

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 23, 1949

The Senate was called to order by the President.

Prayer by the Reverend Glenn B. Faucett of Farmington, Maine.

Journal of yesterday, read and approved.

Mr. Brewer of Aroostook was granted unanimous consent to address the Senate.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, we are highly honored today in having Miss Katherine Briggs, Potato Blossom Queen of Aroostook County, Maine. Miss Briggs comes from Caribou. She is 19 years old, is a sophomore at Simmons College and is majoring in Home Economics. Her father is Hugh Briggs, farmer and contractor. We are very glad to be able to show you today that we have other products in Aroostook County even more attractive than our potatoes.

The PRESIDENT: The chair will request the Senator from Aroostook, Senator Brewer, to escort the Potato Blossom Queen to the seat to the right of the Chair.

Thereupon Mr. Brewer of Aroostook escorted Miss Briggs to the Rostum amid the applause of the Senate, the Senators rising.

Mr. Barnes of Aroostook was granted unanimous consent to address the Senate.

Mr. BARNES of Aroostook: Mr. President and member and officers of the Senate, Aroostook County is known from New Brunswick on the East to California on the West for its products, Maine potatoes. Senator Sleeper asked me this morning when he took his seat whether these were culls that we couldn't sell. I assure you that you have on your desks this morning a sample of Aroostook's finest products put up in a package that I hope you will enjoy. They are bakers, they are good potatoes of the Mountain variety and I think you will find them as good as any you ever saw, and I am very happy to present

them to you this morning, this Aroostook Day.

The PRESIDENT: The Chair would like to make note of the presence in the balcony of the members of Kingfield High School with their instructor, Donnell Graham, also members of the Jefferson School with their instructor, and the Chair on behalf of the Senate welcomes them here and hopes they will have a nice time looking at the Potato Blossom Queen this morning.

The Chair now has a very pleasant duty which the senators from Aroostook interrupted. I wish to state that I have the personal privilege and pleasure on behalf of the Senate of greeting the Potato Blossom Queen and I wish to assure all the senators that in spite of the fact that Aroostook is noted for its potatoes they are also noted for the beauty of its potato queens. They always come through with the finest. I think it is entirely fitting, under these circumstances, being Aroostook Day, that I request the Sergeant-at-Arms to escort to the Chair the Senator from Aroostook, Senator Collins, who will preside during Aroostook Day.

Thereupon the Senator from Aroostook, Senator Collins, was escorted to the Rostrum and assumed the Chair, the President retiring amid the applause of the Senate.

The President pro tem (Senator Collins): The Chair appreciates the honor of being allowed to preside during this session while we are having Aroostook Day observance.

From the House

Bill "An Act Relating to Conveyance of Elementary School Pupils." (H. P. 1997) (L. D. 1380)

Which was referred to the Committee on Education in concurrence.

Bill "An Act Relating to Pensions for Members of the Police Department of the City of Lewiston." (H. P. 1998) (L. D. 1381)

Bill "An Act to Amend the Charter of the City of Auburn to Pro-

vide for Two Councilmen at Large." (H. P. 1999) (L. D. 1382)

Bill "An Act Amending the Charter of the City of Auburn." (H. P. 2000) (L. D. 1383)

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

Bill "An Act Creating Greater Utilization of Wood Waste and Development of New Products." (H. P. 2001) (L. D. 1384)

Which was referred to the Committee on State Lands and Forest Preservation in concurrence.

House Committee Reports

The Committee on Legal Affairs on Bill "An Act Relating to the Inspection of Buildings and the Approval of Certain Articles Containing Natural or Synthetic Components," (H. P. 1654) (L. D. 962) reported that the same be referred to the Committee on Mercantile Affairs and Insurance.

Which report was read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve Relating to Construction of Airports," (H. P. 1444) (L. D. 802) 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. Bowker of Cumberland, the Senate voted to recede and concur with the House in the recommitment of the Resolve to the Committee on Appropriations and Financial Affairs.

The Committee on Inland Fisheries and Game on "Resolve Reducing the Daily Bag Limit on Trout, in the County of Aroostook," (H. P. 1042) (L. D. 526) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to State Registered Bonds," (H. P. 1498) (L. D. 854) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Liens on Vehicles,

Aircraft or Component Parts Thereof, and Parachutes," (H. P. 1780) (L. D. 1119) reported that the same ought to pass.

The same Committee on Bill "An Act to Permit the Town of Kennebunkport to Take Advantage of a Proposed Government Project," (H. P. 1782) (L. D. 1121) reported that the same ought to pass.

The same Committee on "Resolve, Authorizing Completion and Printing of a Digest of the Opinions of the Law Court," (H. P. 1497) (L. D. 853) 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 State Lands and Forest Preservation on Bill "An Act Relating to Slash, Brush and Debris Disposal," (H. P. 1804) (L. D. 1146) reported the same in a new draft (H.P. 1991) (L. D. 1376) 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 Majority of the Committee on State Lands and Forest Preservation on Bill "An Act Relating to Roadside Protection," (H. P. 1888) (L. D. 1206) reported that the same ought to pass as amended by Committee Amendment "A".

