

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 19, 1949

The Senate was called to order by the President.

Prayer by the Reverend Chauncey D. Wentworth of Augusta.

Journal of yesterday read and approved.

From the House

Bill "An Act to Provide for the Election of Trustees of the Canaan School District." (H. P. 2071)

Which was received by unanimous consent, under suspension of the rules read twice and passed to be engrossed in concurrence, without reference to a committee.

House Committee Reports

The Committee on Inland Fisheries and Game on "Resolve to Open First Debsconeag Lake in T. 2, R. 10, Piscataquis County to Ice Fishing," (H. P. 287) reported that the same ought not to pass.

The Committee on Public Utilities on Bill "An Act Authorizing Municipalities to Construct, Operate and Maintain Sewerage Facilities," (H. P. 1731) (L. D. 1085) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Library to which was recommitted "Resolve for the Purchase of Two Hundred Copies of 'The Length and Breadth of Maine,'" (H. P. 927) (L. D. 1375) reported that the same ought to pass.

Which report was read.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I move the indefinite postponement of this bill. This bill calls for 200 copies of "The Length and Breadth of Maine" which will cost \$5.00 per copy, a thousand dollars. The book is a very fine book. It is a dictionary of Maine places. We certainly want to encourage such books as this, but two years ago a bill was in the legislature calling for one hundred copies of this which were purchased, which copies

may now be found in our libraries for reference purposes. I do not think that this book is required in every hamlet and town of the state. It is not the job of the state to subsidize this sort of thing. It is the job of the state to encourage such writings, certainly, but not to subsidize them. We have been talking a good deal about economy and I think this is a good place to economize and therefore, Mr. President, I move the indefinite postponement of the measure.

The motion prevailed, and the resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The Committee on Agriculture on Bill "An Act Relating to the Tax on Commercial Fertilizer," (H. P. 1903) (L. D. 1268) reported that the same ought to pass.

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

The same Committee on Bill "An Act Relating to Grading of Apples," (H. P. 1108) (L. D. 534) reported that the same ought to pass.

The Committee on Appropriations and Financial Affairs on "Resolve Relating to Construction of Airports," (H. P. 1444) (L. D. 802) reported that the same ought to pass.

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to the Duties of the Insurance Commissioner and State Fire Inspectors," (H. P. 1788) (L. D. 1127) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act Creating the South Berwick Sewer District," (H. P. 1659) (L. D. 967) reported that the same ought to pass.

The Committee on Salaries and Fees on Bill "An Act to Increase the Salary of the County Attorney of Knox County," (H. P. 1797) (L. D. 1139) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Salary and Bond of Recorder of the Rockland Municipal Court," (H. P. 1704) (L. D. 1024)

reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Salary of the Judge of the Rockland Municipal Court," (H. P. 856) (L. D. 337) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Increase of Salaries of Certain County Officials of Knox County," (H. P. 759) (L. D. 361) reported that the same ought to pass.

The Committee on Sea and Shore Fisheries on "Resolve Relating to the Use of Seines in Medomak River, Lincoln County," (H. P. 1803) (L. D. 1145) reported that the same ought to pass.

The Committee on Temperance on Bill "An Act Relating to Rules and Regulations of the State Liquor Commission," (H. P. 1857) (L. D. 1194) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Sale of Malt and Vinous Liquor in Restaurants," (H. P. 1547) (L. D. 824) reported that the same ought to pass.

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

The Committee on Education on Bill "An Act Relating to Elderly Teachers' Pensions," (H. P. 1625) (L. D. 936) reported the same in a new draft, (H. P. 2045) (H. P. 1471) under the same title, and that it ought to pass.

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Group Life Insurance," (H. P. 1512) (L. D. 875) reported the same in a new draft (H. P. 2064) (L. D. 1497) under the same title, and that it ought to pass.

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

The Committee on Agriculture on Bill "An Act Relating to the Inspection and Regulation of Dog

Kennels," (H. P. 1441) (L. D. 832) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Regulate Livestock Community or Commission Auctions," (H. P. 1443) (L. D. 877) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Unfair Methods of Competition and Practices in the Business of Insurance," (H. P. 1937) (L. D. 1317) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Military Affairs on Bill "An Act Relating to the Military Law," (H. P. 1513) (L. D. 891) reported that the same ought to pass as amended by Committee Amendment "A".

(Which report was read and accepted and the bill read once. On motion by Mr. Slocum of Cumberland, tabled pending assignment for second reading.)

The Committee on Welfare on Bill "An Act Relating to Aid to Dependent Children," (H. P. 1551) (L. D. 869) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

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

Senate Committee Reports

Mr. SLEEPER from the Committee on Sea and Shore Fisheries on Bill "An Act to Encourage Marine Farming in the Tidal Waters of the State," (S. P. 367) (L. D. 584) reported that the same ought not to pass.

Mr. LARRABEE from the same Committee on Bill "An Act Regulating the Taking of Alewives in

Ducktrap Stream in the Town of Lincolnville," (S. P. 468) (L. D. 920) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. BAKER from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Skowhegan School District," (S. P. 579) (L. D. 1257) reported the same in a new draft (S. P. 672) under a new title, Bill "An Act to Incorporate the Skowhegan School District," and that it ought to pass.

Which report was read and accepted, and the bill in new draft and under a new title, was laid upon the table for printing under the joint rules.

Mr. Larrabee from the Committee on Sea and Shore Fisheries on "Resolve Relating to Unexpended Balances for Lobster Rearing Station," (S. P. 88) (L. D. 74) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the resolve was read once. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 74. Amend said resolve by adding at the end thereof, before the period, the following 'and be it further resolved that the Commissioner of Sea and Shore Fisheries be and hereby is authorized and directed to sell any equipment that has been obtained for the purpose of carrying out the provisions of chapter 90 of the resolve of 1941 and which cannot be used advantageously by the department of sea and shore fisheries; the net proceeds of such selling after the deduction of such cost of selling shall be credited to the general fund.'"

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

Mr. Sleeper from the same Committee on Bill "An Act Relating

to the Re-Use of Barrels for Food," (S. P. 443) (L. D. 795) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was read once. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 795. Amend said bill by striking out in the first line thereof, the underlined word 'and' and inserting in place thereof, the underlined word 'or'."

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

Passed to be Engrossed

"Resolve in Favor of Mrs. Charles Boyce of Cumberland Mills." (H. P. 165) (L. D. 53)

Bill "An Act Relating to Aid to Dependent Children. (H. P. 1009) (L. D. 440)

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

Bill "An Act Imposing a Personal Income Tax." (H. P. 2046) (L. D. 1481)

Which bill was read a second time.

Mr. HASKELL of Penobscot: Mr. President, I offer Senate Amendment A to L. D. 1481, and move its adoption. In support of that motion to adopt Senate Amendment A, I will state that the amendment simply corrects two or three technical errors in the drafting of the bill, wherein in the new draft there are two or three references to the increase in the corporate franchise tax that was in the original bill. This amendment simply corrects the errors by taking those references out of the bill which is now only a personal income tax.

The Secretary read Senate Amendment A:

"Senate Amendment 'A' to H. P. 2046, L. D. 1481, Bill 'An Act Imposing a Personal Income Tax.

Amend said Bill by striking out the underlined word 'persons' in the 7th line of that part designated

'Sec. 334' of section 1 thereof, and inserting in place thereof the underlined word **'exemptions'**.

Further amend said Bill by striking out the underlined words and figures **'and in sections 348 to 362, inclusive,'** in the 8th and 9th lines of section 2 thereof.

Further amend said Bill by striking out the underlined words and figures **'and in sections 348 to 362, inclusive,'** in the 8th and 9th lines of section 3 thereof.

Further amend said Bill by striking out the underlined words and figures **'together with the tax imposed under the provisions of sections 348 to 362, inclusive,'** in the 4th and 5th lines of section 4 thereof.

Further amend said Bill by striking out the figure '347' in the last line of section 5 thereof and inserting in place thereof the figure '364'."

Which amendment was adopted, and on motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table pending passage to be engrossed.

Bill "An Act to Amend the Charter of the City of Waterville to Provide for the Appointment of One Full-time Assessor." (H. P. 2053) (L. D. 1482)

Bill "An Act Relating to Pollution of Tidal Waters." (H. P. 2054) (L. D. 1483)

(On motion by Mr. Slocum of Cumberland, tabled pending passage to be engrossed.)

"Resolve Relative to Sale of Hatcheries and Feeding Station Property Authorized." (H. P. 2056) (L. D. 1485)

Bill "An Act Relating to the Sale or Packing of Herring." (H. P. 2057) (L. D. 1486)

Bill "An Act Relating to the Salary of the Judge of Probate in Knox County." (H. P. 2059) (L. D. 1488)

Bill "An Act Relating to Salaries of Deputy Register of Deeds and Clerks in the Office of Register of Deeds, in the County of Cumberland." (H. P. 2060) (L. D. 1489)

Bill "An Act Relating to Jurisdiction of Divorce Actions by Justice of Superior Court in Vacation." (H. P. 2062) (L. D. 1491)

Which were severally read and accepted in concurrence.

