

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 6, 1949.

The Senate was called to order by the President.

Prayer by the Reverend Arthur G. Christopher of Augusta.

Journal of yesterday read and approved.

From the House

Bill "An Act Extending the Period for which the Board of Finance in the City of Waterville is Established." (S. P. 459) (L. D. 911)

(In the Senate on April 1, passed to be engrossed.)

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

In the Senate, on motion by Mr. Baker of Kennebec, the rules were suspended and the Senate voted to reconsider its former action taken on April 1 whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence, and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

House Committee Reports

The Committee on Motor Vehicles on Bill "An Act Providing for the Placing of Owner's names on Commercial Vehicles," (H. P. 1729) (L. D. 1084) reported the same in a new draft (H. P. 2026) (L. D. 1417) under the same title, and that it ought to pass.

Comes from the House, report and accompanying papers recommitted to the Committee on Motor Vehicles.

In the Senate, on motion by Mr. Allen of Cumberland, the bill and accompanying papers were recommitted to the Committee on Motor Vehicles in concurrence.

The Majority of the Committee on Temperance on Bill "An Act Relating to Sales of Liquor to Minors,"

(H. P. 1811) (L. D. 1135) reported that the same ought not to pass.

(Signed)

Senators:

BAKER of Kennebec
SMART of Hancock
BOUCHER of Androscoggin

Representatives:

DeSANCTIS of Madison
JALBERT of Lewiston
ATHERTON of Bangor
BIRD of Rockland

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

(Signed)

Representatives:

SANDERSON of Greene
BROWN of Robbinston
MAXWELL of Orient

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

In the Senate, on motion by Mr. Baker of Kennebec, the Majority Report "Ought Not to Pass" was read and accepted in concurrence.

The Committee on Education on Bill "An Act Relating to Conveyance of Elementary School Pupils," (H. P. 1997) (L. D. 1380) reported that leave be granted to withdraw the same.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Haley Pond in the County of Franklin," (H. P. 1038) (L. D. 522) reported that leave be granted to withdraw.

The Committee on Ways and Bridges on Bill "An Act Relating to Location and Alteration of State or State Aid Highways," (H. P. 1554) (L. D. 872) reported that leave be granted to withdraw.

The Committee on Claims on "Resolve, in Favor of Herbert Amidon, of Dover-Foxcroft," (H. P. 444) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Mrs. Ida Dorsey, of Andover, Connecticut," (H. P. 637) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Leonard G. Wheeler, of

Perkinsville, Vermont," (H. P. 453) reported that the same ought not to pass.

The Committee on Education on Bill "An Act Relating to Application of General Law to Community Schools," (H. P. 1286) (L. D. 671) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Open Season Muskrats," (H. P. 1294) (L. D. 677) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Relating to Trapping of Fish," (H. P. 1035) (L. D. 461) reported that the same ought not to pass, as it is covered by other legislation.

The same Committee on "Resolve, Providing for a Fish Screen at Outlet of No Name Pond in the City of Lewiston, in the County of Androscoggin," (H. P. 2016) (L. D. 1400) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act to Make More Complete the Records of Real Estate Titles in Registries of Deeds by Amending the Law Regarding Liens," (H. P. 1163) (L. D. 615) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Closed Time on Deer," (H. P. 1035) (L. D. 461) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Closed Season in Certain Waters in Oxford County," (H. P. 1132) (L. D. 540) reported that the same ought to pass.

The same Committee on Bill "An Act Regulating Fishing in Big Magalloway River in Oxford County," (H. P. 1133) (L. D. 541) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in Mayfield Pond, in the County of Somerset," (H. P. 573) (L. D. 1423) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Sand Pond in the County of Oxford," (H. P. 991) (L. D. 422) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Long Pond, in the County of Franklin," (H. P. 1037) (L. D. 521) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Kemankeag Pond, in the County of Franklin," (H. P. 1039) (L. D. 523) reported that the same ought to pass.

The same Committee on "Resolve, Providing for a Fish Screen at North Pond, in the Town of Woodstock, in the County of Oxford," (H. P. 1041) (L. D. 525) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Brasua Lake in the County of Somerset," (H. P. 1148) (L. D. 605) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Certain Somerset County Waters," (H. P. 1482) (L. D. 839) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in and Closing Tributaries to Lake Maranacook and Narrows Pond, in the County of Kennebec," (H. P. 1484) (L. D. 841) reported that the same ought to pass.

The same Committee on "Resolve, Closing Lake Cobbosseecontee in Kennebec County to Fishing Through the Ice for Salmon and Trout," (H. P. 1777) (L. D. 1116) reported that the same ought to pass.