(signed)

Senators: WILLIAMS of Penobscot
COBB of Oxford
CROSBY of Franklin

Representatives:

WEBBER of Bangor
BROWN of Wayne
BENN of Smyrna
HAYWARD of Machias
LEAVITT of Parsonsfield
SHARPE of Anson

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

(Signed)

Representative:

WILLIAMS of Topsham

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

In the Senate, on motion by Mr. Williams of Penobscot the majority of the committee "Ought to Pass" was accepted and the bill given its first reading; Committee Amendment A was read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I would like at this time to ask unanimous consent to introduce a measure for action in this Body and in support of that motion I would like to say that the title of this document will be, "An Act Amending the Atlantic States Marine Fisheries Compact." I expect all of you know that the State of Maine is now a member of the Atlantic States Marine Fisheries Compact and this bill amends it and I will say that it will not add even an hour to our session and will take no time before the Legislature.

The purpose of this amendment is to secure legislative authority so that any two or more of the Atlantic States who are members of the Compact may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of said respective States, relating to specific fisheries in which two or more States may have a common interest. The creation of this authority will not deprive the States participating therein of any of their privileges, powers and responsibilities in the Atlantic States Marine Fisheries Commission under the general Compact. This amendment is permissive and not mandatory and simply permits a State that adopts it to use the existing structure of the Atlantic States Marine Fisheries Commission for the common regulation with another State or States of common fisheries with-

out the necessity of creating new and duplicating interstate machinery for that purpose. There is no delegation of power in this proposed amendment to the Atlantic States Marine Fisheries Compact which was enacted by the legislature in 1941.

The State of New Hampshire has a similar Atlantic States Marine Fisheries statute, and such a bill as I am presenting here today is now pending in the present New Hampshire legislature. While the States of Maine and New Hampshire may not have occasion to use the provisions of this statute, yet problems may arise on the Piscataqua River which may affect the joint Maine and New Hampshire fisheries, and if this bill were passed, the two States would have authority to enter into a compact and to utilize existing machinery for such a local or special purpose. Maine can lose nothing by passing this amendment and it gains the availability of an additional method for the solution of difficult interstate fishery problems.

Thereupon, unanimous consent was granted for the introduction of bill, "An Act to Amend the Atlantic States Marine Fisheries Compact"; and on motion of Mr. Sleeper of Knox the Bill was referred to the Committee on Sea and Shore Fisheries.

Sent down for concurrence.

Mr. Barnes of Aroostook was granted unanimous consent to address the Senate.

Mr. BARNES of Aroostook: Mr. President, I would like an opportunity to introduce our Potato Blossom Queen to the House. I have just received a message from the members of the Aroostook Delegation that the House has a short calendar and I would like your permission to escort the Potato Queen to the House.

The PRESIDENT: The Senator has that permission.

Thereupon Mr. Barnes of Aroostook escorted Miss Briggs from the rostrum.

Senate Committee Reports Ought Not to Pass

Mr. Boucher from the Committee on Indian Affairs on Bill "An Act Relating to Indians," (S. P. 201) (L. D. 281) reported that leave be granted to withdraw the same.

The same Senator from the same Committee on Bill "An Act Relating to the Education of Indians on the Indian Reservation," (S. P. 189) (L. D. 242) reported that the same ought not to pass.

Mr. McKusick from the same Committee on Bill "An Act Creating the Division of Indian Affairs," (S. P. 73) (L. D. 52) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act Relating to Pedestrians on Ways." (H. P. 705) (L. D. 251)

"Resolve for the Development and Improvement of Baxter State Park." (H. P. 840) (L. D. 322)

Bill "An Act Relating to Stop Signs at Multi-entrance Intersections." (H. P. 1406) (L. D. 765)

Bill "An Act Relating to Parking in Dangerous Places." (H. P. 1407) (L. D. 766)

Bill "An Act Relating to Stop Intersections," (H. P. 1409) (L. D. 768)

Bill "An Act Relating to Lights on Motor Vehicles." (H. P. 1514) (L. D. 856)

Bill "An Act to Protect the Blind and Incapacitated Pedestrians on Public Streets and Highways." (H. P. 1728) (L. D. 1083)

Bill "An Act Concerning the Improvement, Protection or Preservation of Shade, Forest or Ornamental Trees." (H. P. 1740) (L. D. 1094)

Bill "An Act Appropriating Monies for Anticipated Overdrafts in the Department of Forestry Due to Insufficient Appropriations." (H. P. 1904) (L. D. 1269)

Bill "An Act Relating to Extinguishing Forest Fires by Backfiring." (H. P. 1916) (L. D. 1278)

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

Bill "An Act Relative to Penalties for Beaver Trapping." (S. P. 349) (L. D. 575)

Bill "An Act Relative to Regulating Hunting, Fishing and Trapping on Game Management Areas." (S. P. 423) (L. D. 780)

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

Sent down for concurrence.

Bill "An Act Relating to Sub-Jobber of Cigarettes and Tobacco Products." (S. P. 238) (L. D. 352)

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

Sent down for concurrence.

At this point the President resumed the Chair, the Senator from Aroostook, Senator Collins, retiring amid the applause of the Senate.

Orders of the Day

The President laid before the Senate the tabled and especially assigned matter, Bill, "An Act to Provide for a Reserve for Operating Capital for the General Fund of the State." (S. P. 96) (L. D. 102), tabled on March 17th by Senator Haskell of Penobscot, pending enactment.

