

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

Thursday, April 9, 1953

The Senate was called to order by the President.

Prayer by the Rev. Robert Brackley of Hallowell.

Journal of yesterday read and approved.

On motion by Mr. Haskell of Penobscot, the rules were suspended in order that the Senate might take up out of order, an item on today's calendar.

Mr. HASKELL of Penobscot: Mr. President, I now move that the Senate pass to be enacted the emergency measure which is the last item on page 19 of today's calendar, being, "An Act Accepting from Percival Proctor Baxter the Gift of Six Hundred Seventy-five Thousand (\$675,000) dollars for the New Maine State School for the Deaf to be Constructed on Mackworth Island in the Town of Falmouth, Maine, and for a New Bridge Connecting said Island with the Mainland of said Town."

I am sure, Mr. President and members of the Senate, that the motion that this bill be enacted does not at this time need debate or extended remarks but prior to the completion of the enactment and the signing of the document by the President, I think that further comments certainly are due this very generous offer of ex-Governor Baxter.

The Secretary read the title of the bill:

Bill "An Act Accepting from Percival Proctor Baxter the Gift of Six Hundred Seventy-five Thousand (\$675,000) Dollars for the New Maine School for the Deaf to be Constructed on Mackworth Island in the Town of Falmouth, Maine, and for a new Bridge Connecting said Island with the Mainland of said Town," (S. P. 517) (L. D. 1409)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Mr. HASKELL of Penobscot: Mr. President, I would now move that the Senate do recess for five minutes to permit the Sergeant-at-Arms, if that is the pleasure of the

Chair, to escort the presiding officer and the Secretary of the Senate in the presentation of this bill now enacted, to the Governor for his consideration. By way of comment, I would suggest to the Chair that it would please the floor leaders no end if we were invited to join.

The motion prevailed and the Senate recessed for five minutes.

After Recess

The Senate was called to order by the President.

Mr. Haskell of Penobscot was granted unanimous consent to address the Senate.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I think that the legislative record should properly contain at this time the well spoken words by means of which Governor Cross conveyed to ex-Governor Baxter, his appreciation and the appreciation of the State of Maine for this very generous gift and I will therefore read the letter by means of which Governor Cross has just expressed that feeling to ex-Governor Baxter.

April 9, 1953

The Honorable Percival P. Baxter
562 Congress Street
Portland, Maine

Dear Mr. Baxter:

Once again your unselfish love for the State of Maine and its people has many times been demonstrated by the great riches of enduring benefit you have bestowed upon the people of Maine.

In 1943 you conveyed to the people of the State of Maine an island of 100 acres, with the buildings thereon, known as Mackworth Island in Casco Bay, in the Town of Falmouth.

The most recent evidence of your generosity to the State of Maine was a fund in the amount of \$675,000, of which \$500,000 is to be used toward the establishment on said island of a new School for the Deaf, and the balance, aggregating \$175,000 is to be used for a bridge connecting said island with the mainland, or for such other purposes in connection with said school and said island as may be deemed in the public interest by the Governor and his Executive Council.

The people of Maine accept this generous gift for themselves, because in the past few years they have come to understand that your many gifts are theirs, theirs to have and enjoy for recreational as well as other public purposes. Like all other inheritors of other things of value, the people of Maine have a duty to see that your benefactions endure for the general benefit of all of the people of Maine.

As ever, you match the richness of your gifts with great modesty. It is with a very real sense of satisfaction and gratitude that I accept, for the people of Maine and on their behalf, your most recent gift which, together with your other gifts, will endure to a greater and more richly-living future which is the measure of the spirit of the giver and the measure of the spirit and gratitude of the inheritors, the people of the State of Maine.

Sincerely,

BURTON M. CROSS
Governor of Maine

Mr. Boucher of Androscoggin was granted unanimous consent to address the Senate.

Mr. BOUCHER of Androscoggin: Mr. President, as the leader of the minority party of this state I would feel remiss in my duty if I did not add a few words to what has already been said and done. Although there are only two members of the Democratic Party in this Senate, I want to remind the Senators that the State of Maine has about one-third of its population voting as Democrats in the national and state elections. Therefore feeling that I am their spokesman at this time, representing their opinions and their minds, I want to fully endorse everything that has been said and written so far concerning this gift of ex-Governor Baxter to the State of Maine.

On motion by Mr. Broggi of York, out of order and under suspension of the rules, the Senate voted to take from the table Bill, An Act Relating to the Sales Tax on Motor Vehicles (S. P. 509) (L. D. 1388) tabled by that Senator on April 1 pending passage to be engrossed.

Mr. BROGGI of York: Mr. President, it is a matter of general

knowledge that the Appropriations package is on the table in the other branch, and it seems that there is a great desire on their part to receive this legislation as soon as possible. There will be plenty of time for complete discussion in the Senate when it comes back to us in the enactment stage. I therefore move that this bill pass to be engrossed.

The motion prevailed, the bill was passed to be engrossed; and on further motion by the same Senator, was sent forthwith to the House.

House Papers

"Resolve in Favor of Flying Pond Improvement Association." (H. P. 594) (L. D. 634)

In the Senate, on March 26th, passed to be engrossed as amended by Committee Amendment "A" in concurrence.

Comes from the House, that body having reconsidered its former action whereby the resolve was passed to be engrossed as amended by Committee Amendment "A", and now recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

In the Senate, on motion by Mr. Carpenter of Somerset, the resolve was recommitted to the Committee on Inland Fisheries and Game in concurrence.

"Resolve Relating to Ice Fishing in Peabody Pond, Cumberland County." (H. P. 66) (L. D. 62)

(In the Senate, on March 24th, the Majority report "Ought Not to Pass" from the Committee on Inland Fisheries and Game accepted in non-concurrence.)

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

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

"Resolve Relating to Ice Fishing in Hopkins Pond, Penobscot County." (H. P. 99) (L. D. 101)

(In the Senate, on April 7th, the "Ought Not to Pass" report of the Committee was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the resolve was substituted for the report, and the bill passed to be engrossed, and now asks for a Committee of Conference.

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

House Committee Reports

The Committee on Education on Bill "An Act Relating to Petition for Inspection of Schools," (H. P. 767) (L. D. 802) reported that leave be granted to withdraw the same.

The Committee on Inland Fisheries and Game on "Resolve Relating to Fly Fishing in Certain Waters, Washington County," (H. P. 517) (L. D. 520) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Closing Onawa Lake, Piscataquis County, to Ice Fishing," (H. P. 1089) (L. D. 1223) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Bass Fishing in Washington County," (H. P. 507) (L. D. 515) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Regulating Fishing in Number One and Number Two Brooks, Franklin County," (H. P. 216) (L. D. 243) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Relating to Ice Fishing in Long Lake and Eagle Lake, Aroostook County," (H. P. 332) (L. D. 399) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Closing West Brook and East Brook, Franklin County, to All Fishing," (H. P. 822) (L. D. 1023) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Opening Simpson Pond, Washington County, to Ice Fishing," (H. P. 329) (L. D. 397) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Relating to Fishing in Water Works

Pond in the Town of Brunswick," (H. P. 739) (L. D. 756) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Opening Big Indian Pond, Franklin County," (H. P. 743) (L. D. 782) reported that leave be granted to withdraw the same.

The Committee on Judiciary on Bill "An Act to Incorporate the 'Northeastern Finance Co.'" (H. P. 1169) (L. D. 1324) reported that leave be granted to withdraw the same.

The Committee on Legal Affairs on Bill "An Act Relating to Greeley Institute," (H. P. 226) (L. D. 253) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to West Washington School District," (H. P. 531) (L. D. 568) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Pari Mutuel Pool Contributions and Night Running Racing," (H. P. 757) (L. D. 792) reported that leave be granted to withdraw the same.

The Committee on Liquor Control on Bill "An Act Prohibiting Live Entertainment on Licensed Liquor Premises," (H. P. 603) (L. D. 640) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Prohibiting Employment of Females by Certain Liquor Licensees," (H. P. 1107) (L. D. 1239) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Billboard Liquor Advertising," (H. P. 601) (L. D. 617) reported that leave be granted to withdraw the same.

The Committee on Taxation on Bill "An Act Relating to Exemption of Airports from Taxation," (H. P. 357) (L. D. 373) reported that leave be granted to withdraw the same.

The Committee on Towns and Counties on "Resolve Authorizing a Loan to Hamlin Plantation," (H. P. 1176) (L. D. 1330) reported that leave be granted to withdraw the same.

The Committee on Welfare on "Resolve Providing for an Increase in State Pension for Laura Griffin Donaldson of Farmingdale," (H. P.

