

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

Tuesday, April 12, 1949

The Senate was called to order by the President.

Prayer by the Reverend Tom G. Akeley of Gardiner.

Journal of yesterday read and approved.

House Committee Reports

The Committee on Claims on "Resolve in Favor of Lyle Wheeler, of Presque Isle," (S. P. 223) reported that the same ought not to pass.

(In Senate, on April 8, 1949, report accepted.)

Comes from the House, recommended to the Committee on Claims in non-concurrence.

In the Senate, on motion by Mr. Varney of Washington, the rules were suspended and the Senate voted to reconsider its former action taken on April 8 whereby the "Ought Not to Pass" report of the Committee was accepted; and on further motion by the same Senator, the resolve was recommended to the Committee on Claims in concurrence.

The Committee on Claims on "Resolve in Favor of Walter J. Hayes, of Augusta," (H. P. 459) 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. Varney of Washington, the resolve was recommended to the Committee on Claims in concurrence.

The Committee on Pensions on "Resolve Granting a Pension to Grace Merrill Cutts, of Saco," (H. P. 848) (L. D. 1425) reported that the same ought to pass.

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

In the Senate, the report was read and accepted in concurrence and the resolve was given its first reading; House Amendment A was read and adopted in concurrence, and

the bill as so amended was tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on "Resolve Opening Lone Pond, in the Town of Waterboro, York County, to Fishing," (H. P. 1825) (L. D. 1151) 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 so amended, tomorrow assigned for second reading.

The Committee on Agriculture on Bill "An Act Imposing an Assessment of One Cent Per Hundred-weight on Milk for Advertising and Research of the Milk Industry," (H. P. 972) (L. D. 414) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

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

The Committee on Agriculture on Bill "An Act Relating to Records of Persons Buying or Selling Dogs," (H. P. 1442) (L. D. 833) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Meat of Calves Less than Four Weeks Old," (H. P. 1109) (L. D. 535) reported that the same ought to pass.

The Committee on Military Affairs on Bill "An Act Relating to Files and Records in the Division of Veterans' Affairs," (H. P. 583) (L. D. 181) reported that the same ought to pass.

The Committee on Pensions on "Resolve Providing for a Pension for Harvard L. Copp, of Trenton," (H. P. 1416) (L. D. 1426) reported that the same ought to pass.

The same Committee on "Resolve in Favor of Mrs. Josephine Scribner, of Newport," (H. P. 1883) (L. D. 1428) reported that the same ought to pass.

The Committee on Ways and Bridges on "Resolve in Favor of the Town of Woodland," (H. P. 533) (L. D. 1457) reported that the same ought to pass.

The same Committee on "Resolve in Favor of the Town of Guilford," (H. P. 507) (L. D. 1458) reported that the same ought to pass.

The same Committee on "Resolve in Favor of the Town of Limestone," (H. P. 205) (L. D. 1460) reported that the same ought to pass.

The same Committee on "Resolve in Favor of Hamlin Plantation," (H. P. 202) (L. D. 1459) reported that the same ought to pass.

The same Committee on "Resolve in Favor of Cyr Plantation," (H. P. 200) (L. D. 1461) reported that the same ought to pass.

The same Committee on "Resolve in Favor of Caswell Plantation," (H. P. 197) (L. D. 1462) reported that the same ought to pass.

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

The Committee on Public Buildings and Grounds on "Resolve, Appropriating Moneys to Repair, Recondition and Maintain Lot and Monument of a Former Governor," (H. P. 852) reported the same in a new draft (H. P. 2039) (L. D. 1454) under the same title, and that it ought to pass.

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

First Reading of Printed Bills

"Resolve in Favor of the Town of Sangerville." (S. P. 242) (L. D. 1467)

Bill "An Act to Provide for Equal Pay for Equal Work." (S. P. 656) (L. D. 1466)

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

Senate Committee Reports

Mr. Ela from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Sunday Hunting in Aroostook County," (S. P. 544) (L. D. 1165) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Closing Certain Waters in Somerset County to all Fishing Except Fly Fishing," (S. P. 424) (L. D. 779) reported that the same ought not to pass.

Mr. Bowker from the same Committee on Bill "An Act Relating to Stamping of Beaver Skins," (S. P. 403) (L. D. 739) reported that the same ought not to pass, as it is covered by other legislation.

The same Senator from the same Committee on "Resolve Authorizing the Commissioner of Inland Fisheries and Game to Give Pheasants and Rabbits to Consolidated Sportsmen's Club," (S. P. 575) (L. D. 1238) reported that the same ought not to pass.

(On motion by Mr. Slocum of Cumberland, tabled pending consideration of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Passed to be Engrossed

"Resolve in Favor of the Town of New Portland." (H. P. 400) (L. D. 1441)

Bill "An Act Relating to the Examination of Applicants for the Practice of Chiropractic." (H. P. 1582) (L. D. 904)

"Resolve in Favor of the Town of Athens." (H. P. 1815) (L. D. 1445)

"Resolve in Favor of Alfred M. Joyce of Brooklin." (H. P. 2022) (L. D. 1446)

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

"Resolve Providing for Certain Repairs and Construction at the Bangor State Hospital." (H. P. 630) (L. D. 1443)

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

Bill "An Act to Increase the Salaries of Members of the State Police." (S. P. 75) (L. D. 51)

Bill "An Act Relating to the Salary of the Forest Commissioner." (S. P. 215) (L. D. 277)

Bill "An Act Relating to the Salary of the Sheriff of York County." (S. P. 265) (L. D. 395)

Bill "An Act Relating to Salary of Register of Deeds and Clerks in the Office of Register of Deeds, Hancock County." (S. P. 439) (L. D. 792)

Bill "An Act Relating to the Salary of Clerk of Courts, Hancock County." (S. P. 442) (L. D. 794)

"Resolve Regulating Fishing in Certain Ponds in Somerset County." (S. P. 516) (L. D. 1047)

Bill "An Act Relating to the Salary of the Register of Deeds of Waldo County." (S. P. 534) (L. D. 1055)

"Resolve for Development of State Park Facilities." (S. P. 653) (L. D. 1450)

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

Sent down for concurrence.

Orders of the Day

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table bill, An Act Relating to Trucks Transporting Pulp, Slabs and Logs (S. P. 641) (L. D. 1415) tabled by that Senator on April 11 pending motion by the Senator from Aroostook. Senator Collins, that Senate Amendment A be adopted.

Thereupon, the motion to adopt Senate Amendment A prevailed and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cobb of Oxford, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Ways and Bridges on bill, An Act Relating to Maintenance of Bridges on State Aid and Third Class Roads (S. P. 393) (L. D. 708) tabled by that Senator on April 7 pending

consideration of the report; and on further motion by the same Senator, the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act Relating to Old Age Assistance (H. P. 865) (L. D. 332) tabled by that Senator on April 6 pending passage to be enacted; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

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

"Senate Amendment A to L. D. 332. Amend said bill by striking out the underlined words 'residing in this state' in the 3rd line of that part designated 'II' of Section 2."

