

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 26, 1949.

The Senate was called to order by the President.

Prayer by the Reverend Wesley U. Riedel of Augusta.

Journal of yesterday read and approved.

**Order
(Out of Order)**

On motion by Mr. Haskell of Penobscot, it was

ORDERED, the House concurring, that a Joint Select Committee of ten, three from the Senate and seven from the House be appointed forthwith to confer on the matter of allocating as appropriations such sums as may be available from any tax measures that may be considered by the two branches. The members of such committee shall report the recommendations of the committee to their respective branches.

Subsequently the foregoing Order was returned from the House having been read and passed in concurrence. The President appointed as members of such committee on the part of the Senate: Senators Savage of Somerset, Collins of Aroostook and Haskell of Penobscot.

From the House

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

(In the Senate on April 19th, passed to be engrossed.)

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

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

Bill "An Act Permitting the Digging of Clams in Kennebunk River for Bait Only." (H. P. 1800) (L. D. 1142)

(In Senate on April 11th, passed to be engrossed as amended by Committee Amendment "A", in concurrence.)

Comes from the House, engrossing reconsidered, and bill passed to be engrossed as amended by Committee Amendment "A" and by House amendment "A" in non-concurrence.

In the Senate:

Mr. SLEEPER of Knox: Mr. President, in order to expedite this matter, save time, I move that the Senate take whatever steps are necessary to concur with the House.

Thereupon, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence, and the bill as amended by Committee Amendment "A" and by House Amendment "A" was passed to be engrossed in concurrence.

House Committee Report

The Committee on Salaries and Fees on Bill "An Act Relating to Automobile Travel by State Employees," (H. P. 1071) (L. D. 477) reported the same in a new draft, (H. P. 2042) (L. D. 1465) under the same title and that it ought to pass.

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

In the Senate:

Mr. COLLINS of Aroostook: Mr. President, there seems to be a little misunderstanding on this particular bill. The new draft by the committee left the rate of reimbursement for automobile travel at the same rate that now prevails. There was a clerical error and House Amendment "A" corrects that clerical error. With that explanation I think we should concur with the House in the adoption of House Amendment "A" and I so move.

Thereupon, the "Ought to Pass" report of the committee was accepted in concurrence and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The Committee on Agriculture on Bill "An Act Relating to Wild Bees," (H. P. 1025) (L. D. 457) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate, on motion by Mr. Brewer of Aroostook, the report was read and accepted in concurrence and the bill was given its first reading; House Amendment "A" to Committee Amendment "A" was read and adopted in concurrence; Committee Amendment "A" as amended by House Amendment A was read and adopted in concurrence, and the bill as amended by Committee Amendment "A" as amended by House Amendment "A" thereto was tomorrow assigned for second reading.

The Committee on Legal Affairs to which was re-committed Bill "An Act to Incorporate the Town of Otisfield School District," (H. P. 1169) (L. D. 625) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading; House Amendment "A" to Committee Amendment "A" was read and adopted in concurrence; Committee Amendment "A" as amended by House Amendment A was read and adopted in concurrence, and the bill as amended by Committee Amendment "A" as

amended by House Amendment "A" thereto was tomorrow assigned for second reading.

The same Committee to which was re-committed Bill "An Act to Incorporate the City of Westbrook School District," (H. P. 749) (L. D. 291) and New Draft of the same (H. P. 1758) (L. D. 1030) under same title, reported that the new draft ought to pass as amended by Committee Amendment "A".

Comes from the House, the bill in new draft passed to be engrossed, as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading; House Amendment "A" to Committee Amendment "A" was read and adopted in concurrence; Committee Amendment "A" as amended by House Amendment A was read and adopted in concurrence, and the bill as amended by Committee Amendment "A" as amended by House Amendment "A" thereto was tomorrow assigned for second reading.

The PRESIDENT: At this time the Chair recognizes in the balcony the 8th grade pupils and their teachers of the Saint Rose de Lima School of Chisholm, Maine, and in behalf of the Senate welcomes them here.

The Chair is also pleased to note that the daughter of Senator Boucher of Androscoggin is present in the balcony and in behalf of the Senator and in behalf of the Senate the Chair welcomes her here.

The same Committee to which was recommitted Bill "An Act to Incorporate the Town of Machias School District," (H. P. 362) (L. D. 125) and new draft of same (H. P. 1900) (L. D. 1225) under the same title, reported that the bill in new draft ought to pass as amended by Committee Amendment "A".

Comes from the House, the bill in new draft passed to be engrossed

as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

In the Senate the report was read and accepted in concurrence and the bill was given its first reading; House Amendment A to Committee Amendment A was read and adopted in concurrence; Committee Amendment A as amended by House Amendment A was read and adopted in concurrence, and the bill as amended by Committee Amendment A as amended by House Amendment A thereto was tomorrow assigned for second reading.

The same Committee on Bill "An Act to Incorporate the Town of Sidney School District," (H. P. 1877) (L. D. 1255) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading; House Amendment A to Committee Amendment A was read and adopted in concurrence; Committee Amendment A as amended by House Amendment A was read and adopted in concurrence and the bill as amended by Committee Amendment A as amended by House Amendment A thereto was tomorrow assigned for second reading.

The Committee on Claims on "Resolve in Favor of Mrs. W. H. Kyle, of Scarsdale, New York," (H. P. 1122) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Amending the Gasoline Tax Law," (H. P. 1956) (L. D. 1329) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Counties, on Bill "An Act Permitting Counties to Raise Money for Airport Con-

struction," (H. P. 1470) (L. D. 803) reported that the same ought to pass.

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

The Committee on Inland Fisheries and Game on "Resolve Opening Streams to Fishing in Cumberland and York Counties," (H. P. 1827) (L. D. 1164) reported the same in a new draft (H. P. 2017) (L. D. 1404) under a new title, "Resolve Changing the Opening Date for Fishing in Streams in Cumberland and York Counties," and that it ought to pass.

(On motion by Mr. Knights of York, tabled pending consideration of the report and especially assigned for later in today's session.)

The Committee on Salaries and Fees on Bill "An Act Relating to Salary of Judge of Probate and Clerk Hire in Office of Register of Probate of Lincoln County," (H. P. 1973) (L. D. 1355) reported the same in a new draft (H. P. 2087) (L. D. 1555) under a new title, Bill "An Act Relating to the Salary of Register of Deeds and Clerk Hire in Offices of Register of Deeds and Register of Probate in Lincoln County," and that it ought to pass.

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

The Committee on Legal Affairs on Bill "An Act to Create the Town of Palmyra School District," (H. P. 1844) (L. D. 1202) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Town of Hermon School District," (H. P. 1058) (L. D. 472) reported that the same ought to pass as amended by Committee Amendment "A".

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.

First Reading of a Printed Bill

"Resolve Appropriating Moneys for Certain Construction, Repairs and Equipment at Certain State Institutions." (S. P. 679) (L. D. 1560)

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

Senate Committee Report

Mr. Crosby from the Committee on Ways and Bridges on "Resolve Appropriating Moneys for Promotion of Highway Safety," (S. P. 604) (L. D. 1295) reported that leave be granted to withdraw the same.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, those of you who have been unfortunate enough to have heard me for two previous sessions and this session, know that I am quite interested in highway safety. This bill comes back from the Committee on Ways and Bridges with the report, "Leave to withdraw." I am in no way casting any aspersions on the Committee on Appropriations and Financial Affairs of this legislature. Neither am I criticizing the Committee on Ways and Bridges of this legislature in their action on this bill.

This bill was introduced by me to provide \$25,000 for highway safety education. I felt, and I think all of us feel, that the highway fatalities and injuries are a major recurring disaster as great or greater than the fire losses that we had two years ago in which we mobilized our entire strength and the civilian and army services, and yet we have accidents every day on our highways and take them for granted just as we take it for granted that the sun will rise in the morning.

This bill would have provided that \$22,500 be allocated from the General Highway Fund and \$2,500 from the General Fund for the promotion of highway safety, such

monies to be expended by the state highway police for highway safety education of our young people, our school children and the adult population. Last year 181 persons were killed, thirty thousand were injured and the total loss to our people was ten million dollars from highway accidents and fatalities.

Gentlemen, I say this is something for this legislature to stop and ponder and yet our legislature in its wisdom, or in its ignorance, depending on which point of view you and I may take, our legislature is accepting, as are other people, and taking for granted these disasters.

I have a copy of the Lewiston Evening Journal, Monday night's paper, showing that eleven were killed and thirty injured in highway accidents in New England over the week-end. That is not very good, but that doesn't mean a thing to you and I. We read the headlines and then skip to see what the legislature is doing on the income tax. But you would find that it would make quite a difference to us if someone in our family were killed and the chances of our going through life without suffering serious injury or being killed are slim.

This is a problem that we have got to face. Last year we took in from gasoline revenues and automobile registrations a total of seventeen million dollars. We spent, according to figures I got from Mr. Mudge and State Police officers, \$5,000 on highway safety. Just stop and figure that out. That is what I call a mere pittance. I call it worse than that. If we can only spend \$5,000 to protect our citizens from this recurring annual disaster then I say it is a tragic reflection on our state government and on our people.

This bill comes up with the report "Leave to Withdraw" because in the wisdom of the legislature we haven't enough money to put \$20,000 into highway safety, and again I say I am not in any way attempting to condemn the Committee on Appropriations and Financial Af-

fairs or the Committee on Ways and Bridges. I am condemning the members of this legislature and the people of this state because if there were enough pressure put on you and me to get this money we would get this money and perhaps fifty thousand more.

I have talked with the Governor and he is calling a highway safety conference shortly after the conclusion of this legislature and we hope to raise from private organizations and from motor truckers and other groups who are interested in highway safety, this sum of twenty or twenty-five thousand dollars to promote it, but I think it is very sad if we cannot find, out of seventeen million dollars, some money to help protect your children and mine.