386) reported that leave be granted to withdraw the same.

The Committee on Claims on "Resolve to Reimburse Elmer F. Day, of East Parsonfield," (H. P. 1127) reported that the same ought not to pass.

The Committee on Education on Bill "An Act Relating to Education of Indian Children," (H. P. 1128) (L. D. 1279) reported that the same ought not to pass.

The Committee on Highways on Bill "An Act Relating to State Highways in Compact or Built Up Sections," (H. P. 910) (L. D. 1011) reported that the same ought not to pass.

The same Committee on "Resolve in favor of the Town of Stockton Springs," (H. P. 913) (L. D. 1013) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Linneus," (H. P. 803) (L. D. 887) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Harpswell," (H. P. 1041) (L. D. 1163) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Closed Season on Bass in Inland Waters of Maine," (H. P. 508) (L. D. 516) reported that the same ought not to pass.

The same Committee on "Resolve Regulating Fishing in the Allagash River," (H. P. 412) (L. D. 493) reported that the same ought not to pass.

The same Committee on "Resolve Opening Tributaries of Lake Penesseewassee, Oxford County, to Smelt Fishing," (H. P. 812) (L. D. 896) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Rabbit Hunting in Androscoggin County," (H. P. 1044) (L. D. 1186) reported that the same ought not to pass.

The same Committee on "Resolve Closing Gardner Pond, T.15, R.9, to Fly Fishing Only," (H. P. 170) (L. D. 166) reported that the same ought not to pass.

The same Committee on "Resolve Regulating Fishing in Little Jim Pond, Franklin and Somerset Counties," (H. P. 734) (L. D. 775) reported that the same ought not to pass.

The same Committee on "Resolve Restricting Sunday River to Fly Fishing Only," (H. P. 1090) (L. D. 1224) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Hunting Cock Pheasants in Androscoggin County," (H. P. 1045) (L. D. 1162) reported that the same ought not to pass.

The same Committee on "Resolve Opening Scraggly Lake, Penobscot County, to Ice Fishing," (H. P. 592) (L. D. 632) reported that the same ought not to pass.

The same Committee on "Resolve Regulating Fishing in Chain of Ponds, Franklin County," (H. P. 735) (L. D. 752) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Free Hunting and Fishing Licenses for Indians," (H. P. 1042) (L. D. 1184) reported that the same ought not to pass.

The same Committee on "Resolve to Open Red River, Aroostook County, to Fishing," (H. P. 814) (L. D. 898) reported that the same ought not to pass.

The same Committee on "Resolve Opening Kennebec Stream or River, Franklin County, to Fly Fishing," (H. P. 737) (L. D. 754) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act relating to Improper Use of Stockholders' Lists," (H. P. 1022) (L. D. 1141) reported that the same ought not to pass.

The same Committee on Bill "An Act Designating Presidential Election Day a Legal Holiday," (H. P. 1137) (L. D. 1287) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to the Payment of Alimony Areers," (H. P. 1096) (L. D. 1230) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act relating to Town, City and Village Bylaws and Ordinances relating to Buildings and Structures," (H. P. 756) (L. D. 791) reported that the same ought not to pass.

The same Committee on Bill "An Act Creating the Model Anti-Gambling Act," (H. P. 1187) (L. D. 1336) reported that the same ought not to pass.

The Committee on Liquor Control on Bill "An Act to Authorize Liquor Commission to Hire Space in Stores for Sale of Liquor," (H. P. 1108) (L. D. 1238) reported that the same ought not to pass.

The same Committee on Bill "An Act Creating the Bureau of Liquor Merchandising and a Division of Liquor Licensing and Enforcement," (H. P. 679) (L. D. 641) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Liquor License Credit," (H. P. 939) (L. D. 999) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Expenses of Towns and Counties relative to Hearings for Liquor Licenses," (H. P. 1058) (L. D. 1173) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Fees for Retail Sale of Liquor," (H. P. 1141) (L. D. 1275) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Consumption sale of Spirituous Liquor in Restaurants," (H. P. 1106) (L. D. 1240) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Credit Sales and Other Sales Forbidden in Liquor Laws," (H. P. 1057) (L. D. 1172) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Sale of Liquor on Memorial Day and Other Holidays," (H. P. 684) (L. D. 645) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act relating to Taxation of Telephone and Telegraph Companies," (H. P. 1115) (L. D. 1249) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Tax Exemptions for Disabled Veterans," (H. P. 123) (L. D. 123) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Relating to Tax Exemptions for Veterans of Korean Campaign," (H. P. 689) (L. D. 724) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act to Exempt Homes for Children and the Aged from the Sales and Use Tax," (H. P. 546) (L. D. 572) reported that the same ought not to pass.

The Committee on Transportation on Bill "An Act relating to Signals by Lights or Mechanical Signal Devices on Motor Vehicles," (H. P. 949) (L. D. 1003) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act relating to Buses Chartered for Children," (H. P. 950) (L. D. 1004) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Permits for Moving Heavy Objects and Loads Over Ways and Bridges," (H. P. 695) (L. D. 730) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act relating to Fastening of Logs and Tubular Products Carried by Motor Vehicles," (H. P. 880) (L. D. 872) reported that the same ought not to pass.

(On motion by Mr. Cummings of Sagadahoc, recommitted to the Committee on Transportation, in non-concurrence, and sent down for concurrence.)

The same Committee on Bill "An Act relating to Moving Heavy Objects and Loads Over Highways," (H. P. 1119) (L. D. 1253) reported that the same ought not to pass as it is covered by other legislation.

The Committee on Welfare on Bill "An Act Creating the Division of Indian Affairs," (H. P. 1121) (L. D. 1255) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Joseph Quirion of Augusta," (H. P. 294) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Ada Woodson of Litchfield," (H. P. 303) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Herbert F. Sanborn of Hollis Center," (H. P. 306) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Lillian M. Sterling," (H. P. 390) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Marion Peasley of Whitefield," (H. P. 457) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Samuel A. Brackett of Biddeford," (H. P. 470) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Della Dunn of North Monmouth," (H. P. 564) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Hanford Ireland of Corinna," (H. P. 566) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Grace Evans of Berwick," (H. P. 568) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Fredson Carleton of Boothbay Harbor," (H. P. 573) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Peter J. Perry of Mexico," (H. P. 618) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Arad Howard of Mexico," (H. P. 619) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Edith Damren of Mount Vernon," (H. P. 622) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Dividends and Interest for Penobscot Tribe of Indians," (H. P. 1067) (L. D. 1166) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Leases of Island Shores for Penobscot Tribe of Indians," (H. P. 1066) (L. D. 1165) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Blaine," (H. P. 1065) (L. D. 1215) reported that the same ought not to pass.

The same Committee on Bill "An Act relating to Payments to Certain Towns in Lieu of Taxes," (H. P. 1124) (L. D. 1277) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act relating to Witnesses in Criminal Cases," (H. P. 967) (L. D. 1055) reported that the same ought not to pass.

The same Committee on Bill "An Act to Limit Expenditures of Candidates for Major Offices," (H. P. 1097) (L. D. 1231) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Highways on Bill "An Act Relating to Form of Guarantee Filed with Highway Commission," (H. P. 965) (L. D. 1053) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on "Resolve Closing Thompson Pond to Ice Fishing for Salmon," (H. P. 1046) (L. D. 1187) reported that the same ought to pass.

The same Committee on "Resolve, to Change Daily Bag Limit of Trout in Franklin County," (H. P. 921) (L. D. 1022) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in Pushaw Pond in the County of Penobscot," (H. P. 783) (L. D. 775) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in Certain Waters in Oxford County," (H. P. 733) (L. D. 751) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in Cobbosseecontee Stream in the County of Kennebec," (H. P. 648) (L. D. 690) reported that the same ought to pass.

The same Committee on "Resolve, Closing Little Round Pond, Penobscot County, to All Fishing," (H. P. 519) (L. D. 559) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in Donnell's

Pond Tributaries," (H. P. 514) (L. D. 577) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act Relating to the Kennebunk Light and Power District," (H. P. 846) (L. D. 950) reported that the same ought to pass.

The Committee on Taxation on Bill "An Act Relating to the Exemption from Taxation of Agricultural Fair Associations," (H. P. 993) (L. D. 1080) reported that the same ought to pass.

The Committee on Towns and Counties on Bill "An Act Relating to the Polling Place in Connor, Aroostook County," (H. P. 358) (L. D. 374) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to County Law Library of Washington County," (H. P. 1175) (L. D. 1329) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clarification of Municipal School Appropriations," (H. P. 1160) (L. D. 1308) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Number of Selectmen of Town of Dover-Foxcroft," (H. P. 1123) (L. D. 1256) reported that the same ought to pass.