Thereupon, on motion by Mr. Williams of Penobscot, the bill and accompanying papers were laid upon the table pending motion by the Senator from Somerset, Senator Ela, that the Senate adopt Senate Amendment A.

On motion by Mr. Sleeper of Knox the Senate voted to take from the table bill, An Act Relating to Dog License Fees (H. P. 324) (L. D. 115), tabled by that Senator on March 3rd pending passage to be enacted.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I had felt that this bill might not function as well as had been the previous case in handling these dog license fees. As you all know, the dog license fees had been turned in to the Department of Agriculture by the various town clerks, where they are set aside and used as a fund to pay damages by dogs to domestic animals, for instance, to sheep. This bill throws these fees into the general fund and then the Appropriations Committee sets aside a proportion to the Department of Agriculture to pay these dog damages. I had felt that the Department of Agriculture might be more

friendly to these farmers and sheep owners on the claims for damages by dogs. As you know it is a complicated question and it is really quite serious in this state. A pretty large number of sheep have been killed in Maine and these dogs have driven most farmers out of the sheep raising business by their sheep killing activities and it has always been quite difficult to establish the amount of damage due, and the average farmer has thrown up his hands and gone out of the sheep raising business rather than to try to collect the damages.

I had felt that perhaps the Department of Agriculture would be more friendly than if this came out of the general fund as proposed in this bill but I have come to feel just the opposite, that the farmer is apt to get a better deal this way. In some cases there has not been enough money to pay the damages and the Department of Agriculture has had to ask for an additional appropriation, which they have always got. Under this bill there will always be plenty of money appropriated and the dog damages will be settled through the Department of Agriculture as before, but probably more promptly and efficiently. So, Mr. President, I now move that this bill be passed to be enacted.

Thereupon the bill was passed to be enacted.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table, Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Healy Asylum of Lewiston (S. P. 567) (L. D. 1232), tabled by that Senator on March 25th pending consideration of the report, and that Senator yielded to the Senator from Androscoggin, Senator Boucher.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, when these resolves were assigned to the committee I must either have been absent due to illness or out of the Senate chamber at the time because my intentions

were to send these resolves to the Committee on Claims. The reason for that is that a resolve for a similar institution in Lewiston has been introduced in the House and sent to the Committee on Claims. I would like all these resolves to receive the same consideration by the same committee and I imagine they would all be reported out the same way, either Ought to Pass or Ought Not to Pass. Therefore, after consultation with the Appropriations Committee and the Chairman of the Committee on Claims I have got both their accord and agreement that they will agree with the motion I am now going to make.

I now move, Mr. President, that this resolve be referred to the Committee on Claims.

Thereupon the resolve was re-committed to the Committee on Claims.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Saint Louis Home and School, West Scarborough (S. P. 568) (L. D. 1233) tabled by that Senator on March 25 pending consideration of the report; and on further motion by the same Senator, the resolve was re-committed to the Committee on Claims.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of the Marcotte Home of Lewiston (S. P. 564) (L. D. 1229) tabled by that Senator on March 25 pending consideration of the report; and on further motion by the same Senator, the resolve was re-committed to the Committee on Claims.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Saint Joseph Orphanage of Lewiston (S. P. 565) (L. D. 1230) tabled by that Senator on March 25 pending consideration of the report; and on further motion by the same Senator, the resolve was re-committed to the Committee on Claims.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Hospital General Ste. Marie of Lewiston (S. P. 566) (L. D. 1231) tabled by that Senator on March 25 pending consideration of the report; and on further motion by the same Senator, the resolve was re-committed to the Committee on Claims.

Sent down for concurrence.

On motion by Mr. Varney of Washington, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Sea and Shore Fisheries on bill, An Act Relating to Weir Fishing in Certain Waters (H. P. 1736) (L. D. 1090) tabled by that Senator on April 8 pending consideration of the report.

Mr. VARNEY of Washington: Mr. President, having lived among weir fishermen all my life, and being desirous of protecting the interests of the weir fisherman, it seems to me that this is a discriminatory measure and an attempt to put the weir fisherman out of business. It is sort of a creeping paralysis, and if this can be made to stick in these counties, later on those who are opposed to a weir industry would be coming along in a subsequent legislature and proposing writing off two or three counties more so that the weir fisherman would be put out of

business entirely. I move that this bill be re-committed to the Committee on Sea and Shore Fisheries for their consideration.

The motion prevailed and the bill was re-committed to the Committee on Sea and Shore Fisheries in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table House Report "Ought to Pass" from 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) tabled by that Senator on April 7 pending consideration of the report; and on further motion by the same Senator, the "Ought to Pass" report of the committee was accepted in concurrence and the bill was given its first reading; House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The PRESIDENT: At this time, the Chair notes the presence in the Senate of the eighth grade of Porter School from the town of York. We are very pleased to have you here, and in behalf of the Senate the Chair bids you welcome.

On motion by Mr. Varney of Washington, the Senate voted to recede from its former action taken earlier in today's session whereby bill, An Act Relating to Weir Fishing in Certain Waters (H. P. 1736) (L. D. 1090) was re-committed to the Committee on Sea and Shore Fisheries; and on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act to Provide Financial Assistance to Cities and Towns in the Construction of School Buildings (S. P. 648) (L. D. 1431)

tabled by that Senator on April 7 pending passage to be engrossed.

Mr. ELA of Somerset: Mr. President, I move that this bill be indefinitely postponed.

Mr. LEAVITT of Cumberland: Mr. President, the Senator from Somerset, Senator Ela, came to me a short while ago and said that he was taking this off the table and would like to debate it this morning. I have no objections to debating it this morning or any other time.

Here is a bill which is very important to the State of Maine. It can be handled in many ways. It can be handled absolutely unemotionally, or it can be handled entirely from the emotional point of view.

For years during the war, the State of Maine has held up on school construction. In fact, there has been no construction of schools in the State of Maine up to 1946 since before the depression, except for the few that were built by WPA. During the war, the phenomena has taken place which has startled most of the statisticians in the Country. We have been raising our birth rate. In 1937, the total number of babies born in the State of Maine was 15,000, while in 1947 we had reached a figure of 23,980. The State of Maine is more or less in the position of a family who made plans, budgeting their expenses to take care of a new arrival in the family, and then were confronted unexpectedly on the day of the birth with twins. Now, we have got to change the budget to take care of twins. It takes more food to feed them; it takes more clothes to clothe them. And when you get to educating them, it costs more to educate them.

These children who have been born to us during the war, and just after, are going to grow up, and in 1951, 1952, and 1953, they are going to demand that they be educated. What is the State of Maine going to do about it? At the present time, we have eight hundred schools which have between thirty-one and fifty children in those rooms. The

ideal is between twenty-one and twenty-five. And we have 1,208 school rooms that have over twenty-five in them. Now, while we are taking care of the children which were born in 1937, fifteen thousand of them, we have our school rooms so crowded that 1,208 of them are inefficient, and eight hundred of them are positively jammed. What are we going to do in 1951 with the 23,900 children, or almost twice as many children, coming along? There is only one answer, and that is we have got to build more schools.