"Resolve Regulating Smelt Fishing in Union River, Hancock County." (H. P. 603) (L. D. 241)

"Resolve Relative to Catching Lobsters Near Monhegan." (H. P. 674) (L. D. 22)

Bill "An Act Relating to Smelt Fishing in the Tidewaters of the Penobscot River and Its Tributaries." (H. P. 1320) (L. D. 689)

"Resolve to Provide for a Refund of Contributions to Certain Teachers." (H. P. 1500) (L. D. 855)

Bill "An Act Relating to a Police Commissioner for the City of Waterville." (H. P. 1638) (L. D. 991)

Bill "An Act Relating to the Support of Dependent Wives, Children and Poor Relatives." (H. P. 1718) (L. D. 1075)

Bill "An Act Relating to the Taking of Clams, Quahogs, Mussels and Worms in the Town of Islesboro." (H. P. 1799) (L. D. 1141)

Bill "An Act Relating to the Salaries of the Judge and the Clerk of the Auburn Municipal Court." (H. P. 1849) (L. D. 1187)

Bill "An Act to Create the Mount Desert Island Secondary Community School District." (H. P. 1911) (L. D. 1274)

Bill "An Act Relating to the Digging of Clams in the Town of South Bristol." (H. P. 1943) (L. D. 1315)

Bill "An Act Relating to the Establishment of a Civil Defense Agency and a Public Safety Council." (H. P. 2013) (L. D. 1398)

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

Bill "An Act Relating to Surveys of State Highways." (S. P. 587) (L. D. 1245)

Bill "An Act Relating to Trespass." (S. P. 661) (L. D. 1492)

Bill "An Act Relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement." (S. P. 662) (L. D. 1493)

Bill "An Act Relating to Elevators." (S. P. 664) (L. D. 1495)

Bill "An Act Relating to the Brewer Water District." (S. P. 668) (L. D. 1502)

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

Sent down for concurrence.

Senate, As Amended

Bill "An Act to Authorize the Construction of a Combination Highway and Railroad Bridge Across Fore River." (S. P. 267) (L. D. 397)

Bill "An Act in Incorporate the Town of Cherryfield School District." (S. P. 353) (L. D. 588)

Bill "An Act Increasing Pensions of Retired Members of the State Police." (S. P. 614) (L. D. 1304)

Bill "An Act Relating to Salaries of Somerset County Officers." (S. P. 663) (L. D. 1494)

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

Sent down for concurrence.

Orders of the Day

The President laid before the Senate, Senate Report from the Committee on Taxation—Majority Report "Ought to Pass as Amended by Committee Amendment A", Minority Report "Ought Not to Pass" on bill, An Act Relating to Exemptions from Taxation (S. P. 447) (L. D. 827) tabled on April 14 by the Senator from Hancock, Senator Noyes, pending motion by that Senator to accept the Majority Report.

Mr. NOYES of Hancock: Mr. President and members of the Senate, before introducing this bill in the Legislature, I first of all went to the State Tax Assessor with the thought in mind of having the State of Maine reimburse the cities and towns of the State of Maine

for tax exempt properties. We couldn't seem to think of any way to do that without costing the state more money than it is now costing the towns to do the same thing. I brought up the point that it might be well to limit the amount of taxes that were exempted to a set figure in dollars and cents. For illustration, I suggested that we pass a bill limiting the total amount of taxes that would be exempt to not over three hundred dollars. That amount could be diminished by any bonus that might be received. It seems that that would be unconstitutional. Therefore, I introduced this measure which is called the Noyes Bill, that infamous Noyes bill which you have all heard about, and about which I know many of you have had letters written not in support of this bill. All of these communications would seem to indicate that the Senator from Hancock was an anti-veteran Senator.

Today, I have here a letter which I received just yesterday, and I think it is the best letter of all. In fairness to the members of the Senate, I think I should read you this letter so that you will not be led astray as one member of the Taxation Committee has been. With your indulgence, I would like to read this communication.

"Senator Malcom P. Noyes
State House
Augusta, Maine
Sir:

"Re: Noyes Bill, L. D. 827"

"In spite of the fact that I am a resident of Cumberland County, I have always thought and said that Hancock County is the most beautiful county in the State of Maine. HOWEVER, during this session of the legislature I have not been well impressed with some of the thinking that has originated in Hancock County . . . in particular I refer to the so-called Noyes Bill. As far as I am concerned you are labeled an ingrate, and you are attempting to pass that stigma on to every resident of the State of Maine. I most sincerely trust that

the taxation committee will be overwhelmingly turned down on its "Ought to Pass" report of this bill."

I am not going to read all of the letter, but I do want to read the last two paragraphs.

"On the surface, you appear to have the selfish point of view of the small town and its taxation problem," and in connection with that, I would have you remember that the State of Maine is a state of small towns, there being 463 with less than five thousand population. "As for the other members of the committee on the "Ought to Pass" report, I can not speak, not having any acquaintance with them. I am amazed at Mr. Chase of this county, for though I do not know him, I have always considered him a man of excellent judgment. The small town taxation problem is a real one, but as far as I am concerned it will not be helped by such legislation as you propose. The State of Maine needs a complete reorganization of tax base, a complete breaking away from the precedents of what shall pay for what. We allot much money to road construction. I wonder just how that money is used, particularly when one of the contractors can mass sufficient money to sponsor race tracks, and attempts to thrust on the State of Maine these race track bills **as written**.

Be assured that when I meet my Hancock County acquaintances I shall make inquiries in regard to you. I am not well impressed. I trust they will not reelect you."

That is a sample of the literature that has come to my desk, and I am sure it is a sample of what you Senators have all received. However, I believe that I have a duty to perform. I have been a member of the Taxation Committee since 1937 with the exception of two sessions, and to my mind one of our greatest weaknesses in our tax structure is the exemption laws which we have. And this exemption law, in particular, it seems to me will in the final analysis if left on the books raise havoc with the fi-

nanacial condition of the majority of the towns and cities of the State of Maine.

I, therefore, introduced this measure not as an anti-veteran bill, but a pro-municipality bill. I have stood here many times before committees fighting for the municipalities of the State of Maine, and I continue to stand on that same ground.

Now, let's analyze this situation to see what the dimensions of the problem are. First of all, we have thirty-five thousand veterans from World War I, and today there are twenty-three thousand still living.

The average age of those veterans is fifty-seven years, I am told. It is my estimate that twenty thousand World War I veterans will eventually reach age sixty-two. That figure has been denied. It may be only eighteen thousand. But for our purposes, I will take an estimate of twenty thousand. In World War II we had ninety-four thousand veterans, and it is estimated that fifty-five thousand of those veterans will some day reach an age of sixty-two, making a total of seventy-five thousand veterans who some day will become sixty-two years of age, providing we do not have World War III, and providing we do not give tax exemption to those boys who have been inducted into the service since the close of hostilities. This figure of seventy-five thousand would seem to be a figure that is very near to being true.

Our exemption gives a straight \$3,500 exemption for all veterans reaching age sixty-two on all classes of property. It is not limited to their homes. It takes in any establishment that they may own, either a store or manufacturing establishment, or anything else. Those veterans who do not own property and live in tenements will be forced to pay rents to their landlords to pay taxes to the veteran who is better off and owns his home on which the tax is exempted, because you all understand that by exempting a man from taxes, you do not diminish the cost of government. Gov-

ernment costs must be paid for, and the neighbor of the tax-exempt veteran must pay the tax.

Therefore, if the average exemption for veterans is a thousand dollars, and I have attacked that in more ways than one, and it seems to be fairly accurate, and your average tax rate in the State of Maine is 63 mills, or \$63.00 per thousand, you begin to understand the dimensions of our problem. It is estimated according to the American Mortality Table that a man sixty-two years of age has a life expectancy of very close to thirteen years, and I have taken thirteen years as the figure, due to the fact that a veteran's widow is exempt, and as a rule the widow is younger than the husband, and as a rule lives longer. So, when I say that exemption of a thousand dollars will be for a period of only thirteen years, I think that is conservative. It could well be seven-teen or eighteen years. However, with an average tax return of sixty-three dollars per thousand, and with seventy-five thousand people availing themselves of that exemption multiplied by 63 per thousand by thirteen years, we arrive at a very modest figure of sixty-one million dollars of tax exemptions that will come from the municipalities of the State of Maine during the lifetime of veterans of World War I and II. It is my contention that that is more than our cities and towns can stand.

If the State of Maine wishes to apply this exemption, and if the State of Maine wishes to enact the tax measure to take care of that exemption, that is altogether another thing. The opponents of this measure will say that this is unfair to the veterans, because we promised that we would do that for them. I say to you that to my knowledge, no veteran ever went to war with the expectancy of receiving tax exemptions. I also say that the towns and cities in the State of Maine had very little to do with the enactment of such legislation, and for any Senator to stand up and say that this Legislature

has no right to change what a previous Legislature has done is certainly wrong.

Looking at it another way, you say fifty-five thousand to seventy-five thousand—that isn't too many people. The population of the State of Maine today stands very close to nine hundred thousand people. Forty per cent of our population are less than twenty-one years of age, which would leave five hundred fifty thousand people over twenty-one years of age, and it is my contention that you have few taxpayers under twenty-one years of age. I further contend that you have few tax-payers under thirty-five years of age, and between the ages of twenty-one and thirty-five are an additional 200,000 people. That leaves 350,000 people over thirty-five years of age. Most of your taxpayers are male. Half of 350,000 leaves 175,000 taxpayers. And if 55,000 of those 175,000 taxpayers were exempted, you have very close to one-third of your tax-payers exempt. For I point out to you that in your smaller towns, at least in the State of Maine, there are very few people over sixty-two years of age who do not own property. More than ninety percent of the men over age sixty-two are property owners, and if fifty-five, or fifty, or forty thousand people are exempt from taxation, you have reached altogether too high a percentage of your taxpaying people. And bear in mind that in these towns that I speak of, we have no large revenue in one lump. Your property is divided in small lots, largely those people who own one to two thousand dollars worth of property, and that rate of exemption for one-third of your taxpayers means necessarily increasing the rate of taxation in that town and city. And with a tax rate of sixty or one hundred, and we have sixty-two towns with a tax rate of one hundred; we have one town with a tax rate of 180. If we are to increase that tax rate by twenty-five per cent, I fear what it will do to those towns.

