

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 27, 1949

The Senate was called to order by the President.

Prayer by the Reverend Tom G. Akeley of Gardiner.

Journal of yesterday read and approved.

From the House

Bill "An Act Relating to Certain Procedures in Inheritance Tax Law." (S. P. 625) (L. D. 1368)

(In Senate on April 22nd, voted to insist on its former action whereby the minority "ought not to pass" report of the committee was accepted, and ask for a Committee of Conference.)

In the House, that Body voted to recede and concur with the Senate in accepting the Minority Report.

Bill "An Act Relating to Hours of Sale of Liquor." (S. P. 529) (L. D. 1062)

(In Senate, on April 22nd, voted to insist on its former action, whereby the bill was recommitted to the Committee on Temperance, and ask for a Committee of Conference)

In the House, that Body voted to adhere to its former action whereby the bill was indefinitely postponed in non-concurrence.

Bill "An Act Relating to Requisites for Old Age Assistance." (H. P. 1552) (L. D. 870)

(In Senate on March 29th passed to be engrossed in concurrence.)

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

In the Senate, on motion by Mr. Williams of Penobscot, 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, and the bill so amended was passed to be engrossed in concurrence.

"Resolve Authorizing the Deer Isle-Sedgwick Bridge to Release Certain Rights to Eunice Winslow of Rockland." (S. P. 667) (L. D. 1503)

(In the Senate, on April 21st 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. Sleeper of Knox, 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 Relating to Aid to Dependent Children." (H. P. 1009) (L. D. 440)

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

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

In the Senate, on motion by Mr. Williams of Penobscot, 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 Relating to Salaries of Somerset County Officers." (S. P. 663) (L. D. 1494)

(In Senate, on April 19th passed to be engrossed as amended by Senate Amendment "A")

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

In the Senate:

Mr. SLEEPER of Knox: Mr. President, I move the indefinite postponement of House Amendment A,

and in support of that motion I will say that the Salaries and Fees Committee were very fair in this matter and we listened to all the proponents and what few opponents there were to these salary adjustment bills and the adjustment of the increase to the sheriff in that county was very fair in comparison to other counties.

We feel that Senate Amendment A covered the bill entirely so we had a hasty conference with the members of the Salaries and Fees Committee and the Senate members from that County, and we urge the indefinite postponement of House Amendment A which would increase the adjustment by \$200. We feel that our adjustment is fair and just and want it kept that way. I therefore move the indefinite postponement of House Amendment A.

Thereupon, House Amendment A was read and indefinitely postponed in non-concurrence.

Sent down for concurrence.

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

(In 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. Collins of Aroostook, the bill and accompanying papers were laid upon the table pending consideration of House Amendment A.

The Committee on Legal Affairs on Bill "An Act Providing for Veteran Bonus Fund for World War II Veterans and to Provide Moneys Therefor by Running Horse Races," (H. P. 1579) (L. D. 902) reported that leave be granted to withdraw the same.

Comes from the House, the bill substituted for the report, and re-committed to the Committee on Military Affairs.

In the Senate:

Mr. SLOCUM of Cumberland:

Mr. President, the Military Affairs Committee has several other veterans' bonus bills before it and I believe we should concur with the House in sending this bill to the Military Affairs Committee, in order that all the bonus bills may be considered at one time.

I therefore move that we substitute the bill for the report.

The motion prevailed, the bill was substituted for the report and re-committed to the Committee on Military Affairs in concurrence.

The Committee on Pensions on "Resolve in Favor of Lillis B. Goodwin, of East Corinth," (H. P. 936) (L. D. 1427) reported that the same ought to pass.

Comes from the House the report accepted, and the resolve subsequently indefinitely postponed.

In the Senate:

Mr. McKUSICK of Piscataquis: Mr. President, Lillis B. Goodwin was a retired teacher and subsequent to the report of the committee that this resolve ought to pass, we had been informed that the applicant has died and for that reason, I move that the Senate concur with the House in the indefinite postponement of the resolve.

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

The Committee on Federal Relations on Bill "An Act to Control the Payment of Benefits during Vacation Periods under the Unemployment Compensation Law," (H. P. 1575) (L. D. 898) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House, Committee Amendment "A" indefinitely postponed, and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Batchelder of York, the report was read and accepted in concurrence and the bill read once; Committee Amendment A was read and indefinitely postponed in concurrence; House Amendment A was adopted

in concurrence, and the bill as amended by House Amendment A was tomorrow assigned for second reading.

The Committee on Legal Affairs to which was re-committed, Bill "An Act to Incorporate the Town of Dexter School District," (H. P. 1052) (L. D. 468) reported that the same ought to pass as amended by Committee Amendments "A" and "B".

Comes from the House, Committee Amendment "B" indefinitely postponed; and the bill passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

In the Senate, on motion by Mr. Batchelder of York, the report was read and accepted in concurrence, and the bill read once; and on further motion by the same Senator, the bill and accompanying papers were laid upon the table pending consideration of Committee Amendment A as amended by House Amendment A thereto.

The Committee on Legal Affairs on Bill "An Act to Provide for a Council-Manager Form of Government for the City of Westbrook," (H. P. 1993) (L. D. 1364) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House, Committee Amendment "A" indefinitely postponed, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Batchelder of York, the report was read and accepted in concurrence, and the bill read once; and on further motion by the same Senator, the bill and accompanying papers were laid upon the table pending consideration of Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Auburn," (H. P. 2000) (L. D. 1383) reported that the same ought to pass as amended by Committee Amendment "A".

(On motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report.)

The Committee on Claims on "Resolve in Favor of George L. Varney, of New Gloucester," (H. P. 22) (L. D. 10) reported that the same ought to pass as amended by Committee Amendment "A" attached herein.

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

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to the Inspection of Buildings and the Approval of Certain Articles Containing Natural or Synthetic Components," (H. P. 1654) (L. D. 962) reported the same in a new draft (H. P. 2066) (L. D. 1500) 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. SLEEPER of Knox: Mr. President, the new draft of this bill places a great deal of power in the hands of the Insurance Department, and interested parties in this legislation wish to have a conference with the head of the Insurance Department. Since he was ill yesterday and should be up and around today or the next day, I would like to place this bill on the table until they have had their conference, and I promise you I will not keep it on the table very long. I move that the bill and accompanying papers lie on the table.

The motion prevailed and the bill and accompanying papers were laid upon the table pending consideration of the report.

The Committee on Taxation on Bill "An Act Relating to Road Tax on Motor Carriers," (H. P. 318) (L.

D. 98) 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 Claims on "Resolve in Favor of Dr. H. C. Knowlton, of Bangor," (H. P. 1446) reported that leave be granted to withdraw.

The same Committee on "Resolve in Favor of the Town of Carmel," (H. P. 1962) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Lawrence Thibodeau of Rumford," (H. P. 1768) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Clyde Smith Memorial Hospital for Hospitalization and Medical Aid for Anthony Robinson," (H. P. 1691) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Perham for Aid Extended to Weston Blackstone," (H. P. 1382) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Canton for Support of Paupers," (H. P. 1683) reported that the same ought not to pass.

The same Committee to which was re-committed "Resolve in Favor of Frank D. Miller, of Orland," (H. P. 454) (L. D. 1349) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of General Ice Cream Corporation of Rockland," (H. P. 898) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Clinton," (H. P. 1275) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Gayland Redman, of Bucksport," (H. P. 1284) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Clyde E. Gould, of East Livermore," (H. P. 327) re-

ported that the same ought not to pass.

The same Committee on "Resolve in Favor of C. C. Smith Company, Inc.," (H. P. 1381) reported that the same ought not to pass.

The Committee on Federal Relations on Bill "An Act to Amend the Unemployment Compensation Law to Provide for the Imposition of Administrative Penalties for Misrepresentation in Obtaining Benefits," (H. P. 1576) (L. D. 899) reported that leave be granted to withdraw the same as it is covered by other legislation.

The Committee on Inland Fisheries and Game on "Resolve Providing for a Fish Screen at Outlet of Upper Sabao Lake in County of Hancock," (H. P. 1150) (L. D. 550) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Augusta School District," (H. P. 1251) (L. D. 622) reported that the same ought not to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Salaries of Inland Fish and Game Wardens and Deputy Commissioner," (H. P. 1072) (L. D. 478) reported that the same ought not to pass.

The Committee on Ways and Bridges on Bill "An Act Relating to Fines in Motor Vehicle Violation Cases," (H. P. 1964) (L. D. 1347) reported that the same ought not to pass.

The same Committee on "Resolve Proposing an Amendment to the Constitution for Authorization of Bond Issue in Favor of Bangor-Brewer Bridge," (H. P. 1354) (L. D. 703) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Signs Designating U. S. Highway No. 1 and Maine Turnpike," (H. P. 1753) (L. D. 1097) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Majority of the Committee on Temperance on Bill "An Act

Relating to Eligibility of Certain Fraternal Organizations for Liguor Licenses," (H. P. 1920) (L. D. 1282) reported that the same ought not to pass.

(signed)

Senators:

BAKER of Kennebec
SMART of Hancock

Representatives:

DeSANCTIS of Madison
ATHERTON of Bangor
SANDERSON of Greene
BROWN of Robbinston
MAXELL of Orient

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

(signed)

Senator:

BOUCHER of Androscoggin

Representatives:

JALBERT of Lewiston
BIRD of Rockland

Comes from the House, the Minority report accepted, and subsequently the bill was indefinitely postponed.

In the Senate, the reports were read, and on motion by Mr. Baker of Kennebec, the Majority Report "Ought Not to Pass" was accepted.

Mr. SLOCUM of Cumberland: Mr. President, I rise merely to register my opposition to the acceptance of the "Ought Not to Pass" report on L. D. 1097. I appreciate that this bill cannot pass, but I do feel that it was good legislation.

The PRESIDENT: The Chair will state that the bill is no longer before the Senate, but the Senate has heard the words of the Senator.

Senate Committee Reports

Mr. Varney from the Committee on Pensions on "Resolve Providing for State Pension for Clarence S. Galleys of Ashland," (S. P. 486) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

The same Senator from the same Committee on "Resolve Providing for State Pension for Paul Paquette of Lewiston," (S. P. 506) reported that leave be granted to withdraw.

(On motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report.)

Mr. McKusick from the Committee on Pensions on the following Resolves:

S. P. 104, Resolve Providing for State Pension for James A. Coombs, of West Bath.

S. P. 117, Resolve Providing for State Pension for Lucy Leigh Fish, of Jonesboro.

S. P. 118, Resolve Providing for State Pension for Elizabeth Fish, 2nd, of Jonesboro.

S. P. 142, Resolve Providing for State Pension for Mrs. Essie Cotton, of Norway.

S. P. 143, Resolve Providing for State Pension for Bertha F. Foster, of Norway.

S. P. 174, Resolve Providing for State Pension for Cleaveland P. Holbrook, of Bath.

S. P. 357, Resolve Providing for State Pension for Dana Earl Grant, of Dover-Foxcroft.

S. P. 358, Resolve Providing for State Pension for Chester W. Simpson, of Monson.

S. P. 359, Resolve Providing for State Pension for Carl W. Brasier, of Monson.

S. P. 360, Resolve Providing for State Pension for Mary Alice Grant, of Dover-Foxcroft.

S. P. 361, Resolve Providing for State Pension for Rev. Basil C. Gleason, of Brewer.

S. P. 437, Resolve Providing for State Pension for Roscoe Knight, of Northport.

S. P. 487, Resolve Providing for State Pension for Gertrude Lamont, of Bath.

S. P. 488, Resolve Providing for State Pension for William Fraser, of Bath.

S. P. 507, Resolve Providing for State Pension for Gladys Guimond, of Auburn.

S. P. 633, Resolve Providing for State Pension for Margarite Hilda Reed, of Bath.

reported the same in a Consolidated Report (S. P. 683) under a new title, "Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons," and that the same ought to pass.

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

Mr. Crosby from the Committee on Ways and Bridges on Bill "An Act Providing for the Construction, Maintenance and Improvement of Controlled Access Highways," (S. P. 588) (L. D. 1246) reported the same in a new draft (S. P. 684) under the same title and that it ought to pass.

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

Passed to be Engrossed

Bill "An Act Permitting Counties to Raise Money for Airport Construction." (H. P. 1470) (L. D. 803)

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." (H. P. 2087) (L. D. 1555)

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

"Resolve Regulating Fishing in Webb Lake, in the County of Franklin." (H. P. 917) (L. D. 369)

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

Sent down for concurrence.

Bill "An Act to Incorporate the Town of Hermon School District." (H. P. 1058) (L. D. 472)

Bill "An Act to Create the Town of Palmyra School District." (H. P. 1844) (L. D. 1202)

Bill "An Act to Incorporate the Town of Machias School District." (H. P. 1900) (L. D. 1225)

Bill "An Act to Incorporate the Town of Sidney School District." (H. P. 1877) (L. D. 1255)

Bill "An Act to Incorporate the City of Westbrook School District." (H. P. 1758) (L. D. 1030)

Bill "An Act to Incorporate the Town of Otisfield School District." (H. P. 1169) (L. D. 625)

Bill "An Act Relating to Wild Bees." (H. P. 1025) (L. D. 457)

(On motion by Mr. Hopkins of Kennebec, tabled pending passage to be engrossed.)

Bill "An Act Relating to Automobile Travel by State Employees." (H. P. 1042) (L. D. 1465)

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

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

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

Sent down for concurrence.

Bill "An Act Relating to Katahdin Wild Life Sanctuary." (S. P. 621) (L. D. 1337)

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

Sent down for concurrence.

Enactors

Bill "An Act to Repeal the Incorporation of Bridgton Centre Village Fire Corporation and Bridgton Centre Village Corporation." (H. P. 361) (L. D. 124)

Bill "An Act Relating to Increase of Salaries of Certain County Officials of Knox County." (H. P. 759) (L. D. 361)

Bill "An Act Relating to Salary of the Judge of the Rockland Municipal Court." (H. P. 856) (L. D. 337)

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

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

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

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

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

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

Bill "An Act to Incorporate the Bluehill Water District." (H. P. 1885) (L. D. 1256)

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

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

Bill "An Act to Amend the Charter of the City of Auburn to Provide for Two Councilmen at Large." (H. P. 1999) (L. D. 1382)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be enacted.)

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

Bill "An Act Amending the Unemployment Compensation Law as to Payment of Benefits." (H. P. 2031) (L. D. 1438)

Bill "An Act Relating to Employment of Women and Minors." (H. P. 2040) (L. D. 1463)

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

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

Bill "An Act Relating to the Salary of the Judge of Probate in

Knox County." (H. P. 2059) (L. D. 1488)

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

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

Bill "An Act Relating to the Salary of the Clerk of Courts of Knox County." (S. P. 178) (L. D. 236)

Bill "An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey." (S. P. 235) (L. D. 349)

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

Bill "An Act Relating to the Salary of the Judge of the Western Somerset Municipal Court." (S. P. 316) (L. D. 509)

Bill "An Act Relating to Clerk Hire in County Offices in Somerset County." (S. P. 317) (L. D. 510)

Bill "An Act Relating to State Aid for Academies." (S. P. 345) (L. D. 571)

Bill "An Act Relating to Branding of Potatoes." (S. P. 395) (L. D. 733)

Bill "An Act Relating to Investments of Savings Banks in Certain Mortgages." (S. P. 398) (L. D. 736)

Bill "An Act Relating to the Salary of the Judge of the Lewiston Municipal Court." (S. P. 466) (L. D. 917)

(On motion by Mr. Boutin of Androscoggin, tabled pending passage to be enacted)

Bill "An Act Relating to the Salary of the Clerk and Clerk Hire of in Lewiston Municipal Court." (S. P. 467) (L. D. 916)

(On motion by Mr. Boutin of Androscoggin, tabled pending passage to be enacted)

Bill "An Act Eliminating Special Primary Elections in Certain Cases." (S. P. 539) (L. D. 1102)

Bill "An Act Relating to Fire Escapes on Buildings." (S. P. 578) (L. D. 1241)

Bill "An Act Relating to Pensions for Officers and Employees of Domestic Insurance Companies," (S. P. 582) (L. D. 1250)

Bill "An Act Amending the Atlantic States Marine Fisheries Compact," (S. P. 634) (L. D. 1391)

Bill "An Act Relating to the Approved Listing of Certain Appliances," (S. P. 657) (L. D. 1469)

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

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

"Resolve Relative to Catching Lobsters Near Monhegan," (H. P. 674) (L. D. 220)

"Resolve Relating to Use of Seines in Medomak River, Lincoln County," (H. P. 1803) (L. D. 1145)

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

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

Emergency Measure

Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs," (S. P. 640) (L. D. 1411)

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

Orders of the Day

On motion by Mr. Sleeper of Knox, the Senate voted to reconsider its action taken earlier in today's session whereby it accepted the "Ought Not to Pass" report of the committee on Resolve in Favor of General Ice Cream Corporation of Rockland (H. P. 898); and on further motion by the same Senator, the resolve and accompanying papers were laid upon the table pending consideration of the report.