The Committee on Transportation on Bill "An Act Relating to Operating Headlights on Motor Vehicles Following Another," (H. P. 951) (L. D. 1005) 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 Public Utilities on Bill "An Act Relating to Number and Salary of Trustees of Brunswick and Topsham Water District," (H. P. 1061) (L. D. 1198) reported the same in a new draft (H. P. 1229) (L. D. 1414) under the same title, and that it ought to pass.

The Committee on Agriculture on Bill "An Act Repealing Certain Obsolete Maine Apple Grading Laws," (H. P. 397) (L. D. 451) reported the same in a new draft (H. P. 1226) (L. D. 1410) under a

new title, Bill "An Act Amending Maine Apple Grading Laws," and that it ought to pass.

The Committee on Highways on "Resolve, in Favor of the Town of Bingham," (H. P. 1087) (L. D. 1222) reported the same in a new draft (H. P. 1227) (L. D. 1411) under a new title, "Resolve in Favor of the Towns of Dennysville and Bingham," and that it ought to pass.

The Committee on Inland Fisheries and Game to which was re-committed Bill "An Act Relating to Imported Trout and Togue" (H. P. 328) (L. D. 396) reported the same in a new draft (H. P. 1228) (L. D. 1412) under a new title, Bill "An Act Relating to Sale of Certain Game Fish" and that it ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolve in new draft and under new titles read once; and tomorrow assigned for second reading.

The Committee on Highways on Bill "An Act Relating to Apportionment to Towns for State Aid Roads," (H. P. 1084) (L. D. 1219) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing for Smallmouth Bass on Mount Desert Island," (H. P. 738) (L. D. 755) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve, Regulating Fishing in Webb Lake Tributaries," (H. P. 591) (L. D. 613) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Judiciary on Bill "An Act Relating to the Appointment of Guardians and Conservators for Adults," (H. P. 69) (L. D. 65) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Appeals from Probate Court," (H. P. 177) (L. D. 172) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Public Utilities on Bill "An Act to Create the Jackman Sewerage District," (H. P. 849) (L. D. 951) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Saco Sanitary District," (H. P. 845) (L. D. 949) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Towns and Counties on Bill "An Act to Abolish the Polling Place in Rockwood in Somerset County," (H. P. 243) (L. D. 224) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Transportation on Bill "An Act Relating to Permits for Moving Heavy Objects over Highways," (H. P. 288) (L. D. 273) reported that the same ought to pass as amended by Committee Amendment "A".

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

The Committee on Legal Affairs on Bill "An Act Creating the Town of Gray High School District," (H. P. 1189) (L. D. 1338) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence and the bill read once; Committee Amendment "A" was read and adopted, and on motion by Mr. Chapman of Cumberland, the rules were suspended, the bill was given its second reading and passed to be engrossed in concurrence.

The Committee on Towns and Counties on Bill "An Act Relating to Payment of Blood Tests in Certain Motor Vehicle Cases," (H. P. 1003) (L. D. 1090) reported that the same ought to pass.

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

(Amendment Filing 208)

In the Senate, the report was read and accepted in concurrence and the bill read once; House

Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The Committee on Taxation on Bill "An Act Relating to Tax on Telegraph Companies," (H. P. 1028) (L. D. 1149) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Taxation.

In the Senate, on motion by Mr. Wight of Penobscot, tabled pending consideration of the report.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Bounty on Bears," (H. P. 808) (L. D. 892) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Inland Fisheries and Game.

In the Senate, on motion by Mr. Carpenter of Somerset, recommended to the Committee on Inland Fisheries and Game in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve, in Favor of State Soil Conservation Committee," (H. P. 790) (L. D. 907) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Appropriations and Financial Affairs.

In the Senate, on motion by Mr. Haskell of Penobscot, recommended to the Committee on Appropriations and Financial Affairs in concurrence.

The Committee on Towns and Counties on Bill "An Act Relating to Expenses of Maintaining Burying Grounds in Unorganized Territory," (H. P. 947) (L. D. 1001) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report, read twice, and subsequently indefinitely postponed.

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, April 15.

"Resolve in Favor of the Town of Canton." (H. P. 1236) (L. D. 1429)

Which was received by unanimous consent and referred to the Committee on Appropriations and Financial Affairs in concurrence.

First Reading of Printed Bills

Bill "An Act Relating to Driving a Motor Vehicle While License Suspended or Revoked." (S. P. 522) (L. D. 1421)

Which bill was read once and on motion by Mr. Cummings of Sagadahoc, tabled pending assignment for second reading.

Bill "An Act Relating to Collection of Excise Taxes in Unorganized Territory." (S. P. 523) (L. D. 1420)

Which was read once and tomorrow assigned for second reading.

On motion by Mr. Haskell of Penobscot

Recessed for five minutes.

After Recess

The Senate was called to order by the President.

Senate Committee Reports

Mr. Harding from the Committee on Judiciary on Bill "An Act Relating to Limitation of Slander and Libel Suits," (S. P. 486) (L. D. 1364) reported that the same ought not to pass.

Mr. Ward from the same Committee on Bill "An Act Relating to Immunity for Members of Legislature," (S. P. 485) (L. D. 1343) reported that the same ought not to pass.

Mr. Chapman from the Committee on Legal Affairs on Bill "An Act Relating to Motor Vehicle Racing," (S. P. 258) (L. D. 682) reported that the same ought not to pass.

(On motion by Mr. Weeks of Cumberland, recommitted to the Committee on Legal Affairs, and sent down for concurrence.)

The same Senator from the same Committee on Bill "An Act Relating to Open Air Drive-In and Summer Stock Theaters," (S. P. 471) (L. D. 1314) reported that the same ought not to pass.

(On motion by Mr. Weeks of Cumberland, recommitted to the Committee on Legal Affairs, and sent down for concurrence.)

The same Senator from the same Committee on Bill "An Act Relating to Fire Escapes," (S. P. 256) (L. D. 681) reported that the same ought not to pass.

(On motion by Mr. Weeks of Cumberland, recommitted to the Committee on Legal Affairs, and sent down for concurrence.)

Mr. Harding from the Committee on Public Utilities on Bill "An Act Repealing Law Relating to Street Railroads," (S. P. 324) (L. D. 814) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Harding from the Committee on Judiciary on Bill "An Act Relating to the Number of Registered Voters in Election Returns," (S. P. 32) (L. D. 35) reported the same in a new draft, (S. P. 531) under a new title, Bill "An Act Relating to Return of Number of Registered Voters in Elections," and that it ought to pass.

Which report was read and accepted, and the bill laid upon the table for printing under Joint Rule No. 10.

Mr. Reid from the same Committee on Bill "An Act Relating to Party Enrollments in Primary Election Returns," (S. P. 33) (L. D. 36) reported the same in a new draft, (S. P. 532) under a new title, Bill "An Act Relating to Return of Party Enrollments in Primary Elections," and that it ought to pass.

Which report was read and accepted and the bill laid upon the table for printing under Joint Rule No. 10.

The same Senator from the same Committee on "Resolve Proposing an Amendment to the Constitution to Liberalize Limitation on Municipal Indebtedness," (S. P. 313) (L. D. 912) reported that the same ought to pass.

Mr. Ward from the same Committee on "Resolve for a Recess Committee to Study All Phases of the Maine State Retirement System and Related Titles of the Social Se-

curity Act," (S. P. 454) (L. D. 1264) reported that the same ought to pass.

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

Mr. Harding from the Committee on Judiciary on Bill "An Act Permitting Reassignment of Justice in Equity Matters," (S. P. 484) (L. D. 1342) reported that the same ought to pass as amended by Committee Amendment "A".

Mr. Ward from the same Committee on Bill "An Act Relating to Pauper Settlement of Parents of Children Receiving Aid to Dependent Children," (S. P. 299) (L. D. 915) 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 Members of Executive Council and Manner of Selection," (S. P. 68) (L. D. 154) reported that the same ought to pass as amended by Committee Amendment "A".

The same Senator from the same Committee on Bill "An Act Removing Violations of the Liquor Law from the Criminal Law," (S. P. 221) (L. D. 587) 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 read and adopted, and the bills as amended were tomorrow assigned for second reading.

The Majority of the Committee on Transportation on Bill "An Act Relating to Junior Operators' Licenses for Motor Vehicles," (S. P. 382) (L. D. 1045) reported that the same ought not to pass.

