

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

Thursday, April 28, 1949

The Senate was called to order by the President.

Prayer by the Rev. David Hickland of Gardiner.

Journal of yesterday read and approved.

From the House

"Resolve for the Purchase of Two Hundred Copies of 'The Length and Breadth of Maine'." (H. P. 927) (L. D. 1375)

(In the Senate, on April 19th, resolve was indefinitely postponed in non-concurrence.)

Comes from the House, that body having receded and concurred.

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

(In Senate on April 26th, passed to be engrossed in non-concurrence.)

Comes from the House, that body having adhered to its former action whereby the bill was passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Ela of Somerset, the Senate voted to insist on its former action and ask for a Committee of Conference.

Sent down for concurrence.

Mr. HASKELL: Mr. President, I would inquire of L. D. 1481, bill, An Act Imposing a Personal Income Tax, is in the possession of the Senate?

The PRESIDENT: The Chair will inform the Senator that the bill is in the possession of the Senate, having been held at the request of the Senator.

Mr. HASKELL of Penobscot: Mr. President, our little child is back again for a very, very brief explanation this morning. It is my intent to offer a motion to indefinitely postpone Senate Amendment J which amendment was the provision for the cost of administering the tax. Last night the State Tax Assessor went over in detail the administrative set-up in-

volving the normal operating cost of the tax which he agreed was about \$75,000. He thinks for the initial biennium, however, there will be other costs, mostly capital costs, in setting up the form, and so forth.

So it is my intention to first move the indefinite postponement of Senate Amendment J and if that prevails I will offer Senate Amendment K. If that prevails I will move engrossment again and I think that possibly our little gem might then be sent to the other Branch.

Mr. President, I now move that we reconsider our action whereby we passed the bill to be engrossed.

A viva voce vote being doubted.

A division of the Senate was had.

Twenty-three having voted in the affirmative and four opposed, the motion to reconsider prevailed.

On motion by the same Senator the Senate then voted to reconsider its former action whereby Senate Amendment J was adopted; and on further motion by the same Senator, Senate Amendment J was indefinitely postponed.

The same Senator presented Senate Amendment K and moved its adoption which amendment was read and adopted.

Mr. BOUCHER of Androscoggin: Mr. President, I move that the bill be indefinitely postponed.

A viva voce vote was had.

The PRESIDENT: The No's have it unless doubted.

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

The PRESIDENT: Although the vote has been declared the Chair will allow the motion.

A division of the Senate was had.

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

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the bill be passed to be engrossed as amended.

Thereupon the bill was passed to be engrossed as amended, in non-concurrence.

On motion by Mr. Bowker of Cumberland the bill and accompanying papers were sent forthwith to the House.

Bill "An Act Relating to State Assistance for Supervision." (S. P. 609) (L. D. 1300)

(In Senate on March 28th, passed to be engrossed.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate:

Mr. McKUSICK of Piscataquis: Mr. President, I realize that this bill has failed of passage in the other Branch and also, due to the fact that it carries a cost with it amounting to some \$55,000, I realize that there is very little chance of its passage, but inasmuch as it has not been debated on the floor of the Senate and as I feel that I should give some reasons to justify my sponsorship of the bill, I wish to take just a few moments to tell you what the bill provides.

The original Union Superintendency Law when it was passed provided that the state would pay one-half the salary up to one-half of \$2,400. That is, the state's share would be up to \$1,200. It also provided that the Commissioner might allocate to a superintendent an amount not to exceed \$250 to help defray travelling expenses where his schools were situated in inaccessible regions. The only change in that law was the increase to the subsidy to superintendents' salaries, about \$1,350, and the increase of the travel allowance to a maximum of \$350. This bill provided for an increase in the superintendents' salaries subsidy to \$1,800 and allowed the Commissioner to allot an amount for traveling expenses up to \$500. The reason for that is in the increase in the superintendents' salaries subsidy.