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 26 pending passage to be engrossed.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this matter of course is the income tax measure which is before the Senate this morning. It is a bill amended by the Senate amendments placed upon the bill yesterday. I am naturally aware of the statements that have been in circulation that the Senate is prepared to indefinitely postpone the measure. That action, of course, is vitally connected with other actions in this Body, namely the disposition of some \$3,800,000 of supplemental appropriation and is, of course, vitally connected with the disposition of some \$6,000,000 in other legislative documents. It is also, of course, vitally connected with whatever will be our final appropriation measure.

In the interest of fairness and in the interest of expediting the legislative session, which is already a long session, I think it is fair to both sides of this question that we determine whether or not there is a majority in the Senate who think the people should have an opportunity to vote as to whether or not they have sufficient seriousness in their desires for new expenditures and for those expenditures already provided for by statute, some of them with money that doesn't exist.

Therefore I move that the bill be indefinitely postponed and I request that when the vote is taken it be taken by the Yeas and Nays and I sincerely pray that my motion does not prevail.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I had the intention of moving the indefinite postponement of this bill. The Senator from Penobscot, however, has made the motion and hopes that it will not prevail. I hope the motion does prevail. I think the Senator from Penobscot has been very clever in maneuvering the workings of the bill. It came out of the committee

with a majority vote "ought not to pass." If the Senator from Penobscot had used the energy and the time that he has used on this bill on the sales tax bill I think he might have accomplished something, but I don't think he has accomplished anything on this particular bill. The amendments ordered yesterday, Senate Amendments A to I, I would like to have had an opportunity to present Amendment J for the indefinite postponement of this bill, but the bill went back on the table.

Let us look at the expenditures of state government for a few minutes. Let us recall the figures again of the last biennium. I want to be fair, however, and I realize that this present year ending June 30th, 1949, there will be some two million dollars more expenditures on state government than in 1948. I want to be fair on that angle. And so I will take this present year that we are in right now. We will spend roughly \$23,168,000 by June 30th ending the present year of state government. Now supposing you multiply that by two and it will amount to \$46,336,000. The Appropriations Committee came out with the bill with an estimated revenue of \$47,649,000. What does that leave? It leaves us with \$1,113,095 more to every department for state operations for the next biennium than we are operating on at the present time. I say that is enough. I will admit that it is \$556,000 each year. That \$1,113,095 is for the biennium but divide it in two and it is still over half a million dollars increase within present revenues. I think the Senate is passing the buck to the House, and I think the proponents of the bill realize the bill will be killed over there but they would like to pass it in here. I hope the motion prevails and I know the Senator has asked for a division. That is all I have to say on the matter.

Mr. McKUSICK of Piscataquis: I do not see how anyone with any knowledge of the affairs of our municipalities can fail to be very

much concerned about the life or death of this measure. It certainly brings home to us who have anything to do with the welfare in our towns, who have had anything to do with the schools in our towns, that the matter of aid for the hospitals is exceedingly important to all municipalities. We have heard definitely from the Eastern Maine General Hospital, and indirectly from other large hospitals in the state that they will absolutely take no patient where the pay is not guaranteed. That means that if a patient is not in financial position to deposit a check for his initial payment, the selectmen or the municipal officers of the town will be called upon to guarantee those payments. That is one thing that the income of this bill would provide, provided the amendment of \$400,000 for each year is added for hospitals. That is one of the things that hits our towns directly.

I have served for the last two years on the welfare committee, and I know some of the problems which the Welfare Department has to meet. I also realize the problem that is coming back to our towns if there is not sufficient money to meet the present standards of aid to our old age recipients and our aid for dependent recipients. We have figures which we have reason to believe are fairly accurate that if additional money is not provided, the limit of aid for dependent children the next year will be not fifty dollars, but will be thirty-nine dollars. And for the second year of the next biennium, it will go down to twenty-seven dollars. I can not see where that would mean anything else but your municipal officers in your towns being called upon to make up the difference.

I have been connected with schools practically all of my life, and I have the interests of the schools at heart. I would call to your attention that the school committees in our towns have made up their budgets for the coming year. Your town meetings have acted on

those budgets, and they are provided money to meet those budgets. Now, if our payments for school subsidies are going to be paid on a percentage basis—if we are not going to get our full school subsidies—you are going to find that our school departments will be operating in the red. It will mean overdrafts or else special town meetings to provide money.

For those reasons, I do not see how anyone with the interests of their municipalities at heart can fail to see that we need new money, and here is the opportunity. I hope you will consider that before you move on this question.

Mr. BOWKER of Cumberland: Mr. President and Members of the Senate, Senator McKusick has picked out aid to dependent children. I would like to point out that in the current year it is actually \$710,000 and in the appropriation bill it is \$1,100,000, within current revenue, or an increase of \$390,000.

Mr. COBB of Oxford: Mr. President and Members of the Senate, I want to register my approval of the Senator from Piscataquis for what he has said. It seems to me that the Senator from Cumberland is dealing in terms of figures, rather than in terms of needs of the people.

I think it is our obligation at this point to take the fundamental needs of the people of the State of Maine as the basis for our actions. Any one of us can get up and say, here are the figures, and we had so much more over the last year, of biennium, than was appropriated by the last Legislature. Therefore, we should not appropriate or try to find any new revenue for state needs. I feel in my heart that everybody in this Senate knows the problems of forest fire control for our state.

On the Friday before that holocaust, I had occasion with my wife to drive to Bar Harbor. In passing through Brunswick, we went through thick smoke from a forest fire which was doing a tremendous amount of damage in that area. We stood on the top of Cadillac Moun-

tain in Bar Harbor, and looked over to one corner of the island, one of the most beautiful spots in the State of Maine, and saw the beginning of the Bar Harbor fire. At that time, we had no idea of what was going to happen the following Thursday.

We drove to Boston, and on that Thursday I was called back with an SOS to get back to my area where the fire at Fryeburg had gotten out of control. We tried to cut through Alfred and were turned off by a road block where Waterboro was burning. We were headed toward Kennebunk, and apparently following another car, took a wrong road and went directly into the fire, and for a brief period I had some doubt as to whether we were going to get out of it alive. We tried to cut back again at Scarborough and were stopped by a road block. In Portland we stopped at a gasoline station to get some gas, and they told us that Fryeburg, Brownfield, Denmark and Hiram had all burned. We got to the village of Denmark which was home. Utter confusion prevailed in the square. In town, there were trucks trying to get out loaded with the goods of families trying to get out of town. There were trucks coming in with men to fight fire. There were fire trucks coming in. No one was in control. No one knew where to find authorities to gain any semblance of control for the fighting of the fire. My little Town of Denmark had been ordered evacuated. The next morning at five o'clock when the fire had dropped because of the dropping wind, I drove through Brownfield. Now, I think perhaps most of the Senators have been there. The Town of Brownfield, as you know, was practically wiped off the map. One of the good residents of that town in my childhood had a store in Brownfield, and he had driven a wagon with two horses selling the goods from his store to the surrounding country. When trucks came in, he got a truck and did the same. Finally, along in his 70's, he retired. He had a little house,

and his wife had filled the cellar.— And they were very proud of it— with canned goods from their garden. He was to me the epitome of your substantial, hard-working, fine citizen of the State of Maine. He was told that he had an hour to get out of that house. He and his wife and her daughter who had one infantile leg went upstairs to get some of their belongings, and they looked out of the window and two houses beyond were burning. So, they left with nothing. The savings and work of a lifetime was gone in a moment. Now, you can multiply that by hundreds of people who went through a disaster of that sort, and here we are in this Senate talking about stopping the real necessities of the fine living for our State of Maine.

I think it might be interesting for just a moment to see what we are up against in the state. We have 6,783,000 acres of forest land in our organized towns. Out of that, we lost 174,656 by forest fire damage from that 1947 holocaust. We lost 26,336 in fields that were burned, a total of 200,992 acres of our state land from that one serious fire period. The state lost \$11,673,-442 worth of forest that went out in just a brief two-day period. It cost the state from the Governor's Contingent Fund, and other sources, \$641,200 to get by the fire period, to say nothing of what the Red Cross put into it, to say nothing of what the loss in homes was to our people of the State of Maine.

This forestry bill that is at the moment tied into the income tax as one of the several, is the only protection we have, Gentlemen, for the next biennium. I think you all are aware of not only the tragic implications to the citizens of the state, but you are aware of the political significance that this Senate should go down in history as having failed to take care of a vital need of this state after we have had that experience.

I don't believe it is possible, Gentlemen. Just think of the position of any governor of the state who receives no backing from the Senate

if that should happen, to give protection, give him some protection, after that last fire. You are very well aware that the citizens of Oxford, Cumberland and York Counties were on the point of marching on the Governor. The Governor had to decide that he would not call the Legislature together. It put the Governor in a spot that I don't believe any member here would like to be in. All of the way through, I can't see any sense in not providing sufficient revenue for these vital needs that I have spoken about, that the Senator from Piscataquis has spoken on, and on which others will also speak, to give adequate protection and help to the people of our state over the next biennium.

I would like, in closing, just briefly to come back to the forestry. But before I do that, I will admit that I have been for the sales tax, and I have battled an income tax up to the failure of the sales tax. In spite of my objection to the income tax, I am earnestly convinced that we need additional revenue, and if it is coming from the direction that I don't believe in, I am willing to sacrifice my feelings in that direction for protection for the state and counties of the state.

Coming back to the forestry bill, it seems to me that here is something that, however the Senate wants to do it, is so vital to the State of Maine that action should be taken at this session to give us the adequate protection that we need. It is the first natural resource of the state. The woods products industry is the state's greatest source of income. It occupies over eighty per cent of the State land area, nearly 17,000,000 acres, supplying nearly a hundred primary wood using plants with raw materials. It is the greatest wood source in the northeastern United States. It is the reason that we have a recreational area which brings us in some millions of dollars for state revenue. It provides food and protection for our game and makes us one of the states that people like to come to for hunting

and fishing. It holds water for utility development and human use. It helps prevent soil erosion, and it is a major source of revenue for the Maine railroads. I hope that the motion does not prevail.

Mr. ALLEN of Cumberland: Mr. President and Members of the Senate, I rise as one of the two members of the committee on taxation who favored the income tax bill, a bill which has been described by my colleague from Cumberland as a very poor bill. I think in the three sessions that I have been in the Legislature, it is the best tax bill I have seen yet. I say it is the best tax bill, because as I said last week, it is the fairest tax bill we have.

We have discussed the tax bill. I shall not go on at great length. I tell you why it is a fair bill. You have heard the reasons before, it seems to me, that this, called the Haskell-Allen redraft out of taxation, is a bill which strikes all of us fairly equally on the basis of where we should be taxed, on the amount of money that we make. You are going to get this new money which Carroll McKusick has so aptly described, and which Roland Cobb has also mentioned so graphically when he described the conditions there in Brownfield and Denmark. I was driving a pick-up truck filled with hose and shovels at Brownfield and Hiram the afternoon when these towns were burning up. And I wish you could have been there to see the desolation and havoc as the fog settled down in that Saco River Valley, the blackened places, and the burning coals where homes had once been. And then these people get up and say these services are not needed. We don't need new money. I think the people of the State of Maine are very much interested in what Roland Cobb and what Senator McKusick has been talking about. I think the people of the State of Maine consider these as very important matters. At least one major candidate for office in this state last year was overwhelmingly defeated, and probably a good reason

for that was the fire disaster in which the people, whether right or wrong, felt that he hadn't done the job. The people are interested, as far as I can see, in things that are enumerated on these sheets. The people have been trying for years to have a chance to do something about this. These people in the Senate, and in the House will tell you that we can balance our budget. The Senator from Oxford, Senator Cobb, has mentioned the most important word that I have heard here in the session, "obligation."

Certainly we can cut the budget and go home, but there is such a word as obligation, and I say, Gentlemen, it is just about time the Maine Legislature got a little bit of courage to meet some of its obligations, instead of trying to kid themselves and go home by balancing the budget which you know in your hearts, and which I know, will not do the job.

I certainly hope that the motion of the Senator from Penobscot to indefinitely postpone the bill does not prevail.

Mr. COLLINS of Aroostook: Mr. President and Members of the Senate, quite a lot has been said about additional revenue being needed. I believe that that is absolutely true. Senator McKusick and Senator Cobb have pointed out the needs to municipalities and the needs for forest fire protection. I would like to point out the item of the University of Maine, because that item is one of considerable size, and it was not included in the appropriation bill in the amount that would be needed for maintenance of the University to carry on for the next biennium. In fact, under the appropriation bill, there would be a reduction of \$280,000 per year in the next biennium over the amounts that were received by the University during the past biennium. The mill tax is the only amount that is included in the appropriation bill.

Now, I do not particularly care for the income tax. I have stated that before. I would like either a

sales tax, or a combination tax. But as Senator Cobb has said, in the interests of the state as a whole, I am willing to go along at this time with an income tax provision. There are certain facts about the University which I would like to point out to you, and with which you are probably already familiar.

Back in 1931 and 1932 when the mill tax was sufficient to run the University, they received at that time about seven hundred and fifty odd thousand dollars, and they had an enrollment of about 1,400 students. Today, they have an enrollment of some 4,700 students. They will discontinue at Brunswick in June of this year, but next year there will be approximately 4,200 students at the University on the Orono campus. And they are receiving for income only just that one mill tax that they received back in 1931 and 1932, plus this last year some \$325,000 to carry on the work of a university with over double the enrollment, and with a dollar that is worth only about fifty cents in comparison to what it was worth in 1932. So, you can see there is a real need there. In 1947 and 1948, the student tuition fees, and other student fees amounted to pretty near 44% of the income of the University. State appropriations at that time amounted to approximately 29% of the appropriations. The appropriations of the state amounted to 29% of their income, so that you can see they are taking a great deal of money out of the student, and tuition fees are high in relation to those of fees of other state universities.

I could go on and tell you of the good work that the University has done in taking care of the veterans. I think that most of you are aware of that. They have done a marvelous job, and I feel that the people of the State of Maine are justly proud of our activities for the students and veterans at the University. So that is one particular reason why I, at this time will go along with the income tax

measure. And as I say, if some other revenue measure can be devised that would be equally good, or even better, perhaps from my point of view, I would go with that, rather than with this. But at this time, I can't see why we shouldn't continue to support this income tax bill.

Mr. DENNY of Lincoln: Mr. President and Members of the Senate, I shall vote to indefinitely postpone this income tax measure, not because I do not appreciate the need for more money. I am not a member of the so-called economy bloc in the Legislature. I do appreciate the need for this forest fire protection, for education, for the University of Maine and for many other things, particularly for help to municipalities. But I do not believe that this is the right type of tax.

I will be very generous when I say that I believe that we have maneuvered ourselves into the position that we have at this time, which is the position of having just one vehicle to procure this money with.