Everybody here is familiar with the town and city taxation problems. We are in the middle of the throes here of how we are going to finance our city and town expenditures. Most of the small towns, and even some of the small cities, just can not raise enough money to build these schools. The only power they have to tax is the power given to them by the Legislature; unless they want to tax real estate, which most of them have taxed out of existence already. The State of Maine has the power of taxation, this Legislature, and apparently the Legislature wants to retain for themselves that power of taxation, instead of giving it to the various towns and cities.

Therefore, it would seem that the logical way to raise this money to distribute to help build these schools is to have it done on a statewide basis and have the State distribute the money. This bill, 1431, sets up a board to distribute this money more or less on an equalization basis. In other words, the towns who have a low valuation can receive up to fifty per cent of the construction cost of the schools. The towns that have a very high valuation will receive up to fifteen per cent. The formula goes all of the way between that fifteen per cent and fifty per cent.

We had a hearing on this bill, and we had town managers, school boards, and city and town fathers in here. There were also a few teachers, some superintendents, and

as you know, there was complaint that all legislators who wanted to hear the hearing could not get in because it was so crowded. I believe that as far as the citizens of the State of Maine are concerned, there are more people that want this bill passed than any other bill we have in the Legislature this year.

It is a good bill, and if you pass it we will be able to take care of this great influx of children who need education in the next few years. Just what the result will be if the motion of our colleague, Senator Ela, carries, I do not know. But I believe that everyone of us here will some day live to regret that we vote for his motion if we do so.

Therefore, I respectfully ask the Senate here to vote down his motion. I thank you.

Mr. BREWER of Aroostook: Mr. President, you have heard Senator Leavitt tell you why they needed so many additional school rooms at this time, and he tells you that it is the increase in population that has brought about this pitiful situation. But I would say to you and the other members of the Senate that I call it poor planning on the part of the Department of Education. I forget the year the area and consolidation school bills were first presented by this Legislature, and I was one to oppose them and succeeded in defeating them, because at that time grade schools were being considered, and I made the statement that if they got the grade schools included, it would be over my dead body. Because I visualized some of these youngsters that they were hauling from the country schools during the short days of the year having to leave home before daylight in the morning and being brought home after dark. So, in the following legislature, I was called in by the Department of Education—I happened to sit on the Appropriations Committee—and was asked what my objections were to area and consolidation of schools; and I told them I did not approve of the grade schools being included

in this setup. They assured me if I were willing to go along and take the bill that handled the financing, that they would not consider drawing the grade schools into this idea. In my county they have closed practically every grade school in the county. For that reason, at this time, every community is finding themselves woefully lacking in school room, and I will say to you that the Educational Department has not kept faith with me, nor has it kept faith with the Legislature. I will also say to you that even though an increase in population is part of it, I still stick to the conviction that it was poor planning on the part of the Department of Education to include the grade schools which created a great demand for the school rooms. Over and above that, this seems to be another form of socialism. It is exactly the thing on the state scale that we are kicking about the federal government doing to us today on a greater scale.

If at this time the members of this Legislature want to go on the idea of going into socialism, and the higher forms of government taking over their municipal and local government—of course, the history has been that once you control the purse strings, you practically always dictate the policy of what is done with the policy—if the majority subscribe to that way of thinking, believing that the majority rules, I, too, will have to go along.

But I will say to you, and it is my sincere belief that only by poor planning on the part of the Department of Education do we find ourselves in need of so many school buildings at this time, and I hope that the motion of the Senator from Somerset prevails.

Mr. McKUSICK of Somerset: Mr. President and members of the Senate, I think that the Senator from Cumberland, Senator Leavitt, was very moderate in his statement of the school conditions in regard to crowding in the state. I remember the statistics that were furnished in which there were four one-room schools in the State with eighty

pupils to a room; and running from that down to forty. I can't help thinking, too, of the conditions which exist in towns like the town of Hampden where they had those rural school buildings, but now they are faced with an overflow of population from Bangor which places them in a very acute situation.

Our rural buildings are overcrowded; something must be done. I, myself, was brought up in one of those rural schools, and I remember an experience that I had when I was teaching in Vermont. Of course, you know in town meeting people are very plain spoken. I was arguing on the advantages of transporting school children. I made the statement that I was brought up in a rural school and had gone through the rural schools and village schools, and I felt that I was in a position to know the relative advantages. Somebody over in the corner by the stove piped up in a stage whisper and said, "You ought to have known more." It didn't disturb me, but it did strike me somewhat funny. I have been connected with the schools in some capacity nearly all of my life, and I live in a town where we have rural schools, and you people that are not members of school boards do not realize the conditions in the State in regard to getting teachers for those rural schools. We are obliged in my own town to take any teacher that we can obtain in order to keep the schools open. That is one of the propositions that this matter of larger and consolidated school buildings will help to correct; that is, you can obtain a teacher for a building of thirty-four or five rooms, when it is impossible to get a teacher to go back into the rural schools. There is the matter of board for teachers. There used to be plenty of homes in our rural communities where a teacher could get boarded, but it is almost impossible now. Some of our teachers are traveling by car, and they have to go over roads which are not always passable.

Then, there is another situation that arises in the rural towns. We find that at the present time there is a great deal of floating population; that is, you will have a district school where possibly some tenant farmers move in with large families, and you will have a crowded school building. Perhaps in two years, or three years, families move away, and you have a school that has left only six or eight pupils. Now, it is not good business to transport those pupils from one rural school to another in another corner of the town, but it can be handled to a great deal better advantage if you have a central school building, and they are all brought into a central school building. Then, the rise and fall of a population in a community does not effect the overall picture.

This bill is set up in such a way that it will help the poorer community. Any community will share in it, anyone in the state. But the more wealthy communities will not share to such a large extent as the poorer ones. If you have noticed the number of bills coming in calling for school districts, you begin to appreciate the burden that our communities are beginning to realize that they have; and if you are satisfied that our municipalities can't stand a debt which amounts to 10, 15, 20, 25, or 30 per cent of their valuation, then it would seem that the only answer is in help from the state where the burden can be placed upon our whole population, and not on some small area.

So, if you feel that there is need in the state, that there is lack of school accommodations, and if you feel that the burden is greater than our small communities can bear, I can see only one answer, and that is for you to vote in favor of this bill and give us some help on a state-wide basis.

Mr. ELA of Somerset: I think we are straying a trifle afield with some of the comments. I am not arguing that the school facilities should not be built. I do think that when the state embarks upon a

new and expensive and expansive field such as this, that we are apt to get into deep water. Thrift, prudence, and common sense seem to be forgotten virtues. Under this bill the rush for precedents would be startling. In fact, many of the bills which we have in now for school districts are simply in here to put communities in position to receive aid if it is proffered. Some of these localities need the extra facilities. Some of them don't. The pattern of spending extravagantly is apt to get away from us. First, we have many social, educational and paternalistic ideas which, each considered separately, have merit.