Mr. WILLIAMS of Penobscot: Mr. President and Members of the Senate, today I wish to do something I have never done in the five terms that I have been in one or the other of the branches of this Legislature, and that is to speak for someone else and to read someone else's speech. I am doing that today at the request of Senator Savage, Chairman of the Appropriations Committee. As you all know, this is somewhat of an administration bill. As you all know, Senator Savage, who is Chairman of the Appropriations Committee, is very interested in the passage of this bill. I think it might be proper for me to say a few words regarding Senator Savage at this time, having served with him on the Appropria-

tions Committee during this session and one before. He is one of the few men in this Legislature who apparently does not have pet bills. Most of us have our pets which we are very interested in seeing passed. Senator Savage has happened to be free from that embarrassment. He calls them as he sees them.

This is one bill he is particularly interested in, and, due to being sick today, as I think you all know, he is not able to come here, and has written out his few remarks which he would make if he were here, and has asked me to give them for him. So because I think they are very good and express the ideas respecting this particular bill better than I could do in my own language, I am going to attempt to read this to you.

Legislative Document 102, An Act to Provide for a Reserve for Operating Capital for the General Fund of the State is a very brief bill. It says, "There is hereby established an account in the General Fund of the State to be known as the 'Reserve for Operating Capital' to which there is hereby transferred the sum of \$2,000,000 to be taken from the unappropriated surplus of the General Fund, which account shall be set up as a separate account on the books of the State."

My reasons for introducing the measure are the same reasons that I think support my hope that we today enact the bill.

First, I refer you to the 1948 report of our State Auditor. On page 4, among his specific recommendations, he said, "That consideration be given by the Legislature and Finance Commissioner to provide a sufficient amount of working capital for use of the State Treasurer. The State Treasurer estimates that a one million seven hundred thousand dollar working capital balance must remain in depository banks that handle the State's checking accounts. The establishment of a working capital fund could be provided by a transfer of money from the General Fund Unappropriated Surplus Ac-

count. This would appear wise, for if the Legislature should decide to use the unappropriated surplus for other projects and not make provisions for a sufficient amount of working capital, it would create a condition unfavorable to State financing. The State might then be required to resort to short term borrowing. As interest charges become higher, this would prove costly."

Second, I refer you to the budget message of Governor Payne, at the top of page 63, in the Legislative record, are his words on this subject. "As a result of savings and receipt of income greater than estimated revenues there is a balance of \$6,145,930 in unappropriated surplus. Accepted business principles dictate that this fund be appropriated only for non-recurring capital improvements. We must safeguard this fund against depletion. We should first set aside \$2,000,000 earmarked for working capital of the Treasury Department to preclude the necessity for temporary borrowing. This would be a sound procedure."

Third, as an argument in favor of this bill, are my own conclusions as a member of the Committee on Appropriations and Financial Affairs. I have served on that committee long enough to see the General Fund surplus accounts go from about \$3,000,000 in 1942, to about \$5,700,000 in 1945. These same accounts, and I am using the sum of General Fund surplus and Post War Reserve because Post War Reserve was taken from unappropriated surplus, dropped to about \$5,100,000 in '46, then to \$4,300,000 in 1947 and back to \$6,186,445 as of June 30th of last year.

Now as Governor Payne said in his budget message, it is out of this fund that we should appropriate money only for non-recurring items. Where do we stand today?

In the first place, the Governor has signed bills amounting to \$45,173 from the unappropriated surplus of the General Fund. That

brings the balance down to a little over \$5,715,000.

On top of that, you have "ought to pass" reports that, if accepted, will take another \$3,209,000. Some of the larger ones in this group are these: Bridge to Indian Island, Medical and Surgical Building at Augusta State Hospital, Military Defense Commission, Baxter State Park, University of Maine, Central Maine Sanatorium, Fire Control, town fire loss bill, Bangor State Hospital, etc. Still in committee, and unreported are bills that would require something over \$3,375,000 in additional appropriations from the unappropriated surplus.

I do not mean to indicate that all of us are going to vote for final enactment of all of these bills, but the surplus is at least vulnerable to that extent.

Now today we are talking about L. D. 102 that will take \$2,000,000 of what is left and lock it up as a working capital reserve, safe from attack by spending bills. We did the exact same thing when via the actions of several legislatures, we made working capital advances to the Liquor Commission in the amount of \$3,000,000. If you look at their balance sheet you will see that working capital in terms of cash and inventories. We have made similar working capital advances to our prison industries, our highway garage, our seed potato board, and others. In no respect is this working capital advance or any of the other working capital advances an appropriation authority. I call your attention to Section 26 of Chapter 14 which makes it a crime to incur any obligation or make an expenditure in excess of the appropriation and upon conviction thereof the agent or officer of the state guilty thereof shall be fined a sum equal to such excess of appropriations by him expended and he may be imprisoned in the discretion of the Court for a period of not more than one year.

Why is it important that we now set up this reserve since we have for years operated without it? If

I could be convinced that we are going to continue with excess revenues over appropriation expenditures, I would agree that the general fund surplus, by itself, would be an ample and adequate working capital revenue. Of that fact, I am not at all convinced. In fact there is every evidence pointing to a contrary trend. This year there is little or no chance that we will have a surplus. We started \$933,000 in the red, we are still in the red by around \$400,000 and on top of that we have been passing deficiency bills to still further reduce any chance of a profitable General Fund operation for the present year. It is because of this abrupt change in trend that I believe that now is the time to insure ourselves with a safe cushion.

The only valid arguments against this bill are that to kill it will leave us an extra two million to pass around among our L D's or that it would give us a couple of million to use for budget balancing purposes.