It seems to me the story must be in the final analysis with the tax rates mounting as they are, and I was interested yesterday in the remark of the Senator from Cumberland, Senator Slocum, when he told us that the property taxes were already so high in the State of Maine it was discouraging people from coming in. I wonder how many of those people are going to be able to pay their taxes, the normal tax. I know from past experience in the period of depression that these towns became the owners of a large percentage of the town property.

If you have twenty-five per cent of your property tax exempt, and another twenty-five or thirty per cent owned by the town, those who are left to pay taxes would have a hundred per cent increase in their tax quota. I question whether they can do that. How much does this amount to per individual? Let's take the Town of Fort Kent. They have got a tax rate of 130 mills, one hundred thirty dollars on a thousand. The veteran living in Fort Kent with the full \$3,500.00 worth of property would receive in tax abatements an amount of \$455.00 per year. Now, that is a bonus paid at the local level, not only just one, but as long as that veteran or his widow lives. That can well amount to \$5,000.00 to that veteran. In another town with a tax rate of forty-five mills, and taking the same class of veteran owning \$3,500 worth of property, he would only receive one-third as much. That is not fair to the veteran in not being used alike, and as I said before, it seems to me wholly unfair to that veteran who does not own any property. True, that is a small per cent of your veterans, but they must necessarily pay increased rents to pay taxes for their brothers who are better off than non-property owners.

In thinking this problem over, the more I thought about it, the more outrageous the whole system seemed to be. I wondered what other states were doing in that same connection. While Maine is

not bound to act and do as other states have done, such comparisons are sometimes used in this Senate as an argument. First of all, let me say this: contrary to the veterans' general belief in the State of Maine, all of the states except Maine have not paid a bonus to World War II veterans. Twelve states have done so, and it is also interesting to note that in World War I some twenty states paid a bonus. Maine was one of those states. It is also worthy to note that we in this Legislature, and in past Legislatures, have appropriated the sum of \$375,000.00 here for veterans affairs to take care of the dependents of veterans which is as it should be.

I would like now to point out what some of the other states are doing, and then we will listen to the opponents of the measure and find out what their solution of the problem is, because I do this to justify the stand that I have taken of trying to answer those people who have called me an ingrate, and so forth, that the State of Maine isn't doing much for veterans. What is Alabama doing? There were no property tax exemptions in Alabama, except motor vehicles given those with missing legs. Now, we passed a bill in this Legislature for amputated veterans. That takes care of veterans with missing legs. What exemptions does Arkansas give? None.

The amendment which we have under the present bill would allow Spanish American War veterans to remain exempt. Connecticut has an exemption law, and this is what they do in Connecticut. Disabled service men receiving compensation for loss of a leg, or an arm, are exempt three thousand dollars if they are a resident of Connecticut. That is against the Maine law of thirty-five hundred dollars, and you ought to bear in mind that your tax rate in the State of Connecticut is about one-third that of the State of Maine. That point was brought out at the hearing by the Chairman of the Taxation Committee, and I asked the Director of the Bureau of Veterans Affairs if the tax rate

shouldn't be taken into consideration when you are considering veterans' exemptions. That certainly is an important matter. In other words, if our tax rate in the State of Maine is fifteen or twenty mills, with a tax exemption of \$3,500.00, that would be one thing, but with an average tax rate of sixty-three mills, and an average valuation in the towns of seventy-five, a tax exemption of \$3,500.00 is another proposition. Florida is an interesting state which happens to be one of the states to which I was referred in one of my letters from a gentleman from Waterville. Florida gives a \$5,000 exemption on homesteads both to veterans and non-veterans. But to the veterans they give this. They give a five-hundred-dollar exemption to a disabled war veteran in the State of Florida. Georgia gives no exemption. Kansas gives no exemptions. In Kentucky they exempt veterans from poll taxes. Louisiana has a unique law, in that they exempt veterans for five years following the war. If a veteran buys a piece of property, a homestead not exceeding 160 acres, he is exempted for five years. That seems to be a reasonable law. In Idaho, disabled veterans of all wars are exempt to \$1,000.00, limited to one family when the property value is not more than five thousand dollars.

There is another point in our exemption law. We have no limitation on how much property a man may own and still receive \$3,500.00 exemption. That seems to me to be a weakness in the law. Illinois has no special tax exemption for veterans. A totally disabled veteran in Indiana is allowed \$1,000.00 property tax exemption, provided his property is under a value of \$5,000.00, and at age sixty-two in the absence of total disability. In Iowa, Civil War veterans have a \$3,000.00 exemption. Spanish War veterans have an exemption of \$1,800.00 as against our \$3,500.00. World War I veterans have an exemption of \$750.00 and World War II veterans have an exemption of \$500.00. Maryland has no exemptions. Massachu-

setts exempts a disabled veteran if he is ten per cent disabled up to \$2,000.00 on his real estate occupied as a domicile, which is altogether different from the law that we have in the State of Maine. Also in Massachusetts, if his property has an equity value of \$8,000.00 he receives no exemption. There again, Maine has no limitation. Michigan exempts homesteads to the amount of \$2,000.00 if all property owned is less than \$7,500.00; that is homesteads, and he must be a veteran of a war earlier than World War I, and he must have served three months honorably in the service. There is no limitation in our law in the state of Maine. If a Maine man serves one day, he still receives the exemption. In other words, in the State of Michigan, they give a \$2,000.00 exemption to all disabled veterans and to all veterans previous to World War I providing that property must be a homestead. Minnesota gives no exemption. Mississippi gives no exemption. In Missouri there is no exemption. Montana also has no exemption. In 1947 their Legislature revived a law to give exemptions, and the governor vetoed it. The 1949 Legislature tried to revive it again and the bill was killed. In Nebraska they have no property tax exemption. The State of New Hampshire has a thousand dollar taxable property exemption, providing the exemption claim is filed each year.

That brings us to another point in the Maine law. Our Law says that a veteran doesn't need to apply for that exemption. In fact, if the veteran wants to pay his tax in the State of Maine, he has got to notify his tax assessor to that effect. Then they can levy a tax.

I am not going to read the procedures for all of these other states. The information is here if any of you want to see it. However, twenty-five states have no exemptions on property whatever for veterans. Of the other states that do give exemptions, in most cases that exemption is limited to one thousand dollars. There are only a few cases of more than one thousand dollars.

Of those cases of exemptions, the most of those exemptions are limited to their homes which is altogether different than the law which we have here in the State of Maine.

The State of Wyoming has a law that is rather unique, in that they require a veteran to be a resident of Wyoming at the time that he enlisted in the service. Maine has no such law. What is happening, and what will happen in the State of Maine? People who wish to avoid taxes on a \$3,500.00 home which by our method of valuation can well be a home of \$10,000.00 will come into Maine and buy a place, and we will receive no taxes. The situation is serious, and I hope that through discussion of this bill we will get at the facts and treat them with courage and fairness to both veterans and non-veterans.

Mr. HASKELL of Penobscot: Mr. President, having a poor memory, I would ask the Chair whether or not a motion has been made.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes to accept the majority ought to pass report of the Committee.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, In speaking against the motion, I will try to tell you the thinking of the minority members of the committee on taxation. But before I do that, I want to compliment the Senator from Hancock, Senator Noyes for his courage and his moral honesty, and his sincerity in facing up this problem. I also want to defend my own position and disclaim political expediency, and state for the record that insofar as veterans legislation is concerned, I stood as one among fourteen in the House of Representatives at the special session and voted against a veterans bonus. And after an overwhelming majority of that House, 112 in number, voted for that, I made a feeble attempt between the adjournment of the special session and the referendum election to point out my reasons why

I thought a veterans bonus should not be paid.

That, I think, is some indication that I am not taking this position in the hope of gaining favor among veterans. I believe honestly and sincerely that the type of legislation that Senator Noyes has presented will be passed by a future legislature. The reason that I don't think it should be passed by this legislature is this. In the first place, I haven't words harsh enough to express my opinion of the Maine Municipal Association in not appearing at that hearing in support of Senator Noyes. They, who are most avid in defending and protecting the rights of the municipalities, left the good Senator practically alone in his effort to solve one of the basic problems of the municipality. My interpretation of that is that they realize that their own municipalities do not sense the impact of this thing that is ahead of them pointing up probably in 1956.

If the average age of a World War I veteran at time of discharge was twenty-three, and if his date of discharge was 1919, he will reach age sixty-two in 1956. I don't believe, either, that the veterans organizations realize the impact upon their own communities and on their tax rates with relation to property in excess of \$3,500.00. I believe that too few of this Legislature realize the impact upon the municipalities from the exemptions of World War I and the impossible burden that will be presented by this type of legislation when World War II veterans become eligible for it.

In spite of the conviction that Senator Noyes is completely right, the provision must be amended by some future legislation. It is my humble opinion that the veterans organizations, themselves, and the Maine Municipal Association, as well as the taxpayers in each and every community of our state, must necessarily have a better understanding of what the problem is before the change is made. And

I think when the change is made, it will recognize the dependent veteran who needs the exemption. I think it will recognize the veteran who has a service incurred disability. It may even go so far as to provide that the communities shall be reimbursed by the State from broad state tax revenue sources for that which the state has passed on to the communities in the form of a very substantial, but well disguised bonus. And regardless of what type of legislative interim committees we have; regardless of what tasks are specifically assigned to them. I would certainly hope that they would bring together the Maine Municipal Association and those acquainted with their problems and bring before them unselfish, well-qualified representatives of veterans organizations, so that they, too, may have the standing that they certainly do not have now.

