

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 21, 1953.

The Senate was called to order by the President.

Prayer by the Rev. Douglas H. Robbins of Augusta.

Journal of Friday, April 17, 1953, read and approved.

The PRESIDENT: The Chair is very certain that the members of the Senate are most happy to know that we have back with us, the good Senator from Hancock, Senator Silsby. In behalf of the Senate, Bill, I want to welcome you back. We are sorry that you had to be away and we are glad to have you back with us again.

House Papers

Bill "An Act Relating to Appropriation for Flags in Schools," (H. P. 360) (L. D. 376)

(In Senate, on March 10, passed to be engrossed in concurrence.)

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

In the Senate, on motion by Mr. Collins of Aroostook, the Senate voted to recede and concur.

House Committee Reports

The Committee on Welfare on "Resolve Providing for State Pension for Reinold Zebe of Poland," (H. P. 384) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Open Season on Muskrats in Washington County," (H. P. 257) (L. D. 287) reported that the same ought to pass.

(On motion by Mr. Hanson of Washington, tabled pending consideration of the committee report.)

The Committee on Judiciary to which was recommitted Bill "An Act Relating to Acquisition of Schoolhouse Lots by Condemnation," (H. P. 269) (L. D. 297) reported that the same ought to pass.

The same Committee on Bill "An Act Amending the Maine School Building Authority," (H. P. 522) (L. D. 556) reported that the same ought to pass.

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

The Committee on Judiciary on Bill "An Act Relating to Joint Tenancies Between Husband and Wife," (H. P. 68) (L. D. 64) reported the same in a new draft (H. P. 1246) (L. D. 1452) under the same title, and that it ought to pass.

Which report was read and accepted and the bill read once; on motion by Mr. Ward of Penobscot, the bill was laid upon the table pending assignment for second reading.

The Committee on Taxation on Bill "An Act Relating to Exemptions from Taxation of Veterans," (H. P. 994) (L. D. 1081) reported the same in a new draft (H. P. 1234) (L. D. 1428) under the same title, and that it ought to pass.

Which report was read and accepted in concurrence, the bill in new draft read once and tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Revolving Fund for Administration of Social Security for Political Subdivisions of State," (H. P. 1007) (L. D. 1134) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Appropriation for Unorganized Territory Capital Working Fund," (H. P. 1073) (L. D. 1213) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Judiciary on Bill "An Act Relating to Persons Treating for Gunshot Wounds," (H. P. 1094) (L. D. 1228) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Public Health on Bill "An Act Relating to Removal of Bodies to Crematories," (H. P. 989) (L. D. 1077) reported that the same ought to pass, as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to the State Board of Examiners of Funeral Directors and Embalmers," (H. P. 990) (L.

D. 1078) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to the Registration and Practice of Osteopathic Physicians and Surgeons," (H. P. 1111) (L. D. 1246) 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 read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on "Resolve Regulating White Perch in Lake Auburn," (H. P. 1047) (L. D. 1188) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate, the report was read and accepted and the bill read once; House Amendment A and Committee Amendment were severally read and adopted and the bill as so amended was tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on "Resolve, Authorizing Survey by Commissioner of Inland Fisheries and Game to Cooperate with Other States to Reduce Hunting Fatalities," (H. P. 1091) (L. D. 1225) reported that the same ought not to pass.

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

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

The Committee on Legal Affairs on Bill "An Act Relating to Inflammable Oils and Liquids," (H. P. 673) (L. D. 716) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House, recommitted to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Chapman of Cumberland, tabled pending consideration of the committee report.

Communications:

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

April 17, 1953

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

Sir:

The Speaker of the House has appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on "Resolve Closing Little Sebago Lake, Cumberland County, to Ice Fishing":

Messrs: DAVIS of Harrison
WHITNEY of Bridgton
EDWARDS of Raymond

Respectfully,

HARVEY R. PEASE
Clerk of the House

HRP/rwb

Which was read and ordered placed on file.

First Reading of Printed Bills

Bill "An Act Relating to Apprentice Barbers." (S. P. 539) (L. D. 1453)

Bill "An Act Declaring All Court Papers, Books and Records Pertaining to Adoption Confidential and Providing for Release Thereof." (S. P. 541) (L. D. 1454)

Which were severally read once and tomorrow assigned for second reading.

Senate Papers

Mr. Dunham from the Committee on Highways on "Resolve, Providing for Construction of Highway to Sugarloaf Mountain, Franklin County," (S. P. 296) (L. D. 828) reported that the same ought not to pass.

Mr. Greeley from the same Committee on "Resolve, in Favor of Joseph T. Sewall of Wiscasset," (S. P. 528) (L. D. 1419) reported that the same ought not to pass.