We are taking away from the State of Maine one of the important attractions to the State of Maine. The lack of an income tax in the State of Maine in my mind is an attraction to the State of Maine. The passage of an income tax, I believe, would be a permanent harm and damage to the State of Maine.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I think all of the Senators are aware that I have been in agreement with those who believe that the state needs additional revenue during the coming biennium, and that I have been prepared to vote for a tax measure which would produce that revenue. Most of you know that I have pleaded with you to send the tax bills to the House for consideration without benefit of any bow ties or other decorations. There can be no tax legislation without give and take on the part of every man who serves in the

Legislature. And men who come here without the spirit of give and take can never contribute anything constructive when we are working on the tax measures.

There are some types of bills which we have before us for consideration on which we can say "yes" or on which we can say "no" and on which you never have to amend your position in any way and you can give service to the state and to the people of the state. That does not apply to the tax legislation. It is said that we have no other vehicle before us except this income tax. I remind you that the Legislature has the power at any time during its session to bring before it, if it is the will of both houses, legislation; and, we can if we will, have other legislation before us.

I have great sympathy here this morning for those who say that they will support this bill because it has attached to it things which they want, but at the same time say they are not in sympathy with the type of tax which is going to provide that revenue. I am not in that position, myself, because I have consistently opposed the income tax in a very firm belief that it was not the type of taxation which is in the best interests of the State of Maine. In order to be consistent, I shall have to continue to vote against the income tax. But the Senators who have spoken in favor of additional revenue for fire protection, for education, for health and welfare and for other worthy things which I think the state needs, I say to them that I, too, favor those things supported in accordance with the bills which the majority of the Legislature have sponsored.

I do not hold that my views, on any of those issues are any more accurate than those of any other member of the Legislature. I wish we hadn't wasted our time by maneuvering legislation by placing bow ties on it. If you remember, I thought that the bills ought to stand on their merits. I have pleaded for debate on tax meas-

ures. There has been no debate in this Senate on details of the effect of tax legislation. That debate should take place. These measures are not simply measures that produce revenue. They are measures which affect the economy of the state and affect our welfare and the welfare of all of the people in the state. It is not just a matter of raising dollars. The other issues are, to my way of thinking, much greater than the mere raising of dollars.

I think I pointed out in the Senate the other day that it would seem to me that the amount of money we were going after for additional revenue was something less than one-half of one per cent of the total income of the state. Not a matter, as I see it, of paramount importance from the standpoint of revenue, but one which can be of very great importance, depending on how you raise the money.

I shall have to be consistent in voting against the measure. I hope the measure does not pass. I hope if it fails that we will have courage enough to go back and think again about taxation, and debate taxation from the standpoint of the merits of the various types of taxation, and that we can pass the bills back and forth on their merits as tax measures and not on their merits as to what kind of a bow tie you have on it.

Mr. BOUCHER of Lewiston: Mr. President and Members of the Senate, I feel that I must explain myself before this vote is taken, to make my position very clear, not only to those present but to those of my party who may follow in my footsteps.

I don't believe that we need any taxes at this time. I do agree with the Senator who just preceded me on one thing; that is, there have been too many inducements, dressing up and dolling up of things in this Legislature in place of facing the cold facts. It makes me think a good deal of these World of Mirth Shows that our good friend, Senator Sleeper has been speaking about, as well as these night clubs where

they try to induce you to spend your money. Apparently we are trying to induce the people, the citizens of Maine, to spend their tax money freely, the money that most of them haven't got, and that they will have to find if we force them. The only reason that I have gone along so far with this income tax procedure is the fact that it had a referendum attached to it. But, Mr. President, even with a referendum attached to it, or the dressing or the dolling up with the bow ties, or whatever you have or may wish to call it, there is no inducement to me at all, because some of the measures attached are pet measures that have been brought in over and over and over again in the eight terms that I have attended this Legislature since 1935. And I don't like them. I am getting to the point where I believe that one group of citizens of Maine should not pay the just debts of the other group. I am getting to a point where it burns me to hear somebody get up from their seat in one of these branches and say, I come from a small town. Well, I come from the second largest city of the State of Maine, and these people are part of those that I represent. I feel that I am duty bound to defend their interests, as well as the interest of the citizens of the sister city of Auburn and the other people of Androscoggin. I also feel that the people of Androscoggin County shouldn't be obliged at this time to pay the just debts of other parts of this state.

I believe that the heyday has gone by. In Lewiston very recently the mills have released thousands of workers. Those people will not be able to pay any more tax money than they have been paying in the last few years. I think past Legislatures have made a terrible mistake if this great need that we do claim does exist today, that they did not at the proper time during the war and in the booming years after the war, impose the proper taxes at that time. I will not claim we are in a depression. But according to all that I hear and read and

information that I can get, we are certainly at the start of a recession. I don't believe that a majority of the individuals of this state are going to make more money this year than they did in 1941 to 1948. If that is so, then I declare it is unjust to attempt to extract from them more money on a tax basis. But I have said, and I repeat that I am willing and agreeable, because I have pleaded in years past in these same legislative halls for a referendum. I believe that the citizens of Maine can decide for themselves what they want to do. If these obnoxious amendments are amended to satisfy me, I will again vote to send an income to the people of Maine for the very reason that I want to test this claim that has been made this year in this Legislature that the people of Maine are willing to pay more for greater service from the state.

I do not agree with that. I am willing to go on record here this morning and tell you gentlemen of the Senate that this tax, or any other tax that you send back in a referendum form to the citizens of Maine will be turned down at least three to one. You have attempted the same thing time and again. At least twice in recent years you have attempted a sales tax, and it has been roundly defeated by the citizens of Maine. Again this morning, we hear a cry for a sales tax. My party is committed against a sales tax. We will not vote for a sales tax even with a referendum attached, because we do not want to insult the intelligence of the citizens of Maine who have turned it down twice in recent years. We are willing to test under fair regulations the question of whether or not the citizens of Maine will vote for an income tax to get certain returns.

I agree with some of the requests made here this morning. Fire protection? Yes, we need fire protection. God knows we do! We have had a terrible experience that showed that very well. I believe in the University of Maine. Yes. I believe in education. Yes—but not to

the extent where cities or certain groups must pay for other parts of the state. I also believe that we should take care of our poor, but again not to the extent that some of our groups will get relief by having larger groups pay for their own responsibilities.

I have been brought up in the belief that if you had a responsibility, or if you assume a responsibility, that you should do everything in your power to take care of that responsibility, and not try to dump it on the neighbor or relative. I have lived with that philosophy so far. I want to keep on living with that thought in my mind. I have assumed responsibilities, and I shall try and shoulder them to the best of my capacity as God will so will.

Mr. HASKELL of Penobscot: Mr. President, I am fully in sympathy with any member of the Legislature who finds himself in the embarrassing position of having supported an appropriation measure, having spoken eloquently for it, having supported an income tax when it didn't seem to have much of a chance of success, and then when there is a chance that it might succeed, the only path is to crawl down the dark and winding corridor on the way toward the seeking of political sunlight. That position of any legislator has my sympathy. But in seeking the way to the sunlight of political expediency, it seems to me that some argument other than the support of all the spending bills and the defense that this particular action would place a burden upon the cities to the benefit of the towns ought to be explored. And purely by coincidence, I received a letter this morning not from the second largest city in the state but from the third largest city in the state, and I would read that letter into the record.

"Dear Senator Haskell: Last evening, there was outlined to the members of the Bangor City Council what the impact on Bangor would be if certain proposed cuts in appropriations were carried out. Mr. James White, Chairman of the

Bangor City Council, directed that I convey to you the reaction of our councilors.

"Were it possible, through operating economies, to avoid new taxation, we in Bangor, like all Maine citizens, would be quick to applaud. But if, to avoid new taxation, appropriations for vital humane and educational essentials must be so hacked that the burden is to be thrown upon the already weighed-down local real estate taxpayer, the choice is plain for new taxes.

"The following financial burden would be loaded on to Bangor taxpayers:

1. Cut-back in teachers' subsidy of \$4,836.
2. Aid to dependent children, a 25 per cent reduction the first year (1949) and 40 per cent drop the following year.
3. State aid to the Eastern Maine General Hospital \$75,000 cut each of the two years.

"Together with old age assistance reductions or other lesser items, this would throw an aggregate additional burden on Bangor in 1949-50 of \$95,936 and in 1950-51, \$117,876.

"We are confident that we can continue to rely upon your keen interest in the welfare of Bangor and its citizens. Cordially your, Oliver D. Comstock, City Manager."

I submit that letter, Mr. President and Members of the Senate, as an indication that failure of new revenue will have as great an impact upon our cities, particularly with reference to the welfare and educational program, as it will upon small towns, and I am hopeful that those who seek to avoid support of this measure at this stage can find a more logical basis upon which to state their arguments.

Mr. BOUCHER of Androscoggin: Mr. President, I did not believe that the Senator from Penobscot would stoop to a personal attack on me and if he has quoted from a letter, I can say that the same thing holds true in Lewiston, but I must remind him, and I think he does know it but probably wants to forget, that the tax money comes

out of the citizens and not out of the cities, either Bangor, Lewiston or any other town.

My main objection is not the fact that Lewiston pay a few thousand dollars but that the thousands of citizens in Lewiston would be asked to pay ten times the thousands of dollars the city would lose. May I, in my turn, Mr. President, quote a few figures we have here, and I want to point out that they are not my figures, they are the figures submitted by the Republican administration of this State and I am taking them at their face value.

Under equalization there is a list of towns here, not all the towns in Maine but some of them, under L. D. 1360. I hate to name any other town but I will have to in order to make comparison. The town of Kittery would receive \$68,000; the city of Lewiston \$69,000; Van Buren would receive \$81,000; Presque Isle \$66,000; Caribou \$49,000; Bangor would receive \$88,000 and if my memory serves me right, Bangor is about two thirds the size of Lewiston and maybe less because according to the business census, Lewiston has about 48,000 population today and I doubt if Bangor has 30,000. So, Mr. President, I don't like to have these remarks thrown at me and then have the administration furnish me with information that the facts are otherwise.

I wish the Senator from Penobscot would go over these figures before he accuses me of making any statement that might prove to be wrong.

Mr. HASKELL: Mr. President, through the Chair I will advise the Senator from Androscoggin that those Administration figures that he referred to refer to a bill that no longer exists. That was the effort of the Education Committee to get through their equalization bill. Any hope of that bill passing has already ceased and the very modest amount that was suggested for equalization in the amendment of yesterday is a far cry from that which we had originally hoped to get.

Mr. NOYES of Hancock: Mr. President, I hesitate to say anything in view of the record of the last few weeks that I have made here in this Senate. I have listened, however, with interest to the debate. The speeches have all been good. However, it seems to me that the speeches for the most part might well be made in connection with any tax measure. We are talking of money and the need for money, and we have before us the passage or rejection of an income tax. It seems to me it is a case where the tail is wagging the dog here in the Senate this morning.

There is no question in your minds as to how I am going to vote but the statement had been made by my good friend Senator Denny that we have maneuvered ourselves into this position where this is apparently the only tax bill left, and I would just correct my good friend the Senator and say that we have been maneuvered into this position by a small, wilful, vociferous, minority of this Legislature and I am going to stand here today and vote on the tax measure and not on the Appropriation bill, and I hope my good friend, the Senator from Penobscot who has stated that he wants to be fair this morning—and I am glad he does—I hope his motion will not prevail.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I hesitate to speak again on this measure but I would like to recall that on January 12 the Governor presented his Budget message and he said, "The budget presented to you is balanced. It reflects the result of careful study and represents what can be done with existing revenues. This is sound budgeting. It permits the continuation of all services for the biennium at a level comparable to, or greater than the present level. No new taxation is required."

That was on January 12. Since then there have been several bills introduced that called for money, but we also find that current revenue is up. Taxation on public util-

ities and insurance companies has brought in additional revenue and we can still give over a million dollars more than at the time the Governor presented his budget. I just wanted to recall that to the Senate.

Mr. NOYES: Mr. President, I wish to correct the statement I made that I hoped the motion of the Senator from Penobscot would not prevail. He made the motion to indefinitely postpone and I certainly hope his motion does prevail. I would also say that there may be a possibility of a little maneuvering in the motion in that if the motion to indefinitely postpone should be a tie vote, that motion will not prevail. Therefore the next question would be on the passage of the bill to be engrossed and I would inform the Senate that if you vote likewise and it is a tie vote, the motion to engross would not prevail.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, sometime earlier in the debate, the distinguished Senator from Cumberland, Senator Bowker, also a member of the Appropriations Committee, had some remarks to make, but I think that maybe before the session closes we might make a few remarks to show that not everyone on the committee agrees with him. In fact, he doesn't agree with himself, apparently. Once this session he was one of those who brought out an appropriation bill which showed that a lot more money was needed in the State of Maine. I think probably that if to meet the demands for these services new taxes were not called for, that Senator would be shouting to the high heavens for those bills today as I know that he has promised several groups that he was working hard for their bills such as the Maritime Academy, the hospitals, the University of Maine and all the others. I realize that taxes are tough and my good friend doesn't like taxes. I don't like them. None of us like them, for

the simple reason that they hit our pocketbooks.

An income tax would hit some pocketbooks, and so would the sales tax but it would appear to me this morning that the Senate might rise above their own pocketbooks and even above the pocketbooks of their friends; they might even rise above the pocketbooks of a few political leaders in the state of Maine and vote as they think right.

My good friend from Androscoggin who has been with me on the Welfare Committee for several sessions and who has always supported my Aid for Dependent Children bills, even this session of the legislature, appears this morning to think the small towns are getting everything from the state. Now, if there is one thing I always hate to do, it is to inject my town into these matters but as the Senator injected his fair city, the second largest in the State of Maine, into this discussion I might compare it to my little town of 169 inhabitants, and remind him that under this bill, my town would not receive one cent. I don't have the figures before me but a few years past, his town per capita received more money for aid to dependent children than any other city or town in Maine so where are we getting passing a bill of this type?

I won't say much more this morning because everything has been said and again I have to turn to Senator Bowker and thank him for making this a real issue. He says, "It is enough. The money, the dollars we had last year—that is enough." I am glad that is the issue before us this morning. Is it enough, or isn't it? He says it is enough. Apparently the minority floor leader—and I hope he speaks only for himself — believes it is enough and I would remind you that this vote, I think, will be taken on that issue, whether or not it is enough money for the state of Maine. If we agree that it is enough we agree that in the Forestry Department that they should have \$101,000 less than they had two years ago and ten thousand dollars

less than they are spending this year, and yet everyone is agreed that there is a need to do something. He says we don't need state control of this forest fire menace and I am sure that if a similar situation breaks out again, as in 1947, that many in this Senate will be squirming and saying, "I tried to do whatever I could in the Senate to bring about better forest fire protection in Maine," but I remind you all that your vote will be recorded and it will be hard to squirm out of that.

In the matter of education which has been well discussed, if we say there is money enough, we are throwing back on our municipalities the bills to pay that former legislatures have passed in the subsistence payments, teachers' salaries and other things. Maybe it is enough but I agree with Senator McKusick that this is not the time to throw back the bills upon the municipalities.

If you say this is money enough, you say we don't need any additional money for aid to dependent children. But I remind you that the number of dependent children is rising rapidly and the reason is that it is a war casualty and is rising because of unfortunate marriages made during the war; and if you say we paid enough last year or that the new budget of the appropriations committee is enough, you are saying that a mother and child, their grant, should be cut back to \$39 a month for the first year of the biennium and the second year it should be cut back to \$27 a month. Do you say that a mother and child should live on that amount? That is your answer this morning? Do you say that we should cut back Old Age Assistance? We passed unanimously, I believe, in this Body an increase from \$40 to \$50 that has increased the average grant and you are saying you wish that to be cut back?

The hospitals came in here I think with the fairest question of all. They asked for 80% of their out of pocket cost, not the average cost but for the out of pocket cost \$600,000. After some argument in the Ap-

propriations Committee we decided on the figure of \$400,000 but now you are saying that is not necessary. There is not enough money so cut them back to where they were. You are saying that the municipalities of this state must make up the difference.

