but considering the words of our Big Chief from Penobscot, I think for the best interests of the state I will go along and let him have unanimous consent.

Thereupon, Resolve Authorizing the Commissioner of Institutional Service to grant pole line easement on the Property of the State Hospital in Bangor, was received by unanimous consent, and on motion by the Senator from Penobscot, Senator Haskell, was referred to the Committee on Natural Resources and ordered printed.

Sent down for concurrence.

### Senate Committee Reports

Mr. Reid from the Committee on Judiciary on Bill "An Act Defining the Practice of Law," (S. P. 354) (L. D. 965) reported that leave be granted to withdraw the same.

Mr. Collins from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Line Budget for Personal Services for State Departments," (S. P. 285) (L. D. 819) reported that the same ought not to pass.

(On motion by Mr. Haskell of Penobscot, tabled pending consideration of the report and especially assigned for later today.)

Mr. Ward from the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Abolish the Governor's Council," (S. P. 306) (L. D. 921) reported that the same ought not to pass.

(On motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report, and especially assigned for Wednesday, March 25.)

Mr. Reid from the same Committee on Bill "An Act Relating to Indeterminate Sentences for Certain Crimes," (S. P. 300) (L. D. 916) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Chapman from the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Lewiston," (S. P. 428) (L. D. 1155) reported that the same ought not to pass.

(On motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report, and especially assigned for Wednesday, April 1.)

Mr. Chase from the Committee on Taxation on Bill "An Act Relating to Taxation of Insurance Companies," (S. P. 259) (L. D. 683) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Robbins from the Committee on Highways on Bill "An Act to Increase the Salaries of Mem-

bers of the State Police," (S. P. 295) (L. D. 829) reported that the same ought to pass.

Mr. Harding from the Committee on Judiciary on Bill "An Act Relating to Dismissal and Disciplinary Action Under the State Personnel Law," (S. P. 399) (L. D. 1120) reported that the same ought to pass.

Mr. Reid from the same Committee on Bill "An Act Relating to Arrests Without Warrant," (S. P. 305) (L. D. 922) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Limitation of Actions When Death of Either Party Before Suit Commenced," (S. P. 247) (L. D. 672) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Temporary Judges for Municipal Courts," (S. P. 249) (L. D. 674) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Recording of Conditional Sales Agreements," (S. P. 252) (L. D. 675) reported that the same ought to pass.

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

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to Time of Cremation of Bodies After Death," (S. P. 353) (L. D. 964) reported that the same ought to pass as amended by Committee Amendment "A".

The same Senator from the same Committee on Bill "An Act Relating to the Admissibility of Blood Tests in Criminal Cases," (S. P. 250) (L. D. 677) reported that the same ought to pass as amended by Committee Amendment "A".

Mr. Harding from the same Committee on Bill "An Act Amending the Election Laws," (S. P. 309) (L. D. 926) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted and the bills read once; Committee Amendments "A" were severally adopted, without reading, and the bills as so amended were tomorrow assigned for second reading.

### Passed to be Engrossed

"Resolve in Favor of the Town of Milo." (H. P. 486) (L. D. 506)

"Resolve in Favor of Rodolphe H. Morais, of South China." (H. P. 498) (L. D. 1354)

"Resolve to Reimburse White & Hayes of Bangor." (H. P. 501) (L. D. 1358)

"Resolve, to Reimburse Clark-Mitchell Funeral Homes, of Bangor." (H. P. 502) (L. D. 1355)

Bill "An Act Relating to Salaries of Members of Boards of Registration." (H. P. 606) (L. D. 605)

"Resolve, in Favor of Eastern Maine General Hospital, of Bangor." (H. P. 634) (L. D. 656)

"Resolve in Favor of the Town of Liberty." (H. P. 637) (L. D. 1354)

"Resolve in Favor of the Town of Knox." (H. P. 638) (L. D. 1353)

Bill "An Act Relating to Non-Registration of Farm Tractors." (H. P. 696) (L. D. 731)

"Resolve, in Favor of the Town of Sullivan." (H. P. 717) (L. D. 1352)

Bill "An Act Relative to Mapleton and Chapman Game Preserve." (H. P. 728) (L. D. 747)

Bill "An Act Relating to Renewal of Licenses for Barbering, Hair-dressing and Beauty Culture." (H. P. 759) (L. D. 794)

"Resolve in Favor of the City of Gardiner." (H. P. 797) (L. D. 882)

Bill "An Act Relating to Payments of Somerset County Law Library." (H. P. 853) (L. D. 910)

Bill "An Act Relating to Salary of Judge and Allowance for Clerk Hire of the Pittsfield Municipal Court." (H. P. 854) (L. D. 928)

Bill "An Act Relating to Salaries and Fees of Western Somerset Municipal Court." (H. P. 855) (L. D. 929)

Bill "An Act to Increase the Salary of the Judge of the Western Hancock Municipal Court." (H. P. 860) (L. D. 933)

Bill "An Act to Increase the Salaries of the Judge and Recorder of the Northern Aroostook Municipal Court."