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to Judges of Probate and Spouses

as Counsel in Cases Incompatible," (S. P. 410) (L. D. 1109) reported that leave be granted to withdraw the same.

Mr. Wight from the Committee on Taxation on Bill "An Act to Provide an Allowance to Retailers for Collecting the Sales and Use Tax," (S. P. 186) (L. D. 431) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Boucher from the Committee on Welfare on "Resolve Providing for State Pension for Eva A. Scammon of Franklin," (S. P. 103) reported that the same ought not to pass.

(On motion by Mr. Silsby of Hancock, tabled pending consideration of the report.)

Mrs. Kavanagh from the Committee on Claims on "Resolve, in Favor of Edward Alvin Hodsdon, of Presque Isle," (S. P. 166) (L. D. 411) reported the same in a new draft, (S. P. 548) under the same title, and that it ought to pass.

Mr. Reid from the Committee on Judiciary to which was recommitted Bill "An Act Authorizing Appointment of Special Guardian," (S. P. 42) (L. D. 55) reported the same in a new draft (S. P. 549) under the same title, and that it ought to pass.

Which reports were severally read and accepted, the bill and resolve laid upon the table for printing under Joint Rule No. 10.

Mr. Reid from the Committee on Judiciary on Bill "An Act to Permit Testing of Military Weapons and Munitions on Great Ponds," (S. P. 216) (L. D. 541) reported the same in a new draft (S. P. 550) under a new title, Bill "An Act to Permit Testing of Anti-Aircraft Weapons and Munitions Over a Part of Moosehead Lake," and that it ought to pass.

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

Mr. Reid from the Committee on Judiciary on "Resolve Authorizing Treasurer of State to Convey Interest of the State in Property in

Portland to Frank and K. Louise Bieske," (S. P. 518) (L. D. 1406) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Validate Acceptance by the Town of Bristol of a Contract with Maine School Building Authority," (S. P. 514) (L. D. 1401) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Duties of Clerk of the Lewiston Municipal Court," (S. P. 177) (L. D. 436) reported that the same ought to pass.

Which report was read and accepted and the bill read once and tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision of the Session Laws of 1945, 1947, 1949 and 1951," (S. P. 490) reported that the same ought to pass.

Which report was read and accepted, and under suspension of Joint Rule No. 10 the resolve read once and tomorrow assigned for second reading.

Passed to be Engrossed

"Resolve to Reimburse the Town of Brooks for Pauper Claims." (H. P. 25) (L. D. 1447)

"Resolve in Favor of the Town of Jay." (H. P. 789) (L. D. 1448)

"Resolve in Favor of Town of Van Buren." (H. P. 963) (L. D. 1449)

"Resolve Appropriating Moneys for Reconditioning Buildings at the Maine Vocational-Technical Institute." (H. P. 1036) (L. D. 1180)

Bill "An Act Relating to Acceptance by State of Funds for Unorganized Territory Capital Working Fund." (H. P. 1072) (L. D. 1212)

Bill "An Act to Change the Name of Portland University Extension Courses, Inc., and to Grant it Certain Powers." (H. P. 1139) (L. D. 1289)

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

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Fifty-three and for the

Year Nineteen Hundred Fifty-four." (H. P. 120) (L. D. 121)

"Resolve for the Purchase of One Hundred Copies of "Highlights of Westbrook History." (H. P. 207) (L. D. 238)

"Resolve in Favor of the Town of Fort Fairfield." (H. P. 1080) (L. D. 1450)

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

Bill "An Act Relating to Tax Stamp Discounts in Cigar and Tobacco Products Law." (S. P. 333) (L. D. 833)

Bill "An Act Relating to Certain Policies of Insurance by Companies Organized General Law." (S. P. 433) (L. D. 1210)

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

Sent down for concurrence.

Orders of the Day

The President laid before the Senate House Reports on Recommended Resolve in Favor of Bosworth Memorial Association (H. P.23) (L. D. 18) Majority Report Ought Not to pass; Minority Report Ought to Pass; tabled by the Senator from Cumberland, Senator Weeks on April 17 pending motion by the Senator from Aroostook, Senator Collins to accept the Majority Report, and today assigned.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I confess that I have been unable to make some of the investigations that I would have like to make before the fatal hour arrived. Therefore, I would request that the Senate indulge me to the extent of allowing this to be retabled until tomorrow morning.

The motion prevailed and the resolve was laid upon the table pending motion by Senator Collins of Aroostook, that the Senate accept the Majority Report; and was especially assigned for Wednesday, April 22.

The President laid before the Senate, House Report "Ought to Pass" from the Committee on Legal Affairs on Bill, An Act Relating to Sale of Fireworks (H. P. 831) (L. D. 862) tabled on April 17 by the Sena-

tor from Aroostook, Senator Jamieson pending consideration of the report, and today assigned.

