

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

Thursday, April 7, 1949

The Senate was called to order by the President.

Prayer by the Reverend Merle E. Golding of Augusta.

Journal of yesterday read and approved.

The PRESIDENT: At this time, the Chair notes in the balcony of the Senate, a large class from the Mechanic Falls High School, and their instructor, Mr. Knowlton. On behalf of the Senate, the Chair welcomes the students here. We appreciate your interest in state government and hope you will find something here which will be of interest to you.

House Committee Reports

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Sale or Packing of Herring," (H. P. 1350) (L. D. 700) reported that the same ought to pass.

Comes from the House, recommended to the Committee on Sea and Shore Fisheries.

In the Senate, on motion by Mr. Larrabee of Sagadahoc, the bill was recommended to the Committee on Sea and Shore Fisheries in concurrence.

The Committee on Claims on "Resolve in Favor of Lemuel Morrell, of Limestone," (H. P. 258) reported that the same ought not to pass.

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

In the Senate, on motion by Mr. Smart of Hancock, the resolve was recommended to the Committee on Claims in concurrence.

The Committee on Banks and Banking on Bill "An Act Relating to Deposits in a Fiduciary's Personal Account," (H. P. 1574) (L. D. 897) reported that the same ought to pass.

Comes from the House, report read and accepted, and the bill

passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read, and on motion by Mr. Ward of Penobscot, the bill and accompanying papers were laid upon the table pending consideration of the "Ought to Pass" report.

The Committee on Legal Affairs on Bill "An Act Relating to Street Openings," (H. P. 1727) (L. D. 1082) reported that the same ought not to pass as it is covered by other legislation.

The Committee on Public Utilities on Bill "An Act Creating the Calais Utilities District," (H. P. 1703) (L. D. 1023) reported that the same ought not to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Revocation of Licenses Issued by Department of Sea and Shore Fisheries," (H. P. 763) (L. D. 299) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Buoys on Lobster Traps or Other Submerged Objects," (H. P. 1319) (L. D. 688) reported that the same ought not to pass.

The same Committee on "Resolve, Regulating the Taking of Smelts from Cobscook River, Cobscook Bay, Orange River, Denny's River and Their Tributaries," (H. P. 1802) (L. D. 1144) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Regulating Trapping of Fisher," (H. P. 1447) (L. D. 879) reported the same in a new draft (H. P. 2030) (L. D. 1437) under the same title, and that it ought to pass.

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

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Spruce Pond in the County of Somerset," (H. P.

988) (L. D. 419) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence and the resolve read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

The Majority of the Committee on Temperance on Bill "An Act Relating to the Definition of Tavern in Liquor Law," (H. P. 1746) (L. D. 1038) reported that the same ought to pass.

(signed)

Senators:

BAKER of Kennebec
SMART of Hancock
BOUCHER of Androscoggin

Representatives:

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

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

(signed)

Representatives:

SANDERSON of Greene
MAXELL of Orient
BROWN of Robbinston

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed.

In the Senate, the reports were read, and on motion by Mr. Boucher of Androscoggin, the Majority Report "Ought to Pass" was accepted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

The Majority of the Committee on Taxation on Bill "An Act Repealing the Gasoline Road Tax," H. P. 1200) (L. D. 532) reported that the same ought not to pass.

(signed)

Senators:

HASKELL of Penobscot
NOYES of Hancock

Representatives:

CARTER of Bethel
DUQUETTE of Biddeford
LONGSTAFF of Crystal
WIGHT of Bangor
DOW of Falmouth
DORSEY of Fort Fairfield

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

(signed)

Senator:

ALLEN of Cumberland

Representative:

CHASE of Cape Elizabeth

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

In the Senate, the reports were read, and on motion by Mr. Allen of Cumberland, the bill and accompanying papers were laid upon the table pending acceptance of either report.

Senate Committee Reports

Mr. Savage from the Committee on Appropriations and Financial Affairs on "Resolve Providing for a Men's Dormitory at Gorham State Teachers' College," (S. P. 602) (L. D. 1293) reported that the same ought not to pass.