Certainly, I am not going to stand here and argue that we shouldn't have adequate school facilities. I do think that the system which we have used since this nation began should continue to be used now. First, come extravagant expenditures, and this would encourage extravagance, because if some of the money comes free, certainly you will feel willing to go farther than you would if you had to dig it all up yourself. That is human nature. Next, when times get a little tough, comes the unbalanced budget. Next comes debt. Then comes breakdown; then collapse. Oh, you say, it can't happen here. This is America. We can take this stuff. Surely, we can educate our children. Yes, we can. But when you go at it from the top and begin to spread the expenses down from above in this and in every other field, you finally get beyond your capacity to pay. It has happened in practically every other country in the world, and for goodness sake, let's slow it down a little here. Let's look at the bill — 15 to 50 per cent computed on the formula whereby those communities which have a scant amount of property in relation to their school census, as I take it, could receive 50 per cent; those which are relatively well off, as concerns property, would receive as low as 15 per cent. It doesn't say whether those percentages arbitrarily stop right there or not, but

that isn't important whether they do, or whether they don't. In those cases where it is a community school, we up the percentage 33 1/3. Now, probably that has some merit. Of course it has, or it wouldn't be in there. But let's see what it does to individual cases. A community, city or town, which is prudent and careful, has been giving education a break, let us say, and wishes to go on its own way taking care of its own population. If that community wanted to build additional facilities, it would be penalized to the extent of 33 1/3 per cent in relation to other communities who might wish to join. To me, that seems a little inequitable. The Commission is empowered to make special grants to communities extending school opportunities to children in unorganized territory. Well, you draw a line through the middle of the State, and practically every town north of that line has some of those schools.

I can conceive this Commission being besieged continually to make a special ruling in each particular case. Then again, we have another clause whereby the Commission will distribute the money equitably and with due regard for local financing exigencies. I conceive that practically every request will have the exigency described. The bill is pretty well sugar-coated. The bulging population which was described, I don't believe at any time will exceed ten per cent, and I rather feel it would be less at the peak, and at the most, it will occur only as a bulge working up through the grades. Our colleges took probably far more than a one hundred per cent bulge. We find it stated that the ideal number in a class room is from twenty-one to twenty-five. That may be true. I can recall when forty seemed to be usual. It might have been wrong, but nobody seemed to feel hurt thirty years ago if there were forty in a class room. Even if all of this were true, it is now the towns and cities responsibility, and they have handled it since this country start-

ed. If we begin this, I don't know where we will stop.

Now, to answer the Senator from Piscataquis, this isn't for me a debate of whether we should have rural schools, or whether we shouldn't. If we think we shouldn't have rural schools, I will go along on that. If he wants to bring them all into the middle of the town, that is all right with me. We have done it in my town.

The towns, some of them at least that I know of, when they needed schools and school class rooms sufficiently to call the town into action, have gone to the extent of increasing their tax rate in some of those towns twenty mills at one crack for school facilities alone. It seemed to be terrific when it was put on, and it was. But they took it, and I rather feel that when they did that and had to tax themselves twenty mills, that they, perhaps, drew their plans just a little bit more prudently. Perhaps they didn't get all of the gymnasiums they wanted. Perhaps they didn't get all they should have had, but at least they provided the facilities, and I don't think there is any excuse for any municipality in the State of Maine, today, putting eighty pupils in a single class room. Something, somewhere has fallen down. I don't think the State needs to go into a million-dollar-a-year program at its inception to correct those things.

It is time we had a return to sanity. Practically every bill which came out of the education committee carrying any substantial amount of money, as you will notice, came out unanimously ought to pass. Probably they sincerely believed every one of them should pass. I grant that they are all sincere and thoroughly alert to the needs of education, but there is a limit to the capacity of people to pay. This sort of legislation will create, if not extravagant, at least extra expenditures. Let's not ruin the State in our zeal for the millennium. This bill won't do it, because I am speaking about all of the bills. You have got to stop

somewhere. You have got to stop the music. We are drugged with desire for expensive and expansive legislation, and in my opinion this is the least desirable of the numerous education bills. It requires a tremendous amount of money. I think we could well say "stop" right here.

Mr. NOYES of Hancock: Mr. President, I must be another one of these insane senators. However, I do like to listen to the Senator from Somerset. He discusses a bill very fairly. He is talking about schools for our boys and girls. Yet, while he says he would like these schools, he is attempting to kill this bill. I disagree with him in his statement that this is the least important of the education bills. I am at the other extreme and believe that it is the most important of the education bills that we have before us. It is a matter of a million dollars a year. That is about one dollar per capita to the people in the State of Maine. Just a few days ago, we read in the paper where the United States Senate voted five and three-quarter billion dollars to the ERP Marshall Aid Program in Europe, and that figures some thirty-five to thirty-six dollars per capita in tax to aid our friends across the water. And we stand here quibbling over a mere one dollar per capita per year for our own boys and girls. I think they are worth it.

I used to teach school. That may be of some interest to the Sea and Shore Fisheries Committee; because when I came before that Committee, I was a clam digger. I taught school in a small high school of two or three teachers. I did the best I could, but found that there was considerable difference in the abilities of those boys and girls. Some of them had a mind that would enable them to take a college course and do college work. Many of them were not equipped in that way. In those schools, we offered courses that were fitted to those boys and girls with a higher I. Q. We did not have courses that were fitted to the greater number

of boys and girls who would never go to college, but were going to school to get an education to lay the foundation for citizenship. That was impossible in the two or three teacher high school. This bill if enacted, will enable many of those towns to consolidate and form a community school and build a community school. I was not aware until the Senator from Aroostook spoke on it, that the Department of Education closed our schools. It was my belief, and still is, that the towns, themselves, close their schools when they see fit for the purpose of giving their boys and girls a better education.

We have in the State of Maine several groups of towns already formed into community school districts. In my County, and in my Town in the group of towns surrounding it, we have formed a community school district. We wish to build a community school, closing the small high school and bringing our boys and girls together where we can three hundred or three hundred and fifty pupils, fifteen or twenty teachers and offer them quite a list of subjects better fitted to those boys and girls. We find ourselves in a position that five per cent of our valuation is not sufficient to build a school. Therefore, from some source, we have to find additional aid. We could get it through this bill that we have now under consideration.

I would say to you Senators if this is the first move in the surgery that you feel should be done in order to balance our budget, let's not balance our budget or perform the surgery on the boys and girls in the State of Maine.

I certainly hope that this motion of the Senator from Somerset does not prevail.