Mr. JAMIESON of Aroostook: Mr. President, I move that the Senate go along with the House and indefinitely postpone this bill.

Mr. CHAPMAN of Cumberland: Mr. President, and members of the Senate, fully cognizant of the fact that this bill was originally reported out "Ought to Pass" from the Committee on Legal Affairs, I nevertheless, rise to say that I am going to go along with the motion of Senator Jamieson to indefinitely postpone this bill in concurrence with the House. In so doing I just want to say a brief word relative to the original committee recommendations on the bill.

Four years ago, you may recall a so-called fireworks ban was put into effect by the 1949 legislature, the effect of which was to ban all fireworks with the exception of one very small matter, cap pistols. This year by the sponsorship of certain fireworks manufacturers in the State of Maine, this bill suggests that the rather broad prohibition of fireworks four years ago be lifted to what they thought reasonably safe. The category of fireworks to be excepted from the original prohibition seemed at the time of the committee hearing to be reasonable and on that basis, on the basis of safety, the committee was willing to report "Ought to Pass". As we well know, when that particular bill came out in the other branch, it struck stormy going and it seemed to be universal feeling that such a bill would open the door to a reasonably dangerous future in the field of fireworks and I think that the committee is reconciled to that viewpoint. On that basis, I concur with Senator Jamieson's motion to indefinitely postpone the bill in concurrence.

The motion prevailed and the bill was indefinitely postponed in concurrence.

Mr. Haskell of Penobscot was granted unanimous consent to take from the table bill, An Act Relating to Elderly Teachers Pensions (S. P. 49) (L. D. 77) tabled by that Senator on April 17 pending assignment for second reading,

and especially assigned for Wednesday, April 22.

Mr. HASKELL of Penobscot: Mr. President, I move that the rules be suspended and that this bill be given its second reading at this time and be passed to be engrossed. In support of that motion I would state that when I tabled the bill, it was my thought that by tomorrow we would have a clearer picture of the general fund situation so that the bill could be debated in relation to the available dollars. It does not appear that that picture will be entirely clear before next week, so it seems unreasonable to hold this bill, involving \$145,000 a year in the Senate, it being a Senate bill, since we cannot seriously debate it until the money picture is cleared up.

I therefore move that the rules be suspended, the bill be given its second reading and pass to be engrossed.

The motion prevailed, the bill was given its second reading under suspension of the rules and was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Chase of Cumberland, the Senate voted to take from the table bill, An Act Exempting Certain Education Institutions from the Sales Tax (S. P. 524) (L. D. 1416) tabled by that Senator on April 17 pending motion that the Senate insist on its former action.

Mr. CHASE of Cumberland: Mr. President, the committee on Taxation had presented to it a considerable number of bills reflecting the desire of various groups and institutions to be excused from the payment of a sales tax. We called them in committee, the "crying" bills. They all had compelling arguments based on sympathy and in the aggregate—most of them were small in their immediate effect on the sales tax—but in the aggregate represented a substantial amount. The committee tried to hold the line as well as it could, and the legislature has already sustained the committee in several of the "ought not to pass" reports of a number of these measures, one of which included an excuse from tax for the home for aged and orphans, and there are others of similar title by which titles alone,

the task was made difficult for the committee.

The bill originally proposed to exempt from the sales tax all educational institutions. The committee thought there was a distinction between the educational institution which performed a function comparable to the public schools of the state. For example the academies, which in many places replace the high schools which are exempt as being municipal agencies, it seemed to us to be within the public school system, but as to the colleges we thought there was a distinction.

Various estimates have been made regarding the affect of this bill upon revenue, and I am not going to quarrel with any estimate because I don't know any way by which an estimate can be made. The bill was amended in the House to include again, apparently, all educational institutions. In other words, if we concur with the House, in the amendment, the colleges will be exempt. I don't know what the effect on revenue may be. Certainly, it will not in dollar value be serious. There are, however, other factors which deserve some consideration.

Colleges now enjoy exemptions from real and personal property tax, under a statute which embraces all literary, scientific, benevolent and charitable institutions and if you are going to break the line to exempt colleges now, it seems to me almost certain that you will face continued, repeated requests for further exemptions in that field, which may eventually run to a substantial amount.

Any exemptions from the sales tax by group as distinguished from commodities creates a problem for the retailer who has to collect the tax and also sets up an opportunity for evasion of the tax. I think you will agree that if colleges are to be exempted from the sales tax, the purchasing agents of the colleges will receive frequent requests to have the college buy something which some member of the faculty or some other person connected with the college might be going to buy individually; and these opportunities for evasion will represent a serious problem of administration.