Perhaps I am a little bit hot on the subject. I think it is time somebody did get a little hot about it. The National Safety Council's first recommendation for the State of Maine was that we have a public relations man to try and mete out to the public, the schools, the age groups of all types, information regarding highway safety. I would like to pay a tribute at this time to Sergeant DeWinter of the Division of Traffic Safety of the State Police who, almost singlehandedly has put out a tremendous amount of effort by traveling around the state showing moving pictures and giving talks on highway safety.

The Press has been very generous and I commend the Press at this time for their very splendid support of the highway safety program. We have cut down our highway accidents this year much lower than we have had for the two previous years. But I still say you and I might be one of the 181 people who might be killed in this coming year on our highways.

Although this bill comes out reported "Leave to Withdraw" I think it is my duty to call your attention to the fact that this legislature and this state and its citizens are certainly asleep at the switch when they allow a thing like this to go on year after year. I am

certainly hopeful that a month after this legislature adjourns we can find the money to start a highway safety program because obviously we will not get it out of this legislature.

I could go on perhaps for hours and quote you statistics that I have here. The legislature is trying to wind up its business but I could not let this matter go out the window without calling your attention to the seriousness of the situation which affects you and I and our brothers and sisters and parents, and I am certainly sorry for the attitude taken by the legislature and state on such an important issue.

Mr. President, I move that the "Leave to Withdraw" report of the committee be accepted by the Senate.

The motion prevailed and the "Leave to Withdraw" report of the committee was accepted.

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act Relating to the Use of Electrolysis in Beauty Culture." (H. P. 2076) (L. D. 1529)

"Resolve in Favor of the City of Bath for Loss of Taxes." (H. P. 2082) (L. D. 1541)

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

Bill "An Act Relating to Rental for the Western Somerset Municipal Court." (H. P. 1161) (L. D. 613)

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

Sent down for concurrence.

Bill "An Act Relative to Crop and Orchard Damage." (H. P. 1134) (L. D. 542)

"Resolve in Favor of Albert L. Winship of South Windham." (H. P. 1117) (L. D. 1539)

"Resolve Providing for a Fish Screen in Molunkus Lake." (H. P. 1824) (L. D. 1150)

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

Bill "An Act Defining Agricultural Fair Associations and Societies." (S. P. 676) (L. D. 1550)

"Resolve Providing for a Fish Screen at Outlet of Donnell's Pond in the Town of Franklin in the County of Hancock." (S. P. 677) (L. D. 1551)

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

Sent down for concurrence.

Orders of the Day

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Ways and Bridges on Resolve Authorizing the Highway Commission to Build a Parking Place in Windham (S. P. 586) (L. D. 1244) tabled by that Senator on April 6 pending consideration of the report; and on further motion by the same Senator the resolve was recommitted to the Committee on Ways and Bridges.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, The Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Salaries and Fees on bill, An Act Relative to Salaries of Inland Fisheries and Game Wardens (S. P. 364) (L. D. 581) tabled by that Senator on April 12 pending consideration of the report; and on further motion by the same Senator, the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table bill, An Act Relating to Overtaking and Passing School Buses (H. P. 2025) (L. D. 1414) tabled by that Senator on April 5 pending assignment for second reading.

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

Senate Amendment "A" to H. P. 2025, L. D. 1414, Bill "An Act Relating to Overtaking and Passing School Buses."

Amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

"Sec. 1. R. S., c. 19, §105-A, additional. Chapter 19 of the revised statutes is hereby amended by adding thereto a new section to be numbered 105-A, to read as follows:

Sec. 105-A. Overtaking and passing school bus. The driver of a vehicle outside of a business or residential district upon meeting or overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signalled by the driver to proceed.

The driver of a vehicle on a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when on a limited or controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.'

Sec. 2. R. S., c. 37, §9, amended. Section 9 of chapter 37 of the revised statutes is hereby amended by inserting after the 2nd paragraph thereof a new paragraph to read as follows:

'"STOP ON SIGNAL" shall be painted on the rear of all school buses, as above defined, and such painting shall be covered or concealed when such bus is used for any purpose other than transportation of pupils.'

Sec. 3. R. S., c. 37, §9, amended. The next to last paragraph of section 9 of chapter 37 of the revised statutes is hereby amended to read as follows:

'All school buses are defined in this section shall be equipped with a fire extinguisher of a type and size approved by the laboratories of the National Board of Fire Underwriters. **In addition to other lights required by law on each such bus, its front and rear shall be equipped with a stop light of a type approved by the secretary of state. Such light shall be clearly displayed whenever the bus stops to receive or discharge its passengers. Such stop light shall be covered or concealed when such bus is used for any purpose other than transportation of pupils. The provisions of this section with reference to lights shall apply only to school buses with a carrying capacity of 10 or more pupils.'**"

Mr. SLOCUM of Cumberland: Mr. President, I move that the bill be laid upon the table, and the amendment printed. I appreciate that this is quite a departure from the Committee draft which came before us but I believe that when the picture as a whole is considered, the Senate will see the advisability of this, which is in effect, a new draft.

Thereupon, the bill and accompanying papers were laid upon the table pending motion by the Senator from Cumberland, Senator Slocum, that Senate Amendment A be adopted, and the amendment was ordered printed.

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Webb Lake, in the County of Franklin (H. P. 917) (L. D. 369) tabled by that Senator on April 21 pending consideration of the report; and on further motion by the same Senator, the "Ought to Pass" report was accepted in non-concurrence, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Noyes of Hancock, the Senate voted to take from

the table bill, An Act Regulating Boats for Hire on Inland Waters (H. P. 2065) (L. D. 1501) tabled by that Senator on April 25 pending passage to be engrossed as amended.

Mr. NOYES of Hancock: I now move that this bill be indefinitely postponed. I agree with the objective that the committee is trying to reach. I do not feel, however, that this type of legislation will accomplish the desired result. First of all, I don't think you can legislate common sense, and loading a boat on inland waters, or any lake in the State of Maine, is a matter of common sense. If you will read this bill very carefully, you will find that the warden service shall fix the number of persons who may be lawfully transported in any boat, and on the side of that boat a number shall be painted or stamped indicating the number of persons who may be lawfully transported.

I am thinking of the situation whereby you might have a man and two small children which would make three persons. The capacity of the boat might be three, and he would be lawfully transporting those children, together with himself. On the other hand, you might have three men, one or more of whom might weigh three or four hundred pounds, and we have men weighing as much as that down in Hancock County. Certainly, if it were safe in one instance, or lawful; it doesn't say safe, it is lawful in both instances, but it is unsafe in one instance. In my experience, it makes a difference what kind of a pond or lake you have that boat on. I know of lakes where any small boat will carry two persons. I know of others where a boat of similar size wouldn't be safe for one person.

It says in this bill that any canoe maintained for hire on any inland body of water to which the public has a right of access shall be properly painted, repaired and fitted with paddles. I have rented canoes that were fitted with oars and oarlocks. I regarded them as being safe. I wonder what would happen in this case. And in the second

paragraph, I find that if the owner of that canoe fitted the boat with oars, he would be violating the law and subject to a fifty-dollar fine. I question whether that is sound.

Also, I understand there has been an amendment offered and adopted to this bill which provides that every owner of a boat who leases a boat shall keep a record of the motor registration of the car of every person who rents a boat, together with the time at which the boat was rented. There are instances in the State of Maine where the owner of a boat may live one or two miles from the location of the boats, and I would question how he was going to know the car number of the owner who uses a particular boat if he has four or five boats. He will have to name them Nancy, and Lil, and John, and Jack, or number them from one to four or five and make certain that there are no contradictions or mistakes made on the part of these car drivers that they get the wrong boat. Furthermore, they may go and find a boat is not fitted with oars. It may have been fitted with oars the last time the man that owned the boat saw them, but someone may have appropriated those oars for other purposes. And in that case, I question whether or not that man is subject to this fifty-dollar fine.

In other words, here is a bill that I contend can not be enforced. We have got too much legislation like that on the books already, and I hope that the motion to indefinitely postpone will prevail.

Mr. WARD of Penobscot: Mr. President and members of the Senate, this bill was heard before the Committee on Interior Waters, of which I happen to be a member, and I will attempt to tell you very briefly the thought behind it from the viewpoint of the people who sponsored the bill. There were representatives at the hearing representing fish and game clubs, and they pointed out to the Committee the number of fatalities which have occurred on our inland waters. They

pointed out to us that various people who are renting boats and canoes to the general public are not taking the proper care of them. One man who appeared told us of an incident where a person rented a boat and started out on the water to later discover that there was a bad hole in the boat, and that it was patched by means of nailing on a big board with a couple of big nails on the outside of the boat.

Now, all this bill is attempting to do is to make the people who own canoes and boats which they are renting out to the general public make some effort to see to it that the boats and canoes are in proper repair, and that they are reasonably equipped before they rent the boats to the general public. This has nothing to do with any boats which are privately owned. It does have to do with the incidents which Senator Noyes made reference to where people are renting boats several miles away from their place of business and somebody comes, hires the boat from them and pays for it and goes over to the place where the boat is several miles and perhaps the boat or canoe is very ill equipped.

We know that there are a number of people who come down here into the State of Maine on pleasure trips who are not familiar with the use of canoes, and who are not familiar with the use of boats. And this was an attempt on the part of the sponsors and the proponents to bring some sort of regulation to those situations.

Mr. SLOCUM of Cumberland: Mr. President, I am interested to learn that there are three to four-hundred-pound citizens in Hancock County; as, if a rowboat or canoe is found safe for three of the constituents of the Senator from Hancock, it will be equally safe for three children—in fact, even safer.

It would appear that the Senator from Hancock is not too familiar with what goes on at some of our lakes and ponds. I am very fortunate to live on an island in one of our great ponds. I wish the Senator

from Hancock could come and live with me one summer and see what goes on at a great pond. It is just as easy, however, to drown in a small pond. If the Senator from Hancock had lived with me for the past twenty years and had the very unpleasant experience of seeing these overloaded boats go by my little island, and had the experience of having to pull from the water an average of twelve people per year, he might feel a little differently. It is very nerve-wracking, to say the least, to see a boat that really is only safe for three adults, to have four and five adults and two or three children in it, sailing along with a two-inch freeboard where the wake of a passing motor boat would swamp it.