Take them one at a time. Whatever we have for an appropriation measure, we will have biennium General Fund appropriations of around sixty million. To deny a two million dollar reserve in favor of spending this for some of our L D's seems absurd in a period of declining surplus accumulations.

To use this two million of surplus to balance a two year, sixty million dollar General Fund budget seems equally unsound. So far as I know, no Maine legislature has knowingly budgeted appropriation measures from accumulated surplus and of all times to start such boot strap lifting tactics, 1949 is certainly not the time to use this unrealistic approach however distasteful it may be to choose between new revenues or appropriation cuts.

I think that you well might ask, Mr. President and members of the Senate, why I urge enactment today. Why not wait until later? My reason is this: The bill was presented and went to committees on January 27th. On February 17th

the Senate accepted the "ought to pass" report. By March 2nd it had been enacted in the House and was up for enactment in this branch on March 3rd. I share with the Senator from Penobscot, Senator Haskell, the responsibility of having this bill before us today.

I think we should pass the bill and thereby lock up this two million, safe from any appropriation attack, and then go about our business of considering the other bills out of what is left.

Mr. President, I move that the bill be passed to be enacted.

Thus I have completed the words of the Chairman of the Appropriations Committee, Senator Savage. I will say for myself I concur one hundred per cent with these expressions of Senator Savage which I have just read. I hope that the bill will be passed to be enacted by this body today.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, as a member of the Appropriations Committee, I concur with what the Chairman of the Appropriations Committee has said, as read by Senator Williams, and I hope the Senate will pass the bill to be enacted.

Mr. BOUCHER of Androscoggin, Mr. President, I desire to oppose the motion from Penobscot for the reason that on the information I have been able to gather we shall need two million dollars or we shall have to levy a new tax. Now, I am one of the school that believes that the citizens of Maine are over-taxed as it is. I do not think we should impose any more taxes on the citizens of Maine. Doubtless, Mr. President and members of the Senate, new taxes will be imposed. I was reading in the Lewiston Daily Sun this morning that the Auditor of the city of Lewiston made the remark last night in his budget session that the taxes of the city of Lewiston will probably be raised five mills this year making an all-time high of fifty mills.

There is no question in my mind that we shall have new federal

taxes, or at least the signs all point to that. So therefore I feel that we senators here representing the people of Maine should think of one word that has been mentioned in the newspapers but not used on the floor of the Senate so far, and not this morning especially, the word "economy".

Why are we so anxious to take away that two million dollars if it is not for the single purpose of putting us in a position where we shall have to vote for new taxes? I maintain that this two million dollar surplus should be used to run the business of the state of Maine and not to be put away for some other legislature at some future time to spend at their pleasure.

I have seen funds put away in the state of Maine before and I have seen them spent by other legislatures and not for the purposes for which they have been put away. I am referring now to the so-called Post War Fund of which two million dollars was put away. I will grant you that most of that money was spent for the purposes for which it was put away but some of that money did get diverted into other purposes.

Now, apparently we never needed this operating fund before but all at once in face of the fact that the revenues of the State have not been as large as in past years, the administration feels obliged to put into a reserved fund or a petty cash fund or any other name you might call it by, two million dollars so that some time when they will be short of money they can come back and take it out.

The statement has been made here, with which I must disagree, that that money can never be touched again. I do not believe that that money is sacred. I do not believe there is any law that can bind that money forever and a day to stay in any one fund. I believe that any future legislature may dispose of it as they see fit. Furthermore, I want to point out to the members of the Senate that that fund may even disappear if

the anticipated revenues do not amount to what the budget calls for. That is a possibility. The anticipated revenues may not come up to what is predicted in the budget and if so that money which we call, or tried to call, a revolving fund will be used to do business with and when the reckoning comes on the 30th day of June the end of the fiscal year, that two million dollars will not be there because the revenues will not have brought it back. So there is a very good possibility that even without using it for other purposes than what it calls for that fund may disappear.

However, my main worry about the whole situation is the fact that so far nobody has appeared in this Senate to tell us exactly what the picture is with reference to appropriations and revenues. In other words, where are the tax measures? None have been reported out one way or the other and until such time as I am satisfied that at least there will be no new taxes imposed upon the citizens of Maine I shall oppose this measure. If I were convinced in all good conscience that we could put away this two million dollar fund without imposing new taxes on the citizens of Maine I would vote for it. Otherwise, Mr. President, I shall oppose the measure.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I would like to analyze with you one by one the arguments made by the Senator from Androscoggin, Senator Boucher, in opposition to the motion of the Senator from Penobscot, Senator Williams.

In the first place, he would indicate to you that we ought to keep that two million dollars in the unappropriated surplus of the general fund so that we might have one million dollars a year for possible budget planning purposes. Now let us ignore the obvious fact that Maine legislatures do not budget operating expenses out of surplus. Let us ignore the fact that Maine Legislatures do not borrow money

for current operating expenses, and I am very thankful that in that respect they do not follow the policy which the Federal Government has followed in the past 10 or 15 years.

Suppose today we debate whether or not we should follow that policy. I do not believe the people of Maine want their money spent for that purpose. I believe there is enough financial and moral courage among the people of Maine that they would recognize that they should have the courage to kill these appropriation bills if we do not want new taxes and not go into the meager surplus. And consider how meager that surplus is when simple arithmetic tells you that two million dollars is just about revenue to operate the state for a couple of weeks. That, I think, is completely unsound financing.