Mr. VARNEY of Washington: Mr. President and Fellow Senators, I wish it were possible for me to make the same calm statements that Senator Ela and Senator Noyes have made in respect to this particular matter that is before the Senate for consideration at this

time. I have made one wish a great many times since I have been here this winter, and that wish is that this Legislature could hold each of its daily sessions in some of the buildings that I could pick out throughout the State of Maine, especially in my own County; buildings that are heated by a wood-burning stove that render them alternately too hot and too cold, never just right; buildings that are ventilated by cracks in the wall; children sitting in seats that are racks of torture; and privies connected with these buildings that smell to high heaven. I wish that our Senators had to hold their daily sessions in some of these buildings. I heard a remark made in the House only a few days ago that an efficient teacher could do just as good a job in one of these buildings as she could do in the most adequately equipped buildings conceivable. Now, if that is true, why then do we come here surrounded by this extravagant furniture, and these plush carpets? Why do we submit the State of Maine to this expense, or fix up our rooms with this beautiful furniture? Why doesn't our Governor sit before a pine desk in there, and on a pine bench? He could do the work just as efficiently according to that. I wish it were possible to impress upon the minds of all of the people around here of the importance of our public school system.

If by some magic touch you should take away here, today, the impression that has been made upon the minds of all of the men, women and children in the country by its public schools, a universal paralysis would infect every one and every calling in life. Not a single business enterprise or professional act would be possible under such conditions. No newspaper would be published or read. Religious and secular rights would be impossible for the day. Not a single dose of medicine could be administered in safety to the sick. No operation could be performed by a surgeon to relieve his fellow sufferers, and

the courts that uphold the law of the land and the rights of the citizens could not function. Thousands of telegraphic instruments in the thousands of offices throughout the land, the telephones in the millions of homes, and the radios, would fail to convey human thoughts. All of the means of transportation—airplanes, and our most modern constructed trains, steamships, steamships designed by probably the most technical engineers—could not or would not exist. So, when measured in terms of dollars and cents, the work of our public schools is the most important of any activity that we have.

Now, in the case of disaster and danger on board a sinking ship, we would strike down any man who would attempt to save himself at the expense of a child. Yet, we come into this Legislature, and we attempt to enact laws to protect the resources of our State. We talk about herring. We talk about roads, and we put all of these things above the boys and girls of our State. They are the greatest natural resource that we have, and it certainly is heart rending to me to hear any man, no matter how strong he may be in his convictions, to stand up and attempt to indefinitely postpone a bill that will help the boys and girls of this State, and help the communities in preparing better facilities for the education of those boys and girls. One of our Senators asks that we stop somewhere. I would like to reverse that and say that it is time we started somewhere. It is time that the State of Maine wake up and try to do something for the betterment of our schools which I think probably rank among the worst in the country.

I am not speaking of all of the schools, but of the schools in our rural sections. Now, I want to reiterate what Senator Noyes has said about the closing of the schools in the rural sections. That is a matter that is entirely up to the local authorities. The State Department of Education has no hand

in that whatsoever. They may recommend it in cases, but one reason why that has been done is because many of those school buildings haven't been fit for our boys and girls to live in. If this bill were five million dollars, it wouldn't begin to meet the needs of the State of Maine; and if it were five million, probably the Department of Education which has the handling of this money could contribute more than twenty-five per cent at the most in any particular case toward the erection of a new building.

I might go on indefinitely, but I simply want to express myself as against the motion of Senator Ela. I am one hundred per cent in favor of the bill that was reported unanimously, I believe, out of the Committee on Education, ought to pass, and I sincerely hope that Senator Ela's motion will not prevail.

Mr. SLOCUM of Cumberland: Mr. President, I can not agree with the motion of the Senator from Somerset. I come from the towns of Cumberland County. In the town of Standish, we are spending more than fifty-five per cent of our tax money on schools. We have the small rural school. We are in trouble in that town, as well as the other towns of Cumberland County, not only from the natural increase of the residents who have lived in these towns for years, but we have quite an inflow of new residents from the cities.

We are going to have more schools, or else the State is going to have to amend the statutes which require certain minimum educational facilities. We are in a position right now where we are required to give an education to every boy and girl, and yet we have not the tools with which to work. I can not say that this bill is perfect. I believe it is the best that can be produced, and the educational committee has considered it carefully and recommended that it should pass.

If this is not the answer, I wish the opponents would give the answer of how we can furnish the facil-

ities with which to give these boys and girls an education which is required by statute. I feel that this is the best that can be done at this time, and I do know that the small towns in Cumberland County will have to have some aid somewhere to live up to the requirements of the statute. I hope the motion of the Senator from Somerset does not prevail.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I, too, agree that this is probably the most important educational bill that this Senate has had. I am not alarmed by the socialistic feature of this bill, and it might be well at this point to explore for a bit a course on which the State of Maine embarked a good many years ago, and that is the equalization of educational opportunities.

The other day in this Senate, we passed a constitutional amendment that would bring our Constitution in line with the established policy of this State toward equalization of educational policy. Now, why equalization? Well, I assume that every community in this State of five thousand inhabitants or over certainly is not sufficient unto itself. If it weren't for the feeders, the small towns of a few hundred people that are scattered around the State of Maine, we wouldn't have any pulp and lumber cut. We wouldn't have any large influx of shoppers come in from those small communities to the larger communities. Therefore, in my mind, it seems quite necessary for the State of Maine to adopt policies as it goes along in its course which will encourage small towns. This bill has been called a very extravagant bill. It calls for a million dollars per year. The town of Houlton from which I come and in which I live, is embarking upon the construction of a new high school building in that town, one which we have long and sadly needed. That building alone, is going to cost the town of Houlton half a million dollars, just half what this bill calls for state-wide.

Now, this bill isn't an extravagant bill. It can not be said, and it can not be argued that the State of Maine is going into the construction of school buildings. What does this bill do? It lends encouragement to the towns, small towns, to help themselves. We were told if this equalization bill passed in this Legislature that the town of Houlton would get sixty thousand dollars which is a very, very small part of the half million dollars that it is going to cost us to build a high school. We have gone ahead, in any event, whether this bill passes or not, and we can get along without the sixty thousand dollars this bill would have turned over to the town of Houlton. But there are a great many towns scattered throughout the State who wouldn't build if they didn't have this little extra encouragement, this little lift that, as Senator Noyes has pointed out, would cost about one dollar per inhabitant in the State of Maine.

I want before I sit down to discuss one moment the so-called economy bloc that has grown up in this Legislature. We have in our legislative processes, committees to take care of the various phases of legislation that come before us. We have a Committee on Appropriations. They came out with a unanimous report. We have a Committee on Education, and they came out with a unanimous report. Yet, there are men in both branches of this Legislature who do not belong to the Committee on Appropriations, who do not have a place on the Committee on Education, who do not have a place on the Committee on Taxation who allocate to themselves the burden of the State of Maine and its future fate. It is a self-imposed burden. I sometimes wonder that their shoulders are not bowed with the burden that they have assumed.