Today, we have regulations for motor boats for hire. We have none for rowboats and canoes. I have talked with fish and game wardens whose hair was, figuratively speaking, standing on end from watching the boats they have seen improperly handled on the pond. I agree with the Senator from Hancock that we can't legislate brains into some of these people that go out on the water, and I can assure you that if it wasn't for the fact that God sends his Angels down to protect fools, drunks and young children on the water, there would be many more accidents.

The Senator from Hancock finds objections to this bill and my amendment. I will tell you, frankly, I had been asked to introduce similar legislation by the people that rent boats around Sebago Lake, and I had plenty of other bills in and forgot to introduce the measure. I was very much pleased when I found that someone else had the good judgment to introduce this legislation. I do feel, however, that when we are asking the owners of rowboats and canoes to put them in seaworthy condition, and to paint, or stamp thereon, the capacity that is safe, that we should also do something for the boat owner. It is the experience of a number of those who let boats for hire that those that rent them sometimes do not

return them. Therefore, my amendment on the keeping of a record of the name and address and automobile registration number, if any, will assist the boat owner in getting back his property if it is left somewhere else, or is damaged while it is being used.

With reference to the argument of the Senator from Hancock that some canoes have oars instead of paddles, I think he is begging the issue. As to their renting of boats and going several miles to where they are located and finding no oars in the boat, I am very sure if the Senator from Hancock was familiar with boats, he would know that they do not go very far without an oar or a paddle. I am sure that none of us can go very far in a rowboat without oars. Of course, possibly the Senator would get out and tow it while swimming. I am trying to speak in the lighter vein. However, if we are going to have rules for use of our public ways for safety—keeping on the right side, not overloading a pleasure car—I am very sure that, while this may be difficult of enforcement, the Senator from Hancock would not argue that because it is difficult to enforce the highway statutes for safety we should not have them.

I do believe that if any of the members of this Senate could be out continuously on one of our lakes or ponds and see men fishing with one hand and bailing with the other, they would feel that something should be done. Now, if this is not the proper way of doing it, I ask the Senator from Hancock to please bring in something that will accomplish the safety ends that we are attempting to put through. Don't just say it can't be done. Here is something that needs to be done. If the Senator from Hancock can bring in something better, more power to him, and I will back him to the limit. But just don't say, "Well, it is difficult, so let's not try to do anything."

I hope that the motion of the Senator from Hancock will not prevail.

Mr. NOYES of Hancock: Mr. President, for the information of the Senator from Cumberland, I will say that boats do go places without oars or paddles. Down in my County, we have outboard motors. And in that connection, the capacity of a boat changes with the type of outboard motor that is placed thereon. I was fishing the other day with a friend of mine who has a one and one-half horse-power motor. A neighbor of mine has an outboard motor with thirty-two horse-power, and I say to you that a boat that would be safe for three passengers with a small motor would be unsafe for three passengers in a boat with that large motor.

Furthermore, there is nothing in this bill that says anything about luggage and so forth placed in a boat. I know of cases where people taking a boat put other things in the boat besides persons—equipment and so forth. In my own experience, I have sometimes put a rock in the bow of the boat to attain a proper balance. Senator Slocum would say that was dangerous. I would agree that if I had loaded that boat to a lawful capacity as indicated on the side of the boat, and then added the rock thereto it would be unsafe. But somebody might be on the pond with a boat loaded to lawful capacity with three, four or five people, and they added four or five hundred pounds of weight. That boat would be overloaded for safety. I say you can't legislate safety and common sense, and I still hope that the motion for indefinite postponement will prevail.

Mr. ELA of Somerset: Mr. President, I think it would clarify the issues some if we didn't have Senate Amendment A on there. I think it is an unworkable amendment, and I move that Senate Amendment A be indefinitely postponed. That in brief, I think, is the one which requires the owner of the boat to keep the day and hour and license number of the car of the person hiring the boat.

Mr. SLOCUM of Cumberland: I rise to ask the parliamentary status now. There are two motions before the Senate.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, to indefinitely postpone Senate Amendment "A". This motion takes precedence over the motion to indefinitely postpone the bill.

Mr. SLOCUM of Cumberland: Mr. President, I would rather see the bill pass without my amendment on there than not to pass at all. I do feel that it is only fair and right to give a little protection to the owners of these craft. I feel that if we are going to see that the boats are made safe, that we should also see that the owner of the boat has some opportunity to get his boat back.

I would prefer to see the bill as amended pass. I think it is a step in the right direction; and even if the opposition to my amendment which I am sure is not personal can not see that it is something that is worthwhile, I do feel that if we are going to ask these men to do something for safety, that we should also consider them. It is interesting that any number of times men let boats and they never come back. We are also trying to help the boat owner if we adopt Senate Amendment "A". If this bill can pass even without Senate Amendment "A", I believe it is a step in the right direction, but I hope that the motion of the Senator from Somerset, Senator Ela, does not prevail.

Mr. ELA of Somerset: Mr. President, I would point out that there is nothing to hinder the owner of the boat from taking this information down if he wishes, without the amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, to indefinitely postpone Senate Amendment "A".

A viva voce vote was had.

Mr. SLOCUM of Cumberland: Mr. President, I ask for a division.

A division of the Senate was had, Twenty-six having voted in the affirmative and three opposed, Senate Amendment "A" was indefinitely postponed.

Mr. SLOCUM of Cumberland: Mr. President, I believe now that the motion of the Senator from Hancock is in order, and I hope that if his motion prevails, he will, and those who vote with him, consider that they will have upon their heads, the blood of those innocent people who drown.

Mr. BARNES of Aroostook: Mr. President, I am very much in favor of the motion of the Senator from Hancock, Senator Noyes to indefinitely postpone this bill. He spoke to me after yesterday's session, and I said I came near getting up and putting this matter on the table, myself.

I know that it is a redraft of Legislative Document 313 which was introduced by Representative Arthur of Farmingdale by request. Now, it so happens that I do a lot of fishing on one of the greater ponds in my County. It is Eastern Grand Lake, which includes Moosehead, and I don't think there is any rougher water in the State. I was just thinking back over the last few years. There have been to my certain knowledge five deaths by drowning in that lake. One case was that of our former County Attorney of Lincoln County. That was late in the fall, and that was a boat that capsized in rough weather while it was in the charge of a camp owner and registered guide, which of course this bill wouldn't affect, because it excepts any boat that is in the charge of such a man. Three others that I know about happened in a private boat which was overloaded at night coming across the small cove of the lake in rough weather. The boat went down, and there were drownings. Personally, I don't know of any case where there have been drownings from boats that were kept for hire. There may be such instances but I don't know of any, myself. I live in the summertime on Nickerson Lake in Houlton, and

it is necessary for me to cross over half a mile of water to get to and from my father's camp. We had a nine foot rowboat until last year, and I have seen times when the water was as calm as glass, when I have had as many as eight in that boat and came across very safely. I have seen it in the fall in September storms when it wouldn't have been safe to have four in that boat.

I have seen this overloading going on, but usually it is somebody who buys a camp and has a small rowboat, or flat-bottomed boat, or something of that kind, and they overload it, which of course this bill wouldn't touch at all.

In order to be effective in the saving of lives, this bill would not only have to contain a provision as to capacity in weight, but it would also have to contain some provisions as to where in that boat you are going to put the weight. Senator Slocum said that he was talking in a light vein about some features of this bill. Now, I know that he and I and Senator Ela and Senator Noyes are in full accord on doing anything that would reasonably be designed to protect lives and save drownings in the State of Maine, but certainly this bill wouldn't do it. This bill, as it is written, might be talked of wholly on a lighter vein, because it is unworkable, and it is useless.

Now it has been said that there was no provision now for the protection of people who might hire a boat. Well, there certainly is protection under the present law. Any man who owns and knowingly lets out, a boat that is not satisfactory to put out on the water, could be convicted on manslaughter if a death resulted. He could be sued by the estate of whoever was drowned. There is another and very compelling reason why those who have boats for hire would be impelled to keep them in shape, and that is because they want to stay in business. No concern, or outfit, would last long who had boats that were out of repair, unfit and unseaworthy to people who took them out. Anyone who rents a boat can not control the boat after it is out

on the water. If people overload those boats, or if people do not know enough to come ashore when a storm blows up, you wouldn't blame that on the man who rents the boat. Nobody wants any blood on their shoulders. I know this, but this bill is an unworkable bill, and I hope that the motion to indefinitely postpone prevails.

Mr. LARRABEE of Sagadahoc: Mr. President, as Chairman of the Interior Waters Committee, I would say I was much impressed with the bill when it was first presented but as we had two public hearings on the bill and saw the people who came to represent the fish and game associations throughout the state and had representatives from many parts of the state and I had in my possession many letters that I have received from different parts of the state, we thought it was time some measure was taken to protect the people who hire these boats. A lot of those people, I am told,—I am not familiar personally with the situation, I belong down on the coast—a lot of those people know nothing about boats and they will hire a boat and start out on a lake and they tell me that many of those boats are not seaworthy, they are not in good repair and are not taken care of. Some of those people told us that they knew of a fleet of these boats which were frozen in the ice of the lake during the winter, and right now they could show you places where they are still frozen in the ice. They spoke of several cases, one where a boat was patched with boards from an orange crate or something.

Senator Ward and I put in a lot of work on this. We even took it up with the warden service to see if they would assume responsibility and some of the owners came to us and objected to some parts of the bill and we had those parts taken out and thought we had a bill satisfactory to both sides of the question.

I do hope that the motion of the Senator from Hancock, Senator Noyes does not prevail.