My very good friend the minority floor leader has questioned the expenditures of our Post War Reserve. That reserve was two million dollars which came from the general fund surplus and was expended by the legislature for what I think is very commendable capital expenditure purposes. Substantially every penny of it went to our institutions and to educational facilities. I remember well that the University of Maine Dormitory program which committed the University of Maine to accept the G. I.'s who wanted an education was made possible by a million appropriation from the Post War Reserve. I remember too the engineering building to take care of those veterans and give them an education came from that same Post War Reserve.

The Senator has made the point that if we set up a working capital reserve some future legislature may recall that working capital and spend it. I grant the legal right of a future legislature to do that but at the same time I remind this legislature that we had an equal right to go to the Liquor Commission and say, "Gentlemen, we have advanced to you three million dollars as cash inventory but we want you to liquidate that inventory

and turn it over to us for our business." I point out the absurdity of any such procedure as that.

Senators, this is the report of the Committee on Appropriations and Financial Affairs which has in its membership a representative of the minority party. I point out to you the unanimous report of that committee and I point out that if there is one single sound measure of economy it is a measure that puts out of our reach—and when I say out of reach I refer to the Senator from Androscoggin and his bills because they are rather similar to some bills I have here out of that same unappropriated surplus and makes just a little bit less of a chance of some of my bills going through—but I believe that in a period of declining surplus accumulations, as Senator Savage has indicated, we certainly want that cushion under us and I think with that cushion under us we can act more intelligently with the bills before us. I certainly hope the motion of the Senator from Penobscot, Senator Williams, prevails and we do establish that cushion today.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Williams, that this bill be passed to be enacted. Is the Senate ready for the question?

Mr. HASKELL: Mr. President, when the vote is taken I ask for a division.

Mr. BOUCHER of Androscoggin: Mr. President, my good friend, Senator Haskell, has referred to the Post War Fund. I have figures here which I think are correct which I would like to read to you. What the Senator has said about the University of Maine is true. They were given the biggest part of that but I see here names that do not appear on that Post War Fund. I see the name of Ricker Classical Institute. Now, I have no brief against Ricker Classical Institute but I don't believe that was taken from the Post War Fund but it was given them at the last session of the legislature. I have the name of

Freedom Academy for construction and again I have no brief with Freedom Academy but what I am trying to point out is the fact that when the fund was put away it was not the purpose to take care of these institutions but that purpose was defeated by a later legislative act and I am afraid the same thing will happen to this fund we are trying to put away now.

I have here the Passamaquoddy Indians. I like the Passamaquoddy Indians but I don't believe this money should be taken out of the Post War Fund to take care of that situation down there. It should come from the regular channels. And before I terminate these few remarks I want to point out also that I made a study of the demands from that reserve fund and I arrived at the total figure of \$7,179,485.67 that they are planning to take out of six million dollars.

Now I am not a financial genius like some of those people who pretend they are but when I went to the little grammar school they taught that you couldn't get seven million out of six million. I have learned that much. I also note from the report I have received that apparently we are in the red here and have been for the last two fiscal years at least, for the year ending June 30th two million dollars in 1949-1950 and two million dollars in 1950-1951. That is from the unappropriated surplus and it is not from my own figures, it is figures that have been turned in to me. We will be overdrawn to the tune of \$1,107,000 and that checks pretty well with the work I did on getting seven million out of six million.

Now if anybody can explain to me how they are going to do all this with that six million dollars and not put on new taxes — and again I repeat I am all for putting away two million dollars in a closet and locking the door and throwing the key away as the Senator has said—if the state of Maine was that rich and could afford to do it, I would vote for it.

I don't want the Senate to think for one minute that I am opposing a bill merely for the sake of opposition. I hate to oppose anything but I have to sometimes in order to clear by own conscience and in this case I have to. I have tried to convince myself and I had help trying to be convinced from some of my good friends but I haven't been convinced and I cannot vote in good faith in favor of this bill.

The PRESIDENT: The question before the Senate is on the motion by the Senator from Penobscot, Senator Williams, that the bill pass to be enacted. The Senator from Penobscot, Senator Haskell, requests a division. Is the Senate ready for the question?

A division of the Senate was had.

Twenty-five having voted in the affirmative and three opposed, the motion prevailed and the bill was passed to be enacted.

Mr. ALLEN of Cumberland: Mr. President, I would like to inquire whether Bill, An Act Relating to Boards of Registration (H. P. 1795) (L. D. 1031) is in the possession of the Senate.

The PRESIDENT: The Chair will inform the Senator that the bill is in the possession of the Senate, having been recalled from the office of the Governor by joint order.

Thereupon, on motion by Mr. Allen of Cumberland the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and on further motion by the same Senator the bill was laid upon the table pending passage to be enacted.

On motion by Mr. Leavitt of Cumberland the Senate voted to take from the table Bill, An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1950, and June 30, 1951, (S. P. 624) (L. D. 1360), tabled by that Senator on March 22nd pending passage to be engrossed.

Mr. LEAVITT of Cumberland: Mr. President, I now present Sen-

ate Amendment A and move its adoption:

"Amend said Bill by striking out the figure '75,000' in each column after MAINE MARITIME ACADEMY and inserting in place thereof, in each column, the figure '95,000'."