(On motion by Mr. Leavitt of Cumberland, the resolve and accompanying papers were laid upon the table pending consideration of the "Ought Not to Pass" report.)

Mr. Baker from the Committee on Legal Affairs on Bill "An Act Authorizing the City of Presque Isle to Provide for the Collection and Disposal of Garbage, Refuse and Rubbish and to Assess a Charge Therefor," (S. P. 461) (L. D. 913) reported that the same ought not to pass as it is covered by other legislation.

(On motion by Mr. Brewer of Aroostook, the bill and accompanying papers were laid upon the table pending consideration of the "Ought Not to Pass" report.)

Mr. Ela from the Committee on Public Health on Bill "An Act Relating to Labels on Bottles of Liquor," (S. P. 532) (L. D. 1104)

reported that leave be granted to withdraw.

Mr. Brewer from the Committee on Ways and Bridges on Bill "An Act to Relieve Towns of the Expense of Contributing Toward the Maintenance of State Highways," (S. P. 108) (L. D. 112) reported that the same ought not to pass as it is taken care of in other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

The same Senator from the same Committee on Bill "An Act Providing for Construction of Roadside Picnic Areas," (S. P. 589) (L. D. 1247) reported that the same ought not to pass.

(On motion by Mr. Cobb of Oxford, the bill and accompanying papers were laid upon the table pending consideration of the "Ought Not to Pass" report.)

Mr. Crosby from the same Committee on Bill "An Act Relating to Maintenance of Bridges on State Aid and Third Class Roads," (S. P. 393) (L. D. 708) reported that the same ought not to pass.

(On motion by Mr. Cobb of Oxford, the bill and accompanying papers were laid upon the table pending consideration of the "Ought Not to Pass" report.)

The same Senator from the same Committee on Bill "An Act Limiting the Apportionment of State Funds for State Aid Roads," (S. P. 557) (L. D. 1181) reported that the same ought not to pass.

Mr. SLOCUM of Cumberland: Mr. President, other legislation which has passed, covered the intent of this bill and I therefore move that the "Ought Not to Pass" report be accepted.

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

Sent down for concurrence.

The same Senator from the same Committee on "Resolve Authorizing the Highway Commission to Build a Parking Place in Windham," (S.

P. 586) (L. D. 1244) reported that the same ought not to pass.

(On motion by Mr. Slocum of Cumberland, the resolve and accompanying papers were laid upon the table pending consideration of the "Ought Not to Pass" report.)

The same Senator from the same Committee on "Resolve to Reimburse the Town of Gouldsboro," (S. P. 331) (L. D. 750) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Baker from the Committee on Legal Affairs on Bill "An Act Providing for a Standard of Electrical Installations," (S. P. 619) (L. D. 1336) reported the same in a new draft (S. P. 652) under the same title and that it ought to pass.

Mr. Williams from the Committee on State Lands and Forest Preservation, on "Resolve for Development of State Park Facilities," (S. P. 252) (L. D. 359) reported the same in a new draft (S. P. 653) under the same title, and that it ought to pass.

Which reports were severally read and accepted and the bill and resolve, in new draft, were tabled pending printing under the joint rules.

Mr. Batchelder from the Committee on Legal Affairs on Bill "An Act Relating to Community School Districts," (S. P. 626) (L. D. 1379) reported the same in a new draft, (S. P. 654) under a new title, Bill "An Act Amending an Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities," and that it ought to pass.

Which report was read and accepted.

Mr. McKUSICK of Piscataquis: I offer Senate Amendment A and move its adoption. In support of this amendment, I will say that it is the emergency preamble; and to explain the necessity, I will tell you a little of what we have been trying to do in Piscataquis County.

