

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 13, 1949

The Senate was called to order by the President.

Prayer by the Reverend David Hickland of Gardiner.

Journal of yesterday read and approved.

From the House

Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1950 and June 30, 1951." (S. P. 624) (L. D. 1360)

(In the Senate, on April 6, 1949, passed to be engrossed.)

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

In the Senate:

Mr. SAVAGE of Somerset: Mr. President, I move that the Senate recede from its former action whereby this bill was passed to be engrossed and further move that the bill lie on the table pending that motion.

Thereupon, the bill was laid upon the table pending motion by the Senator from Somerset, Senator Savage, that the Senate recede from its former action whereby the bill was passed to be engrossed.

Bill "An Act Relating to Teaching of Importance of Voting in Public Schools." (H. P. 1870) (L. D. 1210)

(In the Senate, on March 30, passed to be engrossed in concurrence.)

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

In the Senate:

Mr. LEAVITT of Cumberland: Mr. President, I move that the Senate recede from its former action whereby the bill was passed to be engrossed, and further move that the bill be laid upon the table prior to action on the motion.

Thereupon, the bill was laid upon the table pending motion by the Senator from Cumberland, Senator Leavitt, that the Senate recede from its former action whereby the bill was passed to be engrossed.

Bill "An Act Relating to Abandoned Wells as Nuisances." (H. P. 2044) (L. D. 1470).

Which was received by unanimous consent, and referred to the Committee on Judiciary in concurrence.

House Committee Reports

The Committee on Labor on Bill "An Act Relating to Employment of Women and Minors," (H. P. 708) (L. D. 254) reported the same in a new draft (H. P. 2040) (L. D. 1463) under the same title, and that it ought to pass.

Comes from the House, report read and accepted and the new draft passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading; and on motion by Mr. Hopkins of Kennebec, House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The Committee on Claims on "Resolve in Favor of Ralph E. Bowdoin, of Milo," (H. P. 1033) reported that the same ought not to pass.

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

In the Senate, the report was read, and on motion by Mr. Smart of Hancock, the resolve was recommitted to the Committee on Claims in concurrence.

The Committee on Education on Bill "An Act Relating to the Valuation of the Town of Dedham for the Apportionment of State School Funds," (H. P. 1131) (L. D. 539) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House, the report read and accepted and the bill subsequently recommitted to the Committee on Education.

In the Senate, the report was read and accepted.

Thereupon, on motion by Mr. Noyes of Hancock, the Senate voted to reconsider its action just taken whereby the report was read and accepted and the bill was recommitted to the Committee on Education in concurrence.

The Committee on Agriculture on Bill "An Act Relating to the Price of Milk to the State and Certain Institutions," (H. P. 1362) (L. D. 715) reported that the same ought not to pass.

(On motion by Mr. Brewer of Aroostook, tabled pending consideration of the report.)

The same Committee on Bill "An Act Relating to Retail Grocer Representative on Milk Control Board," (H. P. 1360) (L. D. 713) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of Maine Bonding and Casualty Company, of Portland," (H. P. 904) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Reginald Hutchins, of Verona Island," (H. P. 824) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Emile H. Lebel of Brunswick," (H. P. 1460) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Albert E. Briggs, of Hudson," (H. P. 815) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve Providing for a Fish Screen at Outlet of Lower Hot Brook in the Town of Danforth," (H. P. 1776) (L. D. 1115) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Relating to Special Dog Training and Field Trial Areas," (H. P. 1473) (L. D. 836) reported that the same ought not to pass.

The same Committee on "Resolve, Providing for a Fish Screen at Outlet of Taylor Pond in the City of Auburn, in the County of Androscoggin," (H. P. 1908) (L. D. 1272) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Pensions for Members of the Police Department of the City of Bangor," (H. P. 1836) (L. D. 1161) reported that leave be granted to withdraw.

The Committee on Maine Publicity on Bill "An Act Relating to Potato-Shaped Number Plates on Motor Vehicles," (H. P. 1878) (L. D. 1215) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Roadside Improvement," (H. P. 1580) (L. D. 895) reported that the same ought not to pass.

The Committee on Military Affairs on Bill "An Act Relating to the Staff of the Governor," (H. P. 662) (L. D. 214) reported that the same ought not to pass as it is covered by other legislation.

The Committee on Motor Vehicles on Bill "An Act Providing for the Placing of Owners' Names on Commercial Vehicles," (H. P. 1729) (L. D. 1084) reported that the same ought not to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Fees Payable to Registers of Deeds," (H. P. 192) (L. D. 64) reported that leave be granted to withdraw the same.