Mr. LEAVITT: Mr. President, in support of my motion I wish to state that in the Governor's message he stated that every institution was provided for in order to run it on the same basis as the biennium before. In the previous session Maine Maritime Academy asked for \$115,000 and received it. We came down here to the budget committee, the trustees of the Academy and asked for \$115,000. Subsequently we found out that we could operate for \$95,000 because of a certain grant that had been given us by the Federal government, so we came before the Appropriations Committee and asked for \$95,000 instead of \$115,000 which we had used for operating the biennium before. Nothing was shown at the hearing. Nobody offered any evidence that we could operate for less than \$95,000 and I think we are one of the few institutions in the state or government which was there asking for less money this biennium than we asked for last biennium. Now, whether the Appropriations Committee was confused in taking off the \$20,000 and decided to take off another \$20,000 I don't know but they are giving \$20,000 less than we asked for which is \$20,000 less than the Governor said was appropriated in the budget, because he said every institution was given enough money to operate exactly as they operated before. Therefore we feel justified in asking that we be given enough money for the operating of the school.

Senator Williams brought out this morning that if any institution or agency of the state has spent more money than was appropriated they are subject to imprisonment. And how they expect an institution which has set up a budget for \$95,000 to operate with \$75,000 I don't know. We want to

eliminate going over the budget by asking for enough to operate the schools.

Thereupon, on motion by Mr. Bowker of Cumberland the bill and accompanying papers were laid upon the table pending the motion to adopt Senate Amendment A.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report from Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council" (S. P. 260) (L. D. 391) Majority Report "Ought Not to Pass"; Minority Report "Ought to Pass," tabled on March 4th, by Senator Haskell of Penobscot, pending consideration of either report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I move the acceptance of the Minority Report "Ought to Pass" and in support of that motion I would like to point out just a few things concerning the bill. I have introduced this bill at least three or four times in past sessions with the hope that some day the majority party is going to be fair-minded enough to give the minority party a chance to have a Councillor on the Council.

New as the present State set-up is, and you understand it as I do, no member from the other party can serve at any time on the Council. That Council must be of one party only, because, as you well know, the Council is elected by the Legislature and the Legislature will name all the members of the Council from the same party. That is very evident.

Now it could happen that it might be Democrats. That may be a long ways in the offing but it could happen. Even then I claim it would not be good policy to have both the Governor and the full Council of the same party.

We adopted in Lewiston some ten years ago a new charter, under which we give the minority party down there, which happens to be the Republican party in Lewiston,

fair representation on all commissions that have anything to do with the government of the city of Lewiston. When I say fair, I mean fair. They are five member commissions and there are three Democrats and two Republicans. We just kept the majority.

Under the present set-up of the Governor's Council, it is impossible to have a Democrat on it. If this bill of mine were passed and sent back to the people and adopted by the citizens of Maine, then there would be a possibility of electing one or more Councillors to the Governor's Council. I, for one, would feel that it would make for better government.

We take great pride here in America in having a two-party system, but here in Maine it is almost becoming extinct. I can remember the time when I was the only rare bird who wore a "D" in this honorable Senate; all the others had "R." I honestly believe, gentlemen, if you do not give the minority a fair chance, the day may come when you will not have any minority party but you will have a split party, split in three or four factions, or we might even get as bad as some of those countries that never could have a majority; that never could find one group strong enough to carry on. I do not wish that for the Republican party in the State of Maine and I certainly do not wish that for the State of Maine.

All I ask is that you give fair consideration to this bill; send it back to the people and let the people of Maine decide whether they want the Council elected or not, and I will bow to the will of the citizens.

Mr. BARNES of Aroostook: Mr. President, I trust the motion to accept the Minority Report will not prevail. This matter could be argued, as it has been ably argued by my good friend, on strictly party issues. I would say on that argument that when we have a Republican administration in Augusta we should have a united Republican Council. If and when the time comes, as it has been often

threatened to we Republicans, that the Democrats prevail and elect a Governor, I think he should have a full Democratic Council. There is one real reason why this bill ought not to pass, and it goes down to the fundamental question of what is a Governor's Council for, and what good purpose does it serve.

There is a bill in this Legislature, and has been right straight along, to abolish the Council. We have always felt it wise to retain it, and why? Because the Legislature is only in session a matter of some sixteen weeks at the longest in each two year period. Then we adjourn and go home, but we do leave here in Augusta, to confer with and assist the Governor in this State, our representatives. The Governor's Council has a representative in each Councillor District of the legislators in that District. So I say that on that reasoning, if you leave party issues aside altogether, the Legislature, whose agents these men are, should be the body to elect them. This bill would throw it open to the voters and that would, to my mind, defeat the very purpose for which the Governor's Council exists, and which is a very good purpose. If you take it on strict party lines or if you leave politics out of it and take it on the good purpose the Governor's Council serves, it should be election by the Legislature. I feel sure that argument should appeal not only to the Republicans in the Senate but to the Democratic members as well. I again repeat, I hope the motion to accept the Minority Report will fail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the Minority Report "Ought to Pass" be accepted.

Mr. BOUCHER of Androscoggin: Mr. President, when the vote is taken, I ask for a division.

A division of the Senate was had.

Five having voted in the affirmative, and 18 in the negative the motion did not prevail.

Thereupon, on motion by Mr. Barnes of Aroostook, the Majority Report "Ought Not to Pass" was accepted.

Sent down for concurrence.

On motion by Mr. Knights of York, the Senate voted to take from the table House Report from Committee on Welfare on Bill "An Act Relating to Old Age Assistance" (H. P. 767) (L. D. 303), Majority Report "Ought Not to Pass," Minority Report "Ought to Pass," tabled on March 10th by Senator Knights of York, pending consideration of either report.