I don't know what it will cost to exempt colleges as is proposed

in this amendment and I am not going to quarrel with any estimate, but there is an issue involved in the matter as to whether you are going to continue to exempt people who ask to be exempted and who have some basis of appeal to sympathy. If the Senate should vote to exempt colleges after refusing to exempt orphans, I think one might reasonably infer from that that the Senate contains more alumnae than orphans.

I think there is a major issue here, whether you are going to continue to set these special groups for exemption. The opportunity for evasion, I believe, will definitely be increased and I feel sure there will be evasions by the method which I have described, and more in the case of colleges. The danger there is greater than with the academies which have a more limited field of commodities. I hope that the Senate will vote with my motion to insist on our former action.

Mr. BROGGI of York: Mr. President and members of the Senate, it is not my intent this morning to debate or to appeal to the alumni of Maine colleges. I do not think that this is a "crying" bill but I do have six definite, compelling arguments, to which I believe that the Senate should give serious consideration before going along with Senator Chase. This bill involves Bates, Bowdoin, Colby, Westbrook Junior College, Portland Junior College, Ricker College, Nassau, and the Bangor Theological Seminary. The known amount involved on the sales tax paid by Bates, Bowdoin and Colby, amount to approximately \$3,000. Multiply that by three and you get \$9,000, add seven or eight thousand for the small schools, and the total state take on the sales tax from this group amounts to about \$17,000.

As I said, I have six reasons which I think we should consider. First of all, Maine private colleges never have and probably never will seek state or federal aid. I recommend, lady and gentlemen, a booklet written by Dr. Charles Phillips in which he states that he does not and will not seek state or federal aid.

Two. Maine colleges are non-profit organizations. Third. This is

very important. Maine private colleges subsidize Maine students to the tune of about a half million dollars a year. The enrollment of Bates, Bowdoin and Colby, is in the vicinity of 2700. Each student is subsidized to the amount of \$400, meaning that these three colleges alone are subsidizing Maine boys and girls to the tune of a half million dollars worth of free education. Put that against the \$16,000 which the state would lose in taxes and which does the Senate prefer?

Four. The very existence of these private colleges in Maine relieves our state university. We know that it costs the state a considerable number of dollars to subsidize our state university.

Five, and perhaps the most important, is the fact that no other sales tax state taxes non-profit educational organizations. Maine would be first.

Six. If this tax is kept on, I think it opens the door. The federal government and the state governments have consistently refused to tax private non-profit educational institutions. I admit that our motto is *Dirigo*. We lead. If we continue this tax, we will certainly lead in being the only state to tax these non-profit, educational institutions. These schools give us about three million dollars worth of free education and compared to that, the \$16,000 state tax is relatively unimportant. I think it has showed courage and efficiency, for instance, on the part of Colby College to remove its campus to *Mayflower Hill* so as to provide educational facilities for the boys and girls.

It does seem to me that we should be careful about opening the door to tax these institutions when other states have refused to do so, and the federal government has refused to do so.

Mr. President and members of the Senate, I sincerely hope that the motion of Senator Chase of Cumberland, does not prevail and I ask for a division when the vote is taken.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chase, that the Senate insists on its former action of April

9th whereby the bill was passed to be engrossed without amendment.

Mr. SQUIRE of Kennebec: Mr. President and members of the Senate, I just want to say a word today because I spoke on this measure the other day. I want to go along with the Senator from York, Senator Broggi, on this particular matter. I do feel that the liberal arts colleges of this State contribute greatly to the education of the youth of the State of Maine. I know that particularly in Waterville, Lewiston and in Brunswick that some of the young people in those cities would not be able to get a college education if it were not for the advantages of these liberal arts colleges in those communities. It is a tremendous contribution that they make and as the Senator from York, Senator Broggi, said they do not now and do not intend in the future to ask for any contribution from the State for their operations. I do feel that education is very important. These colleges are not asking for any contributions. They are simply asking to be relieved of the burden of the sales tax. I really feel we should grant their request because the liberal arts colleges, by and large, not only in Maine but throughout the country are operating by private contributions and those contributions have been falling off from year to year. It is very difficult to operate a liberal arts college today and it seems to me if we refuse to grant the request of these colleges in Maine it will be a sad commentary on this legislature.

Mr. BROGGI of York: Mr. President, I forgot to mention that of course the University of Maine does not pay a sales tax being in a sense a sub-division of the state. Also the parochial schools and colleges do not pay a sales tax probably because of their church affiliations. I have no quarrel with that. I favor it. But by the same token I believe that the other colleges deserve the same privilege.