Mr. NOYES of Hancock: Mr. President, I do not want the blood of anyone on my hands but I would point this out to you men here in the Senate. Accidents on these lakes and ponds happen under conditions that are not normal. They happen when the wind is blowing at the rate of forty or fifty miles an hour, when no boat should be on that body of water. I think that when these people who are visiting our lakes and ponds and who know nothing about boats, see the limit of three persons lettered on the side of the boat, that might indicate to them that three was a safe number regardless of the weather, and I say we would have just as many accidents as we are having now.

Mr. WARD of Penobscot: Mr. President, I just want to call to the attention of the Senate the fact that all this bill attempts to do is to see to it that a man who rents a boat has it properly painted, in good repair and fitted with oars. I don't think that is a very foolish request to make. We know that once that boat gets out of the control of the man who has rented it, that the occupants may use the boat in almost any kind of way. It doesn't seem to me that we would be imposing too much upon the owner of the boat to require that before he does rent it, it is in reasonably safe condition.

We require every owner of a motor vehicle to take that motor vehicle to a garage twice a year and have it inspected to see that the brakes and the lights and the horn and the rest of the equipment of that automobile is reasonably safe. We know that that does not stop fatal accidents on the highways but we do hope that it has a tendency to cut down the number, and the same would be true of this particular measure if this legislature should see fit to enact it.

Mr. NOYES: Mr. President, as the Senator from Sagadahoc has told us that he doesn't fish in inland waters and is a sea-faring man, I wonder if he might possibly be willing to regulate this same kind

of boats on the ocean, and in that connection I would ask the Senator how?

Mr. LARRABEE: Mr. President, I would say that all motor boats are under Federal supervision, very strong supervision, and they have to be fitted with life preservers and so forth. Of course, it is a different situation on the lakes. We do not have many rowboats to let on the coast. It is an entirely different proposition, as they usually hire motor boats, or something of that sort. They don't go fishing in rowboats, so they don't give much attention to those.

Any boat with a motor in it is under Federal regulation, and they are registered. They all have a number, and they have to have a certain number of life preservers, fog horns, and so forth.

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

A viva voce vote being had
The Chair was in doubt.

A division of the Senate was had.

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

Thereupon the bill was passed to be engrossed in concurrence.

On motion by Mr. Williams of Penobscot the Senate voted to reconsider its action taken earlier in today's session whereby bill, An Act Relative to Crop and Orchard Damage (H. P. 1134) (L. D. 542) was passed to be engrossed in concurrence, and on further motion by the same Senator the bill was laid upon the table pending passage to be engrossed in concurrence.

On motion by Mr. Haskell
Recessed until this afternoon at three o'clock.

After Recess

The Senate was called to order by the President.

The President laid before the Senate House Report from the Committee on Inland Fisheries and Game on Resolve Opening Streams to Fishing in Cumberland and York Counties (H. P. 1827) (L. D. 1164) reporting the same in new draft (H. P. 2017) (L. D. 1404) under a new title, Resolve Changing the Opening Date for Fishing in Streams in Cumberland and York Counties and that it ought to pass; tabled by the Senator from York, Senator Knights, earlier in today's session pending consideration of the report and especially assigned for later in today's session.

Mr. KNIGHTS of York: Mr. President and Senators, in moving that this resolve be indefinitely postponed or, in fact making any motion that would apply to this resolve, I am sure I will receive a small measure of sympathy when I inform you that for some time I have been receiving, verbally and by letters, many suggestions, both pro and con, as to how the matter should be properly handled. Stated briefly and concisely, I am on what is called, a hot seat.

May I recall the fact that out in York County, we have five, perhaps more, Fish and Game Clubs, all with the same object in view, and all composed of the finest citizens and sportsmen anywhere to be found.

There is the Sanford Springvale Association of more than 1200 members which definitely is opposed to any changes in the present law, while the Buxton and Hollis Rod and Gun Club and the York County Club are as definitely in favor.

I am personally acquainted with 90% of the membership in all of the clubs, and thus you will see that I am left holding a hot potato, and not of the Aroostook variety.

I shall read you some extracts from letters I have received, the first of these is from the York County Club which came to me in the form of a telegram. This same telegram was sent to Senator Ela.

"Many, many members York County Fish and Game Association

have expressed desire for immediate action and favorable House and Senate report on now tabled H. P. 2017 which pertains to April 15 opening date for fishing York and Cumberland County waters. This change in opening date very much needed in southern Maine if for no other reason than conservation. Your reviving this bill with favorable committee report will be step in right direction and will be favored by a majority in this area. This decision should not be postponed another three years."

And then they say, "Ernest—we are counting on you to help us put this bill through. Do not let it be tabled in the Senate. Thanks." The telegram is signed by Dr. Fred B. Wheaton, Henry W. Brock, F. Walter Stackpole, who are the members of the York County Fish and Game Association Legislative Committee.

Now, that is one side of the problem. I have now before me a letter addressed to me in which they say, "Dear Friend Ernest: We had a good lively meeting last night with a turn-out of around 400. I presume that the drawing of prizes had something to do with it. We went on record as opposing any change in the opening date on fishing in York County. Leave it April 1st, as is."

Then the Buxton Hollis Gun Club have contacted me at my home and assured me they think it wise that the present legal date of stream opening for fishing be changed to a date fifteen days later.

Now, Mr. President and Senators, there is a time in our lives, when nature withdraws from her aloofness and the grasses and trees become verdant, that there comes over all of us an almost insatiable desire to see nature in the raw and which can be satisfied only by that ancient art known as "Going Fishing." The science affects the youth and the aged alike. This yearning is not wholly confined to the male of the species, for there are many excellent lady artists in this line.

Under the present law, there is uniformity in every county in Maine regarding the fishing season, which for brooks and streams is from the time ice is out, until August 15th.

If this bill becomes law, there will be no change in the other counties of the state, but our piscatorial artists in York and Cumberland Counties must wait until April 15th, and I know what will happen during those days between April 1 and April 15 to the streams over in the adjoining County of Oxford, so ably represented by our good friends Senators Cobb and Edwards.

The ordinary fisherman, who desires to comply with all laws, is confounded and much disturbed by the different laws governing different lakes and streams throughout the state. Lack of understanding of these laws is responsible for the payment of many fines and the establishment of lifelong court records for persons that ordinarily violate no laws.

In order that every honest fisherman in the State of Maine, as well as those who honor us with their visits, I favor the maintenance of the uniformity of the present law, and for that reason, I move the indefinite postponement of this bill.

Mr. ELA of Somerset: Mr. President and members of the Senate, I think perhaps you ought to know the background of the resolve as it appeared before the Fish and Game Committee. At the time the hearing was held it was a good hearing and as I recall it, members of two fish and game clubs appeared, the two mentioned by the Senator from York. Several other citizens appeared and spoke. There was no opposition to the bill. The Committee felt that if the citizens of York and Cumberland Counties wanted the bill, it was our duty to see they had what they wanted. I will say that perhaps the matter that should be understood is that the bill as it was drawn did not clearly state the purpose in the bill, so that perhaps people who followed the advertisements of hearings did not know, some of them,

what was coming up. The Committee corrected that in the re-drafting by stating in the title just what the bill would accomplish. I do appreciate that some of the citizens of those counties perhaps could not know what was in the bill before the hearing but nobody appeared against the bill, it seemed a reasonable bill and the committee brought it out that way. We have no particular feeling in the matter one way or the other but there was plenty of evidence for the bill and none against it.

Mr. SLOCUM of Cumberland: Mr. President, in the original bill, L. D. 1153, as has been stated by the Senator from Somerset, the title was misleading. Then the re-draft, L. D. 1404, corrected that but with the interest that has been shown by the various fishermen in Cumberland County being what it is, I am sure that if there were considerable desire for this change, the Senators from Cumberland would have heard of it. I don't know of any communication that any of them have received. Therefore I am very sure there is no concerted action in favor of this legislation from Cumberland County.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Knights, that the resolve be indefinitely postponed.

A viva voce vote being had

The resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, An Act Imposing a Personal Income Tax (H. P. 2046) (L. D. 1481) tabled by that Senator on April 19 pending passage to be engrossed.

Mr. HASKELL of Penobscot: Mr. President, I will not at this time make the motion that the bill be passed to be engrossed because I am sure there are amendments to be offered. I will explain very

briefly that those amendments have been discussed at some length by the members of the Senate. They were discussed at greater length by the Joint Select Committee created by the Joint Order passed in both branches of the Legislature this morning. With that brief explanation I will yield to the Senator from Oxford, Senator Cobb.

The PRESIDENT: The Secretary will read the report of the Joint Select Committee:

Mr. Savage from the Joint Committee created by Joint Order No. 681, reported that the Committee has considered certain amendments and these amendments will be offered in the Senate.

In general the Committee is in agreement that the distribution of \$5,000,000 per year in new revenue has been listed in a reasonable and equitable manner. Both Senate and House members of the Committee understand that each of the amendments will be offered and will be subject to debate. Other amendments may well have consideration, but in general the distribution seems to acknowledge basic appropriation bill needs and seems to Provide for those Legislative Documents that appear to have legislative support, if new revenues are to be available. As initially offered, the amendments will not require all of the money available from the tax bill, if it passes.

Which report was read and accepted, and ordered placed on file.

Thereupon, Mr. Cobb of Oxford presented Senate Amendment B and moved its adoption:

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

Amend said Bill by adding thereto, before the referendum, a new section 18, to read as follows:

'Sec. 18. Appropriations. From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

Description	1949-50	1950-51	Total
Fire Control			
L. D. 867 Act Relating to the Appointment of Municipal Town Forest Fire Wardens	\$ 25,000	\$ 25,000	\$ 50,000
L. D. 1058 Act for State Forest Fire Prevention and Control in Organized Towns	100,000	100,000	200,000
L. D. 1179 Act for Forest Fighter Pay and Aid to Towns in Controlling Forest Fires	15,000	15,000	30,000
Total	140,000	140,000	280,000"

Which amendment was adopted.