As you will remember, the community school district bill was passed in the last Legislature, and the people of Guilford, Sangerville, Parkman and Abbott have organized a community school district under this bill. The Town of Guilford is leasing us their present high school building for a nominal consideration. But in order to take care of the pupils, additional construction was necessary, and we plan to expend \$150,000, of which five per cent of our valuation, or one hundred thousand dollars, was to be raised by bonds, and the other fifty thousand by the towns directly. Our financial condition is all right. Some of our towns are pledging only a portion of their bonding capacity under their constitution.

We have gone along and have been put to some expense. We made arrangements for drawing plans; the plans are all drawn up, and we are ready to put out for bids. When we attempted to make arrangement for floating bonds, we ran into difficulties on account of the wording of the original bill. We consulted two or three bonding houses. We have consulted several lawyers who approved bonds for those bonding houses, and we find the same report, — that the original bill was defective from their standpoint. For that reason, this present bill was presented. It has been carefully worked through, following the suggestion of some of those lawyers. The Legal Affairs Committee have gone over it very carefully. We also found two or three other corrections that should be included in the bill. Those have been incorporated.

So, the bill that we have, acted in a way as a guinea pig for this proposition. We feel that we have put in a lot of work, and we feel that we have got something that is entirely workable, and will work not only for ourselves, but for any future districts that are formed. Incidentally, I will say that there are other districts that are planning to be formed.

Here is a situation in which we find ourselves with bids already to go out, but due to the changes of

this bill, if it is adopted, it will be necessary for us to hold special town meetings to approve the provisions. That means a delay of at least a week. So that it seemed exceedingly desirable to us to save every possible day in the enactment of this bill.

We are faced with the proposition of taking care of about three hundred fifty pupils this fall, and the best that we can do will mean considerable inconvenience. If this bill is still further delayed, I don't know what the proposition will be, and that is our reason for asking for the emergency preamble on this bill. I hope it will receive favorable consideration.

Thereupon, the bill was given its first reading.

The Secretary read Senate Amendment A:—

“Senate Amendment A to S. P. 654, L. D. 1447, bill, ‘An Act Amending an Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities.’ Amend said bill by inserting after the title and before the enacting clause the following emergency preamble:

“**Emergency Preamble.** Whereas, certain community secondary school districts have already been formed under general law to provide for adequate secondary school buildings and instruction; and

“Whereas, specifications for such buildings have been drafted and such districts are prepared to proceed with construction and maintenance of community secondary school instruction; and

“Whereas, bond underwriters have refused approval of the issue of bonds of community secondary school districts organized under the present law; and

“Whereas, the within legislation is vitally necessary to prevent great hardship to the youth of the state for lack of school buildings and suitable instruction; and

“Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as

immediately necessary for the preservation of the public peace, health and safety; now, therefore.'

'Further amend said bill by striking out the first 2 lines of section 8 and inserting in place thereof the following:

"Sec. 8. Emergency Clause; effective date; limitation. In view of the emergency cited in the preamble, this act shall take effect when approved; provided."

Which amendment was adopted, and on motion by Mr. McKusick of Piscataquis, the rules were suspended and the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. Leavitt from the Committee on Public Health on bill "An Act Relating to Optometry," (S. P. 549) (L. D. 1171) reported that the same ought to pass.

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

Mr. Savage from the Committee on Appropriations and Financial Affairs on "Resolve Transferring Moneys from Employees' Retirement Fund to General Fund," (S. P. 220) (L. D. 340) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the resolve was given its first reading. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 340. Amend said resolve by striking out all after the words 'from the' in the 3rd line thereof and inserting in place thereof the words 'pension accumulation fund to the teachers' savings fund of the employment retirement system'."

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

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve Providing for a Classroom and Library Building at

Farmington State Teachers' College," (S. P. 603) (L. D. 1294) reported that the same ought not to pass.

(signed)

Senators:

BOWKER of Cumberland
SAVAGE of Somerset

Representatives:

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

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

(signed)

Senator:

WILLIAMS of Penobscot

Which reports were read and on motion by Mr. Crosby of Franklin, the resolve 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 for School Construction Assistance," (S. P. 605) (L. D. 1296) reported that the same ought not to pass.