The Committee on Ways and Bridges on Bill "An Act Relating to Entrances to State Highways," (H. P. 1890) (L. D. 1218) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Uncertain Boundaries of Highways," (H. P. 1892) (L. D. 1220) reported that the same ought not to pass, as it is taken care of by other legislation.

Which reports were severally read and accepted in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Rel-

ative to Closed Time on Deer in Oxford County," (H. P. 1137) (L. D. 599) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Hancock Pond in the County of Oxford," (H. P. 990) (L. D. 421) reported that the same ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the County Attorney of Waldo County," (H. P. 1073) (L. D. 479) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Salary of the Commissioner of Labor and Industry," (H. P. 600) (L. D. 183) reported that the same ought to pass.

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

The Committee on Salaries and Fees on Bill "An Act Relating to Fees Payable to Registers of Deeds," (H. P. 855) (L. D. 325) reported the same in a new draft (H. P. 2041) (L. D. 1464) under the same title, and that it ought to pass.

(On motion of Mr. Ward of Penobscot, tabled pending consideration of the report.)

The Committee on Inland Fisheries and Game on "Resolve Improving the Fish Screen at Outlet of Long Pond in Sandy River Plantation," (H. P. 1036) (L. D. 520) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Opening Bagaduce River, in Hancock County, to Trapping of Eels," (H. P. 1344) (L. D. 696) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Providing for a Fish Screen at Outlet of Peabody Pond in the Town of Sabago," (H. P. 1395) (L. D. 728) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Providing for a Fish Screen at Outlet of Tacoma Lakes Chain in the Town of Litchfield," (H. P. 1485) (L. D. 842) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve, Providing for a Fish Screen at Outlet of Lake Auburn in the City of Auburn," (H. P. 1488) (L. D. 845) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve, Providing for a Fish Screen at Outlet of Great Pond in Plantation No. 33, Hancock County," (H. P. 1695) (L. D. 1018) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Providing for a Fish Screen at Outlet of Hancock Pond in the Town of Denmark," (H. P. 1394) (L. D. 727) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Register of Deeds in Cumberland County," (H. P. 190) (L. D. 62) reported that the same ought to pass as amended by Committee Amendment "A", enclosed herewith.

The same Committee on Bill "An Act Relating to Salary of Judge of Probate in Cumberland County," (H. P. 718) (L. D. 260) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act to Provide for the Annual Salary of Members of the Public Utilities Commission," (H. P. 368) (L. D. 128) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act Relating to the Salary of the Sheriff of Waldo County," (H. P. 1074) (L. D. 480) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act Relating to the Salary of the County Treasurer of Waldo County," (H. P. 1847) (L. D. 1185) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act Relating to the Salary of the Register of Probate of Waldo County," (H. P. 1734) (L. D. 1088) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act Relating to the Salary of the Judge of Probate of Waldo County," (H. P. 1733) (L. D. 1087) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act Relating to the Salary of the Clerk of Courts of Waldo County," (H. P. 1732) (L. D. 1086) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act Relating to Salary of Sheriff of Hancock County," (H. P. 1664) (L. D. 972) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Which reports were severally read and accepted in concurrence, and the bills and resolves read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills and resolves as amended were tomorrow assigned for second reading.

The PRESIDENT: At this time the Chair notes in the balcony the presence of the instructor and pupils of the Parsonsfield school. That is the school, or the town at least, from which our own Senator Batchelder comes, and in behalf of Senator Batchelder and of the rest of the Senate the Chair welcomes you here today and hopes you will stay with us for a time at least until there may be something of more interest than the routine which we are going through at the moment.

First Reading of a Printed Bill

Bill "An Act Relating to the Approved listing of Certain Appliances, Compounds, Powders and Liquids," (S. P. 657) (L. D. 1469)

Which was read once, and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Noyes from the Committee on Public Utilities on Bill "An Act Relating to the Caribou Utilities District," (S. P. 144) (L. D. 201) reported that the same be referred to the 95th Legislature.

Which report was read and accepted

Sent down for concurrence.

Mr. Noyes from the Committee on Public Utilities on Bill "An Act Pertaining to the Definition of a Contract Carrier," (S. P. 551) (L. D. 1176) reported the same in a new draft (S. P. 659) under the same title and that it ought to pass.

Mr. Crosby from the Committee on Ways and Bridges on Bill "An Act Relating to Road Equipment on Private Ways," (S. P. 330) (L. D. 518) reported the same in a new draft (S. P. 660) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bills in new draft laid upon the table pending printing under the joint rules.

Mr. Ela from the Committee on Judiciary on Bill "An Act Relating to the Use of the Prefix 'Dr.' by Dentists," (S. P. 85) (L. D. 73) reported that the same ought to pass.