The answers to the questions put to those veterans organizations and their representatives at the hearing, to me at least, were pathetic with reference to their answers. Maine veterans are Maine citizens, and as citizens, I have often heard its same groups say, we are citizens first. Properly presented to them so that they and their organizations understand the problem, it is my prediction that the 95th Legislature, or maybe the 96th Legislature will correct what obviously are impossible commitments made by this Legislature for the committee to live up to. If I had any hope, or any idea that the problem is understood generally in the state of Maine by veterans and non-veterans, I would have signed the ought to pass report, urging its passage in this Legislature. If, on the other hand, the impact of World War I exemptions were upon us, I would have signed the ought to pass report. But we have, I am thankful to say, at least one, probably two, and maybe three Legislatures to thrash this thing out and to get a state-wide under-

standing of how serious the problem is.

In spite of the hope of future understanding of this problem, and non-political discussions of the problem probably in interim committee study, possibly in the next Legislature it may again be turned down. But I think it is only by giving the veterans organizations a long time to understand what this thing means to the communities that we can have it successfully passed in the Legislature and reasonably well accepted by the people. For that reason, I shall vote against the motion of the Senator from Hancock, Senator Noyes. I again compliment him for his courage; and if the motion is defeated in either branch, he certainly should be given credit for pointing up the problem that each one of us who may be here in future Legislatures must face.

Mr. McKUSICK of Piscataquis: Mr. President and members of the Senate, the Senator from Hancock and the Senator from Penobscot have covered the question pretty thoroughly. But coming as I do from a county which I believe has no town of five thousand inhabitants and realizing the seriousness of the problem which is going to face these towns in a very few years, I feel that I should state my position.

We have in the state many towns with a valuation of one hundred thousand, one hundred fifty thousand, two hundred thousand, and I believe, though I haven't figured it out accurately, where those towns have a tax rate from seventy-five mills up to 125, or even beyond that, even one veteran who is on the exempted list means an increase in the tax rate of one mill or more.

We know how we struggle in the Legislature not to increase that direct property tax of seven and a quarter mills by even as much as one-quarter of a mill. We further realize to be consistent that even an increase of one mill in our property tax of small towns is im-

portant. I differ a little from the good Senator from Penobscot County in the time when the impact of this question is upon us.

I was informed that in the Town of Sangerville three World War I Veterans came into this exempt class this year—three in one year. I believe that the question is before us now. And when we consider that the financial structure of many of our little towns is already tottering, and when we stop to think that every Legislature is now faced with propositions to reorganize towns because they are unable to carry their financial burdens, or to change towns from towns to plantations, I think we must realize that even a change which makes a change of even one mill in their financial burden is important.

Beyond all that, there is one thing which bears a great deal of weight with me, and that is the feeling that we are unable in this state of less than 900,000 people to set aside a class of citizens so large and say that they should be regarded as a class apart and have any special privileges.

There is another thing which we should keep in mind which is also important. That is that this bill, or the original act, was passed years ago when the veterans who would be preferred under it were comparatively few, and if I remember the words of the act, it states that a veteran of any war on becoming sixty-two years of age shall be exempt from property tax up to the amount of \$3,500.00. Of course, at the present time we are concerned with the veterans of World War II. Now, those of us who have sons, and those of you who have none should take into consideration the fact that the veterans of World War II to the number of over ninety thousand are to be our taxpayers of this coming generation. We people who are past sixty need not be concerned, especially about the tax burden. But the veterans of World War II who are now coming to the point where they are

acquiring property are going to be our taxpayers of the next generation. They are the ones who are going to bear the burden of this exemption on the veterans of World War I.

So, it does not seem to be logical to rob the veterans of World War II, to take away from them, in order that we may give to the veterans of World War I. Probably many of them are better able to pay the tax than any other time in their lives. These people who have acquired property, at the age of sixty-two should be in the best position of any time in their lives, and for that reason I believe that this question should be given very careful consideration.

Mr. BATCHELDER of York: Mr. President, as Chairman of the Military Affairs, and being in close contact with the veterans, I believe I may be in a close position to speak for the veterans of both World War I and World War II. I believe at the present time that many of our posts and veterans associations are made up possibly three-quarters veterans from World War II. As I understand it, they are in a position to speak for themselves, if this bill should work a hardship upon them.

However, I have had some letters from various posts and veterans, and I quote from one of these letters from a World War II veteran. 'It is argued that the law as it now stands will work a hardship on World War II veterans. I, like all World War II veterans, am willing to carry my share to aid the older less fortunate veterans and their widows.

In view of the above, I feel that this act as proposed is unjust and should therefore be defeated.'

I think that when the time comes the veterans of World War II will be only too glad to come forward and lend their aid in working out something that will not work a hardship upon the state. As I understand it, this law which we have before us is for the purpose of repealing the tax exemption for vet-

erans reaching the age of sixty-two, and also the widows of veterans that have died after reaching the age of sixty-two.

This law, as I understand it, was put on our statute books in 1931. It is further my understanding that the average veteran at the present time is fifty-seven years of age. In fairness to those veterans who have probably reached the time in life when their circumstances are such that their income has been cut and they are possibly looking forward to this tax exemption, I do not believe this law should be repealed.

It has been stated that possibly there are twenty to twenty-three thousand veterans living at the present time. Now, nobody knows exactly how many veterans will be living at the time when they reach the age of sixty-two and will likely seek this exemption.

There are a great many states which have been cited, such as California, Connecticut, Indiana, Iowa, Massachusetts, Michigan, New Hampshire, New Mexico, Oregon, Rhode Island, Utah, and Wyoming in which exemptions are extended to the veterans. Many of these states go all out and grant exemptions to every veteran—some a thousand dollars, some two thousand dollars, regardless of age. In many of the other states there are other benefits that have been granted to the veterans such as income tax exemptions, homestead laws and other benefits.

I believe it has been stated that there were very few proponents who appeared for this bill before the hearing committee, and that a large number appeared as opponents against this measure. Now, as I understand it, the Maine Municipal Association did not appear, we will say as a proponent, of this measure. I believe that they are in a position to know the extent to which towns may be hurt under this bill, and they would have been only too glad to come forward and offer their services providing they thought at this time some change should be made in this law. I believe when

the time comes that a change is needed in this law that they along with the various veterans organizations, will be only too glad to do whatever may be possible to place upon our statute books a law that will not hurt or injure anybody.

Therefore, in view of that fact, I hope that the motion of the Senator from Hancock, Senator Noyes, does not prevail, and when the vote is taken, I ask for a roll call.

Mr. SLOCUM of Cumberland: Mr. President and members of the Senate. I am a veteran. Because of my affiliation with veteran organizations, I am probably better able to value the feelings of the veterans, than those who have not the privilege of belonging to those organizations.

I want you all to know that every veteran is a citizen first, he is just as interested in his State of Maine as anyone who has not worn a uniform. It would be reiteration, since the Senator from Penobscot, Senator Haskell brought that up, to carry that argument any further, but you can be assured that if this or any other legislation is detrimental to the State of Maine, you will find the veterans here demanding legislation that is in the interest of us all.

I am not a beneficiary and will not become a beneficiary whether this amendment passes or not. I am a beneficiary under the provisions that a veteran who is totally and permanently disabled is tax exempt up to \$3500 valuation of his property.

Of the members of the Military Affairs Committee, there are two veterans who come under the provisions of tax exemption, one of whom is exempt for longevity services and not disability. He is over 62 years of age. It is interesting to note that the two members of the Military Affairs Committee who are tax exempt by law, are paying taxes despite the fact that they can have tax exemption. The other members of the committee who are not as yet eligible might or might not avail themselves of tax exemption.

At the hearing there were fifty odd representatives who opposed this measure. There were four in favor of it. One of them the Senator from Hancock, and two others, or rather three other members of the committee. It would appear that this bill was sent to a committee that would give it a chance of life.

There was no one there worrying about the finance of our various municipalities except those four I mentioned, including the Senator from Hancock, Senator Noyes. He is quite worried about exemptions from taxation for veterans. I am surprised that if he is so worried about the finances of the various municipalities he has not also introduced legislation to force taxation upon fraternal organizations, churches, cemeteries and a number of other tax exempt entities. He is only worried about the veterans.

I did state in the debate on the income tax that our tax rate is too high. I believe it is and it will be as long as our valuations are kept so low. I do admire the courage of Senator Noyes. I believe he is sincere and honest in his attack upon this benefit to veterans. I don't feel, however, that he is fair in merely singling out veterans who may live to the age of 62 and their widows.

I ask you all, members of this Senate, how many letters or communications have you received in favor of this proposed legislation. Have you had any? If this is so serious, I am sure that there would be a few citizens besides Senator Noyes and his three colleagues that would have appeared for the measure. I know you have had many communications that it ought not to pass. In fact, I chided the Senator in that I really felt he should hire secretaries for us to answer our correspondence because it has been quite heavy.

I do feel that if this ever becomes the serious problem that the Senator envisions, the first ones that will be here asking for a change, will be the veterans. I do not think, unless I had the oratorical ability

of a Patrick Henry, that I could sway a vote, but I want you all to think very carefully and realize that this problem is going to be before us in the future if it is so serious. Let us not hastily remove a provision of law which was put on our books in 1931. Incidentally, it was originally put on the books in 1927, and at that time, it was a five thousand dollar exemption. It was amended in 1931 to make the exemption thirty-five hundred and has not been changed, if my memory serves me correctly, for these last eighteen years.