Mr. CUMMINGS of Sagadahoc: Mr. President and members of the Senate, on this issue I think that as a Bowdoin alumnus I should get up and make one statement. As has been said, the University of

Maine does not pay a state sales tax. I think there is great merit in the principles exposed and stated by both sides, in this debate. However, I would like to have the Senate bear in mind that we have a few bills coming along, of a minor nature just as this bill is so far as dollars and cents are concerned. We have bills to appropriate \$2,000 for the study of the aged and other such bills. I simply wanted to state that if exempting these colleges is going to hurt the aged or the orphans in any way, or similar groups, then I certainly shall oppose the college exemption. I take that stand simply because I feel that the alumni of our colleges are able to stand on their own feet and take care of their institutions and I do not want to have the Senate vote on this bill feeling that they must protect the small colleges. The colleges are able to stand on their own feet and do not have to feed at the public trough.

Although I would be pleased of course to have Bowdoin exempted from the sales tax, I would not want that done at the expense of any groups such as hospitals or other groups that need help more than the colleges.

Mr. BROGGI: Mr. President, I would like to say to the Senator from Sagadahoc, Senator Cummings, that the colleges are not asking to feed at the public trough. They are asking only for the privilege accorded to other colleges. One other point too, it is not only a matter of three or four thousand dollars. It is a matter of confusion.

For instance, Colby might make a purchase out of state, and under this bill they should pay a tax. They make the purchase and receive a bill. The tax is not added so they write back to the firm and say, "You did not include the state sales tax." And the business outfit writes back to the college and says, "There is no sales tax. You are a college and exempt." Then they write back and say, "We are exempt in other states, but not in the State of Maine."

I think the bother and confusion, plus the fact that it opens the door for state taxes which has never been opened before, is a com-

elling reason why we should defeat the motion of the Senator from Cumberland, Senator Chase.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, the thought going through the presiding officer's mind right now is that he came down to me this morning and in no uncertain terms told me that I could shorten the session by staying in my seat more often. And I agree with him. However, my position on this bill is this. That without any question, any loss of revenue, whether it be on this exemption or any other exemption bill that we pass, will have to be matched with a willingness on the part of both branches, to reduce general fund appropriation. I do not attempt to discuss the merits of this tax cut, or the merits of educational appropriation and I hope to join with the Senator from York, Senator Broggi, in maintaining educational appropriations at a level consistent with his desires. That has been done previously and that I pledge to Senator Broggi to do again. It seems to me that the issue is very clear. If this exemption is granted or any other substantial exemption is granted, all of us must find some area in the appropriation measure to make room for the exemption.

Much as my sympathy dictates that I should support the exemption, my common sense tells me that it does not match the distaste that will be mine in having to vote for an amendment to cut down the very things that many favor this exemption are very hopeful will remain in the appropriation measure. I shall vote with the Senator from Cumberland, Senator Chase, for that reason.

Mr. BOUCHER of Androscoggin: Mr. President, I came in a little late this morning, unavoidably, and I did not intend to enter into this discussion but the entrance of the majority floor leader into the debate brings me to my feet.

I can't quite agree with the majority floor leader in his remarks. Up to that point I have not action to take but when he comes in and tries to tell us what is going to happen if we exempt the colleges in this State, that brings me to my feet.

The Governor and the honorable Senator from Penobscot, together with two or three other members of this legislature have put about three million dollars over the appropriations and I for one am willing to go along with the budget and I think that is what we should do and not increase the budget beyond what the Governor originally requested. The Governor is the man who dispenses the money we appropriate. All they requested was so much money and we have gotten generous. We want to give them three million dollars more than they requested but we can't afford to take a little cut in that white elephant called the sales tax. We couldn't do it to water because that would be bankrupting the State of Maine and now we can't do it to the colleges either and probably we won't do it to the automobiles because that is a sacred sales tax and it must not be touched. But we can raise other appropriations sky high and then all we will have to do is raise the sales tax, that's all. It is as simple as that, lady and gentlemen of the Senate. I have seen it happen in these last twenty years or so, starting with a small tax of one cent per gallon on gasoline, and where are we today. We started with a small tax of one cent a package on cigarettes, but where are we today. I tell you, lady and gentlemen of the Senate, the answer is very evident and very plain. We might debate here for hours just to hear ourselves talk and get ourselves on the record for future generations to look at, which I guarantee they won't do, and accomplishing nothing. I have made up my mind over the week end that for my money I am going to buy the Governor's budget and do all we can under that budget and go home as soon as possible.

Mr. DOW of Lincoln: Mr. President, as an alumnus of the University of Maine I feel that the University of Maine does not wish to enjoy any privileges with regard to the sales tax that Bowdoin can't have. Therefore, I will go along with the Senator from York, Senator Broggi.