Mr. Leavitt of Cumberland presented Senate Amendment C and moved its adoption:

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

Amend said Bill by adding there-

to, before the referendum, a new section 20, to read as follows:

'Sec. 20. **Appropriations.** From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

Description	1949-50	1950-51	Total
Education			
Departmental Deficiencies			
Maine Maritime Academy	20,000	20,000	40,000
Departmental Operations	3,237	3,304	6,541
Farmington State Teachers' College	15,000	15,000	30,000
Gorham State Teachers' College	8,400	8,400	16,800
Washington State Teachers' College	4,000	4,000	8,000
Madawaska Training School	6,500	9,500	16,000
Presque Isle Normal School	(400)	(400)	(800)
Subsidies to Cities and Towns:			
For Tuition	5,000	10,000	15,000
For Teaching Positions	220,000	400,000	620,000
For School Census	18,000	28,000	46,000
For Conveyance in Lieu of Teaching Positions	5,000	5,000	10,000
Schooling Children in Unorganized Towns	26,000	26,000	52,000
Specialized Education of Physically Handicapped Children	13,000	17,000	30,000
Equalization of Educational Opportunities	10,500	10,500	21,000
Total Department	354,237	556,304	910,541

Educational Bills

L. D. 1471 Act Relating to Elderly Teachers Pensions	125,000	125,000	250,000
L. D. 944 Act Relating to State Scholarships for Normal School and Teachers College Students	25,000	25,000	50,000
L. D. 1110 Act to Increase State Aid to Towns for the Support of Salaries for Teachers	400,000	500,000	900,000

	1949-50	1950-51	Total
L. D. 1322 Act to Equalize the Educational Load to Municipalities	350,000	450,000	800,000
L. D. 1431 School Construction	50,000	50,000	100,000
Total Educational (L. D.'s)	950,000	1,150,000	2,100,000
Total Education	1,304,237	1,706,304	3,010,541

Mr. LEAVITT of Cumberland: Mr. President, in offering this amendment to this bill, I am submitting to the surgery which we have talked about in this legislature for a long time that might come at the end of the session. We had presented to us in the Committee on Education, bills which would cost this legislature a lot more than nine million dollars for the biennium. They asked for increases for the Department of Education to carry out bills already passed of a matter of another nine hundred thousand dollars. Naturally, before we can ask for any new money, the bills which are already on the books should be taken care of, the aid to teaching positions, carrying out the school census, running the normal schools as they should be run, with the equalization and other educational opportunities, and therefore before any other education bill can be thought of, money must be appropriated for those.

The Appropriations bill which has come to us in new draft with a majority report cuts out this \$910,000 and it is necessary, I believe, with this amendment to put that money back in. Otherwise we will have a curtailment which will effect town budgets already set up in the town meetings we had in March throughout the state. Many towns will go in the red if this money is not appropriated by the legislature.

All the other bills which the committee had presented to them amounting to nine million dollars, we in the committee itself, cut those bills to \$5,400,000 and we felt that if those bills were passed that we would have done something to have taken care of the impact of the many new children who are coming into our schools during the next few years.

It now seems that in this particular bill which we are trying to amend, the income tax bill, it will not carry enough income to carry out this program in full. In fact the surgery which is necessary is very painful. We have cut down the elderly teachers' pensions to 35% increase where they were nearly 50% or more. We have cut down the aid to support salaries of teachers to nearly a million dollars, down to \$400,000. We have put down the equalization of education loads to municipalities and towns from \$800,000, down to \$350,000. That goes directly back to the towns and is one of the prime needs which we have demonstrated in our hearings. The school construction bill which carried in its original bill, one million dollars for each year has been cut down to fifty thousand dollars. It allows for the creation of the Board and allows them to be in a position to administer federal funds if the federal government passes a law which will give us money to spend for the construction of schools.

One of the laws already passed the U. S. Senate carried with it \$680,000 for the first year and somewhere around three million the next year and we ought to be in a position to accept that money.

So that instead of the ten million dollars worth of educational bills which were presented to us when the legislature convened and the six million and some odd dollars which we reported out "Ought to Pass," this amendment I think has the modest sum of \$3,010,541. It will not do anywhere near the job which should be done if Maine's educational system is going to keep up with the times, but if it is all the money that is available under this type of tax, under this tax

measure, the Committee on Education will have to be satisfied with it. Therefore, I move the adoption of this amendment.

Mr. NOYES of Hancock: Mr. President and members of the Senate, we are coming to a time where some of us will have to give, I suppose, and some of us will have to take. I certainly do not like this amendment. I do not like what has happened to our school construction program. It started out with a million dollars a year for each year of the biennium. This amendment reduces it to fifty thousand dollars.

I don't know how many school buildings that would build but my opinion is that it will take care of about two and a half rooms in the State of Maine. To my way of thinking, that million dollar construction bill is of even more importance than the bill to equalize the educational load to municipalities and even more important than the bill to increase state aid to towns in support of salaries of teachers. Those two bills together, if eliminated, would give room for the million dollar construction program which I believe is necessary and I hold very little hope of receiving any considerable amount of loan money from the federal government.

I believe these new buildings need to be built and I believe that the people in the State of Maine would agree that of the educational bills, that school construction bill is of the first importance. I hope the amendment will not be adopted.

Mr. HASKELL of Penobscot: Mr. President, speaking as a member of the committee that discussed these various items, I certainly agree with the Senator from Cumberland, Senator Leavitt, and the Senator from Hancock, Senator Noyes, that it is to be regretted that the construction bill is not in this amendment. However, of the ten million dollars available for the biennium, roughly three million, or approximately thirty percent of that possible new revenue was suggested to the Educa-

tional Department as that which might be available to them if both branches of the legislature agreed, and I am sure they put a great deal of thought and study into where that three million dollars would do the most good.

Obviously, the \$870,000 that had to be taken from the appropriation bill to pull that bill down to existing revenue did come first because I think they realized that the communities had had town meetings and had every reason to expect that the state would make good on its tax bills with respect to state subsidy.

With reference to the remaining two million dollars, there again I think the Education Department and the Committee on Education considered the needs of the community. They were reluctant to give up the thought that they could have a million dollars a year, but acknowledging that I know little or nothing of the needs of education in detail, I do believe that committee report expressed to you the honest convictions of the Committee on Education and the honest convictions of the Education Department. I hope the motion to adopt Amendment C does prevail.

Mr. BOUCHER of Androscoggin: Mr. President, before I care to vote on this amendment, I would like to have it in printed form with all possible information on it. I oppose certain portions of that amendment especially the construction fund, for two reasons. First of all, I am opposed to a construction fund by the state for schools. Second, I agree with Senator Noyes that the amount of \$50,000 which would give two and a half class rooms, reckoning about \$20,000 for a room, would create a furor and a fight among the different towns and cities to obtain that fifty thousand dollars. If I understand correctly, that is retroactive to January first, or it was in the original bill, so that the fifty thousand dollars available this year would not mean a thing except that it might help some town that has already built its school or is pre-

pared to finance a school, and I would move, if it is in order, Mr. President, that this amendment be tabled at this time and printed.

Mr. HASKELL of Penobscot: Mr. President —

The PRESIDENT: For what purpose does the Senator rise?

Mr. HASKELL: I rise, Mr. President, to comment on the time element in the motion to table.

The PRESIDENT: The Senator may proceed.

Mr. HASKELL: Mr. President with reference to the tabling motion without specific time and with no intent to hurry the procedure, I would ask the Senator from Androscoggin, Senator Boucher, if he would consider, again with relation to time, the adoption of the amendment to be followed later by a motion that all of the amendments that may be acceptable be printed, promising the Senator that the motion to engross the bill as amended will not be made until the amendments have been printed.

Mr. BOUCHER of Androscoggin: Mr. President, taking into consideration the remarks made by the Majority Floor Leader, I am perfectly agreeable to withdraw my motion as long as we shall receive detailed information on these amendments before the bill is passed to be engrossed.

Mr. LEAVITT of Cumberland: Mr. President, I think I feel even worse than the Senator from Hancock, Senator Noyes, relative to the construction bill. I had set my heart on getting that bill through this legislature, but under the situation as it is at the present time I see no chance of it passing unless a major tax bill or at least a tax bill much larger than the one we are now amending, passes. The fifty thousand dollars in this amendment will not go for school construction. It will simply be organization money which can be used in the event that we do finally get funds for school construction and the administration that might be necessary should the federal government give us a large sum of money. I do not believe there is

any group of men with the wisdom to distribute fifty thousand dollars in the State of Maine without having all their hair pulled out. I think this school construction bill should go on the books and I think this total payment should go with it instead of eliminating the appropriation items entirely. Although I regret asking for it as much as I know my brother Senators regret that the amount isn't larger, I still hope that the Senate will adopt the amendment as it now stands.

Mr. BARNES of Aroostook: Mr. President, I rise for the purpose of opposing this amendment. In my town a few years ago, we had with funds furnished by the federal government a school survey, that is as to physical planning. I notice that Portland is indulging in the same survey—and that report was revealing and amazing. Of two high school buildings, one junior and one senior, and five elementary school buildings, we were told that of those seven we had only one school building in Houlton that would come anywhere near conforming to the standards we should have.

For the rest, the only advantage of these multiple school buildings that we had was that they had a common toilet. The State of Maine, I am convinced, is in great need of assistance for school building construction. I think the State of Maine is in great need of encouragement to students to take normal school courses to lighten the burden and the load caused by the shortage of teachers.

I came to the Legislature first in 1943 at which time the minimum salary for teachers if they were to qualify for any State subsidy help was around seven hundred dollars. Since then we have practically multiplied that by three and the minimum now is around \$1800.

Now if there were money enough to go around, I would support this amendment and enlarge these figures in any of these categories, but we might not have the money. If we do have a little money, I think it is much more important that we

allocate it for school buildings than it is to go further along the line of subsidizing teachers' salaries. We can't afford it. I think our equalization program at the present time is about all we can stand. I have made some study of this matter. I have attended meetings conducted by the Department of Education at which all of our teachers in town were present and I have made a study of this thing ever since the middle of last summer, and I am convinced that we have sold the school construction bill down the river and I am not in favor of it.