(Signed)

Senators:

HASKELL of Penobscot
JAMIESON of Aroostook

Representatives:

TRAVIS of Westbrook
DODGE of Strong
FINEMORE of Bridgewater
TOTMAN of Bangor
CURTIS of Bowdoinham
JEWETT of Bucksport
KELLY of Rumford

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

Senator:

CUMMINGS of Sagadahoc.

Mr. DENNETT of York: Mr. President, I am cognizant of the fact that this bill came out of committee with a Majority Ought Not to Pass report. I am also cognizant of the fact that a certain courtesy has prevailed in the Senate recently, and it is that courtesy which enables me, as the sponsor of this measure, to preside at its funeral. I am still convinced that this bill contains a certain amount of merit, but on the other hand, I have full confidence and faith in the ability of the Committee as a whole. Now, Mr. President, I move that this bill be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act Regulating the Digging of Marine Worms in the City of Belfast, Waldo County." (H. P. 193) (L. D. 204)

Bill, "An Act Relating to Confering Degrees by Westbrook Seminary and Junior College." (H. P. 228) (L. D. 215).

"Resolve in Favor of S. Gaudet and Son, of Rockwood." (H. P. 402) (L. D. 1390)

Bill, "An Act Clarifying the Excise Tax on Aircraft." (H. P. 439) (L. D. 483)

"Resolve, to Reimburse J. J. Blackmore of Berwick for Damage done by State Wards." (H. P. 496) (L. D. 1393)

"Resolve, in Favor of A. P. Russell, of Berwick, for Damage Done by State Wards." (H. P. 497) (L. D. 1391)

"Resolve in Favor of Robert E. Towle of Portland." (H. P. 795) (L. D. 1392)

(On motion by Mr. Parker of Piscataquis, tabled pending passage to be engrossed, and especially assigned for Thursday, April 16.)

Bill, "An Act to Incorporate the Norridgewock Water District." (H. P. 848) (L. D. 952)

Bill, "An Act Relating to the Taking of Alewives in Sherman Lake." (H. P. 852) (L. D. 909)

Bill, "An Act to Authorize the Town of Gray to Contribute to the Rebuilding of the Dam in Little Sebago Lake." (H. P. 857) (L. D. 931)

Bill, "An Act Authorizing the Town of Windham to Contribute to the Rebuilding of the Dam in Little Sebago Lake." (H. P. 858) (L. D. 953)

Bill, "An Act Relating to Fire Inspection of Hospitals and Boarding Homes." (H. P. 961) (L. D. 1051)

Bill, "An Act Relating to Malt Liquor License Fees in Unorganized Territory." (H. P. 982) (L. D. 1070)

Bill, "An Act to Incorporate the Addison Point Water District." (H. P. 991) (L. D. 1093)

Bill, "An Act Relating to the Taking of Alewives in the Town of Gouldsboro." (H. P. 998) (L. D. 1085)

Bill, "An Act Relating to Facsimile Signatures upon Corporate Obligations." (H. P. 1015) (L. D. 1136)

Bill, "An Act Relating to Sale of Cigarettes and Tobacco Products in Taverns." (H. P. 1025) (L. D. 1146)

Bill, "An Act Relating to Taxation of Television Sets." (H. P. 1116) (L. D. 1250)

Bill, "An Act Relating to Response of Fire Departments for Aid from Other Municipalities." (H. P. 1117) (L. D. 1251)

Bill, "An Act to Extend the Charter of Castine Water District." (H. P. 1215) (L. D. 1395)

Bill, "An Act Relating to the Taking of Clams and Marine Worms in the Towns of Searsport and Stockton Springs." (H. P. 1216) (L. D. 1396)

Bill, "An Act Regulating Liquor Advertising." (H. P. 1220) (L. D. 1407)

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

"Resolve in Favor of the Town of Benedicta." (H. P. 318) (L. D. 352)

Bill, "An Act to Incorporate the Castine Water District." (H. P. 435) (L. D. 495)

Bill, "An Act Revising the Charter of the Bangor Municipal Court." (H. P. 521) (L. D. 557)

Bill, "An Act Relating to Civil Defense." (H. P. 556) (L. D. 536)

Bill, "An Act Relating to Manufacture of Non-Alcoholic Beverages." (H. P. 712) (L. D. 736)

Bill, "An Act Relating to Expenses of Aids Employed by Sheriff in Criminal Cases." (H. P. 948) (L. D. 1002)

Bill, "An Act Relating to the Salaries of Various Officers in Waldo County." (H. P. 999) (L. D. 1086)

Bill, "An Act Relating to Costs of Children in Maine School for the Deaf." (H. P. 1064) (L. D. 1201)

Bill, "An Act Relating to Licensed Small Loan Agencies." (H. P. 1078) (L. D. 1245)

"Resolve in Favor of Fred E. Shapleigh, of Lebanon." (H. P. 1081) (L. D. 1389)

Bill, "An Act Relating to Organization of the Maine Sardine Tax Committee." (H. P. 1114) (L. D. 1257)

Bill, "An Act Increasing Salaries of County Officers of Somerset County." (H. P. 1118) (L. D. 1252)

"Resolve in Favor of Moses A. Dolley, of Vassalboro." (H. P. 1126) (L. D. 1394)

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

Bill, "An Act Relating to Power of Leavitt Institute to Hold Property." (S. P. 86) (L. D. 194)

"Resolve in Favor of Presque Isle Armory Project." (S. P. 121) (L. D. 330)

"Resolve in Favor of the Maine Historical Society." (S. P. 122) (L. D. 331)

Bill, "An Act Relating to Entertainment in Licensed Liquor Premises." (S. P. 132) (L. D. 320)

Bill, "An Act Relating to Legal Voters of Farmington Village Corporation." (S. P. 207) (L. D. 545)

"Resolve in Favor of Wesley Ramsey, of South Portland." (S. P. 245)

Bill, "An Act Creating Colby College Game Management Area." (S. P. 298) (L. D. 830)

Bill, "An Act Amending the Charter of the Maine School for Deaf" (S. P. 319) (L. D. 807)

Bill, "An Act Relating to Sale of Ammunition to Minors." (S. P. 375) (L. D. 1038)

"Resolve Providing for the Printing of Maine Pollen Survey." (S. P. 478) (L. D. 1333)

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

Bill, "An Act Permitting the University of Maine to Provide Additional Educational Opportunities." (S. P. 482) (L. D. 1341)

Bill, "An Act Exempting Certain Education Institutions from the Sales Tax." (S. P. 524) (L. D. 1416)

Bill, "An Act Relating to Special Registration Plates for Amputee Veterans." (S. P. 525) (L. D. 1417)

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

Sent down for concurrence.

Bill, "An Act to Ratify and Confirm the Incorporation of Berwick Monthly Meeting of Friends." (S. P. 27) (L. D. 15)

Bill, "An Act Relating to Liens on Certain Personal Property." (S. P. 43) (L. D. 56)

Bill, "An Act to Create the Washington County Recreation Authority." (S. P. 208) (L. D. 558)

Bill, "An Act Repealing Certain Laws Relating to Teams Under Motor Vehicle Laws." (S. P. 270) (L. D. 957)

Bill, "An Act Relating to Operation of School Buses." (S. P. 281) (L. D. 770)

Bill, "An Act Relating to State Liquor Warehouse and Wholesale Store." (S. P. 357) (L. D. 968)

Bill, "An Act to Provide for the Approval of Degree-Granting Institutions." (S. P. 464) (L. D. 1299)

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

Mr. HASKELL of Penobscot: Mr. President, I ask unanimous consent that such items as the Senate may table upon my motions this day, unless otherwise stated, be considered, as having been tabled by the Senator from Aroostook, Senator Collins, so that we may have an orderly calendar and the money bills may be tabled properly in the name of the Chairman of the Appropriations Committee.

Thereupon, Mr. Haskell of Penobscot received unanimous consent to

table several bills in the name of the Senator from Aroostook, Senator Collins.