I am sure that the Senator from Hancock does not want to discriminate among veterans but he is not fair in allowing the exemption for any veterans prior to World War I but not for World War I and World War II. I hope that the Senate will concur with the Senator from York and the Senator from Penobscot in voting against the motion of the Senator from Hancock. I hope the motion of the Senator from Hancock will not prevail.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, I too speak as a veteran of World War I. I also had a son in World War II who was wounded. He now has a home. We both would be benefited if the present law were continued. However, in view of the fact that the present law, even by its proponents, is admitted to be unfair, that it would need revision, that it is a poor law as it exists on the statute books today, it seems to me that it would be much better that if we accept the ought to pass report of this committee, so that at a future date some more equitable plan can be worked out, some plan that would benefit the veterans but not cripple the tax raising power of the towns and burden unduly the veterans of both World War I and II, I think that the Majority Report "Ought to Pass" certainly should be accepted.

Mr. NOYES of Hancock: Mr. President, I want to be brief and point out under the present bill if it is enacted, the disabled veteran

will continue to receive the tax exemption for which he is now eligible. Let us not have any misunderstanding about that. That has been misunderstood by a great many and publicized to a great extent.

I wish to point out in connection with the remarks of Senator Haskell that I agree with him on what he has said. However, he has failed to take into consideration this fact. Although the average age of World War I veterans is some 57 years, there are some of those World War I veterans who have either reached the age of 62 already or will reach that age in the coming year, and it is my thought in connection with this bill at this time that the longer the law stays on the books as written, the more difficult it is going to be for the legislature of the State of Maine to say to those veterans of World War I who have already become eligible for that exemption, that we are going to take this away from him. Rather I am inclined to believe we are too late now. It should have been done four, five or six years ago. For those reasons, I hope the motion will prevail.

Mr. VARNEY: Mr. President, I would just like to make my position clear. I come from a small town and this bill directly affects five members of my family who participated in World War II. I have a great deal of sympathy for the veterans. I did a lot of worrying during World War II and I am worried a little bit now. My town has a valuation, a municipal valuation of \$154,000 and I can recall at this time, ten people who were members of World War II who would be affected by this bill, and that means thirty-five thousand dollars of valuation practically wiped off the books, and which would have to be made up by the other tax payers in the town. We have a tax rate in that town of 94 mills and that means there would be \$3,290 which is approximately 1/4 of our total tax commitment which would have to be made up by others than the veterans. You can see this is

going to work a hardship upon the remaining taxpayers.

I, too, want to commend the Senator from Hancock, Senator Noyes for his courage in presenting this bill. I think he has enlightened the members of the Senate a great deal and he has, I think, tried to point out the seriousness of this situation as it affects the tax payers in the small town and probably in the larger towns and cities. I do agree with Senator Haskell that this is not probably the time to pass this bill, that a more thorough study should be made of it and that the taxpayers should be enlightened as to just what this means to them before the bill is enacted into law. For that reason I will not be able to go along with Senator Noyes because I feel that a more thorough study of the situation should be made in order that more people in the municipalities will understand just how they are going to be affected. It looks like a matter of the State passing the buck along to the towns. Now if some project could be arranged where the state could subsidize the towns for their loss, then I would be willing to vote for it, but as it now stands, and as my town is going to be financially affected, I feel that I shall have to vote against Senator Noyes' motion.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that the Senate accept the Majority "Ought to Pass" report of the Committee; and the Senator from York, Senator Batchelder has requested the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of one-fifth the members present.

A division of the Senate was had.

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

The PRESIDENT: The question before the Senate is on the motion to accept the Majority Report "Ought to Pass". A vote of Yea will be voting to accept the report; a vote of Nay will be against the

acceptance of the report. Is the Senate ready for the question?

The Secretary called the roll:

YEA: Barnes, Bowker, Collins, Crosby, Denny, Hopkins, Leavitt, McKusick, Noyes, Smart, Williams—11.

NAY: Allen, Batchelder, Boucher, Boutin, Brewer, Brown, Cobb, Edwards, Goodwin, Greeley, Haskell, Knights, Larrabee, Savage, Sleeper, Slocum, Turgeon, Varney, Ward—19.

ABSENT: Baker, Ela—2.

Eleven having voted in the affirmative and nineteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Slocum of Cumberland, the Minority Report "Ought Not to Pass" was accepted.

Sent down for concurrence.

The President laid before the Senate bill, An Act Relating to Running Horse Racing (H. P. 1260) (L. D. 562) tabled by the Senator from Penobscot, Senator Williams on April 15 pending passage to be engrossed, and especially assigned for today.

Thereupon, Mr. Williams of Penobscot presented Senate Amendment A and moved its adoption:

"Senate Amendment A to L. D. 562. Amend said bill by striking out in the 6th line of Section 13 thereof the following '15% of each dollar wagered' and inserting in place thereof the following '20% of each dollar wagered'

Further amend said bill by striking out in the 10th line of Section 13 thereof the following '5% tax' and inserting in place thereof the following: '10% tax'.

Further amend said bill by striking out in the 4th line of Section 14 thereof the following 'a sum equal to 5%' and inserting in place thereof the following 'a sum equal to 19%'

Mr. HASKELL of Penobscot: Mr. President, I rise in opposition to the motion of the Senator from Penobscot, Senator Williams. The amendment which he seeks to put on this bill increases from 15% to 20% the amount of money which will be taken from the pari-mutuel purses

if the running race bill is finally enacted and with that increase of 5% it increases the state tax from 5% to 10%. I have two basic objections to that. The first one is that there is no state so far as I know that has the total take of 20% from what I think might properly be called the suckers in betting, and in the second place, there is no state which attempts to milk the harness racing or running racing to the extent of ten per cent.

Without boring the Senate, I will run through very quickly the take of some of the states that have running races. In Arkansas it is four per cent; in California a step-rate of four, five and six per cent; in Delaware it is three and a half per cent; in Florida five per cent; in Illinois a step-rate which stops at six per cent; in Kentucky the tax is entirely on the admission and is not on the pari mutuel pool; in Louisiana it is two to seven per cent; in Maryland, four per cent; in Massachusetts, three and a half to five per cent; in Michigan, two to five per cent; in Nebraska there is no tax on pari mutuel take; in New Hampshire, five per cent; New Jersey, four per cent; New Mexico, five per cent; New York, five per cent; North Carolina, zero—it is on admissions plus a fee; in Oregon, three, four and five per cent; Rhode Island, five per cent; Washington, five per cent; and West Virginia, three per cent.

Now, if that is not a substantial argument why the State of Maine should not take ten or fifteen or twenty per cent, except that if we do expect to get any revenue from harness racing or from running races we must at least give the suckers a chance to break even, and if it is the experience of the other states that there is some reasonable limit—and remember that out of that, whatever we take from running races in Maine we have got to take in competition with Narragansett, Suffolk Downs and Rockingham—I don't believe we can expect anything but failure as a revenue producing measure if we at-

tempt to take an unreasonable cut from the pari mutuel pool.

I know the Senator's amendment does not change the operators' take. It simply takes five per cent from the bettors and throws it into the state take. To me the effect of that would be to substantially reduce that which would come to the state if the running race bill is enacted, and if we do have a running race program.

For that reason, Mr. President, I hope that the motion to adopt Senate Amendment A does not prevail.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, I will try to be very brief on this. I have been having a little throat trouble the last few days but I suppose I should answer the Senator from Penobscot. He has all the figures here. I am glad he recognizes that it is a sucker bill and that that is the purpose of it.

Now you understand, I am not saying a word against this bill and from what I say, I hope none of you will think or get any impression that the lobby has sold me the fact that this is a good bill to open up gambling and get in money from outside the state. The argument the other day was that this money was to come out of our tourists and was one of the reasons for putting this over so that the tourists would come in here and we would get in funds from outside the state. But today we are looking out for the suckers within the State of Maine because we now recognize that our citizens are going to use their own money for this betting and perhaps impoverish themselves.

We have passed on it in the Senate and there is no need of arguing further on that matter. This bill, as you all know, has been handed down to us from the betting interests. I asked the sponsor of this bill who was really behind it and he told me he didn't know who was behind this racket business which we are allowing to come into the State of Maine.

My reason for offering this amendment is simply this. If we decided we needed running races in Maine as apparently we do from our vote, let us not allow it to come in here without getting a little money in remuneration to take care of the poverty and distress and other costs which would be added which you will have to appropriate money for to pay the bills of institutions and other causes if we go into this form of legalized gambling in Maine.

That is the reason for this amendment. I think it is sound. I think if it is adopted we will get back a small part of that which it will cost us within this state.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Williams, that the Senate adopt Senate Amendment A.

A viva voce vote being doubted by the Chair

A division of the Senate was had.

Ten having voted in the affirmative and twenty opposed, Senate Amendment A was not adopted.

Mr. Williams of Penobscot presented Senate Amendment B and moved its adoption.

The secretary read Senate Amendment B:

"Senate Amendment B to L. D. 562. Sec. 22 to be added:

Sec. 22. Referendum. This act shall be submitted for approval or rejection to the duly qualified voters of the State of Maine at the next state-wide election to be held on the 2nd Monday of September 1949. The municipal officers of the cities and towns and plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives to give in their votes upon this act, and the question shall be 'Shall the state of Maine legalize running horse racing and pari-mutuel bet-

ting thereon?' and the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the act expressing it by making a cross within the square opposite the word 'Yes' upon the ballot and those opposed to the act by making a cross within the square opposite the word 'No' upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the governor shall forthwith make known the fact by his proclamation and thereupon this act shall become law. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof."