I would be more afraid of lack of progress and retrogression of the State of Maine than I would in proceeding along normal lines to better the State. This is one of those little things that Maine may do at this time to progress. I have

heard it said, and I believe it is true, that Maine, in spite of its fame at one time for sailing vessels, in spite of the pine timber that has been cut off the face of the State of Maine, in spite of Aroostook County potatoes, and in spite of all of the other things that we produce, Maine is famous over the length and breadth of this Nation for the educators, the teachers that it has sent out of the State of Maine all over this Nation. I think that any step designed toward improving that situation, at least keeping apace with the times, is a good step.

Early in the session, I received about ten letters written by freshmen in the high school at home. They weren't form letters, because no two of them was the same. But they all carried the same communication. They said, "We note in our study on a graph in one of our study books that Maine is thirty-fifth down the line of all of the forty-eight states in the Union. What do you think can be done about it?" This is one of the things that I think can be done about it. I think it would be entirely premature to kill this bill at this time. We may possibly get taxation that will take care of it. But an attempt to kill it at this time is an attempt in my mind on the part of the economy block who have this burden of the State of Maine so heavily resting on their shoulders.

I repeat to you that I am more afraid, much more afraid of standing still and not progressing than I am of ruining the State of Maine with this bill which would call for an appropriation of about a dollar a head in the state of Maine, and I certainly hope that the motion of the Senator from Somerset does not prevail, and that the Senate will go along with this progressive bill.

Mr. LEAVITT: Mr. President, I realize that the hour is getting late and I also realize that this subject has been covered quite thoroughly, but there are one or two things I think should be brought out, not exactly in rebuttal but to show cer-

tain things which should be in the record. Before I forget it, I would like to move at this time that when the vote is taken, it be taken by the Yeas and Nays.

This year I have read the platform of both the Republican and the Democratic parties. I do not have the Democratic platform before me but I do have the Republican party platform and I might say that as I remember it, the Democratic platform is even more generous than the Republican platform. I will read from the Republican platform as adopted at the Convention of Maine Republicans:

"We commend the Republican Administration for the passage of legislation which provides for more adequate pay for teachers, thus raising the educational standards of our state and pledge continued support of a program which provides equal educational opportunities for our youth."

This bill is designed to provide equal educational opportunities for our youth and I believe that along with the other equalization bills we have, it will do a great deal to move our educational program forward. We have been asked to prove our sanity here by going backwards and defeating this bill. I would like to read to you from the Inaugural Address of Governor Frederick G. Payne on Education:

"The foundation for any long range improvement in both economic and social fields is a sound educational system. We must gear our educational program to the needs of tomorrow. It is mandatory to chart a definite course and not drift aimlessly. We look with pride to the assistance provided to the University of Maine, and the Maine Maritime Academy. Continued support of these institutions will do much to enhance our prestige. Maine cannot hold sufficient teachers nor attract additional ones of the desired caliber until we provide them the proper remuneration. A statewide vocational and industrial school program should be undertaken to enable those not de-

siring either college or commercial courses to better equip themselves for entrance in our industrial life. Our commercial courses should be strengthened."

And may I put in parenthetically here that only by having new schools is it possible for us to put in these commercial courses. The little rural school houses are absolutely inadequate and cannot do it.

Reading further from the Inaugural Address: "The formulas for subsidy to cities and towns should be simplified to eliminate the mass of complicated computations now required." This is all done in the equalization bill which we have. "State subsidies must be expanded and yet allow a maximum of local home rule on problems peculiar to the individual community. The school construction program must be assisted by the state. Education is the first great challenge we must meet."

Your Education Committee when it met and decided these bills, trimmed them down. This bill calls for more money than the committee voted out, the equalization bill calls for more money and the state aid for teachers calls for more money and we trimmed them all down to what we thought we could afford at the time. I hope that some day we will find we can afford more. Maine must go forward. Maine's youth must be educated and your education committee has done its best in passing out these bills to forward that education.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I do not happen to be a member of the Taxation Committee, nor the Appropriations Committee, nor the Education Committee and I don't know that I am affiliated with any economy bloc but I do propose to go along with the Senator from Somerset, Senator Ela in this matter.

Since the first time I started to vote, I have always been a strong supporter of educational programs, both in my town meetings at home

and in this legislature since I arrived here.

This bill is a radical departure from what our state has been doing since it was founded and my position is simply this, that if we have plenty of money to do with at this time and if we have an extra two million dollars, personally, I would much prefer to use that two million dollars to improve the position of our teachers, rather than to embark on this construction program. The supply of elementary teachers now required in Maine is 5,350 and we have 4,125 certified teachers. The State Department of Education in this booklet tells us we are losing 450 teachers every year and my feeling about the matter is that it is much better for the State of Maine to have better qualified school teachers to teach our children than it is to have a number of nice school buildings with no teachers in them.

It seems to me that the proponents of this measure in order to justify this procedure should show a real need for the program. If I recall what the Senator from Cumberland said, in his opening remarks, he said that no construction program had been undertaken in the State of Maine for a number of years up until 1946. I have here a booklet which is put out by the education department of the State of Maine for the years 1946 and 1948, and on page 79 of the report, "Planning and Research" by William O. Bailey, Deputy Commissioner, talking about school buildings, he says that since the end of the war, many communities have seen the immediate need for new school building construction. "About one-half the cities and towns in Maine are now engaged in constructing new buildings or making plans for them in the near future, 49 towns have already built or have in the process of construction new school units."

It seems to me that the municipalities of the state, if we are going to take this report, are doing a pretty good job in the matter of

school construction. We have heard quite a bit of discussion in regard to rural schools, and as I recall it, the Senator from Aroostook, Senator Barnes made reference to towns under five thousand population. If this bill is restricted to towns under five thousand population, that would be one method. If you will read the section of the bill which has to do with the granting of aid, the granting of aid in these programs applies to cities and towns. In the particular Section, 211-G, it it has nothing to do with the adequacy of the present school buildings in the particular city or town. It is simply that "If, after such examination, the Commission exercising the judgment of reasonable persons, determines that the proposed construction is in the best interests of the city, town, school district or community school district and state, and that such proposed construction should be undertaken, the Commission shall determine an approved cost."

In my opinion, if this legislature wishes to do something to assist in a school building situation in the State of Maine, they can do that very easily by amending a particular section of our law which was enacted in 1917 which provides that any city or town which desires to construct, remodel or make additions to any school building with a cost exceeding \$500 must have plans submitted to the Department of Education and must have those plans approved and agree to abide by them before they can proceed with the matter.

It seems to me if we amended that particular section of the law and struck out that \$500 and stuck in another amount something like \$10,000, it would permit the cities and towns to go ahead and do this remodeling and putting on additions without being obliged to submit expensive plans to the Department of Education and a number of these buildings would have the plans and specifications they need without spending a large amount of money.