Enactors

Bill "An Act to Increase the Salary of the Judge of the Westbrook Municipal Court." (H. P. 154) (L. D. 150)

Bill "An Act Relating to Fees of Registers of Deeds." (H. P. 242) (L. D. 223)

Bill "An Act Relating to Fees of Jurors." (H. P. 440) (L. D. 484)

Bill "An Act relating to Salaries of Register of Deeds, Deputy Register of Deeds and Clerk Hire in Registry Office in Cumberland County." (H. P. 550) (L. D. 530)

Bill "An Act relating to Disposal of Wild Animals Damaging Motor Vehicles." (H. P. 586) (L. D. 628)

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

Bill "An Act to Increase the Salary of the County Attorney of Waldo County." (H. P. 608) (L. D. 607)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

Bill "An Act Relating to Automobile Travel by State Fire Inspectors." (H. P. 629) (L. D. 688)

Bill "An Act relating to Salaries of Clerk of Courts and Treasurer, and Clerk Hire in Office of Treasurer, Kennebec County." (H. P. 692) (L. D. 727)

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

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)

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 Payments to 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 relating to Salary of Clerk of Courts and Deputy Clerk of Courts of Cumberland County." (H. P. 861) (L. D. 934)

Bill "An Act to Increase the Salaries of the Judge and Recorder of the Presque Isle Municipal Court." (H. P. 864) (L. D. 936)

Bill "An Act to Increase the Salaries of the Judge and Recorder of the Caribou Municipal Court." (H. P. 865) (L. D. 937)

Bill "An Act to Increase the Salaries of the Judge and Recorder of the Houlton Municipal Court." (H. P. 866) (L. D. 938)

Bill "An Act to Increase the Salary of the Judge of the Fort Fairfield Municipal Court." (H. P. 867) (L. D. 954)

Bill "An Act to Increase the Salaries of the Judge and Recorder of the Bar Harbor Municipal Court." (H. P. 868) (L. D. 939)

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

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

Bill "An Act Relating to the Taking of Clams, Quohogs, Mussels and Worms in the Town of Islesboro." (H. P. 942) (L. D. 1030)

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 Clothing Allowance for Detectives of Police Department of City of Lewiston." (H. P. 1000) (L. D. 1087)

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 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)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

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

Bill "An Act relating to Payment to Cumberland County Law Library." (H. P. 1204) (L. D. 1370)

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

"Resolve in favor of Mrs. Carol Hapworth of Wnslow." (H. P. 319) (L. D. 390)

"Resolve in favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary War." (H. P. 485) (L. D. 505)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

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

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

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

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

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

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

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

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve in favor of Cook & Company, Inc." (H. P. 633) (L. D. 689)

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

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve in favor of the Town of Liberty." (H. P. 637) (L. D. 1356)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

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

(On motion by Mr. Collins of Aroostook, tabled, pending final passage.)

"Resolve in favor of the Town of Bingham." (H. P. 716) (L. D. 741)

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

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

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve relating to the Taking of Clams in Town of Harpswell." (H. P. 850) (L. D. 908)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve in favor of Ray Spearin of South China." (H. P. 908) (L. D. 1357)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

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

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

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

Bill "An Act relating to the Examination of Insurance Agents." (S. P. 106) (L. D. 306)

Bill "An Act relating to Turning Movements and Required Signals for Motor Vehicles." (S. P. 118) (L. D. 316)

Bill "An Act to Clarify the Sales and Use Tax Law." (S. P. 141) (L. D. 341)

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

Bill "An Act Repealing the Provision that Bells Shall be Attached to Foremost Horses on Vehicles Driven on Snow." (S. P. 150) (L. D. 443)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be enacted.)

Bill "An Act relating to Exemption of Certain Food Products from Taxation." (S. P. 188) (L. D. 249)

Bill "An Act relating to the Uniform Health and Accident Insurance Law." (S. P. 201) (L. D. 552)

Bill "An Act Repealing Law on Street Car from Rear." (S. P. 213) (L. D. 550)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be enacted.)

Bill "An Act relating to Motor Vehicle Accident Reports." (S. P. 214) (L. D. 549)

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 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)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

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 Permitting Savings Banks to Invest in Certain Preferred Stocks." (S. P. 292) (L. D. 823)

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

Bill "An Act relating to Promotion of Medical Education." (S. P. 323) (L. D. 813)

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

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

Bill "An Act to Increase the Salary of the Recorder of the Rockland

Municipal Court." (S. P. 358) (L. D. 973)

Bill "An Act Increasing Salaries of Certain Officers of Knox County." (S. P. 359) (L. D. 969)

Bill "An Act Increasing the Salary of the Recorder of the Portland Municipal Court." (S. P. 362) (L. D. 972)

Bill "An Act relating to Retiring Allowances or Life Insurance for Officers and Employees of Savings Banks." (S. P. 368) (L. D. 1034)

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

Bill "An Act relating to Change of Purposes of Domestic Mutual Insurance Companies." (S. P. 393) (L. D. 1102)

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

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

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve to Reimburse the Town of Pittsfield for Support of Dianne K. Edwards." (S. P. 244) (L. D. 668)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

Bill "An Act Relating to the Laws of Divorce." (H. P. 44) (L. D. 45)

Bill "An Act Relating to Driving of Deer." (H. P. 94) (L. D. 87)

Bill "An Act Relating to Definition of 'Absent Voting'." (H. P. 106) (L. D. 107)

Bill "An Act Relating to Removal of Parked Motor Vehicles." (H. P. 289) (L. D. 274)

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

Bill "An Act Relating to Employees of University of Maine Receiving Federal Social Security Benefits." (H. P. 418) (L. D. 466)

Bill "An Act Relative to the Salary of the Judge of the Brunswick Municipal Court." (H. P. 446) (L. D. 489)

Bill "An Act to Increase the Salary of the Recorder of the Brunswick Municipal Court." (H. P. 447) (L. D. 490)

Bill "An Act Relating to Registration as Voters of Physically Disabled Persons." (H. P. 524) (L. D. 562)

Bill "An Act to Increase the Salary of the Sheriff of Waldo County." (H. P. 607) (L. D. 606)

Bill "An Act Relating to Entrances to Highways." (H. P. 720) (L. D. 772)

Bill "An Act Relating to Time of Sessions of Bath Municipal Court." (H. P. 821) (L. D. 852)

Bill "An Act Relating to Knox County General Hospital." (H. P. 823) (L. D. 854)

Bill "An Act Relating to Preference in State Employment for Veterans." (H. P. 1093) (L. D. 1227)

Bill "An Act to Provide Fire Protection for Townships of Silver Ridge, Township 17, R. 4 and Albany." (H. P. 1203) (L. D. 1371)

Bill "An Act Relating to Hospital Aid." (H. P. 1210) (L. D. 1381)

Bill "An Act Relating to Salaries of Public Utilities Commission." (H. P. 1211) (L. D. 1382)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

"Resolve Relating to the Schoolhouse in Indian Township, near Princeton." (H. P. 61) (L. D. 51)

"Resolve Regulating Fishing in Porter Lake, Franklin County." (H. P. 65) (L. D. 61)

"Resolve to Reimburse the Town of Jefferson for Conveyance of School Children." (H. P. 719) (L. D. 1368)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve Authorizing the Forest Commissioner to Convey by Sale Certain Interests of the State in Land in Hallowell, Kennebec County." (H. P. 1027) (L. D. 1148)

Bill "An Act Creating a December Term of Superior Court in Hancock County." (S. P. 178) (L. D. 414)

Bill "An Act Relating to Limitation of Actions When Death of Either Party Before Suit Commenced." (S. P. 247) (L. D. 672)

Bill "An Act Relating to Temporary Judges for Municipal Courts." (S. P. 249) (L. D. 674)

Bill "An Act Relating to the Admissibility of Blood Tests in Criminal Cases." (S. P. 250) (L. D. 677)

Bill "An Act Relating to the Recording of Conditional Sales Agreements." (S. P. 252) (L. D. 675)

Bill "An Act Relating to Carrying Weapons by Private Detectives." (S. P. 303) (L. D. 919)

Bill "An Act Relating to Arrests Without Warrant." (S. P. 305) (L. D. 922)

Bill "An Act Amending the Election Laws." (S. P. 309) (L. D. 926)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

Bill "An Act Relating to Time of Cremation of Bodies After Death." (S. P. 353) (L. D. 964)

Bill "An Act Relating to Dismissal and Disciplinary Action Under the State Personnel Law." (S. P. 399) (L. D. 1120)

Which Bills were severally passed to be enacted, and the Resolves finally passed.

The PRESIDENT: The Senator from Franklin, Senator Butler, has called the attention of the Chair to the fact that at the present time in the balcony of the Senate there is a group of students from Farmington State Teachers College with Miss Manter. In behalf of the Senate, we bid you welcome this afternoon and hope you have an enjoyable and instructive visit.

Emergency Measures

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

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

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

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

"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)

Which resolve being an emergency measure, and having received the affirmative vote of 26 members of the Senate, and none opposed, was finally passed.

"Resolve relating to Construction of a Road and Terminal in City of Rockland." (H. P. 24) (L. D. 19)

On motion by Mr. Collins, the resolve was laid upon the table pending final passage.

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)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

The President laid before the Senate bill, An Act Relating to Taxation of Personal Property Held in Trust (H. P. 417) (L. D. 465), tabled by the Senator from Kennebec, Senator Reid, on April 7th pending motion by the Senator from Cumberland, Senator Chase, to indefinitely postpone, and today assigned.