(signed)

Senators:

BOWKER of Cumberland
SAVAGE of Somerset

Representatives:

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

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

(signed)

Senator:

WILLIAMS of Penobscot

Which reports were read, and on motion by Mr. Noyes of Hancock,

the resolve and accompanying papers were laid upon the table pending acceptance of either report.

Mr. Batchelder from the Committee on Military Affairs on Memorial to the Congress of the United States in Opposition to Federalization of the National Guard," (S. P. 620) reported that the same ought to be adopted.

Which report was read and accepted, and the Memorial was adopted.

Sent down for concurrence.

The PRESIDENT: The Chair notes the presence of another school in the balcony. I believe the school is the Lincoln School with their teacher Mrs. John McDonough. It is a pleasure to welcome you here and the Chair hopes you will take back to your classroom something of interest in state government.

Passed to be Engrossed

"Resolve Regulating Fishing in Mayfield Pond, in the County of Somerset." (H. P. 573) (L. D. 1423)

"Resolve Regulating Fishing in Sand Pond in the County of Oxford (H. P. 991) (L. D. 422)

Bill "An Act Relative to Closed Time on Deer." (H. P. 1035) (L. D. 461)

"Resolve Regulating Fishing in Long Pond, in the County of Franklin." (H. P. 1037) (L. D. 521)

"Resolve Regulating Fishing in Kemankeag Pond, in the County of Franklin." (H. P. 1039) (L. D. 523)

"Resolve Providing for a Fish Screen at Outlet of North Pond, in the Town of Woodstock, in the County of Oxford." (H. P. 1041) (L. D. 525)

Bill "An Act Relating to Closed Season in Certain Waters in Oxford County." (H. P. 1132) (L. D. 540)

Bill "An Act Regulating Fishing in Big Magalloway River in Oxford County." (H. P. 1133) (L. D. 541)

"Resolve Regulating Fishing in Brassua Lake, in the County of Somerset." (H. P. 1148) (L. D. 605)

"Resolve Regulating Fishing in Certain Somerset County Waters." (H. P. 1482) (L. D. 839)

"Resolve Regulating Fishing in and Closing Tributaries to Lake Maranacook and Narrows Pond, in the County of Kennebec." (H. P. 1484) (L. D. 841)

"Resolve Closing Lake Cobbosseecontee in Kennebec County to Fishing Through the Ice for Salmon and Trout." (H. P. 1777) (L. D. 1116)

"Resolve Relating to Stewart Pond in the Town of Belgrade, Kennebec County." (H. P. 1778) (L. D. 1117)

Bill "An Act Amending the Unemployment Compensation Law as to Benefit Eligibility Conditions." (H. P. 2028) (L. D. 1421)

Bill "An Act Relative to Night Hunting." (H. P. 2029) (L. D. 1422)

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

"Resolve Authorizing the Sale of Hatcheries and Feeding Station Property." (H. P. 1040) (L. D. 524)

"Resolve Regulating Fishing in Big Fish Lake, in the County of Aroostook." (H. P. 1143) (L. D. 603)

"Resolve Authorizing Commissioner of Inland Fisheries and Game to Sell Certain Buildings at Marshfield to Orris Bowker." (H. P. 1147) (L. D. 549)

Bill "An Act Amending the Unemployment Compensation Law as to Employer's Experience Classification." (H. P. 1391) (L. D. 724)

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

Bill "An Act Relating to Clerk Hire in County Offices in Sagadahoc County." (H. P. 316) (L. D. 96)

Which was read a second time and passed to be engrossed as amended, in non-concurrence.

Sent down for concurrence.

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

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

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

Sent down for concurrence.

Enactors

Bill "An Act Relating to the Right of Eminent Domain for Municipalities for Recreational Purposes." (H. P. 1510) (L. D. 808)

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

Bill "An Act Relative to Open Season on Beaver." (H. P. 2018) (L. D. 1403)

"Resolve Authorizing the Sale of Feeding Station Property in the County of Aroostook." (S. P. 270) (L. D. 443)

"Resolve, Regulating Fishing in Donnell's Pond in the County of Hancock." (S. P. 298) (L. D. 492)

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

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

Orders of the Day

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table Senate Report

"Ought to Pass" from the Committee on State Lands and Forest Preservation on Bill "An Act Relating to Katahdin Wild Life Sanctuary" (S. P. 621) (L. D. 1337) tabled by that Senator on March 30 pending consideration of the report.