Mr. SLEEPER: Mr. President, my

mind has changed with almost every speaker, because my mind is perfectly open on the matter. I am not a member of the Education Committee or the Appropriations Committee. I have been on Appropriations and other committees. I am not a member of the economy bloc. But the last speaker made quite an impression on my mind, and I was also greatly impressed by Senator Ela, and in the event of a Yea and Nay vote I shall probably vote to sustain his motion.

There are so many arguments for and against this particular bill that we could argue here all day. By what right do I speak on the bill? Because I am a product of both of these systems of education. Two of the principle proponents of the bill argue against the bill, and those are Senator Varney and Senator McKusick. I would say that both of these gentlemen in the towns they come from, are probably products of the old country school and I am a product of a huge city school. In fact there were 2900 students there. I was marched in and out like a criminal. The only remembrance I have of that particular school is standing in line, listening for bells, filing through corridors and filing into rooms. I can't remember a single teacher in all the time I attended school in Boston.

I will make this confession, that I believe Senator McKusick and Senator Varney are both brighter than I am and that they both are as well equipped to meet our problems in spite of this education that I had in this so-called modern school.

In the infantile paralysis epidemic of 1913 we were frightened out of Boston and returned to South Thomaston and I remember the first year of attending school, very vividly. In that country school I remember the name of the teacher and I loved her. I enjoyed that school very much and I think that is really the foundation of what little knowledge I possess. And I got it right there from Maggie Gil-

chrest in that so-called country school, with 35 or 40 pupils.

Later on in the middle of the world war my father was called to Washington to serve for a while, not in the Service and we returned again to South Thomaston for another year and I went to the 8th grade in one of these so-called country schools, and there again I was greatly impressed and I don't think I was placed in a backward position by attending those country schools.

I heartily agree with Senator Ward that if we had the money available there are many ways in which we could spend this money without putting it in buildings. We can improve the teachers and there must be methods by which we can help the towns which are destitute of buildings.

The city of Rockland from which I come, has just embarked on a huge school district and they are building a large modern school in the south end of the town. I understand that this bill is retroactive, however, and they will have a pittance handed out to them, but nothing in comparison to what the bill will award in other directions. There can be amendments made to improve the bill and it might be a good bill. I can see why some towns would favor the bill and some wouldn't.

The only reason I will vote for Senator Ela's motion, however, is that I do not think we have the money available and I would like to ask, when I finish, through the Chair, of some financial mind here, that if we pass this bill and do not have the money available, is this bill going to crowd out other departmental activities and must this bill be given precedence? In that event I would certainly vote to support the motion to indefinitely postpone. If, however, we pass some large tax measure and have all kinds of money available, this bill has features in it which are very attractive and I think we should encourage the modernization of some of these country schools. But I don't understand

now, with our financial outlook, how we can vote not to indefinitely postpone this bill. I have no doubt that if the money is made available we can amend some educational bill that is passed to give help to these towns and cities, which need help in their building.

I listened with a great deal of interest to Senator Ela and I don't think he has a heart of ice, but I think he is a very prudent and kindly man and is just as much interested in the education of children as I am or any other proponent of the bill and I don't think he should be criticized for trying to inject a little common sense into these deliberations. If we have the money, pass the bill. If we don't have the money, spent it in some other better way.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I rise in support of the motion of Senator Ela to indefinitely postpone the bill. I feel that we can not appropriate two million dollars if we do not have the money. At this time we do not have the money. This is a blank check for a million dollars a year out of the general fund. It is not out of the surplus fund. It sets up aid to the towns for construction of school buildings. I think every bill we have reported out of the Appropriations Committee that calls for construction for institutions, for dormitories, is coming out of the surplus. I don't think there is any member of the Senate who would undertake in his own business—and it wouldn't be good business—to construct any piece of business of their own and pay for it out of one year's general operation.

It is a long time capital improvement. Anything like that, in my opinion, should be amortized. This bill is retroactive to January 1, 1946 to apply to any school project undertaken since January 1, 1946 or the service of any debt incurred therefor.

I think the Appropriations Committee has reported out one bill to help Erskine Academy in its school construction program to put on

two or three class rooms, because there are four towns involved whose pupils attend that school and some 75 additional pupils to take care of.

This, in my opinion, is writing a blank check for two million dollars a year out of current revenue. At the present time we have an appropriation bill calling for \$3,800,000 over and above estimated income. Add two million to that and you have five million. I don't know where it is coming from. At the present time we don't have it, and at the present time I cannot go along with the bill.

Mr. HASKELL: Mr. President and members of the Senate, I rise only because that distinguished statesman from Knox has raised a question and whenever he raises a question that I can answer, I take pleasure in attempting an answer for him.

As I understand it, his question is this: Would the passage of this bill mean that some other and possibly more deserving piece of legislation would have surgery performed upon it? I can only project my own thought as to what the legislature would do in that regard, and that is that if the majority of both branches of the legislature are willing to pass a major tax bill, that major tax bill when it comes before the Governor will have included in it not only the \$3,800,000 that the Appropriations Committee reported is short of revenue, but will also have included in it, if the legislature is willing, this and the other L. D.'s over and above existing revenue. While this is only my personal prediction, that type of bill will go to the people with the specific question, shall this act become a law, which provides for more adequate educational facilities, more adequate welfare provisions, more adequate institutional provisions, and if you include the fire control bill, the University of Maine supplemental appropriation, if you include those many other L. D.'s that are over and above existing revenue, it is my concept that this bill will go to the people with this particular spending measure in it

along with whatever you pass for a tax bill.

On the other hand, if you do not choose to pass a major tax bill, I will be one of those eager to join in the indefinite postponement of the measure.

My reason this morning for voting against the motion of Senator Ela, is my thought that we may have a tax measure and if we do, this should be one of the measures that would be provided for in the income to be produced by that tax measure. I do not hold with the position that we should at this time kill this measure because we have not at this time passed a revenue measure which would supply the dollars for the bill.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I have great admiration for the Senator from Somerset and I think that much that he has said in support of his motion has great truth in it, but I cannot support him in his motion at this time. I think I recognize the needs which the other Senators mention for some type of assistance to the towns in their school buildings programs and yet I hope this bill, in its present form will not receive enactment because it seems to me there are one or two basic changes that should be made in it and I would like to point them out to you.

In the first place a bill of this type which is intended to promote a program to improve education, should, as Senator Ela has pointed out to us, not be passed in a form which will invite extravagance or undue spending on the part of any municipality and if you are going to hold it to a prudent type of legislation, you must enact provisions in the law which will accomplish that result.

Several weeks ago it was pointed out to us in the press, and I never bothered to check it, that there were some 48 different school bills before this legislature involving eight millions of dollars and since that time I have been told but have no verification that the number approaches 70 and the total amount

involved, approaches some twelve million dollars.

This bill says it contemplates that the assistance which will be extended to the municipalities and districts in this program will vary from 15% to 50% and if that is contemplated you must realize that on these districts which are before us at the present time the contemplated support, if the money were there, would be from two to six million dollars. To my way of thinking it is fundamental and absolutely basic that if you are going to pass a bill of this kind, the provision must be attached that any school district or municipality which chooses to avail itself of the provisions of the bill shall be treated in exactly the same manner.