I don't know as it is necessary to go on. I might mention this matter of Aid to Dependent Children. I can get along easily if you don't pass this bill at this time but I know of some members in the other branch who would like to see the bill pass. If you say there is enough money today, you are cutting back the institutions below the figure on which they can carry on, you are cutting them back to a figure below the per capita of the employees for the last few years as none has been added except in Pownal where there has been an increase in the size of the institution. I say there is need for an increase in this budget. I don't know about the rest of the institutions. The University of Maine has been well taken care of, maybe they should be cut back. I have one thought in this respect that from the knowledge I have of the Appropriations Committee and the work on this budget, that if this is not passed, there is no place where those funds are going to be pushed in. I think any member of that committee or any other committee who contend that the University of Maine or any other services of any sizable amount can be taken care of without new revenue, are giving a false impression.

There is a way but I don't think this Senate would adopt it. You can remove the \$7.20 cost of living increase or cut each employee back 10% or some method of that type and you can raise the money but I don't believe it can be done otherwise.

So for these reasons I definitely stand before you today and say I hate one tax as much as another but any tax that will take care of these services I am definitely for and I say there is not money

enough. When you vote, the issue is clear cut; do we need more money or not? Do we want those services? If we say there is money enough we should vote for this motion. If we say we need extra money let us vote to defeat this motion.

Mr. BOUCHER of Androscoggin: Mr. President, I don't seem to fit in Penobscot County. I have been attacked for the second time this morning from that county. I feel I have to come again to the defense of my own county and especially the city of which I had the honor of being mayor for two terms. Senator Williams in speaking of the tax bill that has been introduced three times at least to my knowledge, said that citizens of Lewiston had received more than anyone else. If that is true, Mr. President and members of the Senate, and I question it, then I will say to him that the Overseers of the Poor in Lewiston have cursed the State of Maine more than anybody else in the state for giving so much to the citizens of Lewiston who did not need it.

The state has taken on family after family which the Overseers of the Poor said didn't need relief but the state, in its simplicity, said they did need relief and they were going to get relief and again, Mr. President and members of the Senate, let me point out to you that I cannot understand the stand the Republican party took in Maine as compared with the stand that party took in Washington. It may be caused by the fact that in Maine the Republican party is in leadership and in Washington, it is not, or in plain common words, it may be caused by politics. I heard more complaints throughout the last 16 years in these legislative halls about remote control and about the doings in Washington, the imposing of Washington's wishes upon the State of Maine, than I ever heard in my life.

Well, apparently the State of Maine is doing the same thing to what few Democratic cities and towns there are in the state. You

are imposing upon them things they don't need and don't want and I say to you gentlemen, leaving parties aside, that my experience as a mayor in the City of Lewiston and as a member of this legislature for the last eight terms tells me that you can render better service by close control than by remote control.

I don't care at this time to recite individual cases but if any one of you Senators are enough interested to find out the difference between local control and state control or remote control I will be more than glad to give you the facts and figures.

I believe both of my friends from Penobscot County who have attacked me, have got the impression that I have changed my mind and that I am going to vote against the income tax. I have not made that statement and I am not willing to make it at this time. I shall vote against the motion of Senator Haskell, with due reservation that if certain amendments that are not satisfactory to me now are amended so that they are satisfactory and may eventually vote against the income tax if those amendments are not corrected to my satisfaction.

Mr. ELA of Somerset: Mr. President, I am not bitter against the income tax and I was not bitter against the sales tax. My position is that there is sufficient revenue available to the State of Maine to render those services that are prudent. Prudence seems to be a forgotten virtue. We have come through a period of many years of rising costs and rising appropriations. There comes a time, and I think it is now, when we might well stop and take account of stock, and see what is essential and what is not.

I realize that every Senator here is interested in some particular matter. I grant complete sincerity to each and every one of them. They are close to their particular situation and they believe in it and I honor them for their position. However, I like to view the problems as a complete problem, a state problem, and to keep everything in its due proportion. We hear a great

deal about cuts. Cuts from what? Not cuts from actual appropriations and actual expenditures but cuts from proposed new measures, new appropriations. In the present appropriation bill, if I might be excused for discussing that, I think, with due regard to the Senator from Hancock, that I must discuss the appropriations a little bit if I arrive at a solution of the income tax.

There are many, many of those items in the appropriation bill which have had proper increases. I don't object to those where they are proper. If each person who is vitally interested in some new measure in this Senate was granted complete accord in his desires, we would need many, many millions more than any tax measure would produce which has been suggested yet. So, in view of the fact that we can't grant all expenditures, we must resolve ourselves into what is a prudent amount to give. The hospitals have been mentioned, and nobody has dared to raise a voice. I would call attention to the fact that the present amount in the appropriation bill is double what it was four years ago. I think there are many, many people received into our hospitals now as free patients who could probably pay their way. I know that is a fact. And as for saying that they wouldn't accept patients, take due cognizance of the fact that there is still nearly \$600,000 in the appropriation for meeting those services. That at least would give five hundred eighty some thousand dollars worth of services.

I rather resent the implication of the Senator from Penobscot that Senators are voting their pocket-books. I don't think that is fair. I don't think people in here are doing it. They are doing what they think is right, and I respect every man for his position and viewpoint in the matter.

Dependent children have been mentioned. In the present appropriation bill, we have several hundred thousand dollars above the two-year-ago appropriation. It may

be that the astronomical increase in these things presents some reasons why they should be scrutinized possibly a little more carefully. It may be that some of the rules and regulations might be stiffened a little to keep the amount within due proportions.

I think possibly that is all I have to say on the matter. We have doubled our appropriations in eight years, or ten years. I think we have come to the point, in view of business conditions, where we have got to call a halt, view the situation prudently, and act accordingly.

Mr. WARD of Penobscot: Mr. President, some mention has been made, or the Governor has been quoted from remarks which he made in his budget message to us at the very beginning of the session. I think it might be fair to call to the attention of the members of this Senate remarks which the Governor made three and a half months later when he addressed a joint convention on April 15th. I would like to quote briefly some passages from that message.

The Governor said, "We face a condition which must be met. It will require a new major tax to support the item which your actions have so far indicated are necessary. A majority has voted for increased aid to education, in one form or another, and the same is true of other equally meritorious legislation. This all adds up to considerably more money than is in sight under present revenue measures, and these revenues have been estimated on a realistic basis:

"Let me quote from the Republican Platform of 1948:

"WELFARE. We pledge our support to legislation that will increase payments to recipients of State Welfare benefits. We also favor liberalization of our welfare provisions so that actual needs of those eligible will be met by fair and just payments by our welfare department."

"The Democratic platform likewise sets forth the same approximate objectives.

"In Education, both parties have subscribed to the basic principles of supporting more adequate teachers' salaries and furtherance of equal educational opportunities. This again costs money, as you know, and as the public knows....."

"That solution to the problem before you requires additional money. The sales tax is a bad tax. I have little doubt that the people of Maine, as they have done in the past, would support that conclusion at the polls, if given the opportunity. I would hesitate to give my approval to a sales tax as the solution to our problem. Thus we come to the only tax left, the income tax. Naturally, nobody cares for this tax, either. But to me it is a more fair, more equitable tax."

I believe that brings us up to this morning where we have the only tax left. The proponents of the sales tax measure have had two bites of the apple and they have failed. We have now the only tax left to produce revenue, an income tax measure. There has been some discussion about the bow ties that have been tied around this measure but I can't think of anything more intelligent than tying to the tax measure the actual things the tax bill is going to pay for so if it goes out to the people they can intelligently vote and determine whether or not in their opinion these services should be provided by the State of Maine.

Consequently I hope the motion of the Senator from Penobscot will not prevail.

Mr. HOPKINS of Kennebec: Mr. President, in order to make the record clear, I will say that I fully agree with the Senator from Penobscot, and that we should tie these appropriations to the tax measure. But where I differ with him, I don't think it should be done until we find out what type of tax measure the majority of this Legislature wish.

This tax bill is not particularly offensive to me, and there is much in it that I approve. It is not the tax measure that I want. If, without the dressing, it had the approval of the majority of the Legisla-

ture, I should support it. It raises a little more money than I think we ought to raise in these times, and if we were debating taxation, the matter of the total amount of revenue to be raised would be a subject for good discussion. It has not been discussed. I still feel that we should have discussed taxation, and should have acted on taxation. I said that there would have to be a meeting of the minds, and that they should come here in the spirit of give and take. If that had been done, and we had the tax measure which it was obvious that the majority of the Legislature had wanted, I should be with it and should want the expenditures tied in with the bill just as the Senator from Penobscot wishes.

Mr. SLOCUM of Cumberland: Mr. President, I think it is very fortunate that we do not all agree. If we all were of the same mind, it would only be necessary to have one man in the Senate and one man representing the people in the House of Representatives.

I agree in part with the statements of the Senator from Kennebec, Senator Hopkins. Because of our differences of opinion, we will have to compromise and get the best tax bill, pass the best appropriation bills that seem to be in the interest of the people of the State of Maine. Each of us are representing a different constituency, and each of us are trying to do what we feel is in the best interests of the state as a whole.

This being a major tax measure, and these being new and added services, it seems only right and fitting that they should be sent to the people as a whole to decide whether they feel that they can afford them, and whether or not they wish these new and added services. It would seem that some who are die-hard advocates of the sales tax should appreciate that a sales tax can not pass this Legislature, and that the fact that sales taxes have been referred to the people and they have turned them down.

We have never given the people of the State of Maine an opportunity

to pass, in my remembrance, whether they would be willing to vote for an income tax. I think it is very fair and right that this bill pass the Legislature so that the people may have the facts before them, the fact that there are new and added services needed, and a way to pay for them. We have passed through this Legislature a bill that will require the Attorney General to publish the results of any state-wide referendum twice before it is submitted to the people. I have confidence that if they understand the facts, that they will vote correctly. Of course, under our form of Government, however, the majority vote is correct. But I do feel that a majority of this Legislature believe that there are some new and added services needed, and I do feel that this is a chance for the people to decide whether they feel they can afford them. I do hope that the Legislature will refer this to the people. And I hope that those who will not compromise will think over their stand carefully and give the people an opportunity to say whether they feel they can afford these new and added services and want them.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell that the bill as amended by Senate Amendments "A" to "J" inclusive be indefinitely postponed and that Senator has requested the Yeas and Nays. In order for the Chair to entertain a motion that the vote be taken by Yeas and Nays at least one-fifth of the members present must vote in favor of that motion.

A division of the Senate was had. Obviously more than one fifth having risen, the Yeas and Nays were ordered.

The **PRESIDENT**: A vote of Yea is a vote in favor of the motion to indefinitely postpone the bill. A vote of Nay is against that motion. Is the Senate ready for the question?

The Secretary called the roll:

YEA: Batchelder, Bowker, Brewster, Crosby, Denny, Ela, Greeley,

Hopkins, Knights, Larrabee, Noyes, Smart—12.

NAY: Allen, Baker, Barnes, Boucher, Boutin, Brown, Cobb, Collins, Cross, Edwards, Goodwin, Haskell, Leavitt, McKusick, Savage, Sleeper, Slocum, Turgeon, Varney, Ward, Williams—21.

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

Mr. **HASKELL** of Penobscot: Mr. President, as you and the Senators know, the next normal motion would be that the bill as amended be passed to be engrossed. However, I think all the Senators understand that they have been promised the right and privilege that is theirs to offer any amendment to the amendments or any further amendment to the bill, so I shall now move that the bill and accompanying papers be laid upon the table and be especially assigned for two o'clock this afternoon, Daylight Saving Time.

The motion to table and assign prevailed.

On motion by Mr. Haskell of Penobscot

Recessed until 2 P. M. this afternoon.

After Recess

The Senate was called to order by the President.

The President laid before the Senate Bill An Act Imposing a Personal Income Tax (H. P. 2046) (L. D. 1481) tabled earlier in today's session pending passage to be engrossed and especially assigned for this afternoon at two o'clock.

Mr. **HASKELL** of Penobscot: Mr. President and members of the Senate, in our debate on this measure yesterday, it was clearly indicated that if a majority of the Senate would permit the adoption of the various amendments which were presented and were adopted that there would be ample opportunity given to each member of the Senate to offer amendments or to offer amendments to existing amend-

ments, or in other words to put the bill in such shape as the Senate wishes the bill to be before the motion that the bill be passed to be engrossed. I assume that this is the opportunity for those Senators to present their comments, their criticism or their amendments to the bill.

Mr. BOUCHER of Androscoggin: Mr. President, I am having prepared since the recess this morning, two amendments to the amendments and also a new amendment. I will give you the gist of the whole thing in a few words. I want to remove equalization as presented this morning. I think the Senator from Penobscot has already said that probably would be removed anyway. I want also to remove the construction program of \$50,000 and I want to remove the aid to dependent children, presented by my good friend from Penobscot, with the intention of offering an amendment that that money, if this bill was passed and approved, would become available to remove tax load to the cities and towns that the Municipal Associations have been asking for throughout the session. I understand at this time that the amendments are not ready and in order to expedite that matter, I am perfectly willing to go ahead with this bill, engross it at this time and send it to the other Body for action.

Mr. HASKELL of Penobscot: Mr. President, before making the motion that the bill be passed to be engrossed, as amended, as one member of the Senate, I want to be sure that no other member present has any other amendment he wishes to make prior to the motion to engross.

The PRESIDENT: The Chair would state that if the Minority Floor Leader would require only a few moments to prepare his amendments, the Chair will be glad to take up some other matter temporarily.

Mr. BOUCHER: They are in the Revisor of Statute's office at this time and I am perfectly willing to wait until they are ready to offer but I do wish to offer them to the

Senate before we send the bill to the other Body. Whatever action you prefer to take or the Majority Floor Leader wishes to take is all right with me.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table pending passage to be engrossed and especially assigned for later in today's session.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table Bill, An Act Relating to Elevators (S. P. 664) (L. D. 1495) tabled by that Senator on April 26th pending passage to be engrossed; and that Senator presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 664, L. D. 1495, Bill 'An Act Relating to Elevators.'

"Amend said Bill by striking out, in the 2nd line of that part designated 'Sec. 99-P', the underlined punctuation and word 'or' and inserting in place thereof the underlined words 'caused by'

"Further amend said Bill by inserting in the 3rd line of that part designated 'Sec. 99-P', before the underlined word 'damage', the underlined word 'substantial' "

Mr. LEAVITT: Mr. President and Senators, this is an amendment making two small changes in the bill which we have discussed with sponsors of the bill and apparently they are in accord with them. As the bill is now written it says that if a person is hurt in an elevator the elevator must be put out of operation until something is done about it and this amendment says that a person must be hurt because of something that happens mechanically to the elevator.

The other provision simply says that if somebody runs into an elevator and scratches the paint, the elevator doesn't have to be put out of commission but if anything substantial happens to it, it does. They are very simple changes.

Thereupon, Senate Amendment A was adopted, and the bill as amended by House Amendment A

and Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill, An Act Relating to the Salary of the Judge of the Portland Municipal Court (H. P. 2077) (L. D. 1530) tabled by that Senator on April 25 pending passage to be engrossed.

Mr. Allen of Cumberland presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to H. P. 2077, L. D. 1530, Bill 'An Act Relating to the Salary of the Judge of the Portland Municipal Court.

"Amend said Bill by striking out the underlined figure '\$3,300' in the 7th line thereof, and inserting in place thereof the underlined figure '\$3,500' "

Which amendment was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table bill, An Act Relating to Installations in Public Highways (H. P. 2052) (L. D. 1478) tabled by that Senator on April 18 pending passage to be engrossed.

Mr. Crosby of Franklin presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to H. P. 2052, L. D. 1478, Bill 'An Act Relating to Installations in Public Highways.'