Thereupon the report of the committee was accepted and the bill was given its first reading.

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

"Senate Amendment 'A' to S. P. 621, L. D. 1337, Bill 'An Act Relating to Katahdin Wild Life Sanctuary.'

Amend said Bill by striking out all of the 2nd paragraph and inserting in place thereof the following underlined paragraph:

'Baxter State Park: The following described tracts of territory situated in the county of Piscataquis W. E. L. S., the same being in unorganized townships, to wit: That portion of township 3, range 9, Piscataquis county, now the property of the state of Maine; all of township 4, range 9, Piscataquis county; all of township 5, range 9, Piscataquis county; all of township 3, range 10, Piscataquis county; all of township 4, range 10, Piscataquis county; all of township 5, range 10, Piscataquis county. The said described 6 tracts or parcels of land contain 133,443 acres, more or less.'

Thereupon, on motion by Mr. Ward of Penobscot, the bill and accompanying papers were laid upon the table pending the motion of the Senator from Aroostook, Senator Barnes that Senate Amendment A be adopted.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to Taxation of Musical Instruments (S. P. 254) (L. D. 353) tabled by that Senator on March 30 pending passage to be enacted.

Mr. BARNES of Aroostook: Mr. President, I now move for indefinite postponement of this bill. In explanation of that motion, this bill purports to take away the exemp-

tion of fifty dollars that has been in existence as long as I can remember on musical instruments. It was introduced by the Senator from Oxford, and it went before the Committee on Taxation. Public hearing was held thereon, and as I understand it, came out with a unanimous ought not to pass report. It was then recommitted to that Committee, and now appears before this body with a unanimous ought to pass report which has been accepted; and it has moved along to the stage of enactment.

The reason, as I see it, that underlies the exemption that has been in force on our statute books for so long a time, is the encouragement of music. As you all probably know, in the assessment of taxes, usually a piano owned by a taxpayer, a secondhand piano, with a value depending on the way in which it is assessed, would be less than fifty dollars, is exempted, and no tax is made. This bill would allow taxation on all types of musical instruments.

When we were young, the study of appreciation and use of music really amounted to something. We did not have radios. We did not have but few phonographs. Since that time, the "canned" music, so called, has come into being in great style, and I believe that the study and appreciation of music has fallen to a low state. I believe that is a bad thing, and I am against any bill that would be designed to give it a further push into the cellar.

Why, it was getting so a year or two ago that James Caesar Petrillo wouldn't even let us have canned music. The time may come when we won't have any music if men like he have their way. So, I am definitely against any bill that would tend to push the study and appreciation of music further down the scale. I believe the Committee must have felt that way when they came out with a unanimous ought not to pass report. I don't understand quite why they turn around and send out the unanimous report the other way. But at least, there must have been some

doubt in their minds on the proposition, and I am one that am not in favor of any legislation, unless I am sure it is good. I see in this a harmful measure.

I don't know how the rest of the members of the Senate feel about it, but I don't think this bill ought to pass. I, therefore, have moved to indefinitely postpone it, and when the vote is taken I ask for a division.

Mr. EDWARDS of Oxford: Mr. President and members of the Senate, as the Senator from Aroostook has pointed out, this has passed along successfully through both branches of the legislature up until final enactment in this Body, no doubt aided by a unanimous ought to pass report from the Committee on Taxation. I am not prepared to deliver a speech of at least an hour's duration which a bill of this magnitude and importance deserves. Incidentally, I might say a speech of that length would be a very welcome addition to my legislative record, which I think up to this time consists of three or four motions to adjourn, and possibly five or six motions to dispense with further reading of a bill which our President has made in my behalf without any effort on my part. So, I think I am turning down a great opportunity.