When the original bill was passed, \$2,400 was considered a fairly liberal salary for superintendents but at the present time—and note that the original bill pays half of the superintendent's salary up to \$2,400—at the present time the average sal-

aries of our superintendents here in the state is \$4,400 and the state is only paying \$1,350 which is less than one-third instead of one-half. There have also been considerable changes in the duties of the superintendents. As our Education Department expanded, the demands the state is making on superintendents' time has increased so that even in our smaller towns more and more of the superintendents' time is taken up with his work, and a shorter and shorter period of time is left to him for himself. So for those reasons it was felt when the bill was introduced that it would be only fair for the state to pay an amount approximately half of the salary.

With that explanation and with the realization that this bill, carrying a price tag and having been indefinitely postponed in the other Branch, stands very little chance of passage in this Body, I now move that the Senate adhere.

The motion to adhere prevailed.

Bill "An Act Relating to Weir Fishing in Certain Waters." (H. P. 1736) (L. D. 1090)

(In Senate, on April 12th, indefinitely postponed in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the bill was passed to be engrossed, and asks for a Committee of Conference.

In the Senate, on motion by Mr. Varney of Washington, the Senate voted to insist on its former action whereby the bill was indefinitely postponed and join with the House in a Committee of Conference.

Bill "An Act Creating the South Berwick Sewer District." (H. P. 1659) (L. D. 967)

(In Senate, on April 20, 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. Batchelder of York, the rules were

suspended and the Senate voted to reconsider its former action where-by 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.

The Committee on Legal Affairs on Bill "An Act to Revise the Charter of the City of Westbrook," (H. P. 1984) (L. D. 1365) reported that the same ought not to pass.

Comes from the House, bill substituted for the report, and passed to be engrossed.

In the Senate, on motion by Mr. Batchelder of York, tabled pending consideration of the committee report.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Long and Square Lakes, in the County of Aroostook," (H. P. 571) (L. D. 1401) 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, the report was read and accepted in concurrence and the resolve read once; on motion by Mr. Collins of Aroostook, Committee Amendment A was indefinitely postponed in concurrence; House Amendment A was read and adopted in concurrence and the bill as amended by House Amendment A was tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Relating to Abandoned Wells as Nuisances," (H. P. 2044) (L. D. 1470) reported that the same ought to pass.

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

In the Senate, the report was read and accepted in concurrence

and the bill read once; House Amendment B was read and adopted in concurrence, and the bill as amended by House Amendment B was tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Payment of Damage Caused by Collision Between Motor Vehicle and Deer," (H. P. 1271) (L. D. 751) reported that the same ought to pass.

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

In the Senate, the report was read and accepted in concurrence and the bill read once; on motion by Mr. Ela of Somerset, House Amendment A was read and adopted in concurrence, and the bill as amended by House Amendment A was tomorrow assigned for second reading.

The Committee on Labor on Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits," (H. P. 1490) (L. D. 804) reported the same in a new draft (H. P. 2084) (L. D. 1543) under the same title, and that it ought to pass.

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

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

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Regulations for Atlantic Sea Run Salmon in Penobscot Bay Area," (H. P. 68) (L. D. 27) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and passed to be engrossed.

In the Senate:

Mr. SLEEPER of Knox: Mr.

President, I imagine that the proper procedure should be to table this bill and assign it for later in today's session but it will only take me a few moments to explain why the Senate should accept the "Ought Not to Pass" report of the Committee.

About two months ago I appeared before the appropriations group and asked for \$10,000 as a resolve for the Atlantic Sea Run Salmon, and I told the story there and was assisted by federal men and the Atlantic Sea Run Salmon group, which consisted of the Commissioner of Sea and Shore Fisheries, the Inland Fish and Game Commissioner, and—I can't remember his name but—a member from Bangor appointed by the Governor.

As you all know, at one time along the coast of Maine the waters were filled with Atlantic Sea Run Salmon. That fish is almost gone now, with the possible exception of a few found in the Dennys River and one other river in Washington County, and a very few in Bangor. At one time these rivers were teeming with these salmon and with all the fish of the sea, including the waters of the Pacific Coast. The Atlantic Sea Run Salmon was the king of fishes and the tastiest of all fish.