The same Committee on "Resolve, Relating to Stewart Pond in the Town of Belgrade, Kennebec County," (H. P. 1778) (L. D. 1117) 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 Federal Relations on Bill "An Act Amending the Unemployment Compensation Law as to Benefit Eligibility Conditions," (H. P. 1388) (L. D. 721) reported the same in a new draft (H. P. 2028) (L. D. 1421) under the same title, and that it ought to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Night Hunting," (H. P. 490) (L. D. 165) reported the same in a new draft (H. P. 2029) (L. D. 1422) under the same title, and that it ought to pass.

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

The Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law as to Employer's Experience Classification," (H. P. 1391) (L. D. 724) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Inland Fisheries and Game on "Resolve, Authorizing Commissioner of Inland Fisheries and Game to Sell Certain Buildings at Marshfield to Orris Bowker," (H. P. 1147) (L. D. 549) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve, Regulating Fishing in Big Fish Lake, in the County of Aroostook," (H. P. 1143) (L. D. 603) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve, Authorizing the Sale of Hatcheries and Feeding Station Property," (H. P. 1040) (L. D. 524) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bill and resolves read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended

were tomorrow assigned for second reading.

First Reading of Printed Bills

"Resolve Granting a Pension to Ethel S. Dick, of Gardiner." (S. P. 36) (L. D. 1432)

"Resolve in Favor of Merlin C. Joy, of Clinton." (S. P. 139) (L. D. 1433)

"Resolve in Favor of Milton A. Philbrook, of Westbrook." (S. P. 140) (L. D. 1435)

"Resolve in Favor of Ralph L. Hunt of Thomaston." (S. P. 141) (L. D. 1434)

"Resolve in Favor of Frank F. McGinley of Eddington." (S. P. 632) (L. D. 1436)

"Resolve in Favor of Mabelle K. Toole, of Bangor." (S. P. 646) (L. D. 1430)

Bill "An Act Relating to School Attendance." (S. P. 647) (L. D. 1429)

(On motion by Mr. Barnes of Aroostook, tabled pending assignment for second reading.)

Bill "An Act to Provide Financial Assistance to Cities and Towns in the Construction of School Buildings." (S. P. 648) (L. D. 1431)

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

Senate Committee Reports

Mr. Leavitt from the Committee on Pownal State School on "Resolve Providing for Purchase of Property Adjacent to Pownal State School," (S. P. 234) (L. D. 348) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Noyes from the Committee on Public Utilities on Bill "An Act Relating to a Filtering Plant or System for the Portland Water District," (S. P. 264) (L. D. 394) reported that the same ought not to pass.

Mr. SLOCUM of Cumberland: Mr. President, the purpose for which this bill was introduced, namely to acquaint the people of the Portland Water District with the fact that

there is no filter for their water, having been accomplished, I move that the report of the committee be accepted.

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

Sent down for concurrence.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve in Favor of the University of Maine for Law School," (S. P. 337) (L. D. 568) reported that the same ought not to pass.

(signed)

Senators: BOWKER of Cumberland
SAVAGE of Somerset

Representatives:

JACOBS of Auburn
JALBERT of Lewiston
JOHNSTON of Jefferson
WEBBER of Bangor
DENNETT of Kittery
BIRD of Rockland

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

(signed)

Senator: WILLIAMS of Penobscot
Representative:

BROWN of Unity

On motion by Mr. Leavitt of Cumberland, the reports and accompanying papers were laid upon the table pending acceptance of either report.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve Providing for Certain Improvement in the Property of the Maine Port Authority," (S. P. 79) (L. D. 68) reported that the same ought not to pass.

(signed)

Senators:

WILLIAMS of Penobscot
SAVAGE of Somerset

Representatives:

BROWN of Unity
JACOBS of Auburn
JALBERT of Lewiston
JOHNSTON of Jefferson
WEBBER of Bangor
BIRD of Rockland

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

(signed)

Senator:

BOWKER of Cumberland

Representative:

BENNETT of Kittery

On motion by Mr. Haskell of Penobscot, the reports and accompanying papers were laid upon the table pending acceptance of either report.

Mr. Bowker from the Committee on Appropriations and Financial Affairs on "Resolve Providing for the Construction of an Employees Dormitory at the Augusta State Hospital," (S. P. 158) (L. D. 226) reported that the same ought not to pass.

On motion by Mr. Larrabee of Sagadahoc, the report and accompanying papers were laid upon the table pending consideration of the "Ought not to Pass" report.

Passed to be Engrossed

Bill "An Act Relating to Lobster Licenses." (H. P. 720) (L. D. 262)

(On motion by Mr. Denny of Lincoln, the bill was laid upon the table pending passage to be engrossed.)