Mr. KNIGHTS of York: Mr. President, I might say that my purpose in tabling this report in the first instance was simply that I might be able to add to it an amendment which would have the effect of liberalizing a bit the requirements in the administration of the Old Age Assistance law. I find now that my friend in the House, Representative McGlaulin of Portland, has introduced a bill which covers what I proposed to put in the amendment which I desired to present. I now move that both reports be given consideration.

Thereupon, on motion of Mr. Haskell of Penobscot, the Majority "Ought Not to Pass" Report was accepted in concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table Bill "An Act to Clarify Certain Provisions in Motor Vehicle Law" (H. P. 1710) (L. D. 1012), tabled on March 17th by that Senator, pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Motor Vehicles on bills "An Act Relating to Motor Vehicle Number Plates" (H. P. 364) (L. D. 127), tabled by that Senator on

February 25 pending consideration of that report.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, when I recently tabled this bill it was for a matter of information to find out what this bill did and why we were departing on this radical change of buying our license plates for automobiles on the 31st day of March rather than on the 28th day of February.

The bill has been on the table a long time. I suppose there is a demand for this particular bill. Otherwise why would it be passed out unanimously "Ought to Pass" by the committee, but I haven't found but one sponsor of this bill who went down before the committee and said they would like to have it. It does seem to complicate matters a good deal and I would like to know why we should start now on as radical a change as this. Does the Highway Committee desire it? In fact, I would like to ask the committee or whoever is interested in this bill, does the Highway Department want to have their money come in each year a month later, does the Registration Department find that this helps their business. I wonder if the committee gave thought to the matter of the excise tax on automobiles, that if they are not paid by April 31st they must be assessed? If the answers are sufficient on these matters I will be pleased to go along with the bill. If they did not take these matters into consideration and have not worked out a scheme to do away with these obligations should they arise, I think the bill should be indefinitely postponed.

Mr. ALLEN of Cumberland: Mr. President, this bill came before the Legislative Committee on Motor Vehicles brought in by a representative in the House at the request of his town officials because it was their feeling by extending it one month it would help them out in taking care of their requirements. In other words, it gave them one more month on their town records

to get their reports in. That is why the bill is there. It was brought in as a personal matter because these several small towns felt they would like additional month, and frankly speaking, the chairman of the committee does not feel too strongly about the matter and we felt we were helping the small towns when we passed this out "Ought to Pass." What the Senate cares to do with the measure is up to the Senate.

Mr. NOYES of Hancock: Mr. President, I want to plead guilty to probably not fulfilling my duty as a member of the Committee on Motor Vehicles. However, I was not present at the hearing of this bill and I don't recall being present at the executive session when the bill was reported. If I were asleep I hope the Senate will pardon it but I am in an embarrassing position. I certainly have no desire to upset the report of the committee but I don't think there is really support on the part of some members of the committee, for this measure. I shall vote for indefinite postponement of the bill.

Mr. BARNES of Aroostook: Mr. President, I move that this bill be indefinitely postponed.

Mr. HASKELL of Penobscot: Mr. President, some questions have been asked and I realize that possibly the Committee on Motor Vehicles might wish to study the matter a little more thoroughly to prepare themselves for the answers to those questions. I therefore move that the matter be tabled pending the motion of the Senator of Aroostook, Senator Barnes, that the bill be indefinitely postponed.

Thereupon the bill was laid upon the table pending the motion of the Senator from Aroostook, Senator Barnes, that the bill be indefinitely postponed.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table bill, An Act to Incorporate the Town of Hartland School District (H. P. 1175) (L. D. 630) tabled by that Senator on

March 15 pending passage to be engrossed.

Mr. HASKELL of Penobscot: Mr. President, this apparently is one of those bills that we attempted to start on their way back to the committee. Why we didn't complete the job I don't know, so I now move that it be recommitted to the Committee on Legal Affairs.

Thereupon the bill was recommitted to the Committee on Legal Affairs in non concurrence.

Sent down for concurrence.

On motion by Mr. Allen of Cumberland the Senate voted to take from the table Senate Report "Ought to be Adopted" from the Committee on Taxation on Concurrent Resolution Memorializing and Requesting the Congress of the United States to Enact a Bill to Aid the State in the Enforcement of the Cigarette Tax Now Evaded by the Use of the United States Mails. (S. P. 595) (L. D. 1266), tabled by that Senator on March 16 pending consideration of the report; and on further motion by the same Senator the report was accepted and the resolution was adopted.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin: The Senate voted to take from the table Resolve to Establish Working Capital for Institutional Farms (S. P. 477) (L. D. 941) tabled by that Senator on March 15 pending passage to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President, I yield to the majority leader.

Mr. HASKELL of Penobscot: Mr. President, I yield to the Senator of Lincoln, Senator Denny.

Mr. DENNY of Lincoln: Mr. President and Members of the Senate, the purpose of this is to establish a working capital account for institutional farms. In the past the institutional farms appropriations have been considered along with the institution. There has been no distinct or even indistinct line between appropriations for the farms and

appropriations for the institutions. The Research Committee made quite an extensive survey of the Institutional Farms and came to the conclusion that if there was one thing that was needed it was an accounting system which would keep apart the institutions and the institutional farms because there is too much transfer of labor which could be charged or credited for the benefit of one or the other without any real purpose in view except to make one or the other account look favorable. This has to be taken from unappropriated surplus. It calls for \$25,000 and the Appropriations Committee has heard the bill and reported it out unanimously "Ought to pass." The amount is yet to be set up for the purpose of divorcing the institutional farms accounts from the institutions and to give the institutional farms an account to draw on temporarily. The purpose of the bill, and it states in the bill, is that any fund taken from this account shall be returned to the account within two years. It is only necessary to have this when the break is made in separating or divorcing the farms from the institutions as far as the accounting is concerned. I move, Mr. President, that the bill pass to be engrossed.