Mr. Hopkins from the Committee on Public Utilities on Bill "An Act Relating to Advice by Public Utilities Commission to Towns Concerning Water and Sewage Systems," (S. P. 553) (L. D. 1172) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Contract Carriers," (S. P. 552) (L. D. 1175) reported that the same ought to pass.

Mr. Noyes from the Committee on Taxation on Bill "An Act Relating to Taxation of Various Corporations," (S. P. 446) (L. D. 828) reported that the same ought to pass.

Mr. McKusick from the Committee on Welfare on Bill "An Act Relating to Aid to Dependent Children," (S. P. 156) (L. D. 206) reported that the same ought to pass.

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

Mr. Barnes from the Committee on Judiciary on Bill "An Act Establishing a State-wide Probation System," (S. P. 533) (L. D. 1100) reported that the same ought not to pass.

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

Passed to be Engrossed

"Resolve in Favor of Caswell Plantation." (H. P. 197) (L. D. 1462)

"Resolve in Favor of Cyr Plantation." (H. P. 200) (L. D. 1461)

"Resolve in Favor of Hamlin Plantation." (H. P. 202) (L. D. 1459)

"Resolve in Favor of the Town of Limestone." (H. P. 205) (L. D. 1460)

"Resolve in Favor of the Town of Guilford." (H. P. 507) (L. D. 1458)

"Resolve in Favor of the Town of Woodland." (H. P. 533) (L. D. 1457)

Bill "An Act Relating to Files and Records in the Division of Veterans' Affairs." (H. P. 583) (L. D. 181)

Bill "An Act Relating to Meat of Calves Less than Four Weeks Old." (H. P. 1109) (L. D. 535)

"Resolve Providing for a Pension for Harvard L. Copp of Trenton." (H. P. 1416) (L. D. 1426)

Bill "An Act Relating to Records of Persons Buying or Selling Dogs." (H. P. 1442) (L. D. 833)

"Resolve in Favor of Mrs. Josephine Scribner of Newport." (H. P. 1883) (L. D. 1428)

"Resolve Appropriating Moneys to Repair, Recondition and Maintain Lot and Monument of a Former

Maine Governor." (H. P. 2039) (L. D. 1454)

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

"Resolve Granting a Pension to Grace Merrill Cutts, of Saco." (H. P. 848) (L. D. 1425)

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)

Bill "An Act Relating to Deposits in a Fiduciary's Personal Account." (H. P. 1574) (L. D. 897)

"Resolve Opening Lone Pond, in the Town of Waterboro, York County, to Fishing." (H. P. 1825) (L. D. 1151)

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

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

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

Sent down for concurrence.

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

Which bill was read a second time.

Mr. HOPKINS of Kennebec: Mr. President, I present Senate Amendment A and move its adoption.

The Secretary read Senate Amendment A:

"Senate Amendment A to L. D. 1466. Amend said bill by striking out all of the last paragraph thereof."

Mr. HOPKINS: Mr. President and members of the Senate, in explanation I will say that somewhere between the clerk of the committee, the Revisor of Statutes, the signer of the report and the chairman of the committee, there was an error made in the redraft of the bill and the amendment brings the bill to consistency with the action of the committee.

Thereupon, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed. Sent down for concurrence.

Enactors

Bill "An Act Relating to the Salary of the Clerk of Courts in Sagadahoc County." (H. P. 757) (L. D. 294)

Bill "An Act Relating to Salary and Clerk Hire of the Municipal Court of Waterville." (H. P. 941) (L. D. 382)

Bill "An Act Relating to the Salary of the Judge of the Bangor Municipal Court." (H.P. 1194) (L. D. 597)

Bill "An Act Relating to the Bulk Sales Act." (H. P. 1505) (L. D. 812)

Bill "An Act Relating to Dealer's Registration." (H. P. 1515) (L. D. 890)

Bill "An Act Relating to Retail Store Malt Liquor Licenses." (H. P. 1858) (L. D. 1195)

Bill "An Act Relating to Establishing Boundaries of State Highways." (H. P. 1873) (L. D. 1213)

Bill "An Act Relating to Fire Escapes." (H. P. 1926) (L. D. 1286)

Bill "An Act to Validate the Acts of the Woodlawn Memorial Cemetery Association and to Authorize the Transfer to and Acceptance by the City of Brewer of the Association's Cemetery and Trust Funds." (H. P. 1933) (L. D. 1308)

Bill "An Act to Provide Civil Service Rights to the Chief of Police and the Fire Chief of the City of South Portland." (H. P. 1935) (L. D. 1310)

Bill "An Act Relating to Qualifications of Voters at Primary Elections." (H. P. 1966) (L. D. 1340)

Bill "An Act Relating to Traffic Control Signals." (H. P. 2011) (L. D. 1394)