"Amend the Title of said Bill by striking out the word 'Public' and inserting in place thereof the words 'State or State Aid'

"Further amend said Bill by striking out all that part designated 'Sec. 67-B' and inserting in place thereof the following underlined section:

'Sec. 67-B. Installations in state or state aid highways forbidden; penalty. No person shall install, erect or construct, or cause to be installed, erected or constructed

any such installations as buildings, gasoline pumps or fences in or upon any state or state aid highway; and such state or state aid highway shall be deemed the full width of the right of way as laid out by the state, the county or the town. This paragraph shall not apply to the installations or other property devoted to the public use of any public utility or district or to the installations or other property now in existence.

"Any person found guilty of violating the provisions of this section shall be punished by a fine of not less than \$5, nor more than \$500, and whoever after conviction of such violation unlawfully maintains any such installations as buildings, gasoline pumps or fences for 30 days after such conviction may be punished by a further fine of not more than \$50 for each day upon which such installations as buildings, gasoline pumps or fences are maintained.'"

Which amendment was adopted, and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act Relating to Aid to the Blind (H. P. 1550) (L. D. 868) tabled by that Senator on April 5 pending adoption of Senate Amendment A; and that Senator moved the pending question.

Thereupon, Senate Amendment A was adopted without reading and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook the Senate voted to take from the table bill, An Act Relating to Compensation of Justices of the Supreme Judicial and Superior Courts Upon Retirement (S. P. 662) (L. D. 1493) tabled by that Senator earlier in today's session pending consideration of House Amendment A.

Thereupon, under suspension of the rules, the Senate voted to reconsider its action whereby the bill was passed to be engrossed and the same Senator moved that House Amendment A be adopted.

Mr. BARNES of Aroostook: Mr. President, I move that we dispense with the reading of this amendment and I will explain what it is. There were two bills in this legislature concerning the retirement of Justices of the Supreme and Superior Courts. One of them came before the Judiciary Committee and I believe this one came before the Salaries and Fees Committee and the purpose of this amendment is simply to make both bills coincide. We got our bill out of Judiciary and the Salaries and Fees bill came out and they were not the same so you would have been passing two laws relative to the same subject with inconsistent language and this amendment is simply to bring the Salaries and Fees bill in line with the language of the other bill.

Thereupon, on motion by Mr. Collins of Aroostook, House Amendment A was adopted without reading, and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table bill, An Act Relating to Inspection of Motor Vehicles (H. P. 1516) (L. D. 889) tabled by that Senator on April 6 pending passage to be enacted.

Mr. CROSBY of Franklin: Mr. President, this bill sets up a duplication of a service which is now being performed by the State police, and to me, it seems to be unnecessary. A few days ago the State of Maine was given an award by the National Safety Council for outstanding achievement in periodical motor vehicle inspection. I think the state police are doing a good job at the present time and I see no need for duplicating this service.

Therefore, I move that this bill be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed.

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 26 pending adoption of Senate Amendment A.

Mr. SLOCUM of Cumberland: Mr. President, this is a bill relating to overtaking and passing school busses. The original bill, Legislative Document 164, was introduced in the House and the Committee brought out in new draft Legislative Document 1414. The difference between those two is that under the new draft, it would be required when coming upon a school bus from the rear. If the school bus was stopped, you would stop your car and then proceed with due caution, not to exceed ten miles an hour.

Under the original bill, you would be required to stop your car coming in either direction and then proceed with due caution, not to exceed ten miles an hour. I have taken quite an interest in this bill, because it is a safety measure to protect the school children getting on and off the busses. I have talked with the sponsors of the bill. I have talked with members of the Committee. I have talked with members of the Education Department interested in school busses. And with their assistance, I have prepared an amendment which is before the Senate at this time.

I believe that the original intent of the bill to have the cars stop coming in either direction was right. But I believe the committee appreciated the difficulties that stopping people coming upon school busses, would cause in transportation, and I agree with the committee that it does cause a hardship to have to stop if there is a school bus taking on or discharging children.

There was another bill passed by this Legislature to equip school

busses with special lights, and that has been incorporated again into my suggested amendment. Also, in my suggested amendment, it shall read, "Stop on Signal shall be painted on the rear of all busses as above defined, and such painting shall be covered or concealed when such bus is used for any purpose other than transportation of pupils."

Now, the number of times that one comes upon a school bus used for transportation of pupils that are stopped for taking on or delivering pupils is relatively small. The thing I object to is the coming upon a school bus that is not being used for transporting pupils, and my amendment would take care of that.

In some of the towns, we have private cars and small panel trucks that have either painted on them or permanently affixed to them the words "school bus". And those cars or busses are used to go to the store, or used in some instances for carrying employees to and from factories at other than school hours. Now, I don't think that it is right that we should stop for a school bus that is not being used as a school bus. But I do think it is right that we should stop when they are legitimately taking on and delivering pupils. Under the committee amendment it is required that you stop if you come up behind a bus, but there is nothing to prevent your whaling by in the other direction out in the rural districts at forty-five miles an hour. It seems to me in the interests of safety that we should take a little time to save the life of a child.

I am very happy to report that we have had very few accidents to school children, and I will tell you frankly I think it is because of the good judgment of the school children, rather than the good judgment of the drivers in many instances.

I know, today, that school children because of the safety education they have had seem to be more careful than many of the grownups.

However, I understand from the Department of Education that all other states require you to stop coming from either direction when you come upon a school bus discharging or receiving pupils. I think if the other states feel that way, the least we could do is to show equal regard for our pupils.

I am in hopes that this amendment will be adopted, because it is in the interest of saving our youngsters getting on and off school busses. Also, if it is adopted, we won't have to stop for school busses that we come upon when they are not transporting pupils. Mr. President, I move the adoption of Senate Amendment A.

Mr. NOYES of Hancock: The Committee on Motor Vehicles had this bill under consideration, along with two or three others, all involved in the problem of school busses and what to do about motor vehicles stopping when meeting or when passing a school bus.

We came out with the new draft that the Senator has explained to you. It was the feeling on the part of the Committee, and I believe Senator Slocum agreed to it, that the school children are today being educated, and are careful in the manner in which they leave a school bus.

At the hearing, there were no instances given to us of accidents ever having occurred due to motor vehicles being operated at an unreasonable rate of speed when passing school busses, and we felt that possibly if we passed legislation such as the Senator now has requiring a car to stop when they pass a bus, or before passing a bus, or stop when meeting a bus, there might be a let-down on the part of the children and on the part of the bus drivers in the precautions that they are now taking to avoid accidents. And I would just remind you people that those school children spend a very small part of their time riding in school busses. A great many times they will be getting out of automobiles that are private cars. If we pass this kind

of legislation, the children feel that the car is going to stop when they cross the road. If the car doesn't stop, there may be an accident, and I question if by passing this type of legislation there may not be more accidents than you are having today, in view of the record that the school children and school bus drivers have established in the state.

I can see no purpose in passing a bill of this nature. I would also point out to the Members of the Senate in the amendment as prepared by the Senator, on the second page, it reads "Stop on signal." It does not say how large that signal shall be. It also says it shall be painted. We have school busses, today, with a carrying capacity of twelve or fourteen children that carry a placard on the back of the school bus. It is not a part of the bus, just an attachment that is tied on there, designating it as a school bus. Under this bill, that would be taken off, and it would need to be painted on the back.

I don't believe the amendment will accomplish the purpose that the Senator wishes to obtain, and I therefore move its indefinite postponement.

Mr. SLOCUM of Cumberland: Mr. President, I am happy to be in agreement with my friend from Hancock County that I considered those matters of the possibility of a breakdown in care on the part of the driver of the bus, and the breakdown in the carefulness on the part of children. The only thing that I do feel is that there is danger if we pass this committee amendment, as cars coming from the opposite direction from a bus do not have to stop, and of course ignorance of the law is no defense. In our state we have a large number of people coming from other states, and I do feel that, although they are supposed to know our laws, that there would be, if we had the committee bill passed without amendments, some people not knowing our laws and seeing our cars stop and then pass the

bus, would be liable to just sail on by a school bus.

There is one other thing that I do feel is in the interest of the general public, motoring public, and that is the words "school bus", and as the Senator from Hancock has brought out, in a number of our small towns panel trucks and private cars used for school busses with merely a sign fastened on the car. That that sign should be concealed when it is not being used for transporting pupils. I have noted in the summertime when there was no school in session, cars and trucks running around the State of Maine with "school bus" on them. This committee amendment, I believe, would require us to stop and then proceed not to exceed ten miles an hour by a private car, or a small panel truck, that had "school bus" on it, even though it was being used to go to the store for a loaf of bread, or for other non-pupil carrying purposes. I would like to see an amendment, if the Senate fails to go the whole way on the amendment that I have introduced, that would at least take care of that trouble. I do not feel that it is right that we should have to stop for a private car merely because it says "school bus" on it if it stops when it is not being used for transporting pupils.

I am not too worried about the results of either the committee bill, or the bill as I suggested amended. I do want, however, to do what can be done to protect the youngsters. I hope if the motion of the Senator from Hancock prevails that an amendment will be brought in to require the covering of the sign "school bus" when a vehicle is not being used for transporting pupils.

Mr. ALLEN of Cumberland: Mr. President and Members of the Senate, I find myself in a strange position. This is a little bit different than some of our other bills. I am in complete sympathy with the laws and ideas which the Senator from Cumberland, Senator Slocum, has presented to us. Although as I explained to him, I don't think that that particular amendment is per-

haps the answer. I think Senator Noyes has explained to you quite clearly how the Committee felt on this whole business of school bus bills that were before the Motor Vehicles Committee. Everybody who has put in a school bus bill is very much interested, because of the safety feature. We even have school boy patrols inside the busses now, so the State Police tell me, to take care of the children as they get off the bus, which is another safety feature which seems to be working out pretty well.

The most comprehensive bill that we had in the Committee was one presented by Representative Robbins who went to a conference in New York, the Council of State Governors. It was more or less of a uniform code bill, and follows very closely on this amendment of Senator Slocum, which is an amendment on the educational statutes, rather than on Chapter 19 of the Motor Vehicle Statute.

We considered all of these three or four bills, and decided in the committee that for the next two years, anyway, we felt in our judgment, good or poor as it might be, that it would be more advantageous to take the simpler of the bills and turn out a new draft covering the others, and that is why we turned out this new draft, L. D. 1414.

The Amendment of Senator Slocum is really working along the same lines we are; in other words, school bus safety. One of the problems of motor vehicles meeting school busses, seemed to be the problem that you run into in cities and towns with multiple lane highways. It is inconceivable, obviously, that we would be able to stop for a bus, we will say, down on Forest Avenue in Portland where you have got four different lanes. We felt that perhaps it would be better for the next two years to pass out this perhaps more simplified bill on school busses and see how it worked out. And then perhaps two years from now come in and have a more comprehensive bill.

Although I believe probably this amendment is not exactly what I

would like, personally I am going along with Senator Noyes. I am willing to consider any other amendment before we get through that might be in favor in the Senate and the House.

But that is the reason that we sent out this new draft taking the more simplified approach to the subject than the uniform bill which came in from Representative Robbins in the House.

Thereupon Senate Amendment A was indefinitely postponed.

Mr. SLOCUM: Mr. President, I would like to ask, through the Chair of the Senator from Cumberland or the Senator from Penobscot, if they are agreeable to having an amendment to conceal the sign "school bus" when the bus is not being used for school bus purposes.

The PRESIDENT: The Senators have heard the question and may answer if they see fit.

Mr. SLOCUM: Mr. President, I move that the bill be tabled for the purpose of discussing this matter of concealing the words "school bus" when the bus is not being used for that purpose. I wish to prepare an amendment to that effect.

A viva voce vote being had,

The Chair was in doubt.

Eighteen having voted in the affirmative and none opposed, the motion prevailed and the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Edwards of Oxford, the Senate voted to take from the table House Report from the Committee on Legal Affairs Majority Report "Ought Not to Pass", Minority Report "Ought to Pass as Amended by Committee Amendment A" on bill, An Act Relating to Sale and Use of Fireworks (H. P. 135) (L. D. 41) tabled by that Senator on April 21 pending acceptance of either report.

Mr. COBB of Oxford: If this bill becomes a law, I visualize that the manner in which we have celebrated Independence Day for over

150 years will be drastically changed, and we will in the future celebrate it somewhat in this manner. There will be a gathering in the parks, or in case of a small town, the village square. The children will gather there and parade with flags. Possibly somebody will deliver Lincoln's Gettysburg address, or some of Patrick Henry's speeches. There will be some patriotic songs sung, and some lunches served. Then the crowd will disperse. In fact, any program which has been prepared a month earlier for the observance of Memorial Day will be perfectly fitting for this occasion, and I assure you I don't believe we should celebrate the Fourth of July and Memorial Day in the same manner. And then of course in the evening in the large cities, or some of the large towns, you will have the mammoth display of fireworks. Of course, in the rural communities, the small rural communities of which Maine is largely made up, they will not have an opportunity to have these displays of fireworks. Where in the past they have been able to assemble a few rockets, roman candles, and so forth, they will under this, if this bill becomes law, be denied that. So, they will really have no celebration at all.

Now, these displays of fireworks are to be under the direction of some expert, or somebody who the Insurance Commissioner after two weeks' investigation has decided is capable of putting on these displays. And I certainly hope that he will really make a real investigation. Otherwise, there will be a lot who will qualify for this job. I will say that I witnessed one of these fireworks displays at a county fair several years ago, and one of the high-powered aerial bombs either backfired or the tube from which they were discharged tipped over and the bomb went into the crowd. Fortunately it was late in the fall and the man that was struck had on a heavy overcoat, and the bomb hadn't travelled fast enough to explode. So we had no

serious accident there. But providing that something of that kind might happen and we did have an accident of that kind, there is nothing to worry about because you will notice in this bill that the Insurance Commissioner shall require a certificate of public liability insurance. So, if your child is injured, or possibly killed, or your house is burned down, you are going to get paid for it.

Of course, this same bill was introduced in the Legislature eight years ago when I was a member of the House, and at that time it was overwhelmingly defeated. I find now that there are many members who are of this body who were members at that time; and while they voted against the bill at that time, they have changed their minds and are voting for it. I am unable to find out why they have changed their minds. Possibly they are eight years old, and their dispositions have somewhat soured, or they may have lived in some city or town where for the last few years they have intentionally let the bars down and let them start celebrating a week before the Fourth and keep it up for a week after, with the thought in mind that the people would become so disgusted that they would demand a bill of this kind.

You might say that is some exaggeration, but I tell you that one of the proponents of this bill told me, personally, that they had been doing that very thing in his city in order, as I say, to get the people so disgusted that they would demand a bill of this kind. Now, no doubt the proponents of this bill will tell you the large number of treatments which the hospitals give over the Fourth. I hope they will extend to me the courtesy of breaking that down and tell me how many of those were serious accidents, and how many were merely to relieve slight ones. Of course, we all know that every industrial firm carries liability insurance, so that if anybody is injured they can go to the nurse, if they employ one, or to some doctor, even for a slight scratch on their hands, and I of-

fer that most of these treatments that they speak about are really slight burns which would not have been treated medically a few years ago. No doubt they will tell you the number of fires, and I hope that they will also have the courtesy to tell us if they have the figures available how many fires were caused by cigarettes, possibly the smoking of these same youngsters.

I also hope that they will tell us how many accidents were treated in hospitals last year as a result of playing football. And I am sure that nobody wants to ban the game of football.

It has been customary this year whenever anybody was debating a bill to tell you how many other states had a bill of this kind. Now, I hope the proponents of the bill will tell us how many states have a law of this kind. In fact, I do not know of any state, but possibly there are. I assure you I enjoyed myself when I was a youngster, and I am certainly not going to vote for any bill which would take away from these youngsters the pleasures which I enjoyed so much when I was a child. So, I move that we accept the majority ought not to pass report, and when the vote is taken, I call for the yeas and nays for two reasons. Many have told me that they did not want to vote for this bill, but the pressure was so strong back home that they felt that they had to vote for it. If their names are on this yea and nay list, and I hope the newspapers will publish it, they may gain a few votes that way, and also to give the boys an idea where to dump their old automobile bodies and hay rakes and mowing machines on the night before the Fourth.