Bill "An Act to Increase the Salary of the Judge of the Van Buren Municipal Court." (H. P. 863) (L. D. 935)

Bill "An Act to Increase the Salary of the Judge of the Ellsworth Municipal Court." (H. P. 876) (L. D. 947)

"Resolve, in Favor of Ray Spearen, of South China." (H. P. 908) (L. D. 1357)

Bill "An Act Authorizing Aroostook County to Contribute Funds to the Unorganized Territory Capital Working Fund," (H. P. 997) (L. D. 1084)

Bill "An Act Relating to Salaries of Certain County Officers of Sagadahoc County." (H. P. 1001) (L. D. 1088)

Bill "An Act to Increase the Salary of the Judge of the Eastport Municipal Court." (H. P. 1002) (L. D. 1089)

Bill "An Act Relating to the Powers of the City of Calais." (H. P. 1004) (L. D. 1091)

Bill "An Act Relating to Manufacturers and Bottlers of Non-Alcoholic Beverages." (H. P. 1195) (L. D. 1348)

Bill "An Act to Establish a State Committee on Aging." (H. P. 1197) (L. D. 1349)

Bill "An Act Relating to Speed Regulations for Motor Vehicles." (H. P. 1198) (L. D. 1351)

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

"Resolve Regulating Ice Fishing in Coffee Pond, Cumberland County." (H. P. 267) (L. D. 304)

Bill "An Act Relating to Requirements for Registration for Hair-dressing and Beauty Culture." (H. P. 760) (L. D. 795)

Bill "An Act Relating to Earth Movers." (H. P. 769) (L. D. 734)

Bill "An Act Relating to Salaries of Recorders and Judges of Municipal Courts, Clerk Hire and Rentals of Such Courts in Penobscot County." (H. P. 871) (L. D. 942)

"Resolve, Authorizing the Commissioner of Education to Convey Certain Interest of the State to Town of Unity." (H. P. 1059) (L. D. 1196)

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

"Resolve Providing for a Continuous Survey of Closed Clam Areas and Study of Fuel Oil Pollution." (S. P. 94) (L. D. 229)

Bill "An Act Relating to Crediting of Property Taxes on Books of

the State, and Making an Appropriation Therefor." (S. P. 96) (L. D. 228)

Bill "An Act Relating to Salary of Judge of Probate in Cumberland County." (S. P. 148) (L. D. 348)

Bill "An Act Creating the Department of Finance and Administration." (S. P. 159) (L. D. 407)

Bill "An Act to Increase the Salary of the Treasurer of Cumberland County." (S. P. 232) (L. D. 600)

Bill "An Act Relating to the Salary of the Deputy Treasurer of the County of Cumberland." (S. P. 233) (L. D. 599)

Bill "An Act Relating to Clerk Hire in Office of Register of Probate, Cumberland County." (S. P. 261) (L. D. 687)

Bill "An Act Relating to the Salary of Register of Probate, Cumberland County." (S. P. 263) (L. D. 686)

Bill "An Act Relating to Compensation for Members of Maine Turnpike Authority." (S. P. 297) (L. D. 827)

Bill "An Act Relating to Adoption of a Certain Child." (S. P. 438) (L. D. 1206)

Bill "An Act Relating to Meetings by Towns to Regulate Taking of Clams." (S. P. 378) (L. D. 1041)

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

Sent down for concurrence.

Bill "An Act Relating to Duties of Court Stenographers." (S. P. 104) (L. D. 318)

Bill "An Act Relating to Roadside Picnic Areas." (S. P. 167) (L. D. 412)

Bill "An Act Creating a State Scholarship Fund for Normal School and Teachers' College Students." (S. P. 242) (L. D. 667)

Bill "An Act Relating to Salaries of County Attorney and Assistant County Attorney of Cumberland County." (S. P. 260) (L. D. 684)

Bill "An Act Relating to the Taking of Lobsters in York River, County of York." (S. P. 329) (L. D. 832)

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

Sent down for concurrence.