This stopping of the bill and opening it up for discussion has already brought out two points for me. One is that the Senator from Aroostook is conscious of, and has at heart, the welfare of the already overtaxed individual; and especially, he has at heart the welfare of these young boys and girls who might possibly want to get a musical education and gain fame and fortune in that field. I gather from his remarks that he thinks that this tax, possibly of a dollar and a half, or two dollars, might be an obstacle, or possibly an insurmountable barrier to the achievement of their desires. I would suggest that possibly they might skip just one lesson during the year, and that would make up for this tax.

Another reason why I would like to have this bill go through, outside of its merits, is this. I have the distinction, as I consider it, of being a member of the important Legal Affairs Committee composed of nine lawyers, and myself as the only layman. It happens that the very important Judiciary Committee is also composed of nine lawyers and one layman, and only last week we saw that layman, Senator Ela, take a minority report of only two senators and successfully have that report accepted over the objections of the majority report of nine lawyers. Certainly, if he was able to accomplish that almost unbelievable feat, if I am not able to get this bill through with a unanimous ought to pass report, I am afraid my prestige as a member of the Legal Affairs Committee is going to suffer.

As to the real merits of the bill, I will say that I have been an assessor for fifteen years, and I will confess that I do not know even now how to place a fair valuation on the type of pianos. Of course, this applies to musical instruments. We do not tax other musical instruments in our town, and I think that is true throughout the State. Of course, when we run across a piano such as the Senator from Aroostook told me that he recently purchased at a price of eighteen hundred dollars, and I don't think this was confidential, we have no trouble in allowing this exemption of fifty dollars, and then we get a very good valuation. But I am referring to the upright pianos which we find a great many of, and back in the days when this exemption was put on the books, they were considered valuable. Pianos at that time sold for four or five hundred dollars, so you could take into consideration this fifty-dollar exemption and still get a good valuation on them. But since the advent of the radio and "canned" music, as the Senator has pointed out, that type of piano does not have much real value. Still, the owners do not want to dispose of them. They

have had them for years. They have kept them in repair and tuned, and they are quite an addition to the furniture. For these and various other reasons, they do not want to do away with them.

Illegally, we have been placing a valuation of twenty-five, thirty or thirty-five dollars, and I say illegally, because in order to arrive at a valuation of twenty-five or thirty dollars, you have to assume, first that the piano is worth fifty dollars, which is exempt, and then if your valuation is on a fifty per cent basis, if you value it at twenty-five, you must assume that there is fifty dollars more, or a total for the piano of one hundred dollars, and it isn't worth that.

I think that is all I have to say about the bill. But I do think it is a good bill, and I hope you will see fit to pass it.

Since I have added a little more to my legislative record, and since I do not desire to see my prestige as a member of the Legal Affairs Committee suffer, and also through the real merits of this bill, I hope that the motion of the Senator from Aroostook will not prevail. When the vote is taken, I will ask for a division, and I hope the Senator from Aroostook by this time is convinced of the merits of the bill, and that he will vote against his own motion.

Mr. BARNES of Aroostook: I didn't intend to inject anything of a personal nature into this discussion; but for the purpose of the record, the piano that has lately come into my household that my good friend, the Senator from Oxford, has mentioned, was purchased by my wife.

I don't particularly fear the tax that I will have to pay on it in the years to come. In fact, I wasn't thinking of myself at all. I was thinking of the man who just barely has enough money to purchase a secondhand piano for his children.

The exemption always has been there and I will say to you members of the Senate that if down in Oxford they have been raising the

valuation of a fifty-dollar piano to seventy-five or one hundred dollars simply to get a tax out of it, they have been evading the pure intent of the law. The intent of the law, as I understand it, is that pianos of that value should be exempt from any taxation what ever.

There are a lot of youngsters who learn to play the piano who do not have the money to take any lessons whatever. I don't think that ought to be discouraged. I think this law which has been on our statutes for so long a time was designed for a good purpose, which good purpose still obtains.