Mr. ALLEN of Cumberland: Mr. President and Members of the Senate, I rise this afternoon to oppose the motion of the Senator from Oxford, Senator Edwards, on this fireworks bill. I hoped perhaps I had a couple of firecrackers to throw off down here but I couldn't find any at Portland this weekend. So, I didn't get anything to enliven the atmosphere this afternoon.

I have been besieged, and I think probably you too have been besieged by letters and calls regarding this problem of fireworks. I certainly shot off my share of fireworks when I was a kid, and I enjoyed it, but I think that the Senator will agree that the situation is not exactly what it used to be back in the good old days.

The problem has become serious. It has become so serious that this bill is in here, and this bill has, I hope, a very good chance of passage, because it is a bill which will protect our young people. I realize that the Senator feels that perhaps we are overstating the case when we say that there are a lot of accidents, and a lot of people are getting injured. I have in front of me a list from the Eastern Maine General Hospital at Bangor which shows what happened last 4th of July, and the record at Bangor at Eastern Maine was much lower than it had been in the past, because the City of Bangor has banned the local sale of fireworks. Most of these cases, therefore, came from outside of the City.

The Senator wants a detailed breakdown. I have here on June 22nd one case of hand burn; June 29th three cases hands burned; June 30th one case hand burn; July 1st two cases hand burn; one case also on July 1st, chest, legs, and face burn; July 2nd two cases hand burn; July 3rd four cases of burns on the hands and arms; July 4th, twenty-seven cases hands and arms, one case about the wrist, six cases on the legs, five cases on the face, cheeks, lips, eyes, and so forth, one case of hip burns, two cases of burns on the arms, one case of chest burns. Those are on July 4th. At Eastern Maine General, July 5th, there were four cases of hand burns, one case of eye burns. And I stop here to call the attention of the Senate that burns in the eyes, or the blinding of even one child in the state is worthy for us to stop and consider. If the so-called harmless shooting of fireworks is as harmless as we think it is, I would call attention that on July 6th there

were three cases at Eastern Maine of people getting burned arms, hands, wrists, and all over the body from the explosion of firecrackers, salutes and torpedoes, and all of the other things that go with a noisy Fourth.

I think these statistics show one more thing. It is not the case of the 4th of July; it is the case of June 22nd to July 6th. I live in a very large average residential area in the City of Portland out in Deering, middle class American homes. Last year I had a child five and one two, plus a baby, and the child five and the child two I had to keep indoors from about three days before the 4th until about two days after the fourth, simply because on our street and in our neighborhood there were torpedoes and salutes. There were aerial bombs which literally shook the house, and they were being fired off in the next street, a good seventy-five yards away. This isn't just the 4th of July. It is something that is happening all of the time, and children and adults were heaving these bombs at automobiles and other people.

You can't tell me that there is not a real problem here, or that we are having a harmless, safe and sane Fourth. There is not anything safe, and there is not anything sane about it. It is a noisy, dangerous 4th of July, and I say that the time has come when the people are demanding action. That is why the Gentleman from Rockland introduced this bill. People got fed up last year and the year before with this demonstration which took place anywhere from six to ten days before and after the Fourth, and they decided that they would follow the action of several other states and ban fireworks and explosives.

We have been hearing a lot from the newspapers here in this session, and we have heard some editorials. I have one of the best editorials that I have seen on this subject. It comes from the Portland Evening Express, and I would like to read it to you. It seems to sum up the situation on this fireworks bill. It is entitled "Ban The Noise-Makers."

"The Maine Legislature will soon vote on a bill to prohibit the sale and use of fireworks in this State. No doubt the backers of this measure will cite facts and figures on the number of children killed and maimed each year in fireworks accidents. We have no such figures at our finger-tips this Saturday afternoon. But we do know this:

"We know that last Summer, here in Maine fireworks were on sale in many communities long before July 4; that they were exploded, day and night, not only by children but also by moronic adults bent on enjoying themselves without any regard at all for tired workers, the aged and the ill, who need their sleep at night.

"We know that last Summer, here in Maine the bombardment did not cease abruptly at midnight on July 4! We remember painfully how it went on and on, for many days and many nights after the Fourth. We remember that for at least three weeks, in which the Fourth itself merely marked a crescendo, the day-and-night 'celebration' made rest and sleep almost impossible of attainment.

"Would we deny their innocent fun?

"Would we deny, to the youngsters of today, the same means of 'letting off steam' we enjoyed on many a Fourth of July in other years?

"Well, if the letting off of such steam would be confined to the holiday itself (as used to be the case) we could be somewhat more tolerant, perhaps.

"But we find it impossible to smile indulgently over the prospect of enduring again, this Summer, three weeks of such noisy hullabaloo as were imposed upon us last year by gangs of hoodlums roving the streets late at night—and night after night—enjoying their 'innocent fun' of blasting every neighborhood's peace and quiet with cannon crackers and torpedoes.

"The bill banning the sale and use of such disturbers-of-the-peace ought to pass."

Mr. President and Members of the Senate, the people where I come from, the people down in Cumberland County, are very much interested in that bill. I have had many letters and many calls during the adoption of the bill. I certainly hope that the motion of Senator Edwards does not prevail.

Mr. BOUCHER of Androscoggin: Mr. President, I rise to a question of personal privilege.

The PRESIDENT: The Senator may state his point.

Mr. BOUCHER: Mr. President, I know that several of our cities, and some of our towns have already adopted the banning of fireworks. If this bill was not passed, would that then destroy any of those ordinances that have already been drawn up to ban these fireworks?

The PRESIDENT: The Chair will state that to the best of his belief it would have no effect if the bill did not pass.

Mr. BOUCHER: It has no effect. Thank you, Sir.

Mr. SLOCUM of Cumberland: Mr. President, this matter was first brought to my attention by that venerable Member of the House of Representatives, John Clark Scates. He was very much interested and very anxious that this Legislature have some similar legislation. I told him that I would do what I could to see such legislation was introduced. Very shortly thereafter, the Selectmen of the towns of Windham and Standish came to me and asked for similar legislation, and I have received communications from people throughout Cumberland County very much in favor of the control of the indiscriminate use of fireworks. The Selectmen of Standish suggested that they had made a poll of the Town and discussed the matter with over one hundred different heads of families. In every instance, they stated that they wanted this ban on the indiscriminate use of fireworks. The average head of those families was spending about five dollars apiece on fireworks, and they agreed that if a

ban was put on the use of firecrackers, that they would severally put up and jointly have a five hundred dollar display put on by the town which really would be something that would impress and entertain the youngsters of the Town, as well as the grown-up youngsters; because I have noted that most of the men are just little boys whose legs grew long. And I wouldn't be at all surprised if the opponent of this bill is really anxious to shoot off a few little fireworks himself. I am sure, however, that if he were in the same position that I am, and these are just a few of the letters I have received asking for this bill, he would be in favor of this measure. I did, however, receive one letter in opposition. It being the only one in opposition, I went to see this man. He runs a store in one of the small towns in Cumberland County. And he said, "I have a large stock of fireworks for sale, and I would not like this to go into effect this year, because I want to sell these fireworks." He said, "However, after this year, I hope that there will be a ban on the sale of fireworks, because we are sick and tired of this going on as it does in the towns for a month after the 4th of July."

Another storekeeper in Sebago Lake Village who sells fireworks asked me to come and see him, and he told me that he had two hundred dollars' worth left over from last year.

But he was so anxious that there be a ban on the sale of firecrackers that he would rather lose the two hundred dollars than to have this continue as it is at present. Oh, incidentally, I explained to the first storekeeper that unless an emergency clause was put on this bill, that it would not go into effect for this 4th of July. However, the storekeeper in Sebago Lake informed me that he could return the two hundred dollars worth of these fireworks to the wholesaler and get a credit on it. But whether he lost the two hundred dollars or not, he was very much in favor of this

legislation. Now, I wonder just how many members of this Senate have received communications asking that we continue this foolish system of allowing youngsters to endanger themselves and others by shooting off firecrackers.

I don't believe many of us have received many communications in favor of killing this bill, and I am sure all of you have been asked by citizens whom you are supposed to represent, to pass such legislation. I was asked by one of the opponents of this bill that if I would line up twelve youngsters of six years old and read them the bill and explain it to them how they would vote. Well, I think they would vote against the bill, the same as the good Senator who has moved the majority ought not to pass report. And I think if I also offered them each a nice candy bar with nice, smooth, sweet chocolate coating and then some fresh cocoanut and inside of that a nougat center with only one-tenth of a grain of potassium cyanide, they would vote in favor of eating them.

Now, if we are going to put equally dangerous materials into the hands of these youngsters, I think it would be just as vicious as if we furnished them candy bars with a center of potassium cyanide. I am very pleased that Senator Edwards asked for the Yea and Nay vote on this. I have no political ambitions. But if I were merely voting for the expediency of coming back, from the communications that I have received I would have to vote against his motion ought not to pass. I am sure no one here is going to vote for political expediency, and I am sure everyone here will vote against the motion of Senator Edwards if he is going to represent the true feeling of the majority of his constituents.

Mr. KNIGHTS of York: Mr. President and Senators, my purpose in opposing the passage of this Bill is that I believe that everything that leads to political prosperity, religion and morality are indispens-

able supports, and should be cultivated rather than suppressed, or even be remotely impeded.

The proponents of this Bill point to the records of accidents and fires on the Fourth of July and say that the only answer to the problem is to place a ban on the sale and use of fireworks. They say nothing about the accidents that occur on the third, or fifth days of July, neither do they call our attention to those accidents and fires that are happening on every day in the year.

I dare assert that for every injury caused on the fourth of July through the use of fire crackers, fifty will be caused by the use and abuse of intoxicating liquors. Again, I dare to assert that for every fire that shall be started on the same Fourth of July, fifty more will be started by use and the abuse of cigarettes, which I am sure can be purchased by minors in 90 percent of the stores from Kittery to Port Kent, notwithstanding the existence of a Statute, with stiff penalties, against their sale to minors.

I am pleading, not for a revival of that spirit of Patriotism which animated our forefathers, for it will be with us always, but any act of ours which tends to make the Fourth of July "just another day", should meet the determined opposition of every red-blooded American. The valiant deeds of our ancestors should never be forgotten, and every prayer that goes forth to the Almighty should also breathe our thankfulness that we had men and women who were able and willing to suffer and die to secure the independence we now enjoy. It was not the men alone that gave us the victor, for, in the language of the poet:

"The greatest battle that ever was fought,

Shall I tell you where or when?

On the pages of History, you'll find it not,

"Twas fought by the Mothers of Men."

Senator Noyes of Franklin uttered a Classic expression yesterday when he declared that "You cannot legislate common sense into an in-

dividual". I have endeavored to learn today if that thought was a quotation, but I am unable to discover that it is, and I would like to see this expression printed and framed and placed in a spot in this Senate where "those who run may read." It is trite, sensible and axiomatic.

The debates in this Chamber of the present moment had a parallel, according to the history of our country, in the Constitutional Convention at Philadelphia just after the Revolution. The historic debate lasted for several days, and a unanimity was developed (a something sadly needed here at this hour) so that a Committee was selected whose duty was to draft a Declaration of Independence. The members of that Committee were Jefferson, Franklin, Sherman, Livingstone and John Adams, afterwards the second President of the United States. The Declaration was finally adopted on July 2nd., and John Adams wrote his wife Abigail:

"The most memorable epoch in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the Great Anniversary Festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade; with shows, games, sports, guns, bells, bonfires and illuminations, from one end of the continent to the other, from this day forevermore."

"Breathes there a man with soul so dead.

Who never to himself has said:

This is my own, my native land—"

We have been warned by the sages:

"Look not mournfully into the past, for it will not come again; Wisely improve the present, for it is thine."

But, for me, give me a revival and a renewal of everything that was a part of the Fourth of July celebration of the long ago. The Ragmuffins, the five-cent bunch of snapcrackers, the pink lemonade,

the local schoolmasters' patriotic oration, with words six inches, or more in length, the evening fireworks and the ride home with the best girl under the evening stars, then, were the cares of State and the Wealth of the Indies hardly more than matters of the third class.

But I am sure that I stand on equally safe ground when I ask you not to forget the greatest force in our civilization, the New England boy and girl, that we refer to so often as "the kids." Has anyone polled the kids on this subject and, if so tell me their reply, if you will. I have met many of them and I have found none who had the least desire to make July 4th, an ordinary day. Their desire to "Whoop it up," is just as great, perhaps greater, than was mine in the long ago.

Senators; among the greater forces in our life on this planet are Joy and Happiness and Contentment, all closely related. These we all seek, but are not always successful.

It has been my good fortune to visit the great Metropolitan Museum of Art in New York City, and there to see the works of the great masters in the art of portraiture. There were the work of Raphael and Rubens and Michael Angelo and Whistler's famous portrait, but in none of them could I detect the least semblance of Joy, or Happiness or Contentment; rather did they exhibit a feeling of the "sour-puss" variety, something I have met when the Old Age Assistance check was two or three days overdue.

But, Senators, I have seen all of their attributes in the face of a curly-haired, red-faced kid, when he strode forth, without a care or a fear in the world, armed with a bundle of firecrackers and a lighted slowmatch with which to "make the welkin ring." And so, I plead for the Joy and Happiness of that kid. It will not be promoted by dampening that glorious spirit of the greatest day in all the year, the

Fourth of July. He may have an occasional burn, but that will heal, and he will never have a regret for anything that happened, but to take from him his God-given right to celebrate the one day in the year, as did his fathers, will wound his heart, and from that there can be no recovery. We have too many laws on our Statute books at the present time that are never enforced, and never intended to have more than a spasmodic enforcement. Let us not add another that is exactly in the same category.

Mr. President and Senators, we have sufficient law already on the statute books to ban the sale of fireworks. In my town of Waterboro where I am a Selectman, the storekeepers won't be able to get a permit to sell firecrackers until the day of 4th of July. That law is in effect in every town and city in the state. It can be enforced if they wish to enforce it. The trouble is with the people, themselves. And so I hope that the motion of the Senator from Oxford prevails.

Mr. LEAVITT of Cumberland: Perhaps down in Cumberland County we are having it worse than anywhere else in the State of Maine. But down in Cumberland County, we certainly are having trouble when it comes to the 4th of July. Of course, I realize that I am getting gray hair, and I am an old man, and I have forgotten the joys of youth. But nevertheless, I can remember throwing snapcrackers as they used to throw them. In those days, you could put them under tin cans and watch the tin can go up in the air three or four feet if you got enough underneath. Once in a while, you would get one of these eight-inch salutes, and you could get a pall and lift it off the ground perhaps two or three feet. Take one of these snapcrackers sold now about that big (indicating), and place it inside a tin can, and it will go up through the roof of this Senate Chamber. You are working with

high explosives now. They are dangerous.

Not only that, but for days and weeks you would think the Battle of Bunker Hill was being fought—Crash! Bang! The cannon they had back in those days couldn't have made as much noise as these salutes they have now. When they fire one over two miles from my home, I can hear it. I live in a quiet little village, and you can hear that bang, bang, bang all day long for days and days.

It may be perfectly harmless and nobody gets hurt; and I hope that nobody does get hurt. But that still doesn't appease my feelings.

Any such racket as that is not necessary to please the hearts of the patriotic little boys and girls so that they can remember that once upon a time their grand daddies got killed in the Civil War. I think there are other ways in which we can show our patriotism. It is a vicious, terrible, horrid way for anybody to try to show patriotism. It certainly isn't showing patriotism when a man or child throws a salute that big (indicating) and it hits right under my rear wheel and nearly makes me plunge into the ditch with my car. I am not a jumper, but I have been scared in the last four or five years when people throw salutes at the cars. And it causes accidents, or at least it may cause accidents, and anything of that sort is absolutely outside of the pale.