Mr. SQUIRE of Kennebec: Mr. President and members of the Sen-

ate, I don't wish to prolong this debate. I do feel that the request of the colleges is justified. However, I would make the comment that I don't know where this policy of favoritism is going to lead us. I dislike to use the word favoritism. Let us say discrimination is creeping into the legislature this session. We have had it before and now we seem to have it again, discrimination in this particular bill by taking out the colleges and leaving the academies in. The colleges are having just as rough a time getting along as the academies and in answer to my good friend the Senator from Penobscot, Senator Haskell, I would say that if we are going to go along with the request of the colleges then lets not discriminate.

Mr. CUMMINGS of Sagadahoc: Mr. President and members of the Senate, I am afraid I didn't make myself too clear when I was on my feet originally. I did not mean to infer that the colleges were trying to feed at the public trough, that is far from my mind. The only point I was trying to make is that if the State cannot stand this small loss of revenue which would be occasioned by passing this bill to exempt the small colleges, if we can't stand that loss of revenue, then I would rather have the colleges pay it than the aged.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Cumberland, Senator Chase, that the Senate insist on its former action of April 9th, whereby the new draft was passed to be engrossed without amendment, and the Senator from York, Senator Broggi has requested that when the vote is taken it be taken by division.

A division of the Senate was had.

9 having voted in the affirmative and 23 opposed, the motion to insist did not prevail.

Mr. SQUIRE: Mr. President, I now move that the Senate recede and concur with the House.

Mr. CHASE: Mr. President, it is clear that the Senate wants to exempt the colleges and I shall say no more about it, but in view of

the fact that this new draft says to exclude the colleges I am a little dubious about the effect of the amendment. There is quite a difference between taking an exclusion clause and making it an inclusion clause, and simply for the purpose of making sure that the bill as amended will accomplish the results that the Senate has indicated by its vote it wishes to accomplish I should like to have the matter laid upon the table long enough for me to check this bill with the taxation department to see if it presents any difficulties with the administration and when I am satisfied with it on that score I shall be glad to let it go along.

Mr. President, I move that the bill be laid upon the table pending the motion of the Senator from Kennebec, Senator Squire, that the Senate recede and concur with the house.

The motion to table prevailed.

Mr. HARDING of Knox: Mr. President, I rise to inquire if House Paper 845, Legislative Document 949, an Act to Incorporate the Saco Sanitary District is in the possession of the Senate.

The PRESIDENT: In answer to the inquiry of the Senator from Knox, Senator Harding, the Chair will inform the Senator that the bill is in possession of the Senate at this time.

Mr. HARDING: Mr. President, I move that the bill be laid upon the table for further consideration.

Thereupon, the bill was laid upon the table pending further consideration.

On motion by Mr. Haskell of Penobscot

Recessed for five minutes.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table House Report from the Committee on Judiciary on bill, An Act Relating to Joint Tenancies Between Husband and Wife (H. P. 68) (L. D. 64), reporting the same in a new draft (H. P. 1246) (L. D.

1452), under the same title and that it Ought to Pass, tabled earlier in today's session by that Senator pending second reading.

The same Senator presented Senate Amendment "A" and moved its adoption:

Senate Amendment "A" to H. P. 1264, L. D. 1452, Bill "An Act Relating to Joint Tenancies Between Husband and Wife."

"Amend said Bill by striking out the Title thereof and inserting in place thereof the following Title:

'An Act Relating to a Method of Creating Joint Tenancies in Real Property.'

"Further amend said Bill by striking out the last underlined sentence and inserting in place thereof the following underlined sentence:

'Estate in joint tenancy so created shall have and possess all of the attributes and incidents of estate in joint tenancy created or existing at common law and the rights and liabilities of the tenants in estate in joint tenancy so created shall be the same as in estates in joint tenancy created or existing at common law.'"

Mr. WARD: Mr. President, the purpose of the amendment is to correct the title of the bill and to clarify the last sentence in the bill and is not intended to change the intent of the bill in any way.

Thereupon, Senate Amendment "A" was adopted in non-concurrence and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Carter of Oxford, the Senate voted to take from the table bill, An Act Relating to Statement of Income and Expense of Persons Requesting Pauper Assistance (H. P. 873) (L. D. 944), tabled by that Senator on April 15th pending passage to be engrossed; and that Senator yielded to the Senator from Kennebec, Senator Reid.

Mr. REID of Kennebec: Mr. President, this bill as now written contains one error and for the purpose of correcting it I present Senate Amendment "A" and move its adoption: Amend said bill by striking out the underlined word "settlement" in the first line of that part designated 'sec. 2-B' and in-

serting in place thereof the word 'residence.'

Senate Amendment "A" was adopted in non-concurrence.

Mr. CARTER of Oxford presented Senate Amendment "B" and moved its adoption:

SENATE AMENDMENT "B" to H. P. 873, L. D. 944, Bill, "An Act Relating to Statement of Income and Expense of Persons Requesting Pauper Assistance."