Bill "An Act to Provide Schooling in Brunswick for Tuition Pupils from Certain Other Towns." (H. P. 1255) (L. D. 538)

Bill "An Act Relating to Notice in the Small Claims Law." (H. P. 1633) (L. D. 986)

Bill "An Act Amending the Uniform Veterans' Guardianship Act." (H. P. 1634) (L. D. 987)

Bill "An Act Amending the Charter of the City of Portland re Form of Ballot." (H. P. 1649) (L. D. 956)

Bill "An Act Relating to Sirens on Motor Vehicles Used by Deputy Sheriffs." (H. P. 1938) (L. D. 1312)

Bill "An Act to Require Stop Lights on School Buses." (H. P. 2023) (L. D. 1412)

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

Bill "An Act Relating to Welfare Claims Against Estates." (H. P. 1910) (L. D. 1273)

Bill "An Act Creating the Development Credit Corporation of Maine." (H. P. 1970) (L. D. 1358)

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

Bill "An Act Relating to Transportation of Clams." (S. P. 179) (L. D. 237)

Bill "An Act Relating to Powers and Duties of Liquor Inspectors." (S. P. 643) (L. D. 1418)

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

Sent down for concurrence.

Bill "An Act Relating to Ballots." (S. P. 644) (L. D. 1420)

Mr. Barnes of Aroostook presented Senate Amendment A and moved its adoption:

"Senate Amendment A to S. P. 644, L. D. 1420. Amend said bill by striking out the underlined words 'the diameter' in the 9th line thereof and inserting in place thereof the underlined words 'each side.'"

Which amendment was adopted, and the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

Bill "An Act Relating to the Aeronautical Fund." (S. P. 645) (L. D. 1419)

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

Sent down for concurrence.

Bill "An Act Regulating the Taking of Alewives in St. George River in the Town of Warren." (S. P. 251) (L. D. 357)

Bill "An Act Relating to Pension for Chief of Police of City of Lewiston." (S. P. 355) (L. D. 563)

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

Sent down for concurrence.

Enactors

Bill "An Act to Increase the Salary of the County Treasurer of Penobscot County." (H. P. 310) (L. D. 90)

Bill "An Act Relating to Salary of Clerk of Courts in Kennebec County." (H. P. 314) (L. D. 94)

Bill "An Act Relating to Salaries and Clerk Hire for Certain Public Offices in Piscataquis County." (H. P. 487) (L. D. 166)

Bill "An Act Relating to Salaries of Judge and Recorder of the Town of Lincoln Municipal Court." (H. P. 498) (L. D. 167)

Bill "An Act Relating to Public Health Nursing Service." (H. P. 853) (L. D. 323)

Bill "An Act Relating to Old Age Assistance." (H. P. 865) (L. D. 332)

(On motion by Mr. Ela of Somerset, the bill was laid upon the table pending passage to be enacted.)

Bill "An Act Relating to Salary of Register of Deeds and Clerks in the Office of Register of Deeds, Northern Registry, Aroostook County." (H. P. 942) (L. D. 383)

Bill "An Act Relating to the Salaries of the Judge of Probate and the Register of Probate in Piscataquis County." (H. P. 943) (L. D. 384)

Bill "An Act Relating to the Salary of the Recorder of the Augusta Municipal Court." (H. P. 1195) (L. D. 620)

Bill "An Act Relating to Closed Season on Deer in Town of Islesboro." (H. P. 1471) (L. D. 834)

Bill "An Act Relating to Inspection of Motor Vehicles." (H. P. 1516) (L. D. 889)

(On motion by Mr. Crosby of Franklin, the bill was laid upon the table pending passage to be enacted.)

Bill "An Act Relating to the Salary of the County Treasurer of Hancock County." (H. P. 1530) (L. D. 861)

Bill "An Act to Effect a Change in the Experience Rating Record Provisions of the Unemployment Compensation Law." (H. P. 1626) (L. D. 937)

Bill "An Act to Establish the Brewer Municipal Court." (H. P. 1636) (L. D. 989)

Bill "An Act Relating to the Bangor Theological Seminary." (H. P. 1637) (L. D. 990)

Bill "An Act Relating to Annuities for Dependents of Members of Police and Fire Departments of the City of Portland." (H. P. 1698) (L. D. 1021)

Bill "An Act Relating to Applications for Liquor Licenses." (H. P. 1744) (L. D. 1036)

Bill "An Act Relating to the Publication of Notice of Application for Liquor Licenses." (H. P. 1747) (L. D. 1039)

Bill "An Act Regulating Sale of Malt and Malt Syrup." (H. P. 1749) (L. D. 1041)