Mr. REID of Kennebec: Mr. President, do I understand correctly that the pending question is on a motion previously made by the Senator from Cumberland, Senator Chase?

The PRESIDENT: The Chair will state for the benefit of the Senator from Kennebec, Senator Reid, that the pending question before the Senate is the motion previously made by the Senator from Cumberland, Senator Chase, that the bill be indefinitely postponed.

Mr. CHASE of Cumberland: Mr. President, in order that the Senator from Kennebec, Senator Reid, may make such motion as he deems proper I will withdraw my motion for indefinite postponement.

The PRESIDENT: The Senator from Cumberland, Senator Chase, withdraws his motion to indefinitely postpone. The question now before the Senate is on the consideration of the Committee report.

Mr. REID of Kennebec: Mr. President and members of the Senate, first of all I would like to pay a

well deserved compliment to the Senator from Cumberland, Senator Chase, who detected a rather large fly in the ointment with reference to the bill as written and I shall move that the report of the Committee be accepted and if that motion prevails I will present an amendment which I think will remove the valid objections of the Senator from Cumberland, Senator Chase.

The PRESIDENT: For the information of the Senate the Chair will have to state that the Chair was in error with reference to the status of the bill. Upon the withdrawal of the motion to indefinitely postpone by the Senator from Cumberland, Senator Chase, the motion preceding that was a pending motion that the bill be passed to be engrossed. The bill, therefore, is now in order for amendment.

Mr. REID: Mr. President, I offer Senate Amendment A and move its adoption: "Amend said bill by adding at the end thereof the following underlined sentence: 'Provided, however, that in the event any of the income arising therefrom is to be paid free of trust to a non-resident such personal property shall be taxable to the executor, administrator or trustee in the place where he resides to the extent of the beneficial interest of such non-resident.'"

Mr. CHASE: Mr. President, I appreciate the gracious words of the Senator from Kennebec, Senator Reid. The amendment removes my objection and apparently goes as far as it is possible constitutionally to go toward the objection of the sponsors of the bill. Therefore, Mr. President, I support the amendment.

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

Sent down for concurrence.

The President laid before the Senate bill, An Act Relating to Salaries and Travel of Superintendents of Schools (H. P. 325) (L. D. 393), tabled by the Senator from Hancock, Senator Dunham, on April 8th pending first reading, and today assigned.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill was retabled pending first reading.

The President laid before the Senate, House Report from the Committee on Towns and Counties "Ought to Pass" as Amended by Committee Amendment "A" on Bill, "An Act Amending the Charter of the Municipal Court of the City of Lewiston re Payment of Expenses," (H. P. 547) (L. D. 527), tabled by the Senator from Androscoggin, Senator Kavanagh, on April 8th, pending consideration of the Committee report, and today assigned; and on further motion by the same Senator the "Ought to Pass" report of the Committee was accepted, the bill was given its first reading, Committee Amendment "A" was adopted and the bill as so amended was tomorrow assigned for second reading.

The President laid before the Senate, Joint Order Relative to Amending Joint Rule No. 1, (S. P. 530) tabled by the Senator from Penobscot, Senator Ward, on April 8th, pending passage, and today assigned.

Mr. WARD of Penobscot: Mr. President and members of the Senate, since I presented this order there has been some discussion relative to one committee which is mentioned in the order and in the event that it would be advisable to make any changes at a later date it would be a simple matter to present another order. At this time I move that this particular order be indefinitely postponed.

Thereupon, the order was indefinitely postponed.

The President laid before the Senate, Reports from the Committee on Taxation on Resolve Proposing an Amendment to the Constitution to Authorize the Legislature to Establish Classifications of Property for Uniform Assessment for Taxation (S. P. 37) (L. D. 40), Majority Report "Ought to Pass" in New Draft under the same title (S. P. 526) (L. D. 1418); Minority Report "Ought Not to Pass"; tabled by the Senator from Cumberland, Senator Chase, on April 8th, pending consideration of the reports, and today assigned.

Mr. CHASE of Cumberland: Mr. President and members of the Senate, I move the acceptance of the Majority Report "Ought to Pass" in New Draft, the new draft being Legislative Document 1418, and in support of this motion I would like to analyze at some length the existing situation in this state with respect to the assessment of property for taxation.

The existing situation in Maine with respect to assessment of real and personal property for purposes of taxation constitutes a condition of nullification of law and of the Constitution. The equal assessment guaranteed by the Constitution is a mere pretense. Rare indeed is the community where equality or uniformity of assessment is even remotely approached. Local assessors know this. They are doing the best they can in the unhappy situation, always in danger of having their assessment upset by any aggrieved taxpayer, always in danger of being accused of misfeasance in office whenever they agree to a tax deal creating a preference which, though intended to help their community is nevertheless in defiance of laws and Constitution, as they very well know.

Leading Court opinions on Section 8 appear to establish these premises. "Just value" means fair market value as nearly as the same can be determined. Assessments must not exceed "just value". While assessments need not be at just value or fair market value, they must be uniform within the taxing district. If a percentage of just value is used as a basis for assessment then that same percentage must be applied to all taxable real and personal property whatever may be its nature and whatever may be its capacity to bear the tax burden. This is the law today, the sword which hangs over the head of every municipal assessor who knows that he does not comply with it, that with things as they are he could not comply with it if he tried, and could not enforce against the taxpayers if he did try to comply.

I have here a number of significant Court opinions bearing on this but the essential element is summed up in a 1945 opinion of the justices given to this legislature: "As to

taxes upon real and personal estate in general it has long been accepted that this provision of the Constitution does not require the legislature to impose taxes upon all properties within the state but only that any tax which shall be lawfully imposed upon any kind of real or personal property shall be apportioned and assessed upon all such property equally."

Now, obviously the nature of property has changed greatly since Section 8 was written. Then, real estate was mainly homes, farms, timberlands. Now, it includes great industrial establishments. Personal property was then mainly what we call goods and chattels—tangibles. Now it embraces rights and credits—paper, evidences of ownership and indebtedness, money, bank deposits, and similar items loosely called intangibles.

The capacity to bear taxes varies greatly among these various items. To tax some of these kinds of property at current municipal rates at any percentage equal to the percentage of assessment of real estate would either bankrupt the community or confiscate the property. It was in recognition of this fact that this section 8 was amended in 1913 to create a separate classification of intangibles upon which the legislature can fix the tax rate. So far, the legislature has not done so, except for the bank stock tax, but at least it could do so if the local assessors should obey the present law and tax such intangibles as the law now requires. But with respect to all other kinds of property, under existing constitutional decisions, even the legislature is helpless to relieve a situation which would arise if the local assessors should follow the Constitution and tax everything at the same percentage of just value as they are legally bound to do.

This proposed constitutional amendment if adopted by the people would make it possible for the legislature to establish classes of property which could be assessed equally and uniformly at the same percentage of just value, but not necessarily at the same percentage with another kind of property either in another class or not classified

at all. For example, if a town needed industry it might be possible to offer a favorable tax incentive, provided only that other industries in the town were treated equally. So also might moveable property, now likely to be scarce around April 1st, be classified so as to remove the present incentive for exodus in March.

Now, I repeat, the legislature would not be compelled to classify. There lies behind this proposal no plan to classify, either in the Taxation Committee or the State Tax Assessor. The next legislature might, and I should hope that it would, consider whether the establishment of one or two broad classifications might serve to relieve the local assessors from their unhappy position, where they are legally bound to assess all kinds of property at the same percentage of just value but are quite incapable of doing any such thing with even an approximation of justice and equity. Neither this legislature nor the next legislature nor any future legislature can deal with this problem unless the Constitution is first amended as is here proposed. So much for permissive legislative classification and for the relief for municipal assessors for which the first part of this resolve would provide.

Now for the second change, which asserts the power of the legislature to levy a tax upon real and personal property in the unorganized territory. This is no more power than to do what is now being done by means of the state property tax, from which the state receives the tax from the unorganized territory (subject to certain credits for roads and schools), while rebating the tax to towns which pay it to themselves. This jug-handled device was adopted by the last legislature which wanted to relieve the municipalities from the state property tax while continuing to collect from the unorganized territory. There was another device known as a district tax which had been lying around for use as an expedient, and we had been led to believe that it might do the trick; but the Senate wisely decided to ask the Court, and the Court said that it was unconstitu-

tional. For all I know, the Court may some day say the same about the device we are now using. Therefore, the right of the legislature to tax unorganized territory, without being obliged to tax the towns at the same rate, should be expressly established in the Constitution.