I did realize that these Atlantic Sea Run Salmon were almost gone from the waters of Maine and are even gone in the Saint John River in the Province of New Brunswick in Canada and I didn't think we could ever bring them back, but at the hearing before the Appropriations Committee—which I might add here and now is a hard-boiled committee—we asked for \$10,000 and our story so impressed them that they asked us to amend the resolve and ask for \$60,000. And I might add that in addition to the \$60,000 which Maine is willing to put in from the unappropriated surplus, the federal government will put in \$480,000 to attempt to bring back the salmon to the rivers of Maine.

Mr. George Rounsfel said that at one time along the Pacific coast they had the same condition that we now have in Maine and that in the Columbia River and other rivers there the salmon had disappeared and through this process which we are contemplating they brought back the salmon to the Pacific coast in such quantities that it is not only a sportsman's paradise but that, as you all know, down in Astoria the Pacific salmon is even canned and sold for commercial purposes. I have seen salmon running through in the millions there and they catch them by hundreds in nets drawn by horses. Mr. Rounsfel explained that he could bring these salmon back to Maine pretty nearly as thick.

It is necessary, however, to have stringent laws as if they attempt to bring these salmon back it would be useless to try to do that and then have these rivers polluted, and in this particular instance it is a sad case. They must have the authority to clean up these rivers and institute all the rules and regulations necessary, and the first is that there shall not be any catching of fish by seines or weirs for five years at least, until the salmon come back, and this particular bill exempts the Penobscot Bay area from the rules and allows them to catch salmon by nets and seines and weirs. Of course in this case then, you might just as well cross off the Penobscot River in this attempt to bring back the Atlantic Sea Run Salmon and that is the biggest river in Maine and has the greatest potential wealth of these salmon. Mr. Rounsfel felt quite certain that he cannot do much with the Androscoggin and Kennebec rivers because of the pollution and the heavy population of the cities and so forth but he thinks he can do a lot in the Penobscot River and is certain that he can in the Dennys and even in the Georges river down in Rockland which is getting to be one of Maine's greatest opportunity to bring back these fish, even as a commercial

possibility. This bill defeats that in the Penobscot River and lets them catch with seines and weirs and so the Committee reported it out ought not to pass.

The sponsor evidently has substituted the bill for the report and that has taken place, but I hope the Senate can see the value of this Sea Run Salmon propagation program and accept the ought not to pass report of the committee and allow these salmon to be brought back to the Coast of Maine.

The motion prevailed and the Senate accepted the "Ought Not to Pass" Report of the Committee in non-concurrence.

Sent down for concurrence.

The Committee on Ways and Bridges on "Resolve Authorizing the Highway Commission to Build a Parking Place in Windham," (S. P. 585) (L. D. 1244) reported that the same ought not to pass.

(In Senate on April 26th, re-committed to the Committee on Ways and Bridges.)

Comes from the House, "Ought Not to Pass" report accepted in non-concurrence.

In the Senate, on motion by Mr. Slocum of Cumberland, the Senate voted to recede from its former action whereby the bill was re-committed to the Committee on Ways and Bridges.

Mr. SLOCUM of Cumberland: Mr. President, I now move the acceptance of the ought not to pass report of the committee. This bill was introduced because the Highway Commission said it was necessary to have such a bill to order the building of a parking place or a safety zone alongside the approach to the Windham bridge.

Subsequently they told the committee that they did not need such legislation and that they were opposed to building any parking place because it would set a precedent which they do not want to establish. This parking place was, in effect, a safety zone, so that cars could pull off the road at this

scenic spot which is the only actual place they can stop as they approach this bridge and look across Sebago Lake to Mount Washington.

I have the assurance of those who are sympathetic to this project that every effort will be made to widen the road enough to make it safe for travel along this bridge. Therefore, this legislation is unnecessary.

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

Bill "An Act Relating to the Town of North Yarmouth School District." (H. P. 2091) (L. D. 1563)

Comes from the House, having been received by unanimous consent, given its three several readings under suspension of the rules, and passed to be engrossed as amended by House Amendment "A", without reference to a committee.