### Orders of the Day

The President laid before the Senate, Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (S. P. 493) (L. D. 1347), tabled by the Senator from Penobscot, Senator Haskell, on March 19th pending passage to be engrossed and today assigned, and the Chair recognized the Senator from Franklin, Senator Butler.

On motion by Mr. Butler the resolve was then passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec the Senate voted to take from the table Joint Order re List of Hearings Scheduled Being Made Available to Weekly Newspapers (S. P. 238), tabled by the Senator earlier in today's session pending consideration.

Mr. REID of Kennebec: Mr. President and members of the Senate, last Thursday I think I remarked that this order was all but dead. Today I think we should strike out the "all but," and in order to give it a decent burial I will move that the Senate do now adhere to its former action.

The motion to adhere prevailed.

On motion by Mr. Weeks of Cumberland the Senate voted to take from the table bill, An Act Relating to the Salary of the County Attorney of Piscataquis County (H. P. 363) (L. D. 379) tabled by that Senator earlier in today's session pending consideration, and that Senator yielded to the Senator from Piscataquis, Senator Parker.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, in order that I may study this and find out what has gone wrong with a bill that I believe has some merit I would like to retable this bill until tomorrow morning.

Thereupon the bill and accompanying papers were tabled pending consideration and tomorrow assigned.

On motion by Mr. Chase of Cumberland the Senate voted to take from the table bill, An Act to Amend the Bracket Schedule in

the Sales and Use Tax Law (S. P. 191) (L. D. 439) tabled by that Senator earlier in today's session pending consideration.

Mr. CHASE: Mr. President and members of the Senate, as the Senate will remember, this bill came from the Taxation Committee with a divided report and the Senate, without a record vote, accepted the majority "Ought to Pass" report of the Committee. When the last legislature enacted the Sales Tax law those who had charge of its drafting and the establishment of the brackets, were guided by the tax experience of other states that the bracket established should be expected to compensate the retailer so that under the bracket he would be likely to take in approximately as much money as he had to pay to the State on the percentage of his sales. It appears, at least to some of us on the Committee from evidence submitted, that this has not happened and that there is a hardship upon the retailer in the lower sales brackets.

The Taxation Committee also has before it another bill which proposes to compensate the retailer on a percentage basis but this bill, even if enacted, would not, as I believe, take care of the loss which is being sustained by the retailer in the lower bracket. There has been quite a lot of talk about the need for changing this bracket, by people in the legislature and by others connected with the state government. I am one of those who believe that the bracket should be changed. The House by its action disagreed with the Senate. As I said, the Senate did not take a record vote when it accepted the majority "Ought to Pass" report of the Committee so there is no evidence regarding the weight of opinion in the Senate as to whether the bill should pass or not.

I believe an effort should be made to correct this situation by means of this bill and in order that that effort may be made I move that the Senate do now insist upon its former action and ask for a committee of conference. If that motion should be adopted the committee of conference ought to know, I think, something regarding the sentiment of the Senate with re-



spect to this bill and therefore when the vote is taken on the motion to insist and ask for a committee of conference, I ask for a division.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I would first like to make it clear that I do not inject myself into this matter as a means of being a member of this proposed committee of conference if the side on the question which I favor does prevail. I do wish to point out that it wasn't too clear, to me at least, in the discussion of the Senator from Cumberland, Senator Chase, that this is one of two vehicles by means of which the legislature may make good what might be a multiple of pledges to remove from the Sales Tax bill such inequities as work a hardship on a merchant.

I had hoped that the legislature would use this type of vehicle rather than setting up the payroll type of vehicle by means of which the state pays a merchant on a percentage basis or may other basis. I think in passing the Sales Tax law we thought the bracket system as established would result in offsetting the loss that a merchant would sustain on certain small sales, but I do not believe that any payment system that you can set up would take care of the situation as well as this type of bill does.

Now, thinking of the appropriation measure again, this is the type of thing — and there is no need of failing to disclose the fact — that by use of this type of vehicle the tax payer is himself paying, which seems reasonable to me, these extra sums which represent what may well be losses to the retailer now. Taking it the other way, it is either going to make more difficult the removal of other inequities that may exist or it is going to make more difficult the passage of such expenditure measures as we wish. I think the Senator from Cumberland is perfectly right in asking for a division and I am one who hopes the division of the Senate on this question will be that the Senate believes sincerely and honestly that this is type of thing that ought to be used to give the relief to those situations that do exist in the Sales Tax measure.