Bill "An Act Relating to Selling Liquor Near Togus Hospital." (H. P. 2024) (L. D. 1413)

"Resolve, Authorizing Town of Harpswell to Fill Certain Waters for Road." (H. P. 1936) (L. D. 1311)

Bill "An Act Increasing the Salary of the Judge of the Gardiner

Municipal Court." (S. P. 277) (L. D. 450)

Bill "An Act Relating to the Salary of the Judge of the Franklin Municipal Court." (S. P. 319) (L. D. 512)

Bill "An Act Relating to the Salaries of the Judge of Probate and Register of Probate, Franklin County." (S. P. 320) (L. D. 513)

Bill "An Act Relating to the Salaries of Various County Officers of Franklin County." (S. P. 321) (L. D. 514)

Bill "An Act Relating to Investigation of Fire Hazards and Causes of Fires." (S. P. 391) (L. D. 706)

Bill "An Act Relating to Clerk Hire in Office of Register of Deeds, Androscoggin County." (S. P. 440) (L. D. 791)

Bill "An Act Relating to State Owned Cars." (S. P. 489) (L. D. 1173)

Bill "An Act Relating to Certificate of Approval for Brewers." (S. P. 531) (L. D. 1061)

Bill "An Act to Construct a Bridge Between Old Town and Indian Island." (S. P. 638) (L. D. 1409)

(On motion by Mr. Savage of Somerset, tabled pending passage to be enacted.)

Which bills were severally passed to be enacted and resolve finally passed.

Emergency Measure

Bill "An Act Relating to the Atlantic Sea Run Salmon Commission." (S. P. 124) (L. D. 145)

Which bill being an emergency measure and having received the affirmative vote of 31 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Inland Fisheries and Game on Resolve Authorizing the Commissioner of Inland Fisheries and Game to Give Pheasants and

Rabbits to Consolidated Sportsman's Club (S. P. 575) (L. D. 1238) tabled by that Senator on April 12 pending consideration of the report.

Mr. SLOCUM of Cumberland: Mr. President, I was asked to introduce this measure, a very minor one, to help a junior fish and game reserve, the first one in the United States, located in South Portland. They asked the Fish and Game Commissioner for some rabbits and pheasants. The Commissioner of Inland Fisheries and Game said he could not furnish any fish or game without legislative authority.

At the hearing, one of the Fish and Game Associations was very partial to the passage of this measure. It comes out now, that the Commissioner finds that with the permission of the Governor and Council he may furnish fish and game to these organizations and I therefore move the acceptance of the Ought Not to Pass report of the committee.

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

Sent down for concurrence.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table bill, An Act Relating to Teaching of Importance of Voting in Public Schools (H. P. 1870) (L. D. 1210) tabled by that Senator earlier in today's session pending motion by that Senator that the Senate recede from its former action whereby the bill was passed to be engrossed.

Mr. LEAVITT of Cumberland: Mr. President, I now move the pending question and in support of that motion I will say that this amendment simply changes the title and makes it more expressive of the intent of the bill.

The motion prevailed and the Senate voted to recede from its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, House Amendment A was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Williams of Penobscot, 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 12 pending motion by the Senator from Somerset, Senator Ela, that the Senate adopt Senate Amendment A.

Mr. WILLIAMS of Penobscot: Mr. President, this bill as originally put in was just to clear up some of the inconsistencies in the law. Senate Amendment A apparently seeks to continue one of those inconsistencies and I therefore move the pending question.

Thereupon, Senate Amendment A was read and adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

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

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I know that on many occasions I have listened to the Secretary of the Senate read various orders and various memorials and they have passed under the gavel, and at times I have wondered whether I know much of what they are all about and at other times, I may have thought that I don't really like them but I don't know enough about them to object. Even if I did, I probably would consider it a discourtesy to object.

And because I suspect that is the feeling of many of the Senators, I am going to take these very few minutes to explain to the Senate, the order that will be in here tomorrow or the next day, seeking the opinion of the Law Court on a legal question. The question that this Senate Order will ask of the Court is whether or not the legislature can constitutionally pass a bill without an emergency enactor on it and provide in that bill a referendum to be held prior to the 90 day period after adjournment of the legislature.

I am in no way predicting that the legislature is going to pass a

major tax bill and certainly I am not so bold as to predict that it will pass the bill with that provision in it. The Committee on Taxation brought out in new draft a bill which was on the House calendar this morning which does provide for a June 13 referendum. The advantages of the June 13 referendum are obvious, I think, and that thought is supported by the fact that it would give to the Executive and the Administration the knowledge of their fiscal policy for the year starting July 1st of this year.