In Portland we have a law against the selling of them, but our neighboring towns and cities do not have such a law. And I will bet that nine tenths of the fireworks they sell in these other cities around us are fired off in Portland. There is nothing we can do about it, unless we have a state law. I do hope that on the state level we do enact this legislation. I hope that the motion of the Senator from Oxford does not prevail.

Mr. SLOCUM of Cumberland: I wish that I had not arisen before the Honorable Senator from York,

Senator Knights. I agree with him heartily on the words of my forebear, President Adams, that the 4th of July should be celebrated with pomp and dignity, with parades and devotional services and bonfires and displays at night. I believe I am quoting President Adams' letter to his wife correctly. He did not say anything about throwing firecrackers at little girls or boys throwing them into automobiles, because they did not have them. And I am sure he would not consider it a dignified and proper observance of the founding of our country.

Mr. ALLEN of Cumberland: Mr. President, there is one point which was not brought out which I would like to bring out on a very serious thought regarding this whole situation, and that is there is hardly a family in the State that has not a veteran in it. There are 90,000 Maine veterans, and I wonder about the veterans of both wars who have come back from those wars shell-shocked in one way or another. I am sure that they do not exactly appreciate the firing off of fireworks.

Mr. EDWARDS of Oxford: Mr. President, most of the proponents are speaking twice, and I want to take that liberty. My friend, Senator Allen, has said that the present celebration of the 4th of July is not safe and sane. I had assumed that under this new method of celebration it would be safe if not sane. But why all this insurance? Why, everything is covered by liability insurance. There must be some danger, and I think they recognize that in these fireworks displays.

I will say in reply to my friend, Senator Leavitt, that I have met a party living in one of those cities which he described. One of the proponents of the bill told me that they had intentionally let them start the sale of fireworks a week before and let them keep it up a week after with the idea in mind that the people would be so discouraged and disgusted that they would ask for something of this kind.

Mr. SLEEPER: Mr. President and Senators, I hesitate to rise on such a personal matter. I took a poll of my own family on this question, and the vote was five to two. The five younger members want the law to continue as it is. The two older members, my wife and I, would like to have this fireworks bill passed.

The City of Rockland from which I come is not a large city. It is not a country town, but I have had sent to me a letter which I would like to read. I would like to add as partial explanation that Rockland has made every attempt to control the sale of fireworks, and they don't allow the sale to start until I think it is the second of July, and it stops immediately afterward. But the surrounding towns around Rockland sell fireworks I would say from the first of June on. I think my two older boys might concur with me in the abolition of fireworks, because the younger boy wore out the bearings of three bicycles last spring pedaling down to Owls Head and bringing these things back and blowing them off in my face.

Since the sponsor of the bill comes from Rockland, I would like to show you that it is very well supported in his own home town, and that he has not been designed upon by women's garden clubs and war organizations, such as some of the opponents would maintain. I take a great deal of pleasure in reading this letter.

"Dear Mr. Sleeper: Being very much interested in the passage of the Fireworks bill as sponsored by Fred Bird, and pleased with the action of the House on Monday; I have gathered what information I find available about the ballots on this subject for the City of Rockland as printed in the Courier Gazette recently. These ballots are still being received, having been printed again yesterday."

Our local paper has been endeavoring to establish an ordinance to ban fireworks in the City. They have had a city-wide ballot going on in the last two weeks.

To continue with this letter, it reads, "I do not approve sale in Rockland, 211; I wish to have sale as usual, 3." That is a vote of 211 to three.

"One of the three is a citizen who has applied for a license to sell them. Another asks for restricted sale. The other says 'we were young once'.

"There are numerous stories with the no votes, one man stating that a large cracker thrown in the air exploded on his wife's shoulder, severely burning her and ruining her dress.

"We have observed that control of our previous effort is almost impossible, as our restrictions as to time and size are both viciously violated. I believe a degree of the original significance attached to this 'celebration' might be put before the public by a proper community effort effectively. Very truly yours, J. E. Bradstreet, Manager of the Courier Gazette."

Mr. VARNEY of Washington: Mr. President, I would like to make a motion that the present debate on this question be limited to the 4th of July.

The PRESIDENT: The Chair will have to state that the Senate has no rule against cloture in debate.

Mr. EDWARDS of Oxford: Mr. President, there is one question that I asked of the proponents. It is very important to me. I asked them to tell me how many states had a law of this kind. I am very much interested to know if we are the only State in the Union that has banned fireworks.

Mr. LEAVITT of Cumberland: Mr. President, one of the things the State of Maine has prided itself on a good many years is that we do not ask what other states do when we decide what we are to do ourselves. I do not think it is pertinent to the debate how many other states have passed this type of measure. I don't know, but I do understand that Massachusetts has the law. How many other states have it, I don't care. The State of Maine should have this law.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Edwards, that the Senate accept the "Ought Not to Pass" report of the Committee and that Senator has requested the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of one-fifth the members present.

A division of the Senate was had.

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

YEA: Barnes, Batchelder, Boutin, Brown, Edwards, Haskell, Knights, Smart, Varney—9.

NAY: Allen, Boucher, Bowker, Brewer, Cobb, Collins, Crosby, Denny, Ela, Goodwin, Greeley, Hopkins, Larrabee, Leavitt, McKusick, Noyes, Savage, Sleeper, Slocum, Turgeon, Ward, Williams—22.

Nine having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, on motion by Mr. Slocum of Cumberland, the "Ought to Pass" report was accepted, the bill was read once, Committee Amendment A was read and adopted and the bill as so amended was tomorrow assigned for second reading.

On motion of Mr. Barnes of Aroostook, the Senate voted to take from the table Senate Report "Ought to pass as amended by Committee Amendment A" from the Committee on Agriculture on bill, An Act Relating to Harness Horse Racing Meets (S. P. 445) (L. D. 894) tabled by that Senator on April 22 pending motion by the Senator from Lincoln, Senator Denny to accept the committee report; and on further motion by the same Senator, the report was accepted and the bill read once. Committee Amendment A was read and adopted.

Thereupon, on further motion by the same Senator, the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cobb of Oxford, the Senate voted to take from the table bill, An Act Relating to Night Harness Horse Racing (H. P. 2006) (L. D. 1388) tabled by that Senator on April 18 pending consideration of Senate Amendment A.

Thereupon, on further motion by the same Senator, Senate Amendment A was indefinitely postponed.

The same Senator then presented Senate Amendment B:

"Senate Amendment 'B' to H. P. 2006, L. D. 1388, Bill 'An Act Relating to Night Harness Horse Racing.'

Amend said Bill by striking out the underlined words '**June 15th and October 15th**' in the 7th line of section 5 and inserting in place thereof the underlined words '**June 1st and the 2nd Saturday in August**'

Further amend said Bill by striking out the last underlined sentence of section 6 and inserting in place thereof the following underlined sentence: '**From said maximum, ½% shall be paid as a stipend under the provisions of section 16 of chapter 27.**'"

Mr. COBB of Oxford: Mr. President, I imagine I am speaking somewhat in self defense. I hope no one feels that my delay in taking this off the table was to kill the bill. For some little time after the bill was tabled, we were trying to adjust our procedure in fairness to another gentleman who wanted released to him as far as possible such time as the fairs didn't want, so that he could hold horse races during that period. My intentions have been very sincere to cooperate in every way with the wishes of this Body when it has voted by a considerable vote to approve this. The delay has been for that reason plus one other reason and that is a bill which the fair association has put in through Senator Brewer which was also on the table, and the conflict, until we could get together was delaying the other bill.

On the amendment which I have just presented, we have now changed the dates from the 15th of June to June 1st, and from October 15th to the second Saturday in August. We also asked that from the pari mu-

tuel betting, one half of one per cent go into a stipend fund for assistance to the state fairs. Those are the amendments that are put in Senate Amendment B and I hope it will receive favorable consideration.

Mr. BARNES of Aroostook: Mr. President, I rise in opposition to the amendment offered by the Senator from Oxford, Senator Cobb. One of the main purposes, I believe, why the members of the Senate went along and voted for this night racing bill was to give an opportunity to men who might have to work in the day time to enjoy harness horse racing at night.

One of the main features in this bill, to my way of thinking, is the provision that in order for anyone to be licensed to have any racing under this bill they would have to have a totalisator on the grounds. This has been explained to the Senate before and I needn't go into it in detail but that is a very expensive machine which cannot be purchased but can be leased by an association or individual who is running harness racing, which by mechanical electrical devices publishes the odds in the pari mutuel betting and keeps them up to date every minute.

The amendment that has been offered here would close off such a night harness meet in the middle of August and no one could possibly afford to invest in this totalisator on a six weeks meet, and that is all you get under this amendment, because nobody will go to the harness night racing during the time when mosquitoes and black flies are thick and the nights are cold such as happens even in June. So you have to take for granted that that would be from the first of July and if you have an eight week meet it would be until the first of September.

I oppose another feature of the amendment and that is that one half percent shall be paid out as a stipend to agricultural fairs in general. As I understand it there are three fairs with which this might be in conflict, one is the Windsor Fair, one the Union Fair,

and the third is the Skowhegan Fair. I don't think the first two are very important but the Skowhegan Fair is one of the largest in the state and it was felt that it would injure that Fair and one or two of the others and so this sets up a stipend with which to pay them. Under the regular day rates of pari mutuel betting, you have a percentage of the take that goes to the fairs in general and that should stay as it is but I don't believe this amendment is good in either of its provisions and I ask that when the vote is taken on the adoption of the amendment that there be a division.

Mr. COBB of Aroostook: Mr. President, I think the remarks of the Senator from Aroostook are well made. In putting in this amendment, however, I think it is scarcely necessary for a Body of this sort to have an amendment which means that a person can be relieved of expense. Whether a fair has an electric totalizer or whatever it is, for \$40,000 whether it doesn't have, seems to me beside the point. What we are trying to do as citizens of the state—I mean all of us here—is to arrange a fair picture so that our agricultural societies can get along with the encouragement of more harness racing or running racing, whatever it is, that tend to make it more difficult to support our agricultural fairs.

When it comes to the second element, that was put in one half of one percent for the racing period. Again there is no question but that with the racing going on it is going to be difficult for the fairs to get the revenue that they have had before.

We had hoped this gentleman would be willing, in the process of our doing our best to cooperate with him, to also cooperate with us in the sense of assisting fairs. I have heard it said that there is no person in the state more interested in the success of our agricultural fairs than this very gentleman. Under those conditions, I assume he would be glad to give

that small amount to make it possible for the fairs to succeed. Perhaps both amendments are wrong. I am not trying to tell you they are right but I believe very sincerely that they are right. I feel that no harm is being done to anyone with these amendments and it is giving cooperation to our own fair association.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Cobb, that the Senate adopt Senate Amendment B and the Senator from Aroostook, Senator Barnes has requested a division.

A division of the Senate was had. Eleven having voted in the affirmative and eighteen opposed, the motion did not prevail.

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

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 earlier in today's session pending passage to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President, I will offer three different amendments and where they are all concerned with one tax, in order to give an intelligent picture of the whole thing, I would request your permission and the permission of the Senate to discuss the three of them jointly.

The PRESIDENT: The Senate hears the remarks of the Senator from Androscoggin. Is there objection to his request?

The Chair hearing objection, the Senator from Androscoggin will have to introduce them singly.

Mr. BOUCHER of Androscoggin: Mr. President, I did not expect the objection from the Senator from Cumberland. I hope he doesn't try to limit my debate, in order for me to explain what I am trying to get at.

Mr. LEAVITT: Mr. President, I am perfectly willing that he should

present the overall picture but when he presents the amendments, in debating against one of the amendments, I don't want to have to talk about all three of them at one time. I think he should take up the three amendments and discuss the separately. I am perfectly willing to discuss the entire picture but when it gets down to the amendments, we should debate them singly.

Mr. BOUCHER: Mr. President, my intentions were not to debate the three amendments at one time. I was trying to introduce the whole picture in order to arrive at the result, and offer the amendments separately, one after the other, and discuss their merits.

The PRESIDENT: The Chair will state that the bill is before the Senate in its entirety. The Senator may discuss any phase of it.

Mr. BOUCHER of Androscoggin: Mr. President, I am about to offer three amendments. One amendment will remove the so-called Williams bill which is I believe, number 206. I would eliminate that entirely from the income tax bill. I also propose to offer another amendment which will eliminate from the education bill the act L. D. 1431 which is the school construction. To replace these two I shall offer a further amendment that if both of these amendments carry, or one or the other carries, the anticipated revenues of the bill would be used to reduce the tax bill on the cities and towns and plantations of the state.

And with those words of information, Mr. President, I now offer Senate Amendment A to Senate Amendment E, H. P. 2046, L. D. 1481 and I move its adoption, and in order to defend that motion I would say that it follows along the lines of the discussion this morning. I believe that we are going to help the cities and towns in Maine, and I for one prefer to go along with the Municipal Association of our state which has requested time and that the state get out of the real estate tax or the so-called mill

tax. This would not remove the entire mill tax if this amendment went through, but it would be a step in that direction. As I understand this bill, L. D. 206 calls now for \$527,000 for the municipal year 1950 and 1951 and for \$385,000 for the municipal,—I mean state year 1949 and 1950, making a grand total of \$1,741,000. I believe it would be a much fairer way to relieve our cities and towns than under this L. D. 206. If you gave through the mill tax reduction a straight reduction and a fair reduction according to what they are now paying to those towns and cities and left them paying for their dependent children as they are now paying—and I wish, Mr. President, that I had introduced at the proper time a bill to send all Aid to Dependent Children back to where it belongs to every city and town where it could be administered so much more closely,—I believe that we would be doing the fairer thing for the citizens of Maine.

Therefore I hope that my amendment will have a passage.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the Senate reconsider its former action whereby it adopted Senate Amendment E.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, I suppose no session would be complete if we did not have a little debate on the so-called ADC bill. I don't know so much that I can tell you this afternoon that has not been said before. At the present time about 20% of the cost of Aid to Dependent Children is being borne by the municipalities of the state. The federal government and the state government bear the rest of the expense. This bill would simply change that bill from the municipality to the state so it does not change in any way the administration of the Act.

It appears that the Senator from Androscoggin, Senator Boucher does not agree with the administration

of this act. I am afraid that he is not as well acquainted with what this bill does as I am at the present time, and for several years the state has been wholly administering this ADC program. Therefore it is my contention that what the state administers, it should pay for. The municipalities don't have anything to say about the administration of this bill. So, from that standpoint, I believe it should be paid for by the state.

The Senator also says that the Maine Municipal Association is sponsoring the idea of reduction of the seven and a quarter mill tax. I call his attention to the fact that that Association has for two sessions strongly endorsed this bill. It does not change the welfare administration in the least. It is simply aid to municipalities as has been previously brought out. Not all the municipalities benefit to the same extent because they don't have as many aid for dependent children cases in those municipalities but to many of our cities and towns, this particular bill is a real burden upon them and as has been shown time and again, one of the causes of towns in the state deorganizing has been this particular bill, so to equalize the tax burden, I think this bill is very beneficial along that line and where it is a state function, it should be paid by the State of Maine.

I hope that the motion to adopt this amendment does not prevail.

Mr. BOUCHER: Mr. President, for once I think I am afraid I will have to agree with most of what Senator Williams has said. It is a choice between two things. It is whether you want to relieve the towns of Aid to Dependent Children or whether you want to relieve the town in the reduction of the mill tax so-called.

For many years, Mr. President and members of the Senate, I have heard and you have heard about broadening the tax base. I think this is the first step in broadening the tax base by getting out of the real estate tax and leaving it to

the cities and towns and going into the income tax. You are just going to add another tax without giving the town some relief outside of decreasing their Aid to Dependent Children.

I wouldn't call that broadening the tax base. I have heard a lot of discussion and good discussion on the broadening of the tax base but I do believe you will have a much better chance to sell the citizens of Maine the idea of broadening the tax base, by reducing, with the final intent of abolishing entirely, the mill tax or real estate tax by the State rather than giving them relief on Aid to Dependent Children.