Mr. HASKELL: Mr. President and members of the Senate, I realize that we are at that point in the legislative session where it is a bit difficult to be completely deliberative although certainly a matter as important as this deserves complete deliberation. I would support the motion that Senate Amendment "C" be adopted, again assuring the Senate that I will be one to oppose the motion that the bill be passed to be engrossed today and if you do permit these suggested amendments to be accepted so they may be printed tonight, the Senate may well reconsider its action on each and every one of those amendments after they have the amendments in their printed form tomorrow morning.

I realize that each one of us is speaking with reference to amendments that have not been reproduced except for copies in the hands of the Secretary and the original copy and in the interest of expediency I would point out the apparent value, to me, in permit-

ting these amendments to go on to the bill, with the assurance that no one, so far as I know, will attempt to pass the bill to be engrossed but will let the Senate look at the sum total of the amendments one by one, when they are printed tomorrow. Then with complete deliberation, we may study each one, its value within itself, its value compared with other amendments, and then go ahead with a good, long, difficult session to thrash out where these few dollars are going. I am again pleading for the adoption of the amendment.

The PRESIDENT: The Senator from Cumberland, Senator Leavitt has moved that the Senate adopt Senate Amendment "C". Is the Senate ready for the question.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Eighteen having voted in the affirmative and eleven opposed, Senate Amendment "C" was adopted.

Mr. Collins of Aroostook presented Senate Amendment "D" and moved its adoption.

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

Amend said Bill by adding thereto, before the referendum, a new section 19, to read as follows:

'Sec. 19. Appropriations. From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

Description	1949-50	1950-51	Total
University of Maine			
L. D. 104 Resolve in Favor of University of Maine for Operations	\$300,000	\$300,000	\$300,000'

Thereupon, Senate Amendment D was adopted.

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

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

Amend said Bill by adding there-

to, before the referendum, a new section 21, to read as follows:

'Sec. 21. Appropriations. From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

Description	1949-50	1950-51	Total
Health and Welfare			
Departmental Deficiencies			
Advisory Hospital Council	\$ 1,000	\$ 1,000	\$ 2,000
Services to the Blind	—	(500)	(500)
Aid to Dependent Children	336,000	443,000	779,000
Board and Care of Neglected Children	168,200	218,700	386,900
Aid to Public and Private Hospitals	400,000	400,000	800,000
Support of State Paupers	(25,000)	(25,000)	(50,000)
Old Age Assistance Benefits	41,166	117,720	158,886
Old Age Assistance Burials	60,000	60,000	120,000
Total Departmental Deficiencies	981,366	1,214,920	2,196,286
Health and Welfare Bills			
L. D. 206 Act Relating to Aid to Dependent Children	385,000	527,000	912,000
Total Health and Welfare	1,366,366	1,741,920	3,108,286'

Mr. WILLIAMS of Penobscot: Mr. President and Senators, it might be well to explain, briefly, the reason for some of the items in this Amendment. As you all recall when the appropriation bill of last year in the second draft was returned to this body, there was a minority report favoring the passage of that bill with Committee Amendment A which would have added to the bill those appropriations which had been taken out by the Committee from the first new redraft on the appropriation bill, and in that were these health and welfare amendments, items as given in the first part of this amendment as presented. The matter of aid to dependent children, a matter of \$779,000 for the biennium. This would have been cut back by that amount if we adopted the recommendations of the second new draft of the appropriation committee.

Now, some might say that aid for dependent children can get along upon that amount of money, but I would like to mention that under the present case load at the present time, we have limitations of fifty dollars upon a mother and one child. It would have cut that limitation to thirty-nine dollars the first year and to twenty-seven dollars the second year. I bring that out to show you that in a lot of these cases, it would not be a saving of

money, but it would be saving a case where the municipality in which these people reside would have to supplement this aid for dependent children.

In the matter of board and care of neglected children, the amount that was cut out of the appropriation bill was that amount which would have been able to raise the pay to boarding homes from twenty-four to thirty dollars per month. I think it is very obvious to all of us that in order to secure the type of boarding homes which we would like to have state children placed in, that that is not exorbitant.

Regarding the aid to public and private hospitals, I think of all groups that have come before the appropriations committee at this session, the private and public hospitals were the fairest. They came before us seeking an appropriation which would take care of eighty per cent of their out-of-pocket cost. It was the only group I know of that presented a bill asking for only eighty per cent of their out-of-pocket cost, which amounted to \$600,000. The appropriations committee, after a lot of consideration upon that particular item, came out with \$400,000 for each year of the biennium. That amount was cut out of the new draft appropriation bill of last week, and under this

amendment would be added to this tax measure.

The other accounts are somewhat minor, unless the Senators wish to discuss them, I certainly will not go into them at this time. The other is a legislative document, an act relating to Aid to Dependent Children which has been heard several times before in this body, and other bodies. This is not a benefit to the welfare program of the state. I would say it is simply a help to the municipalities of this state. At the present time, the cost of this program which is being carried out by the municipalities would amount to \$385,000 the first year, \$527,000 the second year would be carried on wholly by the state, a state function which has been recognized as such for many years. Yet, the municipalities who have nothing to say about the cost of this bill have been asked to pay a portion of it. If passed, this amendment would relieve them of that cost, and would do away with the argument which was so common last week in the press of the state, and in these legislative halls that the new appropriation bill simply threw upon the municipalities a lot of the savings which we were hoping to make in state funds. If this amendment is passed, you will see that a real relief in the matter of real property taxation to municipalities will be brought about.

So, for that reason, as well as being a welfare measure in many respects, I ask the adoption of Senate Amendment E.

Mr. BOUCHER of Androscoggin: Mr. President, I reserve the same right to oppose this amendment until I see the printed form. I especi-

ally want to refer to Legislative Document 206, as it is written and stated by the Senator from Penobscot. This has been introduced, and re-introduced for at least three legislatures. I haven't changed my mind about this bill.

I feel that it is the duty of the towns to take care of their own children, and I am against the socialistic movement of removing everything from the towns and giving it to the state. I am quite surprised to see a Republican controlled Legislature trying to do what they blame a Democratic controlled Congress of the United States for doing. I have heard so much criticism of the doings in Washington and what we are doing down there to take over the states and the cities and towns by socialistic measures. Yet, apparently, this Legislature is trying to do the same thing, trying to remove the responsibilities of the towns and push them onto the state.

I shall vote for the amendment at this time, reserving the right to oppose it at the proper time.

Thereupon, Senate Amendment E was adopted.

Mr. Ward of Penobscot presented Senate Amendment F and moved its adoption:

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

Amend said Bill by adding thereto, before the referendum, a new section 22, to read as follows:

'Sec. 22. **Appropriations.** From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

Description	1949-50	1950-51	Total
Institutions			
Departmental Deficiencies			
Pownal State School	\$ 11,842	\$ 23,683	\$ 35,525
Augusta State Hospital	10,171	20,343	30,514
Bangor State Hospital	9,345	18,690	28,035
Central Maine Sanatorium	4,190	8,379	12,569
School for Deaf	625	1,250	1,875
Military & Naval Children's Home	600	1,200	1,800
School for Boys	9,070	10,475	19,545

	1949-50	1950-51	Total
School for Girls	11,657	13,758	25,415
Men's Reformatory	10,460	6,949	17,409
Northern Maine Sanatorium	16,189	18,198	34,387
Prison	8,279	12,020	20,299
Western Maine Sanatorium	13,180	15,890	29,070
Women's Reformatory	18,071	19,146	37,217
Emergency Tuberculosis	15,050	15,100	30,150
Parole Board	1,498	1,501	2,999

Total Institutional Deficiencies	140,227	186,582	326,809'
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Thereupon, Senate Amendment F was adopted.

Mr. Haskell of Penobscot presented Senate Amendment G and moved its adoption.

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

Amend said Bill by adding there-

to, before the referendum, a new section 23, to read as follows:

'Sec. 23. Appropriations. From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

Description	1949-50	1950-51	Total
Other Department Deficiencies			
Agriculture			
Departmental Operations	\$ 325	(2,175)	(1,850)
Animal Industry Division	1,850	1,349	3,199
Eradication of Bang's Disease	38,815	28,430	67,245
Division of Inspection	14,150	5,000	19,150
Division of Markets	(1,500)	(1,500)	(3,000)
Division of Plant Industry	2,000	2,000	4,000
Total Agriculture	55,640	33,104	88,744
Attorney General			
Departmental Operations	1,548	1,549	3,097
Banks and Banking			
Departmental Operations	2,079	2,297	4,376
Development Commission			
Departmental Operations	10,000	10,000	20,000
Forestry			
Departmental Operations	1,000	1,000	2,000
Entomology	2,723	2,083	4,806
Total Forestry	3,723	3,083	6,806
Industrial Accident Commission			
Departmental Operations	1,700	1,515	3,215
Labor and Industry			
Departmental Operations	8,000	8,000	16,000
Public Utilities Commission			
Departmental Operations	4,000	4,000	8,000
Purchases, Bureau of			
Departmental Operations	1,630	1,127	2,757
Public Printing Division	1,280	540	1,820
Total Purchases	2,910	1,667	4,577

Sea and Shore Fisheries	1949-50	1950-51	Total
Departmental Operations	9,879	10,495	20,374
Total Other Department Deficiencies	99,479	75,710	175,189'

Mr. HASKELL of Penobscot: Mr. President, this is an amendment that seeks to put back into the departments those sums of money which had to be taken from the departments with the new draft of the appropriations bill and deals with Agriculture, the Attorney General, Banks and Banking, the Development Commission, Forestry, Industrial Accident Commission, the Department of Labor and Industry, Public Utilities Commission, Purchases and Sea and Shore Fisheries. The entire amount is less than one hundred thousand dollars the first year and about seventy-five thousand the second year. The only large amounts are the inclusion of the Bangs disease program in the Department of Agriculture, the restoration of the Maine Development

Commission cut, and the restoration of the Sea and Shore Fisheries cut.