Going back to the part of the resolve which relates to the classification, the part of the resolve which deals with the right of the legislature to classify property was opposed at the hearing by representatives of certain industries. Some of this opposition to the original resolve has since been withdrawn. Others who opposed the original resolve are not now opposed to this new draft. There remains, I suppose, some opposition from those who fear any change. Some of them have worked their way into a highly preferential position in tax assessment. They may have made their illegal trades with local assessors, and perhaps the illegality of the proceeding bothers them less than it bothers the assessors who are personally liable for the illegality. They may dislike anyone who holds up a candle in any dark corner. There are towns in Maine where the total assessment for the entire town is less than 20% of the amount of insurance carried on one piece of property in the town. I think it would serve no useful purpose to fortify these remarks by numerous examples which would be misunderstood and misinterpreted. I have here considerable information on the assessments in the state on various kinds of property. I will undertake to satisfy any Senator who would like to see some of this information that with this condition of assessments we don't even remotely approach the uniformity of assessment which the Constitution calls for.

Now, if I seem here to emphasize industry, it is only because it is from that source that the only visible opposition to this resolve seems to come. The same argument applies with equal force to any other class of property which the state or a community may find advantageous to encourage and promote.

My objection to existing preferential industrial assessments is based solely on their illegality. I want to make them legal, for the benefit of the state, the community and the industry. My whole business life has been spent in procurement of capital and credit for Maine industry. Maine's future depends mainly upon industry. It is incredible to suppose that any Maine legislature or any Maine town government, once given the legal power to encourage industry by favorable assessment, will choose to penalize it. It is also incredible to assume that the legislature, once given the Constitutional power to protect industry in a favorable position will refuse to use that power in the improbable event that municipalities should abuse their discretionary powers in tax assessment.

No one who has observed the industrial lobby in the Maine legislature for as long as I have could believe that there is any danger that industry in Maine is ever likely to bear more than its fair share of the tax burden. Many municipal officials are in favor of this resolve. They know that it is designed to make possible a sound property tax structure which will give them the legal right, under legislative control, to do what they are now doing illegally because necessity compels them. They cannot possibly comply with the existing constitutional provision without causing serious damage.

Neither can the legislature relieve them until the Constitution is amended. Neither, apparently, can the courts, except by reversal on leading cases. But if the Constitution is amended as is here proposed the legislature will have greater discretion and the leading court decisions will stand, because the relation to true value will still be the test of uniformity within any class of property which the legislature may establish, and the principle of uniformity within the taxing district will be preserved.

To sum up, Mr. President, what would this amendment accomplish? It would take the legislature out of a straight jacket, and give it some power of discretion in taxation of property. If this tax house of cards, built upon the shifting sands

of illegality, should some day fall, the legislature would have the constitutional right to act effectively to deal with the problem. It would be possible to tax property according to its capacity to bear a tax burden. It would be possible legally to create incentives by preferential assessments, if such should be necessary for development and conservation of resources.

It would be possible to tax the unorganized territory directly. We are doing this now by a jug-handled, clumsy device involving confusion, unnecessary bookkeeping and expense.

And finally it would restore in some degree respect for law. We have come to a rather sorry state when the legislature can be urged openly not to disturb a condition of admitting illegality and nullification on the ground that we have been getting along after a fashion and that we should do nothing about it until we have to. We should make the law conform to the reality of our present needs as was well said and wisely 2500 years ago for the bond of all men's states is this, that they with honor hold by law.

Mr. WIGHT of Penobscot: Mr. President and members of the Senate, being one of the Taxation Committee signing the minority report, I would like to state my position regarding the second part of this resolve which provides for the taxation of property in unorganized areas. If that is properly worded I think that we could go along with it, but the first part which provides for the classification of property for uniform assessment for taxation, the Senator from Cumberland has made a very able presentation of what this resolve means. It means that the legislature takes away from the local towns the authority by giving the legislature the authority to create classifications of property.

The local assessors know the needs of their various towns and act accordingly. There are some injustices and inequities, I recognize that, and there always will be some in every system, but we have gotten along pretty well and those various towns have taken care of themselves adequately for 130 years under present legislation, if a per-

son feels he is unfairly treated at least he can take his case to the courts.

This resolve would authorize the legislature to establish different classifications of property, residential property, pulp mills, timber lands, personal property, property owned by veterans, hospitals, maybe barber shops or what have you, and then what would we have, we would have those people coming here to the Legislature each year and appearing before the taxation committee for special considerations, we have them coming here now for consideration in regard to the sales tax, and that would be repeated if this law is passed. A classification can apply to the entire state or may apply well in Portland but might not apply in South Buckfield or some other small town, or what might apply in Biddeford for instance, but what about Waldoboro or Lewiston or Ellsworth or some other town might apply in one town well but in another not. Now those local assessors know what the situation is and they assess according to the needs of that particular town.

There seem to be four reasons why this legislation is undesirable. In the first place it centralizes power in the hands of the legislature here in Augusta. It makes it possible for pressure groups to come here and apply to the legislature for special consideration some of them arguing from the head and some from the heart. Hospitals, residential property, property owned by veterans, they all might want special consideration. This opens the door to all kinds of inequities. So I can go along with the section which deals with the unorganized territories but I hope this motion will not prevail on this bill.

Mr. CARTER of Oxford: Mr. President and members of the Senate, I feel this bill gives the assessors the right to do what in a large number of instances they are already doing. My good friend Senator Wight from Penobscot said the assessors are perfectly able to do their own classifying and I think that in a great number of instances they are at this time classifying property to a certain extent in their own towns, but I don't think that

they have the right to do it under the law as it now stands, and a lot of them are in a position where they don't like the situation, they are always wondering what might happen if somebody questioned the assessment.

I am an assessor in my own town, have been for a few years, and I know that there are a lot of inequalities that we are unable to justify and we get by from year to year with as little argument as possible and we do to a certain extent classify property today, and I think if the legislature had the right to make a few simple classifications in the different taxing districts, that it would greatly aid the assessors in the different towns to assess their property and assess it properly as it should be.

As time goes on more and more towns are reevaluating their towns completely because I think of this situation, they can't cope with it. No local group of assessors can reclassify property on an equal basis and get away with it. You simply can't do it, if you try to do it you are out that minute, and the second part of the bill I don't think there is much question about, of giving the State Tax Assessor the right to collect the taxes in the unorganized territories. The first part of the bill is controversial, but to me it is simply permissive legislation that would give the legislature the right to make these classifications and legalize what the towns are now doing to a certain extent. I hope the motion of the majority report will prevail.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I am opposed to this piece of legislation because I believe in home rule. I have always stuck up for home rule and I will stand up and be counted for home rule always. I am not opposed to that part talking about unorganized territories. That is state business but in those cities and towns that are organized, I believe their assessors should decide what the value is on a piece of property and should decide what the tax rate will be to meet the demands of the town. I feel that the state should not step in there and tell them how they

should value or how they should tax their own cities and towns.

Home rule to me is the most important thing in this United States of America. We are living here I hope still in the free State of Maine and I want to have our cities and towns free of encumbent legislation from this legislature which would tell them how much they shall exact from their citizens so far as taxes are concerned. We have enough of that now from the Taxation Committee on state matters. We have had enough with the sales tax and God forbid that we give this legislature any more power on taxes in regard to local problems.

I believe it would be the greatest mistake this state has ever made. We have lived well under the present system regardless of the illegality that the Senator from Cumberland has pointed out. I believe we should keep on living under the present system and I hope that the Senate will vote against the Senator from Cumberland to have this legislation put on the books.

Mr. REID of Kennebec: Mr. President, it seems to me that we should get down to the fundamentals of this matter and in my opinion they are as follows. First, the power to tax is the power to destroy. Second, no matter how wise this legislature may be or how wise future legislatures may be, they need an anchor to windward in the matter of taxation and that anchor to windward lies in the Constitution as it now exists. It has been said this afternoon that the legislature is in a straight jacket. Those people in this state who were opposed to the passage of the sales tax two years ago did not think at that time that this legislature was in any straight jacket.

If this bill passes, I will be willing to predict that future legislatures would have this problem you will have twice the lobby that you have now, with each one trying to impose on the other, the entire burden of taxation. It seems to me fundamental that we should stay within that Constitutional limitation to impose taxes upon the people.

Mr. CHASE of Cumberland: Mr. President, I gather that the Senator from Androscoggin, Senator

Boucher, thinks that this proposes to take the power of taxation away from the localities. All of the power of taxation which any locality has in this state is derived from the legislature. The Constitution expressly states that the legislature can never suspend or surrender the power of taxation. This would give the local assessors more discrimination than they now enjoy.