It seems to many of us that there are great advantages in knowing where we are going in the next two years rather than waiting 90 days and having an August or September referendum and wondering what we should do between July 1st and that date. Apparently there has been no occasion when the legislature has followed that procedure. To some of us the intent of the Constitution is that the legislature can do that. Obviously the Constitution guarantees to the people this 90 day period in which to invoke the referendum, but having ourselves put that referendum question into the bill it seems to some of us that we have adequately protected those rights. However, to avoid any constitutional questions it seemed that we should pose the question to the Court. This afternoon a copy of that order will be in the office of the President of the Senate. There will also be a copy on my desk and any of us who are interested in posing that question, I will be very pleased to discuss it with you, because when it does come up we will be at that stage of the legislative session when probably we should pose the question to the Court and get a reasonably prompt answer, and in getting that answer, the answer will serve for whatever tax bill we pass, if we do pass a tax bill. Obviously it is not restricted to that particular bill.

I offer this explanation this morning and invite any comments or criticisms of the order which I think will be offered, presumably

in the Senate tomorrow or the next day.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game on bill, An Act Relative to Sale of Wild Hares and Rabbits (H. P. 353) (L. D. 118) tabled by that Senator on March 16 pending passage to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President, I shall again, after a few remarks, move the indefinite postponement of this bill. I still feel that wild hares, from any information I have been able to receive from the different counties throughout the state, are causing a lot of damage, and that the supply of these animals is far from depleted; that they are obnoxious in some counties, and that there are really too many of them. I can not see any good reason why those hares can not be sold for food purposes. I, for one, like to have them in a stew once in a while; and if I don't have them, I am not inclined to go out in the woods and shoot them. Therefore, I would like to have the privilege of buying them as is possible at the present time.

I also see that this bill covers wild rabbits. Well, Mr. President, I have never seen a wild rabbit. I wish somebody would produce one. I have seen wild hares while driving at night on country roads, but I have never seen a wild rabbit. Every rabbit I have ever seen has been domesticated, and I would like to have somebody show me the reason for passing a law stopping the sale of wild rabbits when I don't know even that they exist. I don't see any need of the law. If it is to stop the sale of rabbits, I don't see the need of it for that purpose either, because I think rabbits are good food. They have been a marketable food for years and years, and a lot of people like them. I, personally, don't care for tame rabbits. I do like wild hares.

Therefore, I move the indefinite postponement of this bill.

Mr. VARNEY of Washington: Mr. President and Members of the Senate, just two weeks ago I was willing to go along with the Senator from Androscoggin County with respect to his views on the wild hares and rabbits. But after making a trip down into Washington County to interview the Indians down there the Senator reported to me that there were no bunnies in Washington county. Just how he found that out, I don't know. But if we don't have any bunnies left in Washington County, why I am not opposed at the present time to the passage of the bill. He must have spent quite a good deal of time down there hunting for rabbits. Probably he took a lot of time away from the investigation of the Indian situation down there. Maybe if the Senator is willing to wait a while, I can bring a wild rabbit in for his inspection, but I am willing to stand with the Senator.

Mr. ELA of Somerset: Mr. President, speaking for the position of the Committee on Inland Fisheries and Game which brought out this bill, I would say that it was the feeling of the Committee, in deference to the information brought to us, that wild hares and rabbits are a game animal. A great many people in the state buy licenses to hunt and enjoy hunting them. They do not wish to see them hunted for commercial purposes, and I am glad to see that the Senator from Washington has now informed the Senate that he is of the same opinion as the Committee.

In various sections of the state, they are being hunted so hard commercially that there is danger of their extermination in certain areas. In view of the fact that we have tried in every instance possible to give our citizens good hunting and fishing, I think we should give some measure of protection to these animals. I don't believe that Senator Boucher's point is well taken about the ques-

tion of the rabbits and the hares. If there are no wild rabbits, the law will do no harm. We do not touch domestic rabbits, and the wild hares and rabbits are continually mentioned in our present existing statutes. So, I don't believe I am confused on that item.

Mr. SLOCUM of Cumberland: Mr. President, as one looks upon our worthy colleague from Androscoggin County, one is assured that, wild or tame, he should be allowed to have all of the hares that he could buy or hunt. Seriously, however, those who try to raise truck gardens find that there is no question that there are more than enough wild hares, or rabbits, because the farmers have great difficulty in many sections growing truck gardens. If passing this act will increase the difficulties of our farmers, I think it would be wise to indefinitely postpone it.

I think there are enough rabbits in the towns of Cumberland County so that they make it difficult to raise truck gardens. I don't know whether the passage of this bill would increase the number of wild hares and rabbits and make it more difficult to grow produce, but I do feel that, while we should have consideration for the hunters, we should also have some consideration for the farmers.