In the Senate:

Mr. BATCHELDER of York: Mr. President, this bill was one of the first bills which we received. It had a hearing before the committee. It is now found that it is necessary for a slight amendment to be added on the bill in order to put through the bond issue. There is a House Amendment to be offered, which we include on practically all bills requiring a 20% vote of the people, if this bill is received by unanimous consent at this time it will not hold up this legislature and I will later move that it be passed to be engrossed without sending it to a committee.

Thereupon, the bill was received by unanimous consent, and under suspension of the rules was given its two several readings; House Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

The Committee on Claims on "Resolve to Reimburse the Town of Clinton," (H. P. 1276) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Winfield Paddock of Milo, for Damage to Property," (H. P. 633) (L. D. 224) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Emery L. Jordan of Plantation Number 21," (H. P. 1464) reported that the same ought not to pass.

The Committee on Pensions on "Resolve Providing for State Pension for George R. Boyce of Hermon," (H. P. 670) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Providing for State Pension for Frank C. Erskine, of Bristol Mills," (H. P. 1065) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Providing for State Pension for Florence Howard, of Swanville," (H. P. 1411) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Providing for State Pension for Marie C. Roy of Skowhegan," (H. P. 1062) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Providing for State Pension for Berdiana Foster, of Ridlonville," (H. P. 305) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Providing for State Pension for John L. Sullivan, of East Corinth," (H. P. 1517) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Providing for State Pension for Marie Aube, of Lewiston," (H. P. 1928) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of R. Clifton Brunell, of East Sebago," (H. P. 1880) reported that same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Manley Sharp of Merrill," (H. P. 1790) reported that the same ought not to pass.

The same Committee on "Resolve Providing for a Pension for Bur-

chard Higgins, of Mapleton," (H. P. 1608) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of May Ella Folsom, of Belfast," (H. P. 844) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Elvain L. Trimn, of Charleston," (H. P. 934) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an State Pension for Blanche Poitras of Limestone," (H. P. 589) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Willford M. Dorr of Randolph," (H. P. 1185) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Lelida Wright LeBaron, of Rome," (H. P. 1599) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Roger Creamer, of Thomaston," (H. P. 598) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Louise J. Gray, of Orland," (H. P. 2010) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Delia Drouin of Lewiston," (H. P. 1881) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Isaac Sawtelle of Pittston," (H. P. 1186) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mary Hendrickson, of Caswell Plantation," (H. P. 1602) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Manley E. Cooper, of Chelsea," (H. P. 933) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Blanche Grant, of Lincoln" (H. P. 711) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Ralph A. Smith, of Bath," (H. P. 1605) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Wilfred Turgeon, of Waterboro," (H. P. 592) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Military Affairs on Bill "An Act Relating to Amount of Aid to Dependents of Veterans," (H. P. 698) (L. D. 223) reported that the same ought to pass.

The Committee on Ways and Bridges to which was recommended Bill "An Act Freeing the Richmond—Dresden Bridge of Tolls," (H. P. 1014) (L. D. 441) reported that the same ought to pass.

The same Committee on "Resolve in Favor of the Town of Columbia," (H. P. 1016) (L. D. 1566) reported that the same ought to pass.

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

The Committee on Ways and Bridges on Bill "An Act to Authorize the Construction of a Bridge Across the Penobscot River," (H. P. 1674) (L. D. 959) reported the same in a new draft (H. P. 2090) (L. D. 1562) under a new title, "Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Penobscot River," and that it ought to pass.

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

The Majority of the Committee on Judiciary on "Resolve Authorizing

Donald S. Porter of Lowell to Sue the State of Maine," (H. P. 1305) (L. D. 685) reported that the same ought not to pass.

(signed)

Senators:

BARNES of Aroostook
ELA of Somerset

Representatives:

McGLAUFILIN of Portland
WILLIAMS of Auburn
WOODWORTH of Fairfield
BURGESS of Rockland

The Minority of the same committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A"

(signed)

Senator:

WARD of Penobscot

Representatives:

PAYSON of Union
SILSBY of Aurora
MUSKIE of Waterville

Comes from the House, the Minority Report accepted, and the bill passed to be engrossed as amended by Committee Amendment "A"

In the Senate, on motion by Mr. Ward of Penobscot, the bill and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the Committee on Legal Affairs on Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Maintenance of Sewers," (H. P. 1787) (L. D. 1126) reported the same in a new draft (H. P. 2034) (L. D. 1448) under the same title, and that it ought to pass.