Mr. WILLIAMS of Penobscot: Mr. President and Senators, I can be still briefer on this particular item. We are told the people of the State of Maine want running races. I think it is time that we give them a chance to say so, I do not believe that they do. Others of you are just as sincere in believing that the people of this state want this additional form of amusement. So for that reason, I believe this would give them that opportunity at no extra expense to the state in a general election of deciding whether or not we are to enter into this field of amusement.

Mr. HASKELL of Penobscot: Mr. President, I rise again to oppose the motion of my colleague from Penobscot County. In the first place, I don't think we have a general election in 1949, and therefore it would require a special election with all of the costs that that amounts to. Those costs are pretty substantial according to one member of the minority party. But

even if we were to have an election in 1949, it seems to me that the 31st amendment to our constitution gives ample opportunity to the people of the state in the ninety days following the adjournment of the regular session of the Legislature to register their desires for referendum on any of these relatively minor bills.

If the opponents of every minor bill that has passed over their objections sought to put onto it a referendum, it seems to me we would be carrying on our government the way the State of Louisiana does where they have ballots with from fifty to 150 questions in referendum. I think this Legislature and its duly elected members, with the people adequately protected in their rights to invoke the referendum, will serve adequately the desires of any minority, or any majority without tacking a referendum onto such a minor bill as is this one. I sincerely hope that this amendment fails.

Mr. DENNY of Lincoln: Mr. President and Members of the Senate, I voted against the running races, and I opposed the first amendment. I will also oppose this amendment. When I voted against the running races, I had what I considered good reasons for it. I still consider them good, and I am perfectly willing to abide by the vote of the Senate. I was on the losing side. This is entirely my personal conviction, but I do believe we should go in the front door and not the back door.

Mr. SLEEPER of Knox: Mr. President, I feel about the same way as the Senator from Lincoln feels. I happened to be on the winning side. I am not too sold as a personal proposition on running races, but I do know that there is a large group in the state that want running races, and I feel that if they want them, they are entitled to them. The object of a state-wide vote on such a question is always to avoid an arbitrary law. If we pass this running race bill, we are not forcing people to attend these

running races, and the most effective way that the public can take to show that they do not want running races is not to attend these races.

If the races are not profitable, they will fold their tents like Arabs and steal away. I do not think there is any need for having a state-wide vote on this question, and I hope that the amendment does not prevail.

Mr. WILLIAMS of Penobscot: Mr. President, I have never heard before that having the people consider a law by a state-wide vote was not entering by the front door, and that it was coming in the back door when you give the citizens of the State of Maine a chance to vote. I think it would be very much the front door. Apparently, the Senator from Penobscot, Senator Haskell, and I differ in some instances. Possibly we should have debated this in Penobscot County before we came to the Legislature. Apparently we are both interested in something that does not affect our county. At least, I hope not. He is worrying about the referendum on a tax measure. If this will produce the money that the proponents of this bill say it will, it is quite a tax measure. I believe it was only last week we were asking the courts to decide whether or not we had the right to ask this in a hurry. Apparently it makes some difference whether he favors a bill or whether he opposes it. I don't think there is anything out of the way, in a major gambling bill of this type, in allowing the State of Maine to decide whether they want it. I am sure I would be just as agreeable as the Senator from Knox if they should decide that they want this particular service in the State of Maine. But until that time, I see no reason why we should deprive them of the right of voting on it. That minor defect, I believe, in having this amendment drawn up was a mistake in printing. It was definitely intended to be a general election, and I think in some way in the copy they got

forty-nine instead of fifty which of course is a mistake, and if the Senate should go along with this, I should certainly want that corrected.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Williams, that Senate Amendment B be adopted.

A viva voce vote being doubted a division of the Senate was had.

Eleven having voted in the affirmative and nineteen opposed, Senate Amendment B was not adopted.

Thereupon, the Senator from Oxford, Senator Cobb, presented Senate Amendment C and moved its adoption:

"Senate Amendment C to L. D. 562. Amend said bill by inserting before the period in the first sentence of that part designated 'Sec. 14' the words 'and an additional sum equal to 1% of said total contributions shall be paid to the treasurer of state and credited to the stipend fund as provided under the provisions of section 16 of chapter 27' "

Mr. COBB of Oxford: Mr. President, I regret that I could not go along with the suggestion for Senate Amendment B, although I did for Senate Amendment A. You will note that Senate Amendment C has an entirely different implication from those that we have heard before. It follows exactly the pattern which came in through the courtesy of the night harness racing bill which I opposed, in that it recognized the needs of the state fairs which are running at the same time as the other horse races. The gentlemen who put in the light harness race bill recognized because of their understanding of the state fairs and their willingness to cooperate if their bill were passed, the real need to support our agricultural fairs in the State of Maine. This bill was sponsored by an able representative whom we all respect, and I think there should be no criticism on him.

However, I wonder why we can not be informed on that bill as to

who is backing it, or what is behind it. Now, that bill which is the one we are considering did not see fit to recognize the needs of the state fairs for some support from the stipend fund with their races running concurrently with the fairs of the state. I rise in support of the fairs and say that if this bill is supported, as it apparently is by the members of the Senate, that at least the same courtesy should be granted that was granted in the harness racing bill to the fairs to assist with their support when they have a competition that is likely to reduce the numbers that attend the fairs.

I am not speaking as I say this in favor of the pari mutuel system. I don't think the pari mutuel system has been too helpful to our fair association. I am speaking in favor of assistance from a new enterprise that wants to come into the state at the same time that the fairs are running. I doubt if any member of this Senate in his heart believes that the agricultural fairs of the State of Maine should suffer. I have a feeling that every member of this Senate is heartily for the state fairs and interested in that traditional enterprise of our people of the state to be successful and do a job of selling our agricultural opportunities to our people and our young people in the state.

I present this Senate Amendment C which would add one per cent of the take of this bill, if it is passed, as a subsidy, in return to the state, to go toward assisting the state fairs in maintaining the standard that we want them to have. I hope that this amendment will be acceptable to my friends here in the Senate.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I hope no one asks me why I am objecting to all of these amendments. I am not sure I know myself. But as I see this one, it is an attempt to have the agricultural fairs, or what the Senator from Knox, Senator Sleeper, would call the World of Mirth Amusement

Shows supported by the running race bill. Now, I can see some connection between the night harness racing bill in which night harness racing meets offer the same type of entertainment as the fairs are offering to their patrons. There is a definite connection between that type of tax and the agricultural fairs. But certainly it would be just about as logical to tack an increase on the bill to increase the forestry district tax and give it to the World of Mirth, or the fairs, whichever is the correct name, as it would be to tack an amendment on the running race bill to give to the agricultural fairs.

I don't believe that the running races, as such, are direct competitors to the fairs. I don't see the need for a hold-out bait to the fair associations by splitting up the tax income on running races. Now if the amendment which I have never seen seeks to take that one per cent from the bettors, I don't believe the bettor and I will again call him the sucker, should be required to support an agricultural fair up in Presque Isle if he wants to go to a running race down in York County.

I would be just as willing to support that amendment from the income tax bill as I would be on the running race bill. For that reason, I hope that Senate Amendment C is not adopted.

Mr. COBB of Oxford: Mr. President and members of the Senate, I am a little in doubt from the comments made by the Senator from Penobscot as to whether he entirely understands how an agricultural fair is operated. Probably he understands it a great deal better than I do. But I think it is fairly typical of the fairs of this state when I say we can not depend upon the pari-mutuel betting to finance the fairs. That has nothing to do with the financing of the fairs. We finance our fairs through our gate receipts. Since we finance our fairs through our gate receipts, it makes a great deal of difference to us—probably this running race track would be somewhere between Port-

land and the New Hampshire line—as to the number of people that will go there versus going to their agricultural fairs. Now, I may seem inconsistent in the fact there is no relationship between harness racing and running races. I think to most of us in the State of Maine it is a horse race, and a great many people like to see horse racing. I have no doubt in my mind but what there would be equal competition and perhaps a disaster for harness racing when the running races come in. I opposed the running races. That was one of my reasons. I think there is no doubt but what it would reflect seriously upon any fairs which were within any reasonable distance of the runners on their gate receipt. I am afraid that I can see a direct connection between any horse race going on at the same time that agricultural fairs are running.

Now, perhaps the Senator from Penobscot can find me inconsistent. If so, I will appreciate it. I just make this expression on behalf of the fairs in which I believe they need assistance if they are going to have that competition.

Mr. BARNES: Mr. President and members of the Senate: As I understood Senate Amendment A, it would take one per cent which should be paid as a stipend to the agricultural fairs, and it was stated, if I heard him correctly, by my colleague, the Senator from Oxford, that this was simply to put it in line with the night racing bill.

While the debate has been progressing here, I have looked up the night harness bill, and in that bill, it only takes one-half per cent. So, this would be just double what the night racing bill provides. If I understood the amendment correctly, I am opposed to it. I am opposed to these attempts, once having failed in beating the bill, to amend it to death. I promised my good friend the sponsor of this bill that I would give this night racing bill at least one vote, and like all of the other members of the Senate I reserve my right to change my mind on it. But these attempts certainly don't

lead me to go over to the opponents of this bill. I am opposed to all three motions, and this one particularly, because it takes twice as much away from the runners as it has taken away from the night racing people.