I hope the motion of the Senator from Androscoggin prevails.

Mr. NOYES of Hancock: Mr. President and members of the Senate, a few weeks ago I was not ready to vote upon this bill. I am ready to vote today, however. I have investigated the situation in my county. I have also taken a trip into Washington County, and I find that things have changed since I was a boy. When I was a boy, we had plenty of rabbits. Sometimes I used to set rabbit snares. Those rabbits have disappeared, not entirely; there are a few left. But in my particular town, one section of which is named Rabbittown, there are no rabbits, or very few.

At one time, they did damage to our blueberry fields. They would

eat the tops of the new bushes, and the following year there were no blueberries. That condition does not now exist. If there ever comes a time when those rabbits are plentiful enough so that they are doing damage, I would be willing to support a motion such as the Senator has made, but in view of conditions as they are, I hope that his motion does not prevail, that we may perhaps continue to have rabbits and give the boys and girls who are growing up, the same opportunity that we have had to go out and shoot rabbits just once in a while.

I don't think that the Senator is really too much disturbed. I congratulate him upon taking this bill off the table at this time and moving it along its way. I hope the motion does not prevail.

Mr. LARRABEE of Sagadahoc: Mr. President, I don't know a rabbit from a hare, but I do know that when I came up here, some of the sportsmen's clubs in my county wanted me to see if I could bring pressure to bear upon the department to liberate a few more rabbits in our county. They told me that they were now so scarce in Sagadahoc and Washington Counties that they didn't dare to go down there and trap any to bring into these other counties as they have done in previous years.

So, I shall vote against the motion of the gentleman from Androscoggin, because it seems that rabbits are not only scarce in these counties, but they are beginning to get scarce where the supply comes from down in Washington County.

Mr. KNIGHTS of York: Mr. President, I am Recording Secretary for the Sanford Fish and Game Protective Association, which is the largest sportsmen's organization in New England. Now, in addition to the natural depletion of the rabbit industry in York County, we had a terrible fire there in October of 1947, and that destroyed a great many wild rabbits.

We are attempting now, through the Fish and Game Protective Association, and the Inland Fish and

Game Department, to secure rabbits for that section of York County where the fire did its damage. We are having some difficulty in securing them because of the fact that many of the rabbits in Maine are diseased. We are making very small progress along that line.

All of us who go into the woods to hunt know that we have no right to sell the parts of a deer that we have shot, and we have no right to sell fish that we have caught. And the idea of this bill is simply to prevent the sale of rabbits. If you were to go into Faneuil Hall Market at any time, I know within a few years you would find them hung up, and they would bring quite a large amount of money.

We would like to keep our rabbit population here in Maine, and for that purpose, I favor this bill which prevents their sale.

Mr. ELA of Somerset: Mr. President, I ask for a division.

Mr. BOUCHER of Androscoggin: Mr. President, I was expecting some of my colleagues to bring out the fact that they were in favor of this bill in order to conserve hares for the dog racing bill that is coming in a little later on, I understand. If we are going to have dog racing, we are going to need rabbits and hares, I thought possibly that might be introduced here this morning as a good reason for favoring this bill, but so far it has not been done. I hope if my motion does not prevail, that some of my good friends here in the Senate will furnish me free of charge, which will be legal, some hares.

The PRESIDENT: The pending question is on the motion of the Senator from Androscoggin, Senator Boucher, that the bill be indefinitely postponed and the Senator from Somerset, Senator Ela, has requested a division.

A division of the Senate was had.

The PRESIDENT: The Chair would remind the Senators that under our rules, all Senators must vote on a question unless excluded by interest.

Mr. BOWKER of Cumberland: Mr. President, may I move that this bill be passed to be engrossed?

The PRESIDENT: The Chair will rule that the vote has not yet been completed on the indefinite postponement of the bill. Having read the rules to the Senators as to the requirements of the Senate rules in regard to voting, the Chair will put the question again on the indefinite postponement of the bill.

A division of the Senate was had.

None having voted in the affirmative and thirty-one opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the bill was passed to be engrossed in concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs—Majority Report "Ought Not to Pass," Minority Report "Ought to Pass with Committee Amendment A" on Resolve in Favor of the University of Maine for Law School (S. P. 337) (L. D. 568) tabled by that Senator on April 6 pending acceptance of either report.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I realize that it may be too far away from Bastille Day to offer up for sacrifice any of our spending bills. That I do not intend to do, and I intend to move the acceptance of the minority ought to pass report as amended by committee amendment A. In supporting that motion, I regret sincerely that I haven't the eloquence, or the knowledge, of a former senator who presented this bill two years and defended it until illness took him back to his home in Machias and left the bill to die with but a one or two vote margin in the final days of the session.