Amend said Bill by striking out all of the 1st paragraph and inserting in place thereof the following:

'R. S., c. 82, §§2-A—2-C, additional. Chapter 82 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 2-A to 2-C, inclusive, to read as follows:'

Further amend said Bill by adding at the end thereof the following underlined section:

'Sec. 2-C. Application. The provisions of sections 2-A and 2-B shall not apply to towns having less than 2,500 inhabitants.'

Senate Amendment "B" was adopted and the bill as amended by Senate Amendment "A" and as further amended by Senate Amendment "B" was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table bill, An Act Relating to Education in Unorganized Territory (S. P. 448) (L. D. 1262), tabled by that Senator on April 7th pending consideration; that Senator yielded to the Senator from York, Senator Broggi.

Mr. BROGGI of York: Mr. President, this bill has an amendment which is written wrong. It is my own amendment and with the intent of substituting another amendment I move that the present Senate Amendment "A" be indefinitely postponed.

Thereupon, Senate Amendment "A" was indefinitely postponed.

The same Senator presented Senate Amendment "B" and moved its adoption:

SENATE AMENDMENT B to S. P. 448, L. D. 1262, Bill "An Act Relating to Education in Unorganized Territory."

Amend said Bill by adding at the end thereof a new section to read as follows:

'Sec. 3. Appropriation. There is hereby appropriated from the general fund the sum of \$20,000 for the fiscal year 1953-54 and \$20,000 for the fiscal year 1954-55 to carry out the purposes of this act.'

Senate Amendment "B" was adopted.

Mr. BROGGI: Mr. President, as this bill is an appropriation measure I move that the bill and accompanying papers be tabled.

Thereupon, the bill as amended by Senate Amendment "B" was laid upon the table pending passage to be engrossed.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table, Senate Report, Ought Not to Pass, from the Committee on Towns and Counties on Bills, An Act Relating to Nomination for State Senators from Cumberland County (S. P. 487) (L. D. 1344), tabled by that Senator on April 7th, pending consideration of the report.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate, I am going to move the acceptance of the committee report "Ought Not to Pass" because the bill involves a rather interesting consideration relative to reapportionment, if you want to call it that, within the county and I think it is proper to say a few words about it.

There was an attempt in Cumberland County to meet a problem which exists, I think perhaps on the State level, with regard to the effect of municipal concentration as affecting the election of Senators from various counties. This bill originally proposed that at least one Senator from Cumberland County be considered as nominated from the county district within the county. The bill was considered in the county delegation on several occasions and much enthusiasm was expressed for its purpose although the mechanics do not satisfy the delegation and we agreed to go along and dispose of the bill but it is one of those things working in the background and will be considered over the next two or four year period, and with that in view I move the acceptance of the Ought

Not to Pass report of the committee.

Thereupon, the Ought Not to Pass report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table House Reports from the Committee on Judiciary on bill, An Act To Provide for the Observance of Legal Holidays (H. P. 819) (L. D. 850); majority report, "Ought to Pass as amended by Committee Amendment A"; minority report, "Ought Not to Pass", tabled by that Senator on April 15th pending consideration of the reports.

Mr. REID of Kennebec: Mr. President and members of the Senate, this bill calls for the observance of the four particular holidays with historical dates instead of on the historical dates as they come up on the calendar each year, to be observed on Monday. It also provides that the law would not become effective until 31 other states have so voted. At the hearing before the Judiciary Committee the proponents appeared in rather large force and my recollection is there was no opposition except from one or more members of the committee itself. There are two reasons which compelled the committee to report this bill out favorably. I may say incidentally that the amendment has nothing to do with the body of the bill but simply synchronizes it with other provisions of the law. First, it was considered that Maine, as everyone knows, is a recreational state and that with some 31 other states having the same holidays we would lose a lot more visitors to Maine and that we could do a lot more business if we acted accordingly. I happen to know that the Maine Development Commission is highly in favor of the bill and think it is good from a publicity standpoint. Secondly, industrial plants and retail stores appear to be very much in favor of it because when a holiday comes in the middle of the week it tends to seriously disrupt business routine. The only opposition to it stems from sentimental reasons, with which I have no quarrel, namely, that the

historical dates have a sentimental attachment to them and we couldn't change them. Those on the committee who are willing to disregard sentiment in favor of the advantage to the State and also to the retail business of the State, felt they ought to go along with the bill. It had, as I say, a large number of proponents not only at the hearing but through correspondence, and as far as I know the only opposition is from sentimentality.

May I inquire, Mr. President, if the action of the other Branch was to accept the minority Ought Not to Pass report?

The PRESIDENT: In answer to the question of the Senator from Kennebec, Senator Reid, the Chair will inform the Senator that the action of the other Body was to indefinitely postpone the bill and the report.