Mr. BREWER of Aroostook: Mr. President and members of the Senate: I would like to correct the impression that the Senator from Penobscot has conveyed to the Senate when he calls the fairs the World of Mirth Shows or a fair. There are three fairs in the state that have the World of Mirth Shows namely, the Northern Maine Fair in Presque Isle, the Bangor State Fair which is located in the Senator's county, and the Skowhegan Fair.

I have found these people much more reliable as far as their methods of doing business than other people that we have had to do business with along the same line, and I do hate to be segregated and criticized for doing business with an outfit that we have felt perfectly reliable when we signed the contract with them. And I do want the Senate to know there are only three fairs that do hire the World of Mirth for a midway, and I believe in the debates that we have been segregated and criticized unnecessarily.

Mr. SLEEPER of Knox: Mr. President, since I was apparently the culprit who brought up this World of Mirth idea I will say that what I meant was that the average fair does have a World of Mirth attraction or something very much like it. I think the amendment of the Senator from Oxford is very well put. But I doubt the intention of it. I doubt if he really means the amendment. I think he wants to kill the bill, and I don't blame him for that. I was going to bring out the fact that the Senator from Aroostook has already brought out, that the other racing bill, not the harness racing one, asks for one-half of one percent and I imagine that if the fairs were sincere and wanted to be helped by

the horse racing bill that they would ask for one-quarter or one-half of one percent, and they might get it.

While I am on my feet I would like to explain this World of Mirth business since it has been brought up. I want to rise in defense of our own community. We have a very nice fair there, the North Knox County Fair at Union. I don't know who it is that operates the World of Mirth Show or similar things on the other side of the fair grounds. I couldn't think of the tune the other day when I was trying to tell of my experiences at the fair. Since I haven't a tom-tom or tambourine I won't try to tell you now but I want to say that the North Knox County Fair is a very good fair. I go every year. I said I objected to my children going on account of the side shows and the gambling devices which occupy perhaps half of the fair grounds but we do have fine annual exhibits there; we have an exhibition hall and it is a genuine fair and the people who run the fair have not approached me and shown any great opposition to the horse racing bill; in fact, we have a member of the House who is one of the directors of the fair and he told me that he didn't know whether they were very much sold on a harness racing element of the fair. He said undoubtedly that brings in more people but the purses we have to pay and the type of people it draws seem to be hurting the fair. So I don't know whether the agricultural fairs are at all anxious to have these races carried on. If by any chance the Senator from Oxford really wanted the one percent or one-half or one-quarter of one percent I would probably vote for his amendment but I think he doesn't really want it. I think he wants to kill the bill, and since I feel that people want this sort of thing and are entitled to have it, I cannot vote for Senate Amendment C.

Mr. COBB of Oxford: Mr. President and members of the Senate,

I would like to correct any false impression I may have made on the Senator from Knox who has been a very good censor of mine and regulated my method of speaking to the Senate. He is perfectly correct that I would like to kill the bill. I in no way approve of it and I so registered when the bill came up. He is wrong however in saying that this amendment was put in to kill the bill. I put the amendment in sincerely and I would accept an amendment to the amendment in my sincere belief that our state fairs deserve some consideration. I doubt if any member of this Senate is in their own mind making a comparison between running races and harness races. From the history that I have, everyone knows of the two types of racing. I doubt if they feel that the harness racing is anywhere nearly as widespread as the running racing. I doubt if they feel it is anywhere near as popular as the running races.

I have a feeling that once the running races get in we are going to see considerable neglect of our harness race meets. I believe in harness race meets. In fact I like horse racing. I have no objection to horse racing. I may have some mental reservation about the gambling feature that goes with it but I can see another fine tradition of the State of Maine in which I believe being hurt.

It has been a fine tradition for the state. I do not feel that the fairs are going to suffer by the running races coming in but harness races will become less well attended and less popular, and for that reason I put in the one percent, to which I would accept an amendment, but I put it in very sincerely in support of the state fairs, not to kill the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Cobb, that the Senate adopt Senate Amendment C.

A viva voce being doubted by the Chair,

A division of the Senate was had. Nine having voted in the affirmative and twenty opposed, Senate Amendment C was not adopted.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill was passed to be engrossed in concurrence.

Emergency Measures

Bill "An Act Amending An Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities." (S. P. 654) (L. D. 1447)

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

Bill "An Act Relating to the Packing of Sardines." (H. P. 1536) (L. D. 811)

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

Mr. HASKELL of Penobscot: Mr. President, the hour of twelve-thirty having arrived, we having completed only the first two tabled and assigned matters, the other Body planning to meet after a noon recess, and hopeful that some few of the 85 items tabled and unassigned might come off the table, I now move that the Senate recess until two-thirty o'clock this afternoon.

The motion prevailed and the Senate recessed until two-thirty o'clock this afternoon.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair would like to make a short statement. Many years ago—it is rather unflattering to a certain person to say this—but many years ago I had the pleasure of attempting to learn to be a secretary. I tried to

learn to be a typist and to take shorthand and the lady who attempted to teach me typewriting—this illustrates the shortage of teachers, by the way because she had only graduated the year before, herself—needless to say, she wasn't very successful because I still type about the same way. The first of this session she presented me with this very beautiful gavel which she had turned with her own hands. I understand her husband made a few finishing touches but she started the procedure. I have been intending all through the session to take official note of the fact and to thank her officially—Mrs. Marjorie Sewall—for the presentation as I have already done privately.

So now I am using this gavel for the first and perhaps the last time in my official capacity in calling the Senate to order, unless there is occasion to use it in connection with some bill which might be worthy of special attention in which case I will use it again.

At the moment I will lay it aside as a treasured souvenir of my presiding here.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Turgeon of Androscoggin, the Senate voted to take from the table House Report "Ought to Pass in New Draft" Under Title of "An Act Relating to the Financial Responsibility Law" (H. P. 2027) (L. D. 1416) from the Committee on Judiciary on Bill, An Act Limiting the Filing of Proof of Financial Responsibility (H. P. 578) (L. D. 176) tabled by that Senator on April 18 pending consideration of the report.

On motion by Mr. Barnes of Aroostook, the Majority Report "Ought to Pass in New Draft" was accepted, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table House Report

"Ought Not to Pass" from the Committee on Ways and Bridges on Bill, An Act Relating to Maintenance of Bonny Eagle Bridge in the Town of Standish (H. P. 768) (L. D. 304) tabled by that Senator on April 8 pending consideration of the report.

Mr. SLOCUM of Cumberland: Mr. President, this bill was introduced to ask the Highway Commission to take over the Bonny Eagle Bridge in the town of Standish. The bridge was built by federal funds on a state aid highway and the town, county and state had nothing to do with the building of the bridge. The Highway Commission talked with the sponsors of the bill, the selectmen of the town and myself early in the session and seemed very favorable for taking over this bridge.

However, they now have found that there are 75—I believe that is the number—75 bridges in the same category and they figure the cost of maintenance of the bridge about \$500 per year and they don't feel they can financially afford to care for the bridge and are asking the town to care for this bridge on the state aid highway in the town of Standish.

It would seem at this time that the State Highway Commission feels they cannot afford to care for the bridge so I move the acceptance of the "Ought Not to Pass" report.

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

On motion by Mr. Goodwin of York, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Agriculture on bill, An Act Relating to Investigation of Cases of Cruelty to Animals (S. P. 375) (L. D. 641) tabled by that Senator on April 15 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. Haskell of Penobscot, the Senate voted to take

from the table bill, An Act Relating to the Definition of Tavern in Liquor Law (H. P. 1746) (L. D. 1038) tabled by that Senator on April 15 pending motion by the Senator from Kennebec, Senator Hopkins that the bill be indefinitely postponed.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate since this bill was tabled last Friday afternoon it seemed to me that perhaps it should have been debated when you gentlemen all had empty stomachs. I expected it would be taken from the table yesterday after the extensive debate and through this morning's session I thought it would be taken from the table after the debate on important matters, and so it served a good purpose by keeping me quiet for two sessions.

Now I will talk on it about a minute or a minute and a half to tell you why I think it should not pass. I might say at the outset that when I made the motion to indefinitely postpone, two of the members of the Temperance Committee were in the Senate and the other was out and I thought they might debate it, but they didn't and the floor leader tabled it. I did not know at that time whether he had an opinion to express on it or whether he was protecting the committee. In any case, the bill is very brief and simple to understand. It simply says, "Tavern" shall mean a reputable place for men only operated by responsible persons where no food is sold" and this bill makes the addition "except confectionery". And then the original bill "and no business is carried on except the sale of malt liquor at a bar" and then the addition by this bill "and except the sale of tobacco products".

Those who passed the tavern bill at the time of the last session and the reason for the bill as I understand it at that time, was that some legislators thought if we had these stand-up beer parlors which is what I like to call them because that is what they really are, there

would be people who like to go in and put their feet up and get a glass of beer. There are only about four in the state and one has recently been opened very close to my office so that I have to pass it twice a day and I have observed that business is rather poor.

Last Saturday afternoon that being the time of the week-end business, I thought I would go down and see how the tavern was doing in my town so I went down and seven persons were in the tavern drinking beer and standing at the bar. Directly across the street there is a very fine sit down beer parlor, some of our best people were there, both men and women. I concluded that the citizens that we thought two years ago liked to rush into a stand up beer parlor and drink beer, that there are no such citizens and nobody wants to drink beer that way.

This bill might raise the question, should we give them the right to enter into additional pursuits in order to give them a margin of profit which would allow them to continue in business. I am not going to repeat any statements I made previously except to say that the most valid opposition was that it would force the state to do things which the state would not like to do in regard to taking away from the common people the right to continue an outlet for the sale of malt liquor.