Bill "An Act Relating to the Revocation of Liquor Licenses." (H. P. 1750) (L. D. 1042)

Bill "An Act Authorizing Cities and Towns to Appropriate Money for Volunteer Fire Departments." (H. P. 1842) (L. D. 1201)

Bill "An Act Relating to Explanation of Constitutional Amendments and Statewide Referendum." (H. P. 1968) (L. D. 1342)

Bill "An Act Relating to Street Openings by Public Utility Corporations." (H. P. 1977) (L. D. 1393)

Bill "An Act Relative to Careless Shooting of Human Being." (H. P. 2014) (L. D. 1396)

"Resolve, Regulating Fishing in Whetstone Pond, in the County of Piscataquis." (H. P. 465) (L. D. 1402)

"Resolve, Regulating Fishing in Porter Lake." (H. P. 747) (L. D. 289)

"Resolve, Opening Upper and Lower Macwahoc Lakes, Aroostook County, to Ice Fishing." (H. P. 1392) (L. D. 725)

"Resolve, Regulating Fishing in Moosehead Lake in the County of Piscataquis." (H. P. 1480) (L. D. 880)

"Resolve, Closing the Tributaries to Great Moose Pond to Fishing." (H. P. 1483) (L. D. 840)

"Resolve, Opening Leighton Brook, Hancock County, to All Fishing." (H. P. 1487) (L. D. 844)

"Resolve, Opening Deer Pond, in the Town of Hollis, York County, to Fishing." (H. P. 1826) (L. D. 1152)

Bill "An Act Relating to Tuberculosis Control." (S. P. 313) (L. D. 506)

Bill "An Act Relating to the Salaries of the Judge and of the Recorder of the Old Town Municipal Court." (S. P. 365) (L. D. 582)

Bill "An Act Relating to Hunting of Raccoons." (S. P. 402) (L. D. 740)

Bill "An Act Relating to the Salaries of the Clerk of Courts and Deputy Clerk of Courts of Penobscot County." (S. P. 438) (L. D. 793)

Bill "An Act Relating to the Caribou Municipal Court." (S. P. 464) (L. D. 919)

(On motion by Mr. Collins of Aroostook, the bill was laid upon the table pending passage to be enacted.)

Bill "An Act Relating to Power of Certain Corporations to Hold Property." (S. P. 503) (L. D. 1004)

Bill "An Act Relating to Sale of Malt Liquor by Trade Name." (S. P. 512) (L. D. 1011)

Bill "An Act Relating to Interference with Certain Officers." (S. P. 521) (L. D. 1053)

Bill "An Act Relating to Wholesale Sale of Spirituous and Vinous Liquor." (S. P. 541) (L. D. 1103)

Bill "An Act Relating to Conveyance or Board of Children." (S. P. 608) (L. D. 1299)

"Resolve, Providing for Certain Construction at the Northern Maine Sanatorium." (S. P. 285) (L. D. 486)

(On motion by Mr. Savage of Somerset, the resolve was laid upon the table pending final passage.)

"Resolve Regulating Fishing in Snake and Carpenter Ponds in the County of Piscataquis." (S. P. 295) (L. D. 489)

"Resolve, Regulating Fishing in Pleasant and Mud Lakes in the County of Penobscot." (S. P. 347) (L. D. 573)

"Resolve, in Favor of Bangor Anti-Tuberculosis Association." (S. P. 492) (L. D. 952)

(On motion by Mr. Savage of

Somerset, the resolve was laid upon the table pending final passage.)

Which bills were severally passed to be enacted, and resolves finally passed.

Emergency Measures

Bill "An Act Appropriating Monies for Anticipated Overdrafts in the State Park Commission Due to Insufficient Appropriations." (H. P. 1931) (L. D. 1307)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act Concerning Harbor or River Improvements and Protection of Property Against Floods or Erosion." (S. P. 131) (L. D. 193)

Which bill being an emergency measure and having received the affirmative vote of 30 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act Appropriating Monies for Anticipated Overdrafts in the State Treasury Due to Insufficient Appropriations." (S. P. 606) (L. D. 1297)

Which bill being an emergency measure and having received the affirmative vote of 30 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

The PRESIDENT: Pursuant to the Joint Order passed yesterday in this branch, the Chair recognizes the Senator from Somerset, Senator Savage.

Mr. SAVAGE of Somerset: Mr. President and members of the Senate, in accordance with the joint order passed Monday, I am pleased to present to you a brief summary of the General Fund picture as I see it today. I will try to divide the statement into four parts.

The purpose of this review is not to point out any specific path of action, but rather to show at least some of the factors that may be helpful to each of us in our task of

determining just what will be our action in what, I hope, are the last two or three weeks of this 94th Legislature.