(signed)

Senators:

BAKER of Kennebec
BATCHELDER of York
EDWARDS of Oxford

Representatives:

CHAPMAN of Portland
HAYES of Dover-Foxcroft
CAMPBELL of Augusta
MARTIN of Augusta
MARBLE of Dixfield
PAINE of Portland

The Minority of the same Committee on the same subject matter

reported that the same ought not to pass.

(signed)

Representative:

ATHERTON of Bangor

Comes from the House, the Minority Report accepted.

In the Senate, on motion by Mr. Batchelder of York, the bill and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the Committee on Inland Fisheries and Game on "Resolve Providing for a Dam and Fish Screen at Outlet of Chain-of-Ponds, in the County of Franklin," (H. P. 1481) (L. D. 881) reported the same in a new draft "A" (H. P. 1093) (L. D. 1565) under a new title, "Resolve Providing for a Dam and Fish Screen at Chain-of-Ponds, in the County of Franklin," and that it ought to pass.

(signed)

Senators:

BOWKER of Cumberland
SMART of Hancock

Representatives:

WIGHT of Bangor
HILL of Bingham
BEARCE of Caribou
PLUMMER of Lisbon
CAMPBELL of Guilford
CARVILLE of Eustis

The Minority of the same Committee on the same subject matter reported that the same in a new draft "B" (H. P. 2092) (L. D. 1564) under a new title, "Resolve Providing for a Dam and Fish Screen at Chain-of-Ponds in the County of Franklin," and that it ought to pass.

(signed)

Senator:

ELA of Somerset

Representative:

HAYWARD of Machias

Comes from the House, the Majority Report read and accepted, and the bill in new draft "A" and under new title passed to be engrossed."

In the Senate:

Mr. CROSBY of Franklin; Mr. President, I move we accept the

majority Ought to pass report of the Committee.

Mr. ELA of Somerset: Mr. President, the procedure seems to make it devolve upon me to debate the thing right now. So I will have to briefly describe to you the situation, and I hope my brevity in view of the lateness of the session won't be mistaken for lack of interest or sincerity.

This is the situation. In the County of Franklin and Chain-of-Ponds Township there is this long chain of ponds. The dam went out some years ago, and this bill was brought in to provide for a six thousand dollar appropriation on the part of the state, to be matched by a similar amount by local individuals to build a dam and fish screen at Chain-of-Ponds. There is a long stretch of the North Branch of Dead River below Chain-of-Ponds which runs down to Eustis where there is another dam below which starts the long section of Dead River which is to be flowed presently by the Dead River Storage Dam. The contour lines at which water will flow back is going to be some distance, a matter of a hundred feet, or two hundred I guess, below the Eustis dam. I mention that, because issue was made of the fact that when the storage dam is built, it will change the condition and permit rough fish to run up the River.

There will be no more reason for fish to run up the North Branch of Dead River after the storage dam is built, than there is now, because as I said, flowage won't go back even to the present dam at Eustis. If the fish should run up, they would be up there now. There is just as much reason to think that they could go up in periods of high water as after the storage is built.

This North Branch of Dead River in the summertime is a very small river. In the spring, and at flood-time, it is very violent and has a great deal of water in it. In other words, that area would be an extremely expensive and hard place to build a screen, which is indicated

by the amount of money called for in the bill.

The Chain-of-Ponds Lakes are controlled by the Megantic Club. It is my understanding that they lease the entire township waters. So, no other person can build a camp on the lakes. No other person can buy a lot on the lakes. The Canada road does flow by the Chain-of-Ponds, and if you are very fortunate, you may on occasion hire a boat from this Megantic Club. If you are not fortunate, you don't get the boat. And that indicates that the waters are not as freely accessible to the general public as are any of the other waters of the state.