Mr. BROGGI of York: Mr. President and members of the Senate, I am certainly in accord with the Senator from Cumberland, Senator Chase, but I believe this bill by setting the bracket back to nineteen cents from the present twenty-five cent is a starting point in correcting certain inequities and I would like to give a specific example of one case. A gentleman in York County who runs a large drugstore told me the other day that in his fountain business, representing about forty thousand dollars, sixty percent of the sales are under the present minimum for which he can collect a tax. In other words, this gentleman pays a sales tax on twenty-four thousand dollars worth of business annually representing about \$40 a month that he does not collect. It does seem to me that this bill gives a measure of relief by setting the bracket back to nineteen cents and would give relief to those merchants who at the present time are penalized by the present law. I certainly hope that the Senate will vote for the motion of the Senator from Cumberland, Senator Chase.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate, I wish to go along with the thoughts of my colleagues who have already spoken. I do not think it was the intent of the law for this act to cost the merchants anything but we have put the burden on them of collecting the tax and I know this situation does exist in my own city that there are those whose conscience bothers them to pay on their gross sales and others who don't, and it isn't followed up too closely, and I think perhaps this might correct that situation.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chase, that the Senate insists on its former action and ask for a committee of conference, and the same Senator has asked 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.

Mr. SQUIRE of Kennebec: Mr. President, I would like to have the members of the Senate counted as it seems to me that one Senator did not vote.

The PRESIDENT: The Chair will ask the Secretary to make a count of the members of the Senate present.

The Secretary made the count.

The PRESIDENT: For the information of the Senator from Kennebec, Senator Squire, the Chair will state that the number of Senators present in the Senate Chamber is 29. The division in the Senate indicated a vote of 27 in the affirmative and none in the negative. The motion to insist and ask for a committee of conference therefore is carried.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table Report from the Committee on Appropriations and Financial Affairs, reporting "Ought Not to Pass" on bill, An Act Relating to Line Budget for Personal Services for State Departments (S. P. 285) (L. D. 819), tabled by that Senator earlier in today's session pending consideration.

Mr. HASKELL: Mr. President and members of the Senate, this is not a funeral sermon on any bill although the bill happens to have my name on it. We have previously accepted an "Ought Not to Pass" report on a generally similar bill. Both bills refer to Line Budget procedures. The Little Hoover Commission recommended to the legislature a rather complete Line Budget procedure. The Advisory Committee on the Budget, and I think at least to a degree the Appropriations Committee, saw some merit in line budgeting with respect to personal services on business with respect to capital expenditures. At least one member of the committee still believes there is quite a bit of merit in line budgeting. The general concept of line budgeting provides that such money as is provided for any specific type of service shall not be subject to transfer into another type of service. However, our statutes give to the Governor and Council reasonably rigid control over the transfer procedure. They first provide that even after the appropriations are made the Governor and Council must allocate all such funds. That is the first type of

control. Then in a general way they have a further control in that it requires a council order to transfer appropriations from one to another. I think I still believe line budgeting would result in more strict accounting, but by the same token it would require much more involved accounting and I think might impose hardship under certain emergency conditions. The Governor recognized this problem and has said to me that if the legislature does not impose line budgeting at this session, he and his council will try to accomplish a better record than may have been accomplished in prior years and will try to come before the next legislature with such a record of accomplishments as to make the need for line budgeting with its accompanying complications of accounting much less difficult, and my only purpose in making these comments is to get into the record that there is merit, at least in my opinion, in line budgeting, and there is room for substantial improvement in the handling of it after we get out of legislature. I make that comment with no criticism of what has been done, but with the hope, and a sincere hope, that the present administration will more carefully watch the allocations and transfers and come nearer to accomplishing that which would be accomplished in cumbersome line budgeting. Therefore, Mr. President, I move acceptance of the "Ought Not to Pass" report of the committee.

The motion prevailed, and the "Ought Not to Pass" report of the Committee was accepted.

Sent down for concurrence.

Mr. CHASE of Cumberland: Mr. President, as the Senate doesn't seem to have a very heavy calendar this morning, and as I would like to remove my name from all tabled and unassigned matters, I would move to take from the table Item 9 on Page 8 of the Calendar.