I now move that the amendment be adopted.

Thereupon, Senate Amendment G was adopted.

Mr. Collins of Aroostook presented Senate Amendment H and moved its adoption:

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

Amend said Bill by adding thereto, before the referendum, a new section 24, to read as follows:

'Sec. 24. Appropriations. From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

Description	1949-50	1950-51	Total
State Employees			
L. D. 647 Resolve to Continue the Cost of Living Increases to State Employees	\$350,000	\$350,000	\$700,000'

Mr. COLLINS of Aroostook: Mr. President, in explanation of this amendment, I would mention that this simply carries out the employees' pay at their present level. The \$350,000 per year is what would be required to carry on the so-called 3-4-5 bill that was granted by the Governor and Council last December, or November, and carried on, in effect by an emergency bill to the end of the present biennium. The budget carried the \$7.20 cost-of-living increase, but it did not carry this 3-4-5, and this amendment carries on that provision.

Thereupon, Senate Amendment H was adopted.

Mr. Haskell of Penobscot presented Senate Amendment I and moved its adoption:

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

Amend said Bill by adding thereto, before the referendum, a new section 25, to read as follows:

'Sec. 25. Appropriations. From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

Description	1949-50	1950-51	Total
Cigar and Tobacco Tax Bill			
(Repeal of Cigar and Tobacco Tax)			
L. D. 456 Loss of Revenue Due to "Act to Repeal Tax on Cigar and Tobacco Products."	\$ 660,000	\$ 660,000	\$1,320,000'

Mr. HASKELL of Penobscot: Mr. President, entirely unlike the other amendments to this bill, this particular amendment, I think, should be debated, and may well be determined on its merits this afternoon, because your disposition of this amendment will to the amount of \$1,320,000 determine what your action may be on certain other amendments. It provides for income to replace the income now received from the tax on cigarettes and other tobacco products.

In supporting the motion to adopt this amendment, I would like to recite the history of the tax and give you a brief comparison of this tax with similar taxes in the other states, giving to you a brief description of what I think it is doing to the tobacco industry in the state.

In the first place, this tax was put on to a cigarette tax as an amendment in the dying hours of the last session, without benefit of a public hearing at which the industry could appear and express its opinion on that type of tax. Fair, or unfair, at least those who are in the business thought the Legislature was eminently unfair in that procedure.

In the second place, the effect of this tax on the industry in the state, as it was told to us at the committee hearing, approached disaster. One of the largest cigar manufacturers testified that his employment had dropped from thirty-one persons to sixteen persons, and that his total production had been exactly cut in two. Others recited the substantial evasion that was present in the State of Maine when we made it worth twenty per cent to dealers and consumers to purchase their tobacco products in other states. They acknowledged that a twenty per cent tax on tobacco products is not much different than a twenty per cent or two cent tax on cigarettes. But they pointed out rather forcibly, I thought, that our adjoining states, in fact our other forty-seven states, had no such tax as this. Massachusetts, of course, has no tobacco

tax as such, and so far as I can determine, the twelve or thirteen states that do impose taxes on tobacco products, other than cigarettes, have a maximum of one cent per pack on cigarettes. Many of us have thought that if a replacing tax measure could be found, in justice to that industry we ought to repeal that twenty per cent tax. This amendment, if accepted, will do that. And as I indicated previously, that is not the conclusion of the Senate group who discussed this thing last night, because I said frankly, "Please let me offer that amendment and let it take its own consequences in the Senate." And I said that same thing to the joint committee that considered the other amendments. So, please don't consider it in the same light and with the same courtesy that you have considered the other amendments, those of you who have permitted them to be adopted so that they may be printed. This amendment certainly must stand on its own feet. If it is not to prevail, it may just as well meet that fate this afternoon as after printing, or after further consideration tomorrow morning. It is a million three hundred twenty thousand for the biennium, \$660,000 per year, and that sum is in the budget as income, and is what will support certain of your appropriations in the regular appropriation bill.

I say that in all fairness I believe we should repeal it, and I believe the industry is entitled to it. I think it is another one of those stop-gap nuisance taxes that the sooner we acknowledge them as stop-gap nuisance taxes, the sounder tax structure we will have in the State of Maine. I urge your consideration and your debate and move the adoption of the amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that Senate Amendment I be adopted. Is the Senate ready for the question?

A viva voce being had

The chair was in doubt.

A division of the Senate was had.

Eighteen having voted in the affirmative, and twelve opposed, Senate Amendment I was adopted.

Mr. HASKELL of Penobscot: Mr. President, I now offer the last of the long string of amendments that I know anything about, Senate Amendment "J" and move its adoption.

**Description
Income Tax Bill**

L. D. 1481 Cost of Administering Personal Income Tax

Thereupon, Senate Amendment "J" was adopted.

Mr. NOYES of Hancock: There should be another amendment, Senate Amendment K, to strike out the words "two per cent" wherever they may appear in the bill, and substitute in place thereof the words "three per cent." That is a verbal amendment.

The PRESIDENT: The chair would request that the Senator reduce the amendment to writing. The chair will state that the Senate may be at ease for a few moments while the Senator prepares the amendment.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I find that this amendment is not as simple as I thought that it might be. The table of tax assessments would have to be changed, and it would take some time to prepare the amendment.

However, the bill is going on the table, and there will be ample time to offer the amendment at a later date. I withdraw the amendment at this time.

Thereupon, on motion by Mr. Haskell of Penobscot the bill and accompanying papers were laid upon the table pending passage to be engrossed, and the amendments were ordered printed.

Mr. NOYES of Hancock: Mr. President, I move that we reconsider our action of yesterday where-by we accepted the ought not to

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

Amend said Bill by adding thereto, before the referendum, a new section 26, to read as follows:

'Sec. 26. Appropriations. From the taxes collected under the provisions of sections 330 to 364, inclusive, of chapter 14 of the revised statutes, the following sums shall be appropriated:

1949-50	1950-51	Total
\$ 75,000	\$ 75,000	\$ 150,000'

pass report on the sales tax, Legislative Document 1552, and in support of that motion, I feel that the present bill which we are considering, the two per cent income tax, won't do the job such as is necessary. I feel that we should have this sales tax before us, and it would simplify matters if we would reconsider this action and subsequently table the bill, after which action will be taken on the income tax, not only in this body, but in the other body. And in the event that the income tax does fail, we will have a vehicle through which we might be able to raise additional dollars to carry on the necessary function of the state government.

I don't think this action will delay the Legislature in any way, and I think in all fairness to the members of the other body, they should have a chance to vote on a sales tax, as well as an income tax in view of the fact that seventy-one members of that body voted for the original tax bill. If this motion that I make prevails, there will be a subsequent motion made to table the same, awaiting the outcome of our income tax.

Mr. HASKELL of Penobscot: Mr. President, I am extremely hesitant to arise in opposition to the Senator from Hancock, Senator Noyes; and that I would not do, unless I thought there was good reason for opposing that type of procedure.

The sales tax has had two runs in the House and two runs in the

Senate, and so far has failed to gain majority support. It seems to me at this state of the proceedings, the Senate having accepted the income tax, having gone to some length in the problem of putting into that bill the thoughts of at least some of us in general terms as to where the money should go, it could lead only to confusion to have the motion of the Senator prevail this afternoon, which would in effect revive a sales tax measure.

Now, you can well ask what path would you follow if the income tax fails of passage in both branches. As each member of the Senate realizes, it is not too difficult if the majority of both branches wish to accept a joint order requesting such a thing, either one of the two sales taxes which will be on file in the Senate office having failed to gain a majority, could be recalled for consideration in the two branches.

I think so far we have kept the procedure reasonably clean. The Committee, you will remember, first brought out that tax which seemed to have the best acceptance, at least in the House. It failed. We then brought out the income tax. It failed in the House, but succeeded here. The sales tax proponents then brought out another sales tax, and it failed in both branches. It certainly—

The PRESIDENT: The Chair must inform the Senator that while the Chair does not desire to limit the debate, the Senate rules prohibit the mention of action in the other branch to influence action of this branch.

Mr. HASKELL: I apologize, Mr. President. I am glad that I am the one who is reminded of that rule.

The motion would, in effect, revive one of those bills and put it on the Senate table, to me leaving a question of doubt in our own branch as to which of the two we favor. I think we have demonstrated by our own vote which of those two measures we do prefer, and I certainly hope that we may fairly test the income tax bill before we start reconsideration of our

previous actions in defeating the two sales tax bills.

Mr. BOUCHER of Androscooggin: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point.

Mr. BOUCHER: Mr. President, do I understand that if reconsideration is asked at this time on the tax measure, the sales tax or any other tax that has already been through this branch previously, that if it is defeated at this time, that is the final action, and it can not be recalled?

The PRESIDENT: The Chair will state that in this particular instance the bill was held at the request of the Senator from Hancock, Senator Noyes, and it is within the twenty-four hours allowed by our rules. For the information of the Senators, the Chair will state that the recalling of any legislative document defeated in this branch may always be done by joint order. You are, of course, advised that both branches have to accept the joint order in order to recall.

Mr. BOUCHER: Do I understand correctly, Mr. President, that both branches have to concur in that case?

The PRESIDENT: That is quite so, Senator.

Mr. BOUCHER: Then, Sir, I want to inform you and this Senate that I will vote against the motion of the Senator from Hancock, Senator Noyes, with the hope that the motion is defeated so we can get rid of a sales tax for once and all.

Mr. NOYES of Hancock: Mr. President, I don't wish to delay this Legislature in any way whatsoever. But I certainly feel that if we keep this sales tax bill alive at this time, that we will be saving time in this Legislature. As has already been pointed out in the event that this motion fails, it will require the passage of a joint order in both branches of the Legislature to call the sales tax back for consideration. In view of the comparative votes that have been taken on the tax measure thus far in both branches of this Legislature, —

The PRESIDENT: The Chair must state that the Senator must not refer to the actions of the other House to influence the action of this branch.