I don't fear for my standing as Chairman of the Judiciary Committee, or a Senator from Aroostook. There is nothing personal in this matter at all. I just think that this law exempting pianos or musical instruments to the extent of fifty dollars, had a good purpose which still exists.

I hope you will vote on it with the idea of what it will do to the general public, and not to me as the Chairman of the Judiciary Committee, or my good friend from Oxford as a member of the Legal Affairs Committee.

Mr. HASKELL of Penobscot: Mr. President, I rise, first to congratulate the Senator from Oxford on what he has described as his maiden speech. I would also very briefly explain the position of the Committee on Taxation, in that the matter has been mentioned with reference to our first action on the bill.

It was one of those bills that was heard during one of the public hearings when we had eight or ten bills, and we failed to do that thing that would have brought Senator Edwards down to our Committee. I accept the responsibility, and I apologize to the Senator, and I apologize that we also passed the bill out, along with some others, almost entirely due to the fact that no one appeared for or against the bill, as I remember it. We recommended it over the objection of two senators in executive session, and I am one of the Committee who was

convinced that the bill was correct. My own impression is that personal property, as such, has a very low percentage valuation with reference to original cost, or depreciation value, and I think the exclusion of this very minor musical instrument item will in no way discourage this type of youngster who might want to have a fifty-dollar piano. I am sure the total tax bill at the end of the year, if any board of assessors uses any reasonable judgment in assessing property, will not be changed. For that reason, as a member of the Committee on Taxation, I hope that the motion of the distinguished Senator from Aroostook, Senator Barnes, does not prevail.

Mr. EDWARDS of Oxford: Mr. President, as the Senator from Aroostook has brought out, we have been illegally placing these valuations and I assume it is being done all over the state since I have checked with the State Tax Assessor and he told me the total valuation for musical instruments was \$826,275 last year. If that is right, I hope this bill will remove that nuisance and that we can legally do what we have been doing illegally. We can place a valuation of twenty or twenty-five or thirty dollars, whatever the instrument may be worth.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that the bill be indefinitely postponed and that Senator has asked for a division.

Is the Senate ready for the question?

A division of the Senate was had. Ten having voted in the affirmative and fourteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Edwards of Oxford, the bill was passed to be enacted.

On motion by Mr. Williams of Penobscot the Senate voted to take from the table bill, An Act Relating to Slash, Brush, and Debris Disposal (H. P. 1991) (L. D. 1376) ta-

bled by that Senator on March 24th pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 1991, L. D. 1376. Amend said bill by striking out all of the title thereof after the words 'Relating to Slash' and inserting in place thereof, the following: 'and Brush Disposal.'

Further amend said bill by striking out all of the headnote of that part designated 'Sec. 68' and inserting in place thereof the following: 'Disposal of slash and brush; penalty.'

Further amend said bill by striking out the underlined word '**debris**' in the 4th line of subsection I of that part designated 'Sec. 68' and inserting in place thereof the underlined word '**brush**'; and in the same line thereof, strike out the underlined words '**inflammable material**' and inserting in place thereof the underlined words '**slash and brush**.'

Further amend said bill by striking out the underlined word '**debris**' in the 5th line of subsection II of that part designated 'Sec. 68' and inserting in place thereof the underlined word '**brush**'; and in the 5th and 6th lines thereof, strike out the underlined words '**inflammable material**' and insert in place thereof the underlined words '**slash and brush**.'

Further amend said bill by striking out the underlined word '**debris**' in the 5th line of subsection III of that part designated 'Sec. 68' and inserting in place thereof the underlined word '**brush**'; and in the 5th and 6th lines thereof, strike out the underlined words '**inflammable material**' and insert in place thereof the underlined words '**slash and brush**.'

Further amend said bill by striking out the underlined word '**debris**' in the 2nd line of subsection IV of that part designated 'Sec. 68' and inserting in place thereof the underlined word '**brush**'.