Thereupon, House Report "Ought to Pass" from the Committee on Judiciary on Bill, An Act Relating to Acquisition of Schoolhouse Lots by Condemnation (H. P. 269) (L. D. 297) tabled by Mr. Chase of Cumberland on March 5th pending consideration, was taken from the table.

Mr. CHASE of Cumberland: Mr. President, as I understand it, the law now provides that a town can take five acres of land by eminent domain for schoolhouse purpose, lot and playground. And further, the law now provides that such taking cannot be within 50 feet of a dwelling house. This bill proposes that the amount of land which can be taken in one piece shall be increased from five acres to 25 acres. Now, 25 acres is quite a piece of land, about 1050 feet square. A baseball field requires something like three acres of land and a football field about the same, and it would be a very large schoolhouse or combination of schoolhouses which would require more than three acres of land for the building of such, so that the increase from five acres to 25 is a pretty substantial increase. Furthermore, this bill strikes out of the law the provision that the taking must be at least 50 feet away from a dwelling house and makes it possible, I do not say likely, but at least makes it possible that the 25 acres may include all dwelling houses, real estate and buildings which may be thereon. It seems to me that is a very considerable extension of the power of eminent domain to municipal officers, and if there are others who agree with me that they would like to have the Committee on Judiciary take another look at this bill I hope they will support my motion that the bill be recommitted to the Committee on Judiciary. I have talked with the representative who introduced the bill, who said he had no personal interest in it but it was given to him by somebody connected with the Education Department or one of their subsidiaries. I therefore move the bill be recommitted to the Committee on Judiciary.

Mr. REID of Kennebec: Mr. President, I have no particular objection to the bill being recommitted to the Committee on Judiciary, but for the information of the Senators, the bill was passed out "Ought to Pass" for the following two reasons: In the first place, the testimony before the Committee was that in all probability there would be no likelihood of there ever being a condemnation and a purchase of as

much as 25 acres except of large cities where they might want to have two school plants side by side, in which case they thought they might need up to 25 acres. The second reason why the bill was reported out "Ought to pass" was that there is quite a lot of protection against taking as much as 25 acres with industrial buildings or homes or valuable property for the reason no one would want to pay that much for it. If you want to build a schoolhouse on 25 acres you would normally look for a field area because it would be prohibitively expensive to buy 25 acres, five acres or one acre which would require the removing of valuable buildings. By the very nature of it the committee felt there would be no abuse in that respect. The committee had no particular pride in the measure and would just as soon have it recommitted, but I want to make it clear that in my opinion it would be impossible to have any abuse take place in view of the cost of what the Senator from Cumberland, Senator Chase, thinks might be done, would be so much no one could afford to do it. Of course, it would be very nice if every schoolhouse had 25 acres. As a matter of fact, many schoolhouses that we have today do not have anywhere near enough land for children to play on. That is the feeling of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chase, that the bill be recommitted to the Committee on Judiciary.

Thereupon, the bill was recommitted to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Senator from Franklin, Senator Butler, calls the attention of the Chair that the students presently in the balcony are from Farmington High School under the direction of Mr. Reid. In addition, the Chair privately understands that one of the students who is with the group this morning is the daughter of the Senator from Franklin. The Senate, I am sure, takes pleasure in welcoming you young folks here this morning and

hopes you have a most enjoyable and instructive day. (Applause)

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table, Bill, An Act Relating to Police Officers in Uniform Stopping Motor Vehicles for Examination (H. P. 270) (L. D. 298), tabled by that Senator on March 10th pending passage to be engrossed in concurrence.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate, this particular bill relates to a subject matter upon which there is a similar bill also on the table. I refer, as far as the second item is concerned to Item One on today's tabled and unassigned matters on the calendar, which is L. D. 278, Bill, An Act Relating to Carrying Motor Vehicle License by Operator. The latter item was tabled by the Senator from Penobscot, Senator Haskell, pending some sort of disposition on Item 12. Item 12 was tabled by myself pending some sort of disposition of Item One. So we have a little bit of a vicious circle here and I think we can break it by taking one bill off and passing on it, and for that purpose I am removing Item 12 from the calendar and will make a motion to postpone it indefinitely. I will say as between the two bills as relating to the same subject matter, namely, the carrying of an operator's license by an operator, that Item One which was tabled by Mr. Haskell of Penobscot, L. D. 278 is the more appealing of the two because it prescribes a standard of law. Item 12 prescribes a standard of proof in the courts and is a little bit repugnant to lawyers, and I have discussed it with several others, and therefore, I am going to move that Item 12, L. D. 298, be indefinitely postponed.