Mr. NOYES: Excuse me, Mr. President. It is my contention that the sales tax has more proponents than does the income tax. And in all fairness, it seems to me those members who oppose an income tax and favor a sales tax should have that alternative. I hope that the motion to reconsider prevails.

Mr. LEAVITT of Cumberland: Mr. President, I move that this motion to reconsider lie on the table.

Mr. HASKELL of Penobscot: Mr. President, I rise to point out the question of time on the motion to table. I think this is a very fundamental question that should be decided this afternoon. I don't think it is a matter that should be tabled indefinitely and I will also oppose and vote against the motion to table until tomorrow.

The PRESIDENT: The Chair will rule that a motion to table a motion to reconsider must have a time assigned within a reasonable time limit. Unless the Senator from Cumberland, Senator Leavitt, assigns a reasonable time, the Chair cannot entertain the motion.

Mr. LEAVITT: Mr. President, I will assign Thursday.

The PRESIDENT: The Chair will state that the Chair does not consider that a reasonable time.

Mr. NOYES of Hancock: Mr. President —

The PRESIDENT: For what purpose does the Senator rise?

Mr. NOYES: Mr. President, I would like to inquire of the Chair if this motion to reconsider is not entertained at this time and the motion to reconsider is tabled, will it require a two thirds vote of this Body to pass the motion?

The PRESIDENT: The Chair will state that it is perfectly permissible under our rules to table a motion to reconsider provided a reasonable time is assigned for its consideration, and therefore requires only a majority vote when it

comes up for action. The Chair feels that at this stage of the legislative proceedings, a reasonable time would not be the time the Senator has assigned and unless the time is changed, the Chair cannot entertain the motion.

Mr. LEAVITT: Mr. President, may I assign it for tomorrow?

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the bill lie upon the table pending the motion of the Senator from Hancock, Senator Noyes that the Senate reconsider its action whereby it accepted the "Ought Not to Pass" report of the Committee, and that it be especially assigned for tomorrow.

Mr. HASKELL: Mr. President, when the vote is taken I ask for a division.

A division of the Senate was had.

Two having voted in the affirmative and twenty-eight opposed the motion to table did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of Senator Noyes that the Senate reconsider its former action whereby it accepted the "Ought Not to Pass" report of the committee.

Is the Senate ready for the question? The Senator from Androscoggin, Senator Boutin has asked for a division.

A division of the Senate was had.

Eleven having voted in the affirmative and twenty opposed, the motion to reconsider did not prevail.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table bill, An Act Relating to Katahdin Wild Life Sanctuary (S. P. 621) (L. D. 1337) tabled by that Senator on April 7 pending consideration of Senate Amendment A.

Mr. WARD of Penobscot: Mr. President, I move the indefinite postponement of Senate Amendment A.

Mr. BARNES of Aroostook: Mr. President, Senate Amendment A was introduced by me, and for the purpose of explaining the situation

to the members of the Senate, I just want to say a few words on the Amendment.

Back around 1921, the Governor Percival P. Baxter took a trip with my father and others into the Mt. Katahdin region. At that time, the whole region was privately owned. I don't know how many Members of the Senate have ever been there, but it is a place of remarkable natural beauty. Governor Baxter was so struck with its natural beauty that it apparently has become one of the main purposes of the remainder of his life to constitute Baxter State Park as a perpetual state park and memorial to the wild beauty of that locality.

In the pursuance of his purpose, he has over the years acquired and offered to the State of Maine, through Legislative enactment, what, up until last January totalled, if my figures are correct, around 132,000 acres of land surrounding the mountain. Up until that time, this included practically six townships, two tiers we had running up through the central part of the State of Maine, and including Mt. Katahdin.

Now, last January, one of the very first bills to be introduced in this Legislature was a further gift. In order for the Members of the Senate to understand just what that gift included, I have placed with the Senator from Somerset, Senator Ela, and the Senator from York, Senator Batchelder, plans showing this tract, or area of land, including about eight thousand acres, if my memory serves me correctly.

I first knew about this proposed gift before the Legislature convened, when some very prominent men from my locality came to my office and wanted to find out just what area this land included. According to the best information I could get when I came down here to the Senate, and when this bill was introduced, it did not include any land east of land of the townships. And you will notice by the map that there is a little land on the

east side of this gift. There is a road running from Shin Pond into this area which was built long before the war by the CCC. This road extended as far as Horse Mountain, and on these maps you will see where Horse Mountain is located. Later, by private enterprise, the road has been extended, I would guess from ten to fifteen miles beyond that terminal point.

Now, the man in my area who came to see me did not feel that this road should be closed to hunting. There are several hunting camps, including the Shin Pond Camps and others, located in that area that have been using this road ever since it was constructed, for the purpose of getting sportsmen to come to their camps to hunt in this area. And the hunting is extremely good along that area. These men felt that perhaps, and not with any disappreciation of the fine service that our former Governor has rendered to the State of Maine, Baxter State Park, including some six townships, had been extended far enough.

This particular area that we accepted here by gift the very first of the Legislature is at least fifteen miles north of Mt. Katahdin proper. It is a good many miles north of Traveller Mountain which is another big mountain in that area, and they felt that the area perhaps had been extended far enough. I tried to find out just what that included before this bill came into the Senate, and I was unable to determine from the best information that I could get that it did not include any area east of that town line. Therefore, a large part of this road would have been left open. So I sat in my Senate chair when the bill came in here and didn't try to table it which I certainly would have done if I had known that it included this particular area.

As is usual, and I am not quite sure why, our former Governor puts his bills through the Legislature in this way. A good many of you have been here before, and you know these bills come in—they are not

printed; they are not referred to any committee; all of the rules are suspended, and they are shot back and forth between these two houses. And in one day—it is usually the first day of the session—we find that we have accepted a gift from him to add to this state park.

Now, that could be stopped by this body in this Legislature, and the thing could be studied. These bills could be referred to a committee. The citizens of the state who might be interested could have come in and opposed it, and those in favor could have come here also. But that was not done in this instance.

I wrote to Governor Baxter shortly after, having found out that it did not actually include the area, and would exclude all of this road in that area from open hunting, and suggested that perhaps I had better enter an amendment into this Legislature to withdraw or remove the hunting restriction on that area. I received a letter back from Governor Baxter in which he suggested that I was guilty of a breach of faith for even suggesting such a thing. So, in view of that, I did not introduce any legislation to effect that purpose. I am at a loss to see how anyone of us could be deemed guilty of a breach of faith in taking pig in a poke, not knowing what we were accepting in this fashion. I had hoped through the amendment that I now offer which is on the bill to create a game sanctuary not only in this area, but in the other 131,000 acres, that perhaps we could have saved this latest portion from this hunting restriction.

I feel quite strongly that this particular park has extended far enough. If it is proposed for the natural beauty of the place, and to preserve that for the residents and citizens of the State of Maine, that is one thing, but when you take six townships and establish a game preserve, I feel that that is plenty large enough. And I had hoped that I might be able to prevail in this amendment of mine. But in

discussing the matter with the Senator from Penobscot who introduced the bill, he more or less intimated that it would be a breach of faith on my part if I pursued the matter further. And so I am going to withdraw my objections to keeping this hunting area and go along with the motion to indefinitely postpone my own amendment.

But I do plead with the Members of this Senate—I don't know whether I will be here two years from now or not, but there certainly will be a good many of us men who will serve in this Senate here two years from now—and if another proposition of this sort to add to Baxter State Park comes before the Legislature two years from now, I hope that you will at least insist that it go before a proper committee, and that a public hearing may be had thereon so that you won't find yourselves in the unfortunate position I now find myself in. I did the best I could to find out what area this covered, and I was unable to do it. In the meantime I suggested that perhaps this bill could be restricted to hunting, and I was accused of a breach of faith. So, I shall go along with the motion of the Senator from Penobscot with regret. I don't think that it is a wise thing that we are doing here today, and I hope in the future these things will be watched carefully. And please, those senators who have those little maps that I had passed around, please see that they get back to me, because somebody might want them two years from now.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Ward, that Senate Amendment A be indefinitely postponed.

The motion prevailed, Senate Amendment A was indefinitely postponed and the bill was tomorrow assigned for second reading.

On motion by Mr. Leavitt of Cumberland, the Senate voted to reconsider its action taken earlier Act Relating to Elevators (S. P. in today's session whereby bill, An

664) (L. D. 1495) was passed to be engrossed.

Mr. LEAVITT of Cumberland: Mr. President, I now move that the bill be laid upon the table and in support of that motion I will say that I shall present an amendment tomorrow.

The motion prevailed and the bill was laid upon the table pending passage to be engrossed.

Mr. Ward of Penobscot presented the following order and moved its passage:

ORDERED, the House concurring, that the Secretary of State provide for each member of the Senate and House of the 94th Legislature one suitable marker or tag to be attached by such member to his automobile or regular registration plate; and be it further

ORDERED, that such marker or tag shall indicate membership in the Maine Legislature and shall not be used after the 1st Wednesday of January, 1951; and be it further

ORDERED, that the expense incurred under the provisions of this order shall be apportioned among the members ordering such marker

or tag, not to exceed \$2 per member, and such money received shall be credited to the motor vehicle appropriation of the Secretary of State.

Mr. WARD of Penobscot: For the several sessions that I have been here, I have heard members discuss this matter and wish they had some sort of tag to affix to their automobiles. If the House and Senate should see fit to pass this particular order, then each member who desired such a tag could obtain one at a cost not to exceed two dollars and of course those members who do not care to have the tag would be under no expense, and so far as the cost of the tags is concerned, it is estimated that the price of two dollars would without doubt amply take care of the entire cost, so that there would be no cost to the State of Maine should the Order receive a passage.

Thereupon, the Order received a passage.

Sent down for concurrence.

On motion by Mr. Ela of Somerset,

Adjourned until tomorrow morning at ten o'clock.