Now, I recognize that in some ponds there is a desirability of a fish screen. I think that in this particular instance there is far less indication of need or desirability than in many other places. The water below Chain-of-Ponds is a beautiful stretch of trout water into which flows several large brooks which have desirable spawning water in them, and in the opinion of some people there is a question of even the desirability of any screen. In other words, there is some thought that free passage of trout between those areas is desirable. The rough fish, in my opinion won't pass, because they can't go over the various rapids and the small falls which are in the branch now.

I pondered this question a great deal, giving it a lot of thought. It would have been a very easy thing for me to have gone along with the bill and pleased the sponsors and the residents of that area. I know them well. I know they are earnest and sincere, and it would be the easy thing for me to do. I have not the slightest animosity against any individual up there, or anybody who is interested in the bill. But I really couldn't believe that it was fair to the rest of the residents of the State of Maine to put six thousand dollars of state money into a project which is to quite an extent a private affair, and to which there is quite a reasonable amount of doubt in my mind as to the desirability of it.

Now, Report B of which I am one of the two signers, indicates the extent, the extreme extent to which two of us felt that the state should be involved. That would appropriate two thousand dollars, rather than six. And for those few reasons, I hope that the motion to accept Report A does not prevail. And if it does not, then I will move that Report B does prevail. If the local people are now willing—and it is the Megantic Club which is the sponsor to a large extent. At least they are named in the bill. There may be other local people who would help—if they are willing to put in six thousand dollars, and if the state will put in two thousand, a great deal of work can be done if it is desirable at all.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, Mr. Ela has given a very good outline of the waters in that area. We do differ somewhat in our thoughts as to the need of this screen there. However, the fact that he does feel that the state would be wise in putting in two thousand dollars towards this screen would indicate that perhaps he is of the thought that the screen would be of some benefit.

Now, one of the things that we differ on is that my understanding is that the flowage of this Dead River Flowage Dam comes up to about a foot, or a foot and a half of the so-called Eustis dam which he is discussing. It is a small dam at Eustis. In the spring of the year, and at high water, I believe that these rough fish could go over that dam without any trouble.

Now, the water there at the Chain-of-Ponds are some of the best trout and salmon waters that we have in the State of Maine. Of course, we do have this so-called millionaires' club, the Megantic Club, there. But the road goes by this pond for miles. There are plenty of areas there right on the shore of the pond where the public could put in their boats. In fact, last Memorial Day, I was up there in the afternoon, and I think there were nearly fifty boats on that pond.

They brought their boats on their car tops, on their trailers, and they had a day's fishing. I don't think the Megantic Club is too interested in the fishing waters in that particular pond, because they have plenty of waters where the public can't get at them, or if they get at the pond, they don't have any boats to fish with. But that is one of the places in the State of Maine where anyone can go with a car and trailer and boat and drop their boat in and fish; or they can camp. They can't buy land to build on and to keep. I think the land is owned by the Brown Company of Berlin New Hampshire. In fact, I don't think on any of their land throughout the upper part of the state you can buy cottage rights. They just have made that rule; they don't sell it.

Now, there was a dam there in years past, and when the road was constructed, they built the road across on top of this dam. They went out several years ago after they had relocated that road and built another bridge across the stream, and the bridge there on the dam was allowed to go to pieces and fall in. This dam is about three hundred feet long. We have consulted with one of the old-timers, so-called, in that area who has built a lot of log dams for various purposes such as driving. He knows the situation there, and to the best of his belief, he says that twelve thousand dollars would be the minimum cost of putting in a log dam there and a fish screen.