I think the provisions which we are writing into this bill, 15% to 50% should be amended downward because I think we are inviting an expenditure under these changes far beyond what is necessary to encourage and promote the type of building program we need.

No one has explained to me yet why the formula says 25% to municipalities and 33 1/3% to districts but I believe that is the provision of the bill at the present time.

I believe we should amend this bill and set the limitation low enough so that we know that any revenue we set up will meet the demands on an equitable basis for any who avail themselves of the act and that future legislatures, if they want to extend the act could raise those percentages.

I cannot vote with Senator Ela at this time. I think the debate that has been offered by the Senators has been as good as any I have heard in my relatively long service here. I think this bill ought to be kept alive at this time and if the Senator's motion to indefinitely postpone fails, I shall move to retable and shall offer an amendment for your consideration.

Mr. SLEEPER: Mr. President, through the Chair again I would like to ask our distinguished Senator from Penobscot to answer me Yes or No, because my vote—and I

intend to vote right if I can—will hinge upon his answer. He told us what would happen if a major tax bill were passed. What would happen if a major tax bill were not passed? Would this bill jam into the other appropriations? I would like to keep the bill alive.

The PRESIDENT: The Senator from Penobscot, Senator Haskell, hears the questions and may answer if he desires.

Mr. HASKELL: Mr. President, I think I can properly answer only what my own vote would be. If a major tax is not passed I will not only vote for the indefinite postponement of this bill, but I would debate the motion urging for indefinite postponement because certainly the basic needs of the state, at least in my opinion, come well ahead of school construction and I would have no hesitancy in predicting that the majority of the legislature would not take out of the basic appropriation bill, the million dollars necessary to finance a school construction bill. This measure should certainly be indefinitely postponed if there is no major tax bill passed.

Mr. LEAVITT of Cumberland: I thank the Senator from Penobscot for his answer to the question, but I think there is a little bit further to go. I hope that this bill does not die, as I have said already. But if worse comes to worse, and we do not pass a tax measure, if we people are so retrogressive in our thinking; if we want the progress of Maine to stop here; if we get to that point; then we still want the Board set up even if no money goes with the bill, because of the fact that there is a very strong possibility that the federal government will appropriate money for school construction and will distribute it among the several states. This board should be in existence to handle that sum of money if it comes during the next two years. Otherwise, we would have to have a special session to come back here to get a board that could handle it. Further, although

my colleague from Cumberland tells how the Appropriations Committee has appropriated money for dormitories, the only reports I have seen personally, are ought not to pass. But there is still money left in the undistributed surplus, and I believe that we could put enough money into this bill from the undistributed surplus to give us a start on this building program.

So, there are a great many strings to this bow, and I hope that we do not defeat this bill at this time.

Mr. ELA of Somerset: Mr. President, I wish to briefly clear my position on a few items. It certainly is not my wish or desire to interfere with the construction of school buildings in the State of Maine. I hope that construction will continue, and I know that it will. I think that part of our trouble is because of the failure of the proper State agency to require changes now written into law. This will encourage dependence, not independence.

As far as this being a measure of an economy bloc, I tabled this bill on my own volition. I asked nobody about it. I asked nobody for any support, and it is entirely an individual matter. I will admit that I am a believer in economy. If that be a crime, I plead guilty to it. Relative to the statement that we should follow committee reports, I know that the Appropriations Committee has voted on the companion bill to this one, ought not to pass, that one which sets up the money to breathe the breath of life into the previous two years expenditures, and I was not aware that members of the Senate should stay silent on matters on which they have opinions, because the opinion of the Committee reporting it was contrary to theirs. I have noted on many occasions when the Senator from Aroostook has differed from committees ably and eloquently, and I have many times voted with him, and probably will some more.

There are one or two situations which I overlooked before. Con-

sider a town in which no buildings are needed. They certainly will have to pay their share of all the expense. This may have been because of proper foresight in that town. I don't think we should penalize the town which has exercised foresight. This may be because of prudent planning. It may be because that particular municipality, or town, is in the throes of a depression; and if so, its population is on the decline, and it does not need any new school facilities. It then will be taxed to help the towns which are building. Consider the town in which buildings are needed. That may be because of lack of foresight. If that is true, I see no reason why the State should step in and help them. It would be because of previous neglect. It may be because the town is prosperous and growing, and in that case it doesn't need the help of less fortunate areas. Under no stretch of the imagination do I want it to be understood that I am opposed to proper school facilities.

I think the responsibility of it is properly placed on the local community level.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, that the bill be indefinitely postponed. Is the Senate ready for the question?

The Senator from Cumberland, Senator Leavitt, has requested that when the vote is taken, it be taken by the Yeas and Nays. To order the Yeas and Nays, the affirmative vote of 1/5 of the members present is required.

A division of the Senate was had.

Obviously more than one-fifth having arisen, the Yeas and Nays were ordered.

Mr. BARNES of Aroostook: Mr. President, will the Chair explain the meaning of the Yea and Nay vote? There might be some chance of misconception.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset,

Senator Ela, that the bill be indefinitely postponed. A vote of Yea is in favor of indefinite postponement of the bill and a vote of Nay is against the motion to indefinitely postpone. Is the Senate ready for the question? The Secretary will call the roll.

The Secretary called the roll.

YEA: Barker, Boucher, Boutin, Bowker, Brewer, Ela, Goodwin, Knights, Larrabee, Savage, Smart, Ward — 12.

NAY: Allen, Barnes, Batchelder, Brown, Cobb, Collins, Crosby, Denny, Edwards, Greeley, Haskell, Hopkins, Leavitt, McKusick, Noyes, Sleeper, Slocum, Turgeon, Varney, Williams — 20.

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

Thereupon, on motion by Mr. Hopkins of Kenebec, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table bill, An Act Relating to Branding of Potatoes (S. P. 395) (L. D. 733) tabled by that Senator on March 8 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A:

“Senate Amendment ‘A’ to S. P. 395, L. D. 733, Bill ‘An Act Relating to Branding of Potatoes.’

Amend said Bill by inserting after the enacting clause thereof, the following:

‘Sec. 1. R. S., c. 27, § 225, amended. Section 225 of chapter 27 of the revised statutes is hereby amended by adding at the end thereof a new sentence, to read as follows:

‘Potatoes purchased under the government support program shall be exempted from the provisions of sections 225 to 231, inclusive.’

Further amend said Bill by inserting before the headnote ‘R. S., c. 27, § 228, amended.’, the following: ‘Sec. 2.’

Further amend said Bill by striking out the deleted words ‘or shipper’ in the 3rd line of that part designated ‘Sec. 228’, and inserting in place thereof, the following: ‘or shipper’.

Which amendment was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot,

Adjourned until tomorrow morning at ten o'clock.