I introduced the bill again this year, because I supported it two years ago, and sincerely believe that it has merit. It is a bill to provide for the re-establishment of the law school at the University of Maine. From 1899 until 1920, the University

of Maine did operate a successful law school, and I am reasonably sure of my statement when I say that the majority of our Superior Court and Supreme Court on many occasions since that have been represented by University of Maine Law School graduates.

I believe a need exists for a state law school, today, because there are many young men and young women who would like to enjoy the benefits of a law degree, but we find it impossible to finance that type of education in some of the other institutions. I believe there is a little bit of fairness and equity in giving those youngsters that opportunity, just as we give our young men and our young women an opportunity to earn a degree in agriculture, arts and science, or the engineering degrees.

I believe the University of Maine will conduct a good law school. It was my pleasure to discuss the matter with the trustees, and they assured me of that desire. They take the position that it is up to the Legislature to direct them to re-establish it, and up to the Legislature to provide reasonable funds with which to operate that law school. They are entirely unselfish and entirely in sympathy with the basic concept of a state university, and that is, that it does offer young men and young women of our state the educational opportunities that are not available to them in out-of-state institutions.

In all sincerity, I can tell you, today, that it would not have been your misfortune to have had me speak to you, had I been forced to go to M.I.T. or Georgia Tech, or Carnegie Tech, because my good parents just could not afford that. I did have the opportunity of going to the University of Maine, through living at home, and getting an engineering education that certainly never would have been mine, had the state not provided that opportunity. And I feel that there are many similar youngsters who some day might be your own chief justice of your law court if you give

to them the same opportunity that the state gave to me in my chosen profession.

The cost is modest in comparison with the total cost of education in the State of Maine, when you broke down the school building program and got it down to less than a dollar a person. The cost of a law school at the State University comes down to less than five cents a person. I recognize the opposition to the bill, and that opposition is from those fortunate attorneys who have received their degree, and who honestly believe that we have enough lawyers. That contention may be correct, but to me it is just a little bit selfish. As an engineer, I might well conclude that we have enough engineers. You might well conclude you have enough arts and science graduates, but I believe that in a democracy we ought to be just a little bit unselfish and give to these youngsters the same opportunities that those of us who are a little bit more fortunate have enjoyed.

I certainly would not make this plea at enactment if it were to come at the expense of what I call basic state needs, and I promise you that I will be the first one to urge indefinite postponement of the bill if new revenues are not available for the bill.

In a sense of fairness, and in respect to these kids who want this opportunity and can't have it, I do urge the acceptance of the minority report, with a firm promise that it will not be my intent to take from any existing service, or any of the many L. D.'s that in my opinion rate well ahead of this bill. But on the remote possibility that we do have revenues, I will feel very badly to have been a party, or to have failed to keep the bill alive to that day. For that reason, I move, Mr. President, the acceptance of the minority ought to pass report.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, inasmuch as I am one of the Trustees of the University of Maine, I would like to corroborate some of

the remarks that the Senator from Penobscot County made.

It is a fact that the Trustees of the University do recognize their responsibilities as a state university, and that if the funds are provided, they would be very glad to do all that was possible to have a law school that would be of first grade and would be a credit to the State of Maine.

The thought, I think, of the administration of the University of Maine and of its Board of Trustees is that the thing would depend somewhat on the action of the legislature in regard to the overall requirements of the University. The Trustees are concerned, of course, primarily with the funds that are available for maintaining its regular operations. That is the paramount issue in the minds of the Trustees of the University.

However, they do recognize that there has been a demand for a law school. They do recognize that it would serve the needs of many of the people of the State of Maine who can not afford to go outside of the state; and for that reason if the funds are available, if we do have sufficient revenue, the Trustees certainly endorse this project. For that reason, I will certainly go along with the acceptance of the minority report at this time.

Mr. LEAVITT of Cumberland: Mr. President, I went along with this bill last year and I thought it was a great mistake that we did not pass it two years ago. I heartily support the motion that we accept the minority report.

Mr. SAVAGE of Somerset: Mr. President and members of the Senate, the majority of the committee in coming to the conclusions of ought not to pass on this bill, tried to be realistic. We were sympathetic with the needs, but we did not think it was a basic need. In all of the bills that came before the Legislative Appropriations Committee, we have tried not to include any new services. However, if it is the wish of this Senate to keep this bill alive until the dying days of the legislature and find out

whether or not we have the money I am perfectly willing to go along with the Senator from Penobscot, Senator Haskell.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, as a signer of the minority report, maybe I should state my reasons. In the first place, it was felt, and I think that it was demonstrated to us, that in order to have a well-rounded educational program at the University of Maine, Law was certainly necessary. It was demonstrated to us that there was a need. There are many young men in the State of Maine who wish a law training and can not afford to go outside of the state. Not all of these apparently wish to be lawyers, but they would like to have the benefit that Law could give to any individual in any other chosen profession, especially in business. I would point no further than a Page in the House to show that the young men are interested in this bill.