The opponents told me it would be a fine thing for the state if we had less of these liquor outlets for the sale of malt beverages, and that here is an opportunity to prevent expanding further into the field of additions to our liquor outlets because these taverns apparently were not going to be very successful unless we allow them to compete with other people in some line of business.

You remember the statement was made that bottled beer was being sold in bakeries and drug stores and other places in Maine, which I told you was denied which has lately been proven.

Do we or do we not want to advance the sale of any kind of liquor by allowing people who sell it to go into the confectionery and tobacco business. The committee honestly wanted to get that thought before you, and I shall vote for the motion made and hope that it passes.

Mr. BOUCHER of Androscoggin: Mr. President, as a member of the Temperance Committee, I feel it is my duty to defend our action in reporting the unanimous report "Ought to Pass" on this bill. The reason this was passed out of the committee two years ago was an attempt to do exactly what the Senator from Kennebec would like to see done to limit the sale of beer in so-called restaurants. I will agree with him that some of the restaurants are not bona fide restaurants but are really beer parlors. Using these taverns for men only with no tables or chairs, the committee thought they were trying to eliminate the so-called beer parlors of not so good repute which are doing business selling beer privately and selling very little else. We thought if we removed the chairs and tables so that a person could not sit there for hours sipping beer and not knowing how badly he was intoxicated until he tried to get up, that this might improve conditions of selling beer in this state.

Again I will agree with the Senator from Kennebec that so far that hasn't worked. So far only four taverns have been established. This may encourage some of those to stay in business a little longer and try it and do away with some of these so-called restaurants that really aren't restaurants. I don't see any harm and the committee didn't either, in allowing a bona fide tavern to sell cigarettes and cigars or tobacco to men who go in there to drink a glass or two of beer standing up because we feel he won't stay there very long anyway.

Senator Hopkins said he saw only a few persons in the tavern he went

to and a lot more persons in the so-called restaurant across the street which he said was more or less of a beer parlor than anything else. If there are tables or chairs, the men will stay in there much longer than if they have to stand up, will drink one or two glasses of beer and when they get that down they will go away. I don't see any harm in that tavern keeper offering for sale at the same time, cigarettes, cigars or tobacco or even chocolate bars. If that man wants a chocolate bar or cigarettes or cigars or a tin of tobacco, I don't see what harm there is morally or otherwise. Therefore I hope the motion of the Senator from Kennebec does not prevail.

Mr. HOPKINS: Mr. President, just one more word. In our town there were no chairs or tables taken out of the standup beer parlor. It is a new place of business and I judge the question is whether the gentleman is going to be able to sell enough beer to stay in business. I rather doubt if he can. If he can get an allied line of trade to compete with his neighbor selling tobacco, cigars or cigarettes, perhaps he can.

But that is not the issue in this bill. We are not in disagreement as to the issue of selling of tobacco or candy. It is whether we want to allow these stand-up beer parlors to take on other lines of business in order to further commercialize the sale of beer and in order to give an additional number of places where beer is sold.

I understand this bill was drafted by the lobbyists of the beer industry which may or may not be so but I am sure that so far as the beer people are concerned they want to commercialize the sale of beer as far as possible and this bill attempts to do just that without consideration to the need of the public for additional outlets from which beer is sold.

Mr. BOUCHER: Mr. President, I would like to say one word in rebuttal of my good friend from Kennebec. I think he has let the cat out

of the bag. He said they are trying to limit the outlet for beer and if that is right I would much rather have voted for his other bill limiting it to these so-called restaurants. This bill permits an honest-to-goodness tavern keeper who admits he is in the beer business to get some gainful profit from the sale of tobacco, cigars, cigarettes and candy bars. I think the Senator has admitted that there is no more sin in selling candy and tobacco in a tavern than in any other place and I don't believe it is good business for this legislature to deprive any citizen from doing a legal and honest business for a gainful profit.

Mr. HOPKINS: Mr. President, I know it is against the Senate rules to speak three times but nobody else seems to want to join in. I didn't let the cat out of the bag. I assure you the Senator has stated very clearly that the purpose of the indefinite postponement of this bill is to get rid of outlets which might bother us if we allow these people to take other lines in conjunction with the selling of beer. That is not let letting the cat out of the bag. I think the Senator here, when we debated the question, would say that is consistent with the arguments. Personally I think we ought to stop increasing the number of outlets and that is the purpose of the motion and those who agree with me will vote with the motion and those who disagree will vote against it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Hopkins, that the bill be indefinitely postponed.

Mr. BOUCHER: Mr. President, may we have a division?

The PRESIDENT: The Senator from Androscoggin, Senator Boucher, has requested a division. Is the Senate ready for the question?

A division of the Senate was had.

Fourteen having voted in the affirmative and twelve opposed, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Legal Affairs on Resolve Authorizing the State Plumbers' Examining Board to Issue a License to Philip M. Emmott of Southwest Harbor (H. P. 1059) (L. D. 473) tabled by that Senator on March 3 pending consideration of the report.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I don't know whether or not this is an opportune time to take such a bill from the table, but after the experience that I had this morning, finding that so many Senators agreed with what I was trying to do and then voted against me, I think perhaps they might make up for those votes by voting with me on this bill this afternoon.

I will grant you that the relative importance of the two measures is somewhat different. However, there is a principle involved. This bill, L. D. 473, is very short and there is a statement of facts on the back of the Resolve telling you who this man Mr. Emmott is. I did not even sponsor this measure. I did go before the Legal Affairs Committee and ask them to give this man a license and in doing so, I felt that the state would not be injuring or threatening the health of any individual. The plumbing board was set up back in 1937 and the sponsors of that measure told us that it was a health measure. I could see no harm in granting a plumber's license to this poor old man down in Southwest Harbor, this old man 69 years of age who has a master plumber's license from the State of Massachusetts.

I don't think I would have said anything about this bill had it not been that a member of the committee who is not a member of this branch of the legislature told me that I insulted the intelligence of that committee by even proposing such a thing. Now my point is simply this. Here is an old man, 69 years of age, who has the intestinal fortitude to try to work and earn a living, when we find all too many

of our older citizens who are willing to accept a few dollars from the state in the form of old age assistance and here is one example of a man who wishes to take care of himself. He sent to the representative from Southwest Harbor, a check for \$18 which covers the necessary fee, and asked that a license be granted.

We went over and saw Dr. Campbell and he told us that since the State of Massachusetts didn't have a reciprocity agreement with the State of Maine—and I know Senator Allen would be interested in this—that since Massachusetts did not give a Maine plumber a Massachusetts license, it would hardly be fair for Maine to give a license to a man from Massachusetts.

Now, Senators, that is the story and that is the truth and the purpose in bringing this to your attention on my part is simply this. I would like to hear from my good friend the Chairman of Legal Affairs—and he is a friend of mine—I would like to hear from him the real reason why we shouldn't grant such a simple request from a poor old man and I will be frank and say I don't know whether he is a veteran or not but he is a citizen of Maine and has been for 20 years and I feel he is amply qualified to carry out those duties and will not injure anybody. He will simply be able to make a living and I think we should grant him that privilege, and I certainly hope that we will substitute the bill for the report and I hope the motion prevails and we send the bill on its way.

Mr. BATCHELDER of York: Mr. President, I listened with interest to some of the remarks by Senator Noyes. This is a very short bill which actually requires the State Plumbers' Examining Board to issue a license to this particular party. We have a Board set up for that particular purpose and the reason why the Committee reported this bill ought not to pass was because we believe that they have certain regulations that they require and it is really up to the

party to meet the conditions of that particular board.

The legislature can go on record as authorizing a license for this particular party. I have no quarrel with this individual and I sympathize with him in his request for a license but I believe that since we have a Board for that particular purpose, that Board should be the one to grant the license. Other than that I have no objection.

Mr. NOYES: Mr. President, I think in all fairness I should explain to the Senate that this old gentleman does not want to come to this Board that the Senator speaks of. The Board meets in Augusta and he doesn't want to come to Augusta to submit to examinations. He is an old man and has been a plumber all his life and in fact, under the law passed in 1937 we put in a provision that anyone then doing the plumbing business would be granted a license regardless of the examination. It is true that this man was doing business in Massachusetts and came into Maine but I can see no harm in granting him a license and I hope you will grant it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, to substitute the resolve for the ought not to pass report of the committee. Is the Senate ready for the question?

A viva voce vote being had,

The resolve was substituted for the report, was given its first reading and tomorrow assigned for second reading.

Mr. Hopkins of Kennebec was granted unanimous consent to address the Senate.

Mr. HOPKINS of Kennebec: Mr. President, as this seems to be the time of day when we are speaking out of order, I might say that I noticed in the paper this week a short clipping which reflects honor to a member of this Senate, a member whom I admire very much and a member whom I am sure every Senator greatly admires. I will read the clipping:

"Vincent McKusick of Guilford, who graduated from Bates College in 1944, has been elected president of the Harvard Law Review for the coming year. This is the top scholastic post for any law student at Harvard and McKusick will edit Volume 63 of the Review.

"The Review is widely distributed in all the higher courts and libraries.

"While at Bates, McKusick was an outstanding scholastic student, completing the four year course in three. He was widely known as a debater bringing many honors to Bates."

I think most of you of the Senate are aware that in the McKusick family there are more Phi Beta Kappa keys than in any other family in the State of Maine. I know you join with me in extending to him our unanimous congratulations on this honor which has come to his family.

None of us can say just how much of an honor comes to a Dad when a boy moves along with as great success as young McKusick has achieved but I know we all congratulate him at this time.

Mr. McKUSICK of Piscataquis: I thank you.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at ten o'clock.