Further amend said bill by striking out the underlined word '**debris**' in the 4th line of subsection V of that part designated 'Sec. 68' and inserting in place thereof, the underlined word '**brush**' and in the 4th and 5th lines thereof, strike out the underlined words '**inflammable material**' and insert in place thereof the underlined words '**slash and brush**'.

Further amend said bill by striking out the underlined word '**debris**' in the 1st line of subsection VI of that part designated 'Sec. 68' and inserting in place thereof the underlined word '**brush**'.

Further amend said bill by striking out all of the headnote of that part designated 'Sec. 68-A' and inserting in place thereof, the following: 'Slash and brush burning permits; penalty.'

Further amend said bill by striking out the underlined word '**debris**' in the 3rd line of that part designated 'Sec. 68-A'.

Further amend said bill by striking out all of that part designated 'Sec. 69' and inserting in place thereof, the following: 'Sec. 69. Disposal of slash and brush on construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipe lines; penalty. Slash and brush accumulating by the construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipelines shall not be left on the ground. Disposal of slash and brush, resulting from the construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipelines, may be done by either hauling away or burning. However, any burning must comply with the provisions of section 68-A governing permits and conditions suitable to burn. Any violation of the provisions of this section by the person responsible therefor, or his employer, whether individual, firm or corporation shall be punished by a fine of \$100, or by imprisonment for 30 days, or by both such fine and imprisonment.'

Thereupon Senate Amendment A was adopted.

The Senator from Somerset, Senator Ela, presented Senate Amendment B and moved its adoption:

“Senate Amendment ‘B’ to H. P. 1991, L. D. 1376, Bill ‘An Act Relating to Slash, Brush and Debris Disposal.’

Amend said Bill by striking out all of the underlined sub-section III of that part designated ‘Sec. 68’ and inserting in place thereof the following underlined subsection:

III. Land bordering on another Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to cut any forest growth on land which borders forest growth of another within the state shall dispose of the slash and brush in the manner hereinafter described: All slash and brush resulting from such cutting of forest growth shall not remain on the ground within 25 feet of the property line.’”

Thereupon Senate Amendment B was adopted.

The PRESIDENT: The Chair will state that there was an error in reading Senate Amendment A, not all of the amendment having been read. Therefore, is it the pleasure of the Senate that the action adopting Senate Amendment A be reconsidered?

Thereupon the Senate voted to reconsider its action taken earlier in today’s session whereby Senate Amendment A was adopted.

The PRESIDENT: The Secretary will now read the balance of Senate Amendment A.

The Secretary read the balance of Senate Amendment A.

The Senator from Cumberland, Senator Allen, received the consent of the Chair to address a question through the Chair to the Senator from Penobscot, Senator Williams.

Mr. ALLEN of Cumberland: Mr. President, before we vote on the adoption of Senate Amendment A, as now completely read by the Sec-

retary, I wonder if the Senator from Penobscot, Senator Williams, will brush me up as to what this amendment is all about?

Mr. KNIGHTS of York: Mr. President, I move that this whole matter be laid upon the table until we can understand it. This is a drastic change and I would like to have the bill printed as finally amended so that we may read and understand it.

The PRESIDENT: The Senator from York, Mr. Knights, moves that this bill and accompanying papers be laid upon the table pending consideration of Senate Amendment A and Senate Amendment B.

Mr. ELA of Somerset: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. ELA: Mr. President, was not Senate Amendment B adopted?

The PRESIDENT: The Senator is correct.

Mr. ELA: The pending question, then, is consideration of Senate Amendment A?

The PRESIDENT: The Senator is right.

Thereupon, the bill and accompanying papers were laid upon the table pending consideration of Senate Amendment A, and Senate Amendments A and B were ordered printed.

On motion by Mr. Collins of Aroostook the Senate voted to take from the table bill, An Act Creating a State Commission of Nursing Attendant Education (S. P. 269) (L. D. 442) tabled by the Senator on April 5th pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Ela of Somerset

Adjourned until tomorrow morning at ten o’clock.