The Appropriation Bill

The Appropriation Bill, L. D. 1360, has been reproduced in detail and was distributed to each member on March 17th. It totals, for the biennium, \$51,480,522. Estimated revenues, as reported in the budget were \$46,575,496.

Now, added to that \$46,575,496 have been increases in estimated revenue that amount to \$555,770 per year, \$1,111,540 for two years or a new estimated revenue total of \$47,687,036. The difference between those estimated revenues of \$47,700,000, in round figures, and the amount of the appropriation bill, about \$51,500,000 is the \$3,800,000, again in round figures, by which existing revenues are short of Appropriation Committee recommendations.

The first question, naturally, is the question as to why the appropriation bill exceeds the budget and thereby exceeds revenues despite the fact we cut requests by about \$3,000,000.

With few exceptions our recommendations include **only** such funds as are required under **existing laws**, laws passed by this or some previous legislature.

So in summary, those are the increases that we made over the Budget and those increases are, in round figures, \$3,800,000 in excess of revenue. I think that I am safe in assuming that no member of this Legislature and surely no member of the Appropriation Committee believes that the appropriation bill as presented is one hundred per cent perfect. Certainly, there are minor items that may be adjusted and maybe should be adjusted, up or down, but if you want to accept our basic principle of making reasonable compliance with existing law and such economic facts as we believe will exist in the next biennium, the total is not too far from a realistic figure.

Revenues

As I indicated in the introduction to the discussion of the appropriation bill, revenue estimates have been adjusted upward since the budget hearings and since the preparation of the budget document.

Those revenue increases were these for each year:

State Property Tax, as- suming the rate re- mains at 7¼ mills	\$334,475.00
Tax on Telephone Com- panies	115,000.00
Tax on Railroad Com- panies	100,000.00
State tax on wild lands	6,295.00
	<hr/>
	\$555,770.00

This total, for the two years, is the \$1,111,540 by which we have increased the estimates of General Fund Revenues.

Within the last twenty-four hours I have checked with the State Tax Assessor his current estimates on the Cigarette taxes and the Tobacco taxes and he tells me that each of those revenue sources are accurately estimated for the next biennium. The Franchise Taxes, he states, are as high as they can be placed. Taxes on railroads at \$1,760,000, he says, is a figure that is certainly high enough, particularly in view of the recent freight rate reductions by one of the larger railroads. Bank taxes are accurately estimated, and the State Tax Assessor believes that he has accurately estimated revenues from insurance premium taxes.

The Chairman of the Liquor Commission is emphatic in telling us that his revenue estimate is high enough and if the recently announced price reductions become general, he may fail to show liquor revenues equal to the income projected in the General Fund Budget.

So, in summary, we do not think that there are any dollars from existing revenue sources that have not been fairly estimated in our projections of General Fund Revenue.

Other Legislative Documents

Some of the spending bills that are not provided for in the appro-

priation bill were heard by the Appropriation Committee. Many others were heard by other Legislative committees. It is not my purpose to predict which of these bills will pass and which will fail, but here are at least some of them of major importance, that if seriously considered by the Legislature, are over and above whatever may be the deficit in the appropriation bill, itself.

Some, you already have with ought to pass reports; others are still in committee.

Here are a few of the larger ones:

The bills that seek to liberalize certain of the Old Age Assistance laws and other Welfare law liberalizations.

The resolve providing an additional \$300,000 per year for the University of Maine.

The act creating the Department of Public Safety and the several state-wide fire control bills.

The provisions that would have the State take over the town share of the cost of the ADC program, a \$500,000 per year item.

The bill that seeks \$400,000 per year with which to continue State employee wages at the present level.

The elderly teachers' pension bill.

The act to increase State aid to towns for support of salaries of teachers.

The act to increase the educational equalization opportunities and whatever the Legislature may desire to do for school construction subsidies.

I realize that I have mentioned only a few of the larger ones and there are many others, each with earnest supporters convinced that there may be a state-wide demand for their particular Legislative document, that if passed, will require dollars in excess of the \$3,800,000 that we are already short in the appropriation bill. Remember this is no attempt to separate the bills among those that I think should pass from those that I think should

fail. It is only an effort to point out at least some of the bills that are well beyond the capacity of present revenue to carry. Many of these, I would remind you, are measures that have had the support of our Governor and nearly all of them, if I correctly read the platforms of both political parties in Maine, have had the enthusiastic support of Democrats and Republicans alike, particularly in their declarations for more liberal education, institutions, and welfare provisions.