Thereupon the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table "Resolve in Favor of the University of Maine for Buildings." (H. P. 1027) (L. D. 459), tabled by that Senator on March 10, pending passage to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President, I yield to the Majority Floor Leader, Senator Haskell.

Mr. HASKELL of Penobscot: Mr. President, I yield to the Senator from Aroostook, Senator Collins.

Mr. COLLINS of Aroostook: Mr. President and Members of the Senate, this Resolve is for an appro-

priation in favor of the University of Maine to construct and equip a pathology laboratory for poultry and animal diseases.

I would like to say at the outset that at the time that the University of Maine budget was drawn up, the Trustees of the University did not contemplate asking for any money for capital expenditures. However, it developed that late last summer or in the fall a disease developed among the poultry farmers of the State, a Newcastle disease, which is becoming a very serious matter for the poultry farmers of the state. In order to check this disease, a committee from the poultry raisers of the state went to the University of Maine and asked their help. The University of Maine was glad to cooperate in research and in methods of trying to control this disease. The poultrymen gave a contribution to the University of some four thousand dollars and the University took a little money also to help combat this disease which was a very dangerous thing to the poultry raisers of the State of Maine. They found out that in spite of the fact that there has been much new building at the University, the University did not have any facilities for animal pathology that would meet the requirements of the animal industry in the state, nor of the poultry raisers. A committee from the agricultural interests, representing poultry and the entire animal industry, had several meetings and they felt there was a real need for a building to carry on the work.

It seems at the present time that a great deal of the work that has to be done, some of the tests that have to be made, and laboratory research has to be done outside the state.

For that reason, this committee introduced this bill into this Legislature. The Trustees of the University endorsed the proposition. As I stated in the beginning it was not in their original budget as they did not intend to ask a capital expenditure but it was felt that there

was a real demand for the facilities that they needed, so the bill was drawn up asking for this appropriation of \$135,000 for the construction of this pathology laboratory, to be taken from the unappropriated surplus.

I believe that it is a worthy project. I believe it will serve the needs of the farmers of this state, and that it is really needed. If we are going to keep abreast of the times, we must have the pathology facilities at the University of Maine, since it is the logical place to have that work carried on. I know that the farmers who are interested in this, and the entire group of the cooperative association representing the various branches of agriculture, certainly believe that this building should be built.

With this brief information to you, I would ask that it pass to be engrossed.

Thereupon the Resolve was passed to be engrossed in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table "Resolve Providing for Certain Construction at the Central Maine Sanatorium" (S. P. 336) (L. D. 567), tabled on March 8th by that Senator, pending passage to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President, I yield to the Majority Floor Leader, Senator Haskell.

Mr. HASKELL: of Penobscot: Mr. President, I yield to the Senator from Penobscot, Senator Williams.

Mr. WILLIAMS of Penobscot: Mr. President, may I ask if the Committee Amendment has been adopted?

The PRESIDENT: The Chair would inform the Senator that the Senate adopted the amendment on March 4th. Will the Secretary read the amendment again?

Committee Amendment "A" was read by the Secretary.

Mr. WILLIAMS of Penobscot: Mr. President, I think I can be very brief on this bill because the statement of facts on the back of this

bill explains very clearly why this bill is necessary. The Appropriations Committee heard this bill. The need was very evident. I think it was unanimous among the members of the committee that this job was necessary at the present time. I might say that the need is very great. It is filling up rapidly and to take care of this increase this building apparently is necessary. This is a wooden construction building. Some felt the cost of wooden construction was coming down next year and that maybe we could make a saving. It works along the idea which I think many of us have, that in our State institutions we should do everything we could for the prevention of disease. That is the work going on in the institutions at the present time. This money for this building and doctors' quarters and additional office space would make that available.

I move that this Resolve pass to be engrossed.

Thereupon, the Resolve was passed to be engrossed as amended by Committee Amendment "A," and sent down for concurrence.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table Joint Order Relative to Lists of State Employees with Their Salaries, tabled by that

Senator on March 18 pending consideration.

The Secretary read House Amendment A and House Amendment B: "HOUSE AMENDMENT 'A' to JOINT ORDER HP 1986, Re Salary Lists.

Amend said Order by adding at the end thereof the following: 'and it is further ordered that said lists be distributed, two to each member of the Senate and House and Council, one to each officer of the Senate and House, 10 each to the Secretary of the Senate and Clerk of the House for exchange purposes, 20 to the State Library for exchange purposes, and the balance to be sold by the Secretary of the Senate and Clerk of the House at a price representing cost of preparation and printing to be determined by the President of the Senate and the Speaker of the House.'

HOUSE AMENDMENT "B" to JOINT ORDER HP 1986, Re Salary Lists.

"Amend said Order by striking out the figure "1500" and inserting in place thereof 1000."

House Amendment A and House Amendment B were adopted in concurrence and the Order as so amended was passed in concurrence.

On motion by Mr. Ela of Somerset

Adjourned until tomorrow morning at 10:00 o'clock.