The amendment of this bill provides \$50,000 to start the law school. It was the intent of the signers of the minority report to have this come out of the unappropriated surplus, as they showed us that there was a need of an increased appropriation to start the school. It was not our intent that this should be carried on, but that the law school should be taken care of the same as the Agricultural College, the Engineering College, and all of the others of the general mill appropriation.

For that reason, we felt in case that there was the unappropriated surplus available for work of that type, a non-recurring item, that of starting this law school, that it was a good time to pass this bill. I will say, as I have inferred by my remarks, that the idea of unappropriated surplus is not in the amendment as it was finally amended. The fifty thousand dollars is, but I would think if this was carried out, that it should be added to that amount. I hope if the vote is taken, you accept the minority ought to pass report of this Committee.

Mr. SLOCUM of Cumberland: Mr. President, yesterday, we had a bill with reference to education; namely, that for school construction. It was stated at that time if further revenues were obtainable, that the bill might become law. We voted twenty to twelve to keep it alive. There is no question of the merits of this bill under consideration at this time, and it seems only right and proper, if we feel, as I think we should, the need of a law school in the University of Maine, that we keep it alive at least until we know whether there will be sufficient revenue, and I hope the motion of the Senator does prevail.

Mr. BOWKER of Cumberland: Mr. President, as a member of the Appropriations Committee who signed the Majority Report "Ought Not to Pass", I am willing to go along at this time to keep this bill alive. My vote on the committee report was based purely on the financial side of the situation. I did not see the money in sight at that time. However in order to keep the bill alive until the money is available, I am perfectly willing to go along on the bill at this time.

Thereupon, the motion to accept the Minority Report "Ought to Pass with the Committee Amendment A" prevailed and the bill was given its first reading. The Secretary read Committee Amendment A.

"Committee Amendment A to L. D. 568. Amend said resolve by striking out all after the words 'the sum of' in the 2nd line and before the words 'for the purpose of' in the 4th line, and inserting in place thereof the following: '\$50,000'."

Mr. WILLIAMS of Penobscot: Mr. President, I move the indefinite postponement of this amendment, with the explanation that I would like to prepare another amendment that is right.

Thereupon, Committee Amendment A was indefinitely postponed and the bill was tomorrow assigned for second reading.

On motion by Mr. Williams of Penobscot, the Senate voted to take

from the table Resolve Proposing an Amendment to the Constitution to Empower the Legislature with the Consent of the People to Authorize the Issuance of State Bonds for any Purpose Stated in the Constitution (H. P. 1571) (L. D. 885) tabled by that Senator on April 5 pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed in concurrence.

Mr. Varney of Washington was granted unanimous consent to address the Senate.

Mr. VARNEY of Washington: Mr. President and members of the Senate, I would not be quite fair to myself at this time, or to the delegation from Washington County should I disregard this opportunity to say just a few words to the Senate. I tried to impress upon you yesterday morning, my interest in protecting the rights of the weir fishermen along the coast of Maine and to obtain a vote here to indefinitely postpone a bill which would prohibit weir fishing in three counties of the state.

You may not know that when the sardine canning industry was instituted in the State of Maine, all the fish that were delivered to those canneries were delivered by weir fishermen and that prevailed until a very few years ago when the seiners stepped in and began to deliver a fair share of the sardines that were canned, to the canners, and there has been more or less of a war on between the seiners and the weir fishermen up to the present time. However, I think it is

going to be ironed out to the satisfaction of all parties concerned.

My purpose in addressing you at this time is to tell you that we have sardine canneries in the County of Washington located at Lebanon, Eastport, Lubec, Pembroke, Machias, Addison, Jonesport and Milford, so you can see that the canning of sardines is a very important industry in Washington County and sardines have become a very important item of food on the market.

You will find on your desks this morning, three cans of sardines. These have been presented to not only the members of the Senate, but to the members of the House and to every State house employee, so you can see that the people who are engaged in the sardine industry are not at all stingy. We are trying to make everyone happy giving these sardines. I am sorry we omitted the crackers. These sardines, as you will see by the card, are presented with the compliments of the Washington County delegation and the Maine Sardine Association. I trust you will enjoy them and will say that a little vinegar added to the sardines, does add to the taste. Thank you.

The PRESIDENT: The Chair will state in behalf of the Senate that the Senate thanks the Senator from Washington for the donation.

On motion by Mr. Varney of Washington,

Adjourned until tomorrow morning at ten o'clock.