Unappropriated Surplus of the General Fund

In both branches of this Legislature, reference has been made to the possibility of balancing our general fund budget by the use of surplus funds. I am permitted to state that such procedure would not have the approval of Governor Payne, and certainly he is sound in this conclusion.

In the first place, the estimate of General Fund surplus as of June 30th of this year is \$6,171,461, less whatever appropriations are made by this Legislature. We have already enacted and the Governor has signed measures that total \$2,786,973.74. That leaves \$3,384,487.26.

In our possession with "ought to pass" reports are the Augusta State Hospital resolves, the Military Defense bill, the Baxter State Park bill, the University of Maine building resolve, the Central Maine Sanatorium bill, the Farm Capital reserve bill, the Fire bills, and others. The "ought to pass" reports add up to nearly one million dollars and many of the bills calling for surplus funds, still in committees, may well have favorable consideration.

But even if we assume that every single one of these bills and resolves is going to be killed, there is still no sound justification for balancing an operating budget out of previously earned surplus. Where would such procedure leave us? We would be saying to ourselves—"We want to spend more than our in-

come for the every day cost of government in Maine; so we will turn to a surplus that can't possibly be more than the cost of government for only two or three weeks in each of the next two years.

Suppose we had a major emergency and were called back here in special session to meet that emergency with an appropriation? Certainly, we would be embarrassed to find a bare cupboard in the General Fund surplus.

Remember this—we are not going to have a General Fund surplus build-up this year. We started the fiscal year \$933,000 in the red, as far as the budget is concerned. Income and expenses may balance out so that we will not have a deficit in our operating statement this year. On the other hand, there is no possibility that we will have any substantial operating profit this year. Certainly, it is not sound business to think of the remaining General Fund surplus as a source of budget balancing dollars.

Conclusions

1. I have attempted to show that the appropriation bill, maybe not perfect, is not too far from an estimate of what is required to carry out existing laws and as such, it is \$3,800,000 short of present revenue sources. I acknowledge that the \$3,800,000 can be cut out of the bill, but with very few exceptions, the cuts will have to be made in the three major General Fund expenditure items — institutions, education, and welfare—and when you cut these items, particularly as you cut education and welfare, you simply build up and amplify the financial burdens of the cities and towns.

2. The Legislative documents that call for money over and above the appropriation bill may well run into several million dollars, unless we reverse ourselves in our action of recent weeks in accepting these "ought to pass" reports, regardless of the lack of revenue with which to support these measures. Remember, though, that many of these bills are aimed toward municipal financial relief.

3. I am convinced, and I invite each of you to check with the respective department heads, concerning the accuracy of the revenue estimates.

4. We can't depend upon surplus to finance every day needs of government.

The answer to all of this, as I see it, is in buckling down to the job of facing these appropriation measures. If we are going to take \$3,-800,000 out of the appropriation bill, let's be about it with the same enthusiasm that we rise against taxes. Let's finish the job by standing up to be counted on the Legislative documents that are over and above the appropriation bill.

If we don't choose to do that, let's pick out some revenue measures that will add up to what a majority of us want, pass them and clean up this Legislative job in an orderly and realistic fashion.

Right now, we are just about where we were at the last of April two years ago. Let's hold that gain by facing the thing down to a conclusion and doing it without another two or three weeks of needless and expensive delay.

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

Mr. WILLIAMS of Penobscot: Mr. President and Senators, you have heard this report made by the Chairman of the Appropriation Committee made upon our financial condition. I think probably there is nothing in that report that you are not all well acquainted with, because I am sure you have all studied the L. D. of the Appropriation Committee report that has been put out to you in the form of an appropriation bill, and also in the sheets showing the difference between the budget and what the Appropriation Committee recommended.

I simply want to say that the Appropriation Committee has worked hard and long this session, trying to come to that appropriation bill. I don't think that it is right, prob-

ably one hundred per cent; but it is, as the Chairman said, as near as we can get, with few changes. I do want to say this, because there have been remarks made by the Appropriation Committee, and whether that report is right or wrong, when we came out with that report, it signified every member felt it was his best judgment at that time, as it was, Gentlemen. I would have had a minority report of one if I felt we could have come out with a better report, and I think any other member that felt otherwise would have done the same. This morning, I noticed an editorial in the Bangor Daily Commercial. As a usual thing, I am not too impressed by editorials, but apparently the writer of this editorial did grasp the financial questions which this legislature is having to face. I would like with your permission to read this editorial this morning.

"As We See It—Would Augusta 'Economizers' Deny New Services, Reduce Present Ones?"

There is an old saying that the successful politician is "one who votes for all appropriations and against all taxes."

It is pretty clear that there are quite a few legislators in Augusta who are currently pursuing that policy. But it seems equally clear that they are going to have to make a decision one way or the other—perhaps this week.