The Senator from Penobscot stated this morning that I had been for years on the Welfare Committee. That was a true statement. I can also add that for years I served as an overseer of the poor and have had a lot of experience in aid to dependent children, and again may I repeat, Senators, that I would much rather see the cities and towns operate the aid to dependent children, administer it at home, than have it done by remote control either by the State of Maine or by the federal government.

I think the saving to the cities of Maine would be much greater if we reduced the real estate tax, rather than do away with the cost of aid to dependent children to the cities and towns. Being very sincere in that belief and having had practical experience of going through it for years and years, I plead with you to go along with this amendment and plan to do exactly that, to take the first step in the reduction of the mill tax and leave the ADC where it belongs, in the different cities and towns.

It is true that aid to dependent children is now administered by the State. I will grant you that, but if any of you have been overseers of the poor or if you have not, I hope you will consult with the overseers of the poor in your own town and ask them if local admin-

istration would not be a great improvement over any other way of children or aid to the poor of their administering aid to dependent own municipality.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, I too have been an overseer of the poor for many years. If we were debating this afternoon the desirability of the ADC and whether it should be administered on a local or a state level, maybe the Senator from Androscoggin and I could get together but that is not the issue although he would throw that in to cloud the matter up, and once before this bill was killed with that particular argument, and for that same reason. This bill does not as I said before, change the administration of this act in the least. It is simply who shall pay the bill.

If this were taken over on the matter of the mill tax, it would reduce it somewhere in the neighborhood of one mill. Take that home to your individual communities and individual taxpayers and see what a wonderful job we would be doing for that particular taxpayer.

Take several of the towns that have benefited by this particular bill—and it is quite wide spread—over three-quarters of the municipalities of the state would benefit—you would find that for many of them it is a big tax relief. For that reason I cannot see any argument in the remarks of Senator Boucher except to becloud the issue. It is simply a reduction to the taxpayers of the many municipalities in the State, so I hope his motion does not prevail.

The PRESIDENT: In order to adopte Senate Amendment "A" to Senate Amendment "E", it is necessary that the Senate first reconsider its former action whereby it adopted Senate Amendment "E". Therefore, the pending question is on the reconsideration of the vote whereby the Senate adopted Senate Amendment "E".

Is the Senate ready for the question?

A viva voce vote was had.

Mr. BOUCHER: Mr. President, I ask for a division.

A division of the Senate was had. Three having voted in the affirmative and twenty-two opposed, the adoption of Senate Amendment "E" was not reconsidered.

Mr. BOUCHER: Mr. President, regardless of the defeat I have just had to suffer I want to offer Senate Amendment "A" to Senate Amendment "C" to the income tax and in order to offer that amendment as I understand it, we have to reconsider the adoption of Senate Amendment "C". I want to explain my position on this matter. This would eliminate L. D. 1322, An Act to Equalize the Educational Load to Municipalities, and L. D. 1431 for school construction. L. D. 1322 presents \$350,000 for the first year, 1949-50, and \$450,000 for the second year 1950-51 of the biennium, making a total of \$800,000. The school construction bill presents \$50,000 each year making \$100,000 for the biennium and making a grand total of \$900,000 or very close to one million tax on the real estate property of the State.

Again I feel that with the inequality that exists in the equalization of this money allotted to the different towns and cities of the State, that it is unfair to pass an income tax to receive more money and then to equalize that money on the same basis as has been done for years.

I pointed out to you this morning that where one city had a population between forty-five to fifty thousand persons in comparison with another city or town of four to five thousand inhabitants that the one with the four to five thousand citizens would receive more money under this law as it existed in the past years than the city of forty-five to fifty thousand. I feel that should be corrected. I feel it not fair or just to tax the citizens equally throughout the state and to dole out inequally the monies or stipends that the state has to give. I for one believe the state should not go into local situations. I believe the state should run the state's

business and not the business of the cities and towns of the state, unless, as happened in 1932, 1933, 1934, 1935, 1936 those cities and towns became unable financially to take care of themselves. In that case, I feel it is the business of the state to step in at that time and carry on.

May I point out to you that for years and years and years, some sixteen years to be exact, I have heard criticisms of this doling out by Washington. I often wondered whether I was in Washington or in Augusta because all I have heard about was doling out money to some groups or some town or some city. For years I have heard about the pork barrel and apparently we are trying to create another pork barrel. I am going to tell you I have voted consistently to send this to the people in referendum form, this proposed income tax, but I have come to the point where my conscience rebels. I have come to the point where I cannot induce the people by offering them toys and lures to vote tax money that they cannot afford to pay. I would rather go back home to my people and tell them that I voted against this because I thought it was an unfair and unjust tax in the way that the legislature had proposed to spend the anticipated money.

Therefore, Mr. President and members of the Senate, I offer this amendment in order that this money might be left in the general fund of the state to reduce the mill tax to help out the farmer I have heard about who has to pay a hundred or a hundred and twenty mill tax on his farm and cannot afford to pay it because he would lose his farm.

I realize very well that this will not be a great help to him but it is a start in the right direction and if we do not stop somewhere, God knows where we are going to wind up.

When I first came here in 1935—I haven't the figures at this time—but if my recollection is right our

appropriation at that time was something like eight or ten million dollars. Today it seems that we cannot talk unless we talk about twenty-three or twenty-five or thirty million dollars and I have seen this grow and grow and grow. I have seen it grow from a rose bush to a very tall tree and some day, gentlemen, this growth of taxation must stop, this tax and spend must stop or the State of Maine will be in very bad financial condition.

I always remember the first time I heard, and I always notice every time I have heard it since, that in each Governor's Inaugural when the Secretary of State winds up the performance of the investiture of that gentleman about the last words he says are, "God save the State of Maine."

Gentlemen, I call on you to save the State of Maine and I hope, Mr. President, that my motion prevails.

Mr. LEAVITT of Cumberland: Mr. President, the hour is getting late, we have had a great deal of talk this afternoon, I have talked the education program here so many times that I know most everybody here is bored with listening to what I have to say. Therefore I wish to be very, very brief.

I would like to take up the arguments of the Senator from Androscoggin point by point, and I hope that he will excuse me and not think I am treating his arguments lightly if I do not do so.

We had the hearings on these bills and they were very, very largely attended. The Senator from Androscoggin was not present or at least he did not appear in opposition to those bills at that time. At that time they carried three times as much money as they now carry and he didn't object. Yesterday he talked against the bill and had objections and said he would present amendments today. We accepted this amendment C and I think everybody here knows why we accepted it. I talked on it much

longer than I perhaps should have but I think I explained it enough so that you do not want me to explain it to you again today.

Therefore I hope that we do not reconsider our action of yesterday and that we do continue on the policy of dealing with education as we have it outlined in amendment C as now adopted. I again hope that the Senator from Androscoggin, Senator Boucher, will not think I am trying to slight him by not making a lengthy debate but I still do not think anything would be added by talking any longer. I do hope his motion does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the Senate reconsider its action whereby it adopted Senate Amendment C.

A viva voce vote being had

The motion to reconsider Senate Amendment C did not prevail.

Mr. BOUCHER: Mr. President, I had a third amendment to offer and I shall still offer it although I don't see what value it has at this time since both the previous amendments have been beaten. The purpose of this amendment was to use what money might have been available to reduce the mill tax so therefore, Mr. President, I believe I shall not offer the amendment.

Mr. HASKELL of Penobscot: Mr. President, I move that the bill as amended by Senate Amendments A through J be passed to be engrossed.

Mr. BOWKER of Cumberland: Mr. President, I move that the bill be indefinitely postponed.

Mr. HASKELL: Mr. President, I move that the bill and accompanying papers be laid upon the table pending the motion of the Senator from Cumberland, Senator Bowker, that the bill be indefinitely postponed.

A viva voce vote being doubted

A division of the Senate was had. Fourteen having voted in the af-

firmative and eleven opposed, the motion to table prevailed.

On motion by Mr. Haskell of Penobscot,

Recessed for five minutes.

After Recess

The Senate was called to order by the President.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, An Act Imposing a Personal Income Tax, (L. D. 1481) tabled earlier in today's session pending motion by the Senator from Cumberland, Senator Bowker, that the bill be indefinitely postponed.

Mr. BOUCHER of Androscoggin: Mr. President, when the vote is taken I ask for the Yeas and Nays.

The PRESIDENT: To order the Yeas and Nays requires the affirmative vote of one-fifth the members present.

A division of the Senate was had.

Obviously an insufficient number having risen, the Yeas and Nays were not ordered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Bowker, that the bill be indefinitely postponed. It the Senate ready for the question?

Mr. BOWKER: Mr. President, I ask for a division.

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, on motion by Mr. Haskell of Penobscot, the bill as amended by Senate Amendments A through J was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table Senate Report from the Committee on Salaries and Fees "Ought to Pass as amended by Committee Amendment A" on bill, An Act Relating to Fees of Clerks of

Courts (S. P. 441) (L. D. 829) tabled by that Senator on April 21 pending consideration of Committee Amendment A and Senate Amendment A.

The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 829. Amend said bill by striking out the underlined figure '\$3.00' in the 10th line thereof and inserting in place thereof the underlined figure '\$1.00'. Further amend said bill by striking out the underlined figures '25c' where they appear twice in the last line of the 32nd paragraph of said bill and inserting in place thereof the underlined words 'no charge' in both places."

Mr. BARNES of Aroostook: Mr. President, in as much at the matters contained in Committee Amendment A are all covered in Senate Amendment A, I move the indefinite postponement of Committee Amendment A.

Thereupon, Committee Amendment A was indefinitely postponed.

The PRESIDENT: The question before the Senate is now on the adoption of Senate Amendment A.

Mr. BARNES of Aroostook: Mr. President, inasmuch as Senate Amendment A has been printed as L. D. 1553, I move that we dispense with the reading of the amendment.

Mr. COLLINS of Aroostook: Mr. President, I think it would be in order to state the position of the Salary and Fees Committee in bringing out this bill and the Committee Amendment A. I would like to point out to the Members of the Senate this was a bill covering the fees of the clerk of courts. And on the Committee of Salaries and Fees there were no legal talent, and we were governed somewhat in our decision before the committee by the fact that several of the Clerks of Courts in the various counties appeared before the Committee and said that there was need for a revision in the fee structure for the Clerks of Courts.

In addition to several Clerks of Courts appearing before the Committee, we did seek some other legal opinion, and I believe that in order

to get an unbiased opinion, we thought we would go to some attorney who was not actually practicing before the courts, and we asked the Secretary of State his opinion as to the advisability of the revision of fees, and it was his opinion that there should be a revision.

Now, I don't know that we got the revision of the fees in line with what the present conditions should be. But in our opinion, in the opinion of the Committee, we took all of the fees as outlined in the bill with the exception of two which were covered by Committee Amendment A, and in that case we reduced the fee from three dollars to one dollar in the case of an entry of an action which I understand is a very important action and which was formerly sixty cents. And then we did further amend the bill in the committee amendment by having no charge for the recording of a certificate of discharge of a soldier or seaman from the Army or Navy of the United States.

We thought perhaps that would be a fair thing and wouldn't cause any hardship on the county.

I would like to point out one fact that the revision in fees in the clerk of courts' office have not been changed, I believe, since 1871. At least, it was a long, long period of time, and some of the figures did certainly appear inadequate from the testimony of the Clerks of Courts in the various counties. The Clerk of Courts from Waldo County was particularly anxious to see this done, as was the Clerk of Courts of York County. And in talking with my colleague from Aroostook, he suggested perhaps that this was referred to the wrong committee, and in referring it to Salaries and Fees it should have gone before the Legal Affairs Committee, and in that I do concur.

But just to give the opinion of the Committee on Salaries and Fees, while we admit that we did not know too much about what those fees should be, we did feel that the amounts recommended in the bill

were not unreasonable, and that some of the original amounts were certainly inadequate.

Now, the provisions that Senator Barnes proposes are considerably lower than the amount that was in the bill that was put out by the Committee. As to the respective merits, I certainly would leave that to the Members of the Senate to judge, except that I do want to say that the Committee on Salaries and Fees gave it their best judgment, and thought that the bill was reasonable.

Mr. BATCHELDER of York: I introduced this measure as a means of having this matter brought before the Legislature for the purpose of correcting the fees. It had been brought to my attention by the County Commissioners that these fees hadn't been corrected for a great many years, which has already been stated.

Now, I was not in accord with the fees that were included in this bill. This was as it came to me. But at the hearing I believe that there were two Clerks of Courts who appeared in favor of this particular measure. Now, as I understand during a matter of two or three years back several of our Clerks of Courts had met and had discussed these particular fees, and they had arrived at a figure as to these particular items which I have included in my amendment which I have submitted herewith. And I believe it is in accordance with what they felt should be the proper charges to be made for the particular items involved.

I have talked with one of our Clerks of Courts who has been a Clerk of Courts for quite a number of years and was before the committee for the revision of these fees. He said that these figures which we have in this Senate amendment which is presented herewith were more in accord with what he felt would be proper fees to be charged. I think we should pay what would be a reasonable charge for these different items that are furnished to the attorneys. But I don't be-

lieve that the charge should be made such that it would actually support our whole County as to the other expenses they do have, and I believe it is in the minds of some that possibly the fees that are paid into the Clerks of Courts on these particular items should be sufficient to carry along some of our other expense. For that particular reason, I hope that the Senate Amendment which I have offered will be adopted.

Mr. BARNES of Aroostook: Mr. President, the matter of this bill was first called to my attention by our own Clerk of Courts up in Aroostook County. He wanted to know if I had seen the bill, and I told him that I had not. And he said, "Well, you will find that it is certainly jacking up the prices way beyond what is reasonable and right and necessary." A little explanation might be due on this amendment which I heartily support. In the old days, our clerks of courts in all sixteen counties of the state did not receive any salary. They used to collect these fees themselves, and that constituted their remuneration. Today in every county, of course, we pay our clerks a salary, and it is true that these fees have not been raised for a long time.

By the way, there is a dual purpose for these fees under this amendment. In the first place, it serves as a means of income to the County, and in the second place, and what to my mind is very important, these fees which are set forth in the chapter that is being amended are what the clerk used to tax his costs in every action that is entered up in his court. These costs are added up and eventually paid by the debtor in the suit. A great many of you here today were here a few years ago when we passed the Small Claims Court Bill and one of the strongest arguments in favor of that bill was that it would reduce the cost that would have to be paid by debtors who owed bills from thirty-five dollars down to around \$1.50 apiece. To give you an idea of what this bill without the amend-

ment would do, in the case of a claim of \$36.00 which is just over the \$35.00 minimum, this would increase the cost of purchasing a writ, entering in court and a judgment from \$1.04 up to over \$5.00.

Now, there are a great many instances when clients come in where we are in doubt whether or not we should risk \$1.04 on such actions, and certainly if it were jacked up to five dollars, there would be a great many just bills and claims that would never be proceeded upon because of that great cost.

It is not my intention to go through these item by item, but I will call to your attention that it now costs five cents to buy a blank writ from the Clerk. The original bill that was introduced would increase that to twenty-five cents.

The amendment Senator Batchelder and I propose, based on this agreement of the Clerks of Courts of some years ago, was ten cents which more than doubles it. But certainly writs can be printed up for at least one hundred dollars a thousand. We all know that, and that is the way it goes all through the bill.

I do believe that this bill should have been referred to a legal committee, because I doubt very much

if the members of the Salaries and Fees Committee would know the difference between a habeas corpus and a subpoena duces tecum or a writ of error and so forth and so on, because they are not familiar with these forms like we who practice law before the courts are.

Now, I will finish by saying I feel very certain that the amendment which Brother Batchelder and I have prepared would more than take care of the ordinary costs of the county clerks' offices. And in my way of thinking, the county clerks' offices are run for the benefit of the public in general, and they are not mercantile enterprises run for profit. Therefore, I move and strongly urge the adoption of Senate Amendment A.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that Senate Amendment A be adopted.

Thereupon, Senate Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at ten o'clock.