Mr. HASKELL of Penobscot: Mr. President, I find myself in the usual position of a confused layman debating with members of the Bar, but I am sure the Senator from Kennebec, Senator Reid, will correct me if I am stating the problem incorrectly. The bill now before us, L. D. 298, came out of committee, I think the Judiciary Committee, with an ought not to pass report. The Senator from Cumberland, Senator Chapman, says "Let's indefinitely postpone that bill" and

he is willing to accept L. D. 278. It is the first tabled and unassigned matter, which the Committee on Transportation thought was all right, and he says this is the important item. I will call to the attention of the Senator from Kennebec, Senator Reid, that another member of the Judiciary Committee in the House successfully moved it be indefinitely postponed, so if the Judiciary's position prevails in the House and this little gem is indefinitely postponed and if the position of the Senator from Cumberland, Senator Chapman, prevails in this branch, the effort of both committees will be completely frustrated, so I think I turn myself over to the Senator from Kennebec, Senator Reid hoping he can by some means or another salvage one bill or the other.

Mr. REID of Kennebec: Mr. President, I don't think we need to feel particularly frustrated if they are both defeated. (Laughter) Actually they are two mountains made out of two molehills. At the hearing the only real legitimate purpose behind L. D. 298 was this, as a practical matter: As I understand it, many times a police officer will stop a car and ask the operator for his license. The operator may have changed his clothes that morning and entirely forgotten to take his license with him. Frankly, I was surprised to find that it was not a violation; if you have a license at home, although you may be dragged into court the next morning, you will be exonerated by the Court. The purpose of 298 was this: In many instances when a police officer comes to court the next morning the burden is on him to prove that the operator in fact did not have a license, that he just didn't have one, and in order to prove that, if the respondent was to stand on his rights and not take the stand but sit back and make the State prove its case, it would be incumbent on the police officer to call upon the Secretary of State to come to court in person and testify that his records showed that there was no license, etc. So the purpose of this was to put the burden of going forward, to prove he did have a license, on a respondent. I do not see any harm in it but personally I do not think

it does any particular good because I think that the number of cases where that would occur would be at a minimum.

Now L. D. 298 is a State Police bill. I rather like 278 in preference to 298. (Laughter) I do not know by what magic I can get myself out of the position the Senator from Cumberland, Senator Chapman, puts us in when he moves to indefinitely postpone 298, where the House, as I understand it, has moved to indefinitely postpone 278. I think the only solution I can see would be to go along with the Senator from Cumberland, Senator Chapman, in the indefinite postponement of 298, and have this branch agree with the disposition of 278, and see what happens from there on in.

Mr. CHAPMAN: Mr. President and members of the Senate, I don't want to prolong this business of enlarging the molehills into the mountains. I do find myself in the peculiar situation, just as the Senator from Penobscot, Senator Haskell has, of championing the laymen's bill as against the professional bill. Nevertheless, I do feel, as Senator Reid has pointed out, that L. D. 278 is the more appealing bill, but I want to point out in moving the indefinite postponement of the bill I was not engaging in any legerdemain in attempting to frustrate any bill. As a matter of fact, I didn't know what the status of the passage or non-passage of the bill was. My thought was that perhaps we could dispose of this one and the other body might go along with us in concurrence later on, on Bill Number One.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Cumberland, Senator Chapman, that the bill be indefinitely postponed.

Thereupon, the bill was indefinitely postponed, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, Bill, An Act Relating to Carrying Motor Vehicle License by Operator (H. P. 293) (L. D. 278), tabled by that Senator on February 24th pending passage to be engrossed in non-concurrence.

Mr. HASKELL of Penobscot: Mr. President, I move this bill be passed to be engrossed in non-concurrence, knowing it will go back to the other branch with plenty of opportunity for the fellow member of the Judiciary Committee to kill the bill in the other branch, or to consider it, and if he does consider it I hope he will take out of the bill the atrocious English that now exists. I think the record ought to show that the bill as written is a confusing and poorly written thing, and he could be doing a good service if he read over L. D. 278 if he desires to have one of the two bills, and if he desires the House do insist I am going to leave this legislature perfectly content with my conscience that we have not left a major problem unsolved. (Laughter)

Thereupon, the bill was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Littlefield of York

Adjourned until tomorrow morning at ten o'clock.