It is all very well to talk about "economy" and to make speeches about the "crushing tax burden" of the people. Everyone is in favor of economy, and no one likes to pay taxes.

But the question before the Legislature is a relatively simple one: are we going to cut back expenditures authorized under existing law and deny all new services?

If we are prepared to take these two steps, then we don't need a new tax measure. But we are still waiting to hear the "economy" boys come out from behind their smoke screen of double talk and state flatly that they are prepared to

face the music on the matter of expenditures.

* * *

Where will they "economize"? Will they reduce state aid to education? Will they deny private hospitals repayment of the actual cost of caring for state patients? Will they favor holding old age assistance payments to the old \$40 a month top? Will they deny existing allowances for the care of neglected children? Will they deny the state's institutions desperately needed funds?

All these expenditures fall within the scope of existing law. They call for nearly \$4 million over estimated revenues from present tax sources. Do the economizers favor denying all these sums?

In the matter of new services, do the economizers believe the salary increases granted state employees last fall should be continued? If so, then they will have to find some \$400,000.

And is the U. of M. going to get a \$300,000 supplemental appropriation? Are we going to increase teachers' salaries through state aid? Are we going to boost teachers' pensions? Increase the equalization fund? Give state aid for school construction? These various educational grants might require up to \$4.5 million of new revenue. Are the economizers going to deny all these expenditures?

* * *

You can add to the list. But the items we have mentioned give some idea of what the Legislature is up against.

If the economizers will just be specific about where they propose to cut, and if they will stand behind all cuts necessary to stay within existing revenues, then they will be both consistent and honest.

But in this last lap of the legislative process, let's hear no more bleating about "economy" unless we are told just where four to twelve million dollars is going to be trimmed from present or proposed state services.

It's time to fish or cut bait in Augusta. We shall be watching

when the "economizers" rise to be counted on some of the appropriations measures we have mentioned."

I felt that whoever wrote that editorial in the Bangor Commercial had quite a grasp of State expenditures and although I would not say that a lot of these things that he suggested could not be brought about if we wanted to cut these services, yet, it is squarely up to the Legislature whether or not we do wish to cut these services.

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table Bill, An Act to Appropriate Monies 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 23 pending motion by the Senator from Cumberland, Senator Leavitt, that Senate Amendment A be adopted.

Mr. LEAVITT of Cumberland: Mr. President, I ask leave to withdraw Senate Amendment A which was introduced by me calling for an increased appropriation for the Maine Maritime Academy. I understand that this amendment at the present time is in the way because of action which we wish to take. I will reserve the right, however, to present the amendment again later on in the session.

Mr. Leavitt of Cumberland was granted leave to withdraw Senate Amendment A.

Thereupon, on motion by Mr. Bowker of Cumberland, the bill was passed to be engrossed.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, it is the thought of the Appropriations Committee that this bill should go along immediately to the other branch, so I now move that the bill be sent forthwith to the House.

The motion prevailed and the bill was sent forthwith to the House.

On motion by Mr. Baker of Kennebec, the Senate voted to take

from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on bill, An Act Refunding to Towns Fees of Retail Liquor Licenses, (S. P. 112) (L. D. 135) tabled by that Senator on February 18 pending acceptance of the report; and on further motion by the same Senator, the "Ought Not to Pass" report of the Committee was accepted.

Sent down for concurrence.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs — Majority Report "Ought Not to Pass", Minority Report "Ought to Pass" on Resolve in Favor of the University of Maine for Law School (S. P. 337) (L. D. 568) tabled by that Senator earlier in today's session pending acceptance of either report; and that Senator yielded to the Senator from Penobscot, Senator Haskell.

Thereupon, on motion by Mr. Haskell of Penobscot, the reports and accompanying papers were laid upon the table pending acceptance of either report.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table Senate Report from the Committee on Towns — Majority Report "Ought Not to Pass", Minority Report "Ought to Pass" on bill, An Act Relating to Use of Excise Tax on Motor Vehicles (S. P. 325) (L. D. 517) tabled by that Senator on March 31 pending motion by the Senator from Piscataquis, Senator McKusick that the Senate accept the Majority Report "Ought Not to Pass".

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I introduced this bill due to the fact that it was contingent upon the long range highway program. I do find, and it is my sincere belief, that any monies used in excise taxes by the towns under our constitutional amendment are used unlawfully. I will support the motion

to accept the Majority Report "Ought Not to Pass" and at a later date I will submit an Order asking that the Legislative Research Committee be asked to look into the matter and report to the next incoming legislature.