As the law now is, and the decisions read, the legislature can completely exempt any kind of property from taxation but all that they tax must be taxed at the same percentage of just value. Now if there are certain kinds of property which the legislature says the local assessors can deal with within their own community so long as they treat everyone within that classification equally and with uniformity, the local assessors would have more power of home rule under this amendment than they now enjoy under the existing Constitution and the court decisions relating thereto. As to the element of centralization of power in Augusta, to which the Senator from Penobscot, Senator Wight refers, we again come back to the fact that the only power to tax is in the legislature. That is what the Constitution says. There is no question about it in my opinion. If this amendment were adopted, the local assessors would have more discretion in handling their local problems in the light of their experience, than they now enjoy.

Mr. WARD of Penobscot: Mr. President and members of the Senate, it is my understanding that the Senator from Cumberland, Senator Chase, rested his entire argument relative to the first part of his constitutional amendment on the proposition that the local assessors are not now capable of exercising the discretion that they have, and I am wondering what benefit it is going to be to them to give them additional discretionary powers.

It is my understanding that this original L. D., L. D. 40, was the constitutional amendment which was proposed by the Legislative Research Committee and all of the remarks in the report of the Legislative Committee pursuant to the order passed two years ago has to

do with the problem which this Legislature was confronted with two years ago when we thought we might be able to levy a tax against the unorganized townships without doing it against the organized townships, and we found that we could not do that and so the Legislative Research Committee was directed to see if it perhaps might be advisable to propose an amendment to the constitution which would accomplish that result.

Now this section of the constitution which we are talking about is very distinctly divided into two parts and separated by a ";". the second part of the proposed amendment reads "but the Legislature shall have the power to levy taxes upon real and personal property in the unorganized territories and upon intangible personal property throughout the state."

Since our country was founded, our United States Supreme Court and the Supreme Courts of the 48 States as they developed, have been interpreting constitutional amendments, and down through the years there has developed some rather well recognized rules in respect to constitutional amendments. One of those rules is that ordinarily the enumeration of specified matters in a constitutional provision is construed as an exclusion of matters not enumerated, so if you will examine the second part of this proposed amendment you will find that we have apparently excluded all power to tax real and personal property in the organized townships of this state.

I feel reasonably sure that that is not the intention of the sponsor of this measure, but I am very much afraid that that is what this particular proposed amendment does.

In respect to the first half of the proposed change, I am somewhat at a loss to know what it means. It speaks of in the respective taxing districts, and I didn't know and I am not aware that we have anything in the State of Maine that we refer to as taxing districts, so I do not know what that particular phrase means. I do not know either what it means when you say in relation to the just value thereof. Our present constitutional provision is

according to the just value thereof, and that particular section of the constitution has been interpreted by our courts on numerous occasions. Now if you amend the constitution, and I do know what the intent is, as I say, of striking out the word "according", but naturally when you do do that and substitute the words "in relation", all the court decisions on that particular part of the constitution have been thrown out and we will start all over again trying to find out what that means, and consequently, my own position is, that I will vote against this particular proposal at this time. If a proposal is advanced which will per this legislature to divide the state into two sections, one consisting of organized towns and one of the unorganized towns, and taxing one or the other such as was apparently the intent of the original order, I would be very happy to go along with it.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, in further support of the minority report as stated by Senator Wight to cast the burden upon the legislature to make districts when the legislature is already unable to decide the flow of population as to recounting noses since 1930 to the number of representatives, it seriously disturbs me as to how we would ever be able to cope with such a problem.

I am a little bit amazed, perhaps justly so like the sheep going down Wall Street, by the statistics which have been presented by that gatherer of statistics, Senator Chase, because in his business he is very capable of seeing how business in various industries in various locations throughout the state is treated and compare that with his own locality, which may or may not be favorable. That when we consider moving from a stand which we have to a stand which we know not is something which we should be very hesitant in doing, and in view of the fact that we cannot even now arrive at a simple figure of reapportionment, I don't see how we ever could arrive at a financial structure district for the state. My further support of the minority report.

Mr. CHASE: One more word and only to clear up certain points that have been raised. The term "taxing district" is well established in the opinion of the Maine Supreme Court. The taxing district is the town or the county or the state as the case may be which levies the tax. It involves no creation of districts as such in any way. Simply recognizes the existing court opinions and takes the definitions which have already come from the court.

Section 8 which this proposes to amend, says that all taxes upon real and personal estate assessed by authority of this state shall be apportioned and assessed equally according to the just value thereof. It doesn't say anything about giving the legislature the authority to tax property state-wide that I can see with respect to the Senator from Penobscot, Senator Ward, points with regard to the exclusion of an amendment. I don't see what it excludes because I don't see anything there now which expressly says in regard to the taxation of property in the state at large.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, in 1933, 1934, 1935 and 1936, which were the so-called depression years, the City of Lewiston of which I was an Alderman, at that time was faced with the problem of either losing its industry or giving them a tax reduction. At that time we consulted the citizens of Lewiston whether they would insist on the tax being maintained at the same level as it was previously on those industries or face the problem that they might move elsewhere. The answer from the people was that they were deriving their living from those industries in Lewiston, Lewiston is a highly industrial city, mostly cotton mills, and if those mills moved out at that time from the City of Lewiston it probably would have become a ghost town.

The Board of Mayor and Aldermen after consulting the public then went to the assessors and asked them if they wouldn't favor the industries to the extent of keeping them in Lewiston, and by dangling them an adjustment on their tax during those years, we were able to save those industries

for Lewiston and keep the wheels of industry turning and keep the citizens of Lewiston happy through those depression years. As the years grew better and the industries made more money they very willingly accepted to pay higher taxes, and they are now paying today. Through that system we saved our industries. I am really afraid under this bill, although the Senator from Cumberland claims it will give a better opportunity to the assessors to adjust the taxes, I do not understand this bill as so. I may be wrong in my thinking, but I am thinking in this bill he is trying to have a locality assess everybody on an even basis. That may be a fair and practical way of doing it in ordinary times, but when there comes an emergency like 1932, '33, '34, '35 and '36 and then you must face facts. We had to face facts in Lewiston. We did. We decreased the taxes on the industries, but we have lost nothing, we have got back every dollar that we let them have at that time to carry on since then through taxes and increased taxes.

Again I repeat, I may not understand the bill probably, but if my reading of it and thinking of it is right, I cannot go along with this bill.

Mr. WARD: Just briefly. I agree with the Senator from Cumberland, Senator Chase, in what remarks he has made in regard to the second half of the present constitutional provision, but if the members would turn to the Legislative Docket which is 1418 this new proposed amendment makes two changes in the second part of the bill, this constitutional provision. The first change it makes, it would add real and personal property in the unorganized territories, and then it goes on and adds after the words "intangible personal property" it then adds "throughout the state", so that it would leave the court I am afraid no alternative but to say that those additions now limit the power of the legislature to assess real and personal property taxes on the unorganized townships only and that they have the right to assess on intangible personal property throughout the state.

Mr. CHASE: Mr. President, we might as well have a division so we

can see what the status of this is.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chase, that the Senate accept the majority "ought to pass" report of the committee, and that Senator 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.

Eight having voted in the affirmative and nineteen opposed, the motion to accept the majority report did not prevail.

Thereupon on further motion by the same Senator the minority report "ought not to pass" was accepted.

Sent down for concurrence.

Mr. HASKELL of Penobscot: I would ask unanimous consent to address the Senate very briefly on the matter of adjournment and next week's program.

The Senator from Penobscot, Senator Haskell, was granted unanimous consent to address the Senate.

Mr. HASKELL: Mr. President and members of the Senate, speaking first to our procedures of next week, I think it becomes even more im-

portant that all committee chairmen try to schedule any public hearings that need to be held next week on Wednesday afternoon so we will have both the Tuesday afternoon and Thursday afternoon for executive sessions or if necessary for calendars, without interference by hearings.

Recognizing as I do that the motion to adjourn is not debatable and must immediately be put, I now move the Senate do adjourn until 10:00 o'clock tomorrow morning.

The PRESIDENT: Before putting the motion of the Senator from Penobscot, Senator Haskell, the Chair will announce the names of the conferees on the part of the Senate on the Committee of Conference on the disagreeing action of the two branches, a Bill "An Act Relating to Liquor Billboards and Signs." (H. P. 275) (L. D. 262).

The Chair appoints on the part of the Senate on the Committee of Conference the following Senators, Senator Tabò of Kennebec, Senator Dennett of York, and Senator Boucher of Androscoggin.

Thereupon on motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at 10 o'clock.