Mr. REID: I now move, Mr. President, the acceptance of the Majority Ought to Pass as Amended report of the committee in non-concurrence.

Mr. HARDING of Knox: Mr. President and members of the Senate, being one of those who signed the minority Ought Not to Pass report, I apparently am governed by sentiment. If that be so then it is so whether it is sentiment or whatever it is. There are some exceptions in this bill on certain holidays. I don't remember whether the Fourth of July is one of them or not but I wouldn't care to celebrate the Fourth of July on any other day than the Fourth of July, and as far as I am concerned that holds true as to the other holidays. The most compelling reason and the most often urged reason in the hearing for changing these holidays to Monday was the commercial reason and we were given figures showing how many more tourists came into the State on a week end on which a holiday fell on Monday than on holidays other than week ends, and to my mind and way of thinking that is not any reason for changing the holidays. If, however, the Senate feels that it is, I would submit that this bill should be amended and, solely for the commercial advantage of it, we should institute a national

fire sale day, a national smoke and water sale day, and we could run down through all the various sales and institute them as holidays and celebrate them on Monday, that should be a big help commercially. But because of the action in the other House and because I feel that the bill should not pass I move that the Senate indefinitely postpone the bill.

Mr. REID: Mr. President, so that there will be no misunderstanding, the bill changes Washington's birthday by name to President's Day, which would be held Monday. The next is Memorial Day, the next is Independence Day, and the last one is Thanksgiving Day on the fourth Monday in November. I would say that in all of the States that have this particular bill under consideration the act is uniform so that if 31 or more States passed it each State will observe the same holidays on Monday.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I think this is a good bill and I want to go along with it, not as pointed out by the Senator from Knox, Senator Harding, in consideration especially of the merchants but in consideration of the people of the State of Maine, and I am talking now about the majority of the people in my own community who are in the industrial occupations. Those people are working five days a week, Monday, Tuesday, Wednesday, Thursday, and Friday, and in some cases also Saturday, and a holiday coming in the middle of the week does not really give them a holiday. I will admit it is an interruption to industry and may cause some trouble, but if these holidays all came on a Monday it would give them a so-called long week end and I think it would give them a chance to get away from the regular things they do and go out and enjoy themselves.

To me those four holidays we are trying to change are not sacred in their nature because the question as to time and day of holidays has been questioned time and again on everyone of them so far. Thanksgiving Day has been changed in the past from the fourth Thursday to the third Thursday during a certain number of years. I

have seen other changes occur along those lines and I don't believe that the day we celebrate those events is the important factor. I think the important factor is the fact that we do observe those events whether on Monday or any other day of the week. I think this bill not only may exemplify the celebration of those holidays but will make it much more agreeable to the citizens of Maine who celebrate on those occasions on the Monday following a Sunday holiday. Most of the people in Maine don't work on Sunday and if they have this holiday on Monday it will give them a long week end and a chance to enjoy themselves and to celebrate properly these occasions. So, therefore, Mr. President, I am going along with the motion of the Senator from Kennebec, Senator Reid.

Mr. DUNHAM of Hancock: Mr. President, I would like to make a few remarks about these particular holidays. I haven't any qualms about celebrating Thanksgiving Day on Monday or Independence Day on Monday or Memorial Day on Monday but I do wonder why the name Washington was changed to President's Day? I do hate to erase from our memory the name Washington. In our history books we teach the children that Washington was the father of our country, and a great statesman, and we set aside a particular day on which we celebrate his birthday. I would like to know why we should change it to read President's Day?

The PRESIDENT: The Chair understands that the Senator from Hancock, Senator Dunham, addresses an inquiry to the Senator from Kennebec, Senator Reid who may answer if he wishes.

Mr. REID: Mr. President, I will say that the reason given was that it might be nicer to honor all Pres-

idents as well as President Washington. I have no particular feeling on that subject one way or another except simply to say that the States who got together and decided it would be acceptable to them, got up a uniform bill and this is to be presented as such. If it were to be amended and still be Washington's Birthday it would be wholly all right with me.

Mr. HANSON of Washington: Mr. President, I would like to hear a definition of the word "sentiment". I think we are confusing sentiment with tradition. It seems to me that the issue in this is between the expediting of business, social life, or the immediate concern of the people as regards the traditions of a great nation. We are a young country, only two or three hundred years old but we are making tradition, and it is by great tradition that great civilizations live and persist.

Mr. BUTLER of Franklin: Mr. President, I ask for a division.

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

A division of the Senate was had.

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

Thereupon, on motion by Mr. Reid of Kennebec, the Majority Report "Ought to Pass as amended" was accepted and the bill read once; Committee Amendment A was read and adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Silsby of Hancock

Adjourned until tomorrow morning at ten o'clock.