Mr. McCUSICK of Piscataquis: Mr. President, I would offer no objection to Senator Brewer's order later, but I do believe that this should be discussed somewhat. I think this involves a very important principle, although it seems somewhat harmless. I think it involves the principle of the rights of towns to tax property within their borders, both real and personal, for the support of the activities of the towns, and the right to assign that tax to the uses that they see fit.

I question the statement of the Senator from Aroostook in regard to the constitutional amendment applying excise taxes to the highways. The last clause reads, "Providing that these limitations shall not apply to revenue from excise tax on motor vehicles imposed in lieu of a personal property tax."

There is no question that when this excise tax law went into effect, it removed from the sources of revenue available to the towns a considerable amount, for the reason that in recent years we have seen, even since we increased the minimum excise tax, motor vehicles which easily could be valued on your property tax rolls at five hundred dollars. We have seen them paying only a five dollar tax. Whereas, if they could be assessed at five hundred dollars, and with an average tax rate of seventy-two mills, we would get a tax of thirty-six dollars.

Most of the towns, at the present time, are applying more than the amount of the excise tax to the highways. It would simply mean that if the excise tax went in the highways, the towns would appropriate a less amount; so there would be no gain in that direction. I think most of the towns now are appropriating the excise tax for

some special purpose. I think that is their right, and I think they should be allowed to do that.

If there is any question in the mind of anybody that this excise tax is in lieu of a personal property tax, I would call your attention that the law provides that if a vehicle isn't registered—if no excise tax is paid—it is the right of the town assessors to put on that vehicle a personal property tax.

One other difficulty that was called to my attention, which I haven't thought of before, was that in the case of a town where there is a village or water district. It was called to my attention that the Town of Dover-Foxcroft is allotting a certain portion of their tax to the water district, and that would be a complicating factor if a statute was passed applying all of this tax to the highways.

For those reasons, I believe that this is a very important matter of principle involving further interference by the states of the rights of towns, and I sincerely hope that my motion of ought not to pass will prevail.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Piscataquis, Senator McKusick, that the Majority Report "Ought Not to Pass" be accepted.

Is the Senate ready for the question?

Thereupon, the Majority Report "Ought Not to Pass" was accepted. Sent down for concurrence.

Mr. Williams of Penobscot presented a Memorial to Congress and moved its adoption.

The Secretary read the Memorial: "In the Year of Our Lord One Thousand Nine Hundred and Forty-Nine

MEMORIAL

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled

We, your Memorialists, the Senate and House of Representatives of the

State of Maine in the 94th Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, the Canadian Government has appropriated funds for a joint investigation with the United States of the Quoddy Project, and

Whereas, the Quoddy Project may be of great benefit to the people of Maine and the people of the United States, both in peace time and in any national emergency; and

Whereas, the United States has as yet not appropriated funds for the joint investigation; and

Whereas, the Members of the 94th Maine Legislature deeply appreciate the efforts extended by the Member of the Maine Congressional Delegation in working for the preliminary investigation of the Quoddy Project; and

Whereas, the Members of the 94th Legislature are wholeheartedly in favor of such a preliminary investigation; now, therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully petition and urge the Members of Congress to appropriate sufficient funds so that a joint preliminary investigation of the Quoddy Project may be studied immediately; and be it further

RESOLVED: That this Joint Resolution be treated as a Memorial to the Members of the Maine Congressional Delegation to take affirmative action."

Mr. **WILLIAMS** of Penobscot: Mr. President and Senators, in support of my motion to adopt this memorial I will say that yesterday, as most of you know, the bill introduced by Representative Brown to provide the \$30,000 was heard before the Appropriations Committee. It was the opinion of the group that appeared before us that we should only do this if Congress did not act, so, I am presenting this Memorial this morning at the unanimous request of the Appropriations Committee that it be adopted.

The motion prevailed and the Memorial was adopted.

Sent down for concurrence.

The PRESIDENT: At this time the Chair notes the presence in the balcony of the Senate, of students from Fryeburg Academy. On behalf of the Senate, the Chair welcomes you here today.

On motion by Mr. Larrabee of Sagadahoc, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Salaries and Fees on bill, An Act Relating to Clerk Hire in County Offices in Sagadahoc (H. P. 316) (L. D. 96) tabled by that Senator on April 4 pending consideration of the report; and on further motion by the same Senator the "Ought to Pass" report was accepted in con-

currence, and the bill was given its first reading.

Mr. Larrabee presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 316, L. D. 96. Amend said bill by striking out the underlined figures '2210' in the 7th line thereof and inserting in place thereof the underlined figures '2000'."

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

On motion by Mr. Cobb of Oxford

Adjourned until tomorrow morning at ten o'clock.