Now, the sponsor of this bill has offered by subscription from the surrounding area, of people who are interested in fishing there, to try and get six thousand dollars together and match the same amount from the state if they see fit to give it. If they don't, why we just can't build the dam and fish screen. We have one chap who lives in the state here, but not in that locality, but who does fish there a good deal, who called up a few weeks ago and voluntarily offered to give five hundred dollars. The Megantic Club, to the best of my knowledge, has not

as yet offered to contribute a cent towards this. But of course, we do expect that they will give something. And all of us who will fish in that area are expected to dig down a little to build up this fund. I think this is not one of those controlled waters, but that the public in general can get there. It is a beautiful spot, and as I say, one of the best trout waters, I believe, in that area. We should like to protect it and keep the fishing good there. I don't believe that there is any selfish interest involved here. I think that it is for the public. I think the majority of our subscriptions from local people there will be in small amounts that will have to build this up to get the funds necessary for building the dam. And I sincerely hope that the motion may prevail.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I feel I should say a word on this, bringing to the attention of the Senators that the majority report of the Committee has been consistent with our other reports on screens. Only this one happens to include the dam. All of the way through, the Committee on Fish and Game took the attitude that all of the different clubs and the different organizations that asked for fish screens would pay fifty per cent, the state, or the department, would pay fifty per cent if and when the interested parties supplied the other fifty per cent.

This bill does amount to twelve thousand dollars, and it is only if and when the interested parties supply the other fifty per cent that the Fish and Game Department is to supply the other fifty per cent. I have to say to the Senate that if the Senate accepted New Draft B that Senator Ela signed, then they don't believe the people in that territory could raise ten thousand dollars.

I want to be consistent with this and treat it the same as others that have called for screens and money up to twelve hundred or fifteen hundred and five hundred. It is just going along on the same basis that if and when that money

is raised, they would get this dam. I hope that the motion of Senator Crosby does prevail.

Mr. ELA of Somerset: Mr. President, I think there are one of those items that perhaps needs clarification. This is not in just the same category as most of the other fish screens. This is a dam, as well as a screen, on a major piece of water. It is a screen which will be extremely hard to keep in, because of the tremendous volume of water and ice which is present there at some times.

I think that the two thousand dollars mentioned in Report B, if matched by another two thousand dollars, could very well take care of the screen. But when you go building dams on major waters, you are going far beyond the demands which should be made on Fish and Game Department funds.

If we start this procedure, you can well spend millions of dollars on this type of thing in the State of Maine, and there are not funds enough to do all of those things.

Regarding the rough fish coming up over the dam at Eustis to get into those waters, rough fish are up over there now, and they have been there for years. Pickerel have been above this Eustis dam. If they had been able to come up the North Branch of Dead River, they would be up in Chain-of-Ponds this minute. When the spring floods come down that branch, I will grant you that Eustis Dam is probably just a big swell. But at that time, the rough fish are not fighting that sort of current. I really believe that two thousand dollars is sufficient, and I am not sure it is not further than the state should go. But I think those are the facts, and you should have them.

Mr. CROSBY: of Franklin: Mr. President, I have fished these waters every year for twenty-five years, and to the best of my knowledge I have never seen any of the rough fish above the Eustis Dam. However, there are plenty of them below. If the area was not to be flooded there, I wouldn't see any need for this dam or screen there. But due to the

flooding of this area and the water coming up—I think that is probably a six-foot dam—if we build it up a foot and a half or so from the bottom of the normal level of waters, of course at higher water it is going to be very easy for fish to go over that dam, and we feel they will go up that stream and into the pond and spoil the trout and salmon fishing there. I think that the fact many people go there in trailers and boats, people who can not afford to go to some of the other places and pay the prices, like Rangeley Lakes and those places, indicates it is excellent fishing. It is a place where the ordinary fellow can take his car and boat, and can get a day's fishing. And we would like to keep it that way if we can.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Crosby, that the Senate accept the Majority Report of the Committee "Ought to Pass in New Draft A", and the Senator from Somerset, Senator Ela, has requested a division.

A division of the Senate was had.

Sixteen having voted in the affirmative and six opposed, the Majority Report of the Committee "Ought to Pass in New Draft A" was accepted.

Mr. WILLIAMS of Penobscot: Mr. President, may I inquire if there are only twenty-two Senators in their seats.

The PRESIDENT: The Senator from Penobscot, Senator Williams, has requested a check on the number of Senators voting. The Chair will remind the Senators that the Senate rules require that all Senate members vote when present. If the Senator requests, a second vote may be taken. If not, the Chair will rule that the vote stand. The Chair will state that the Senators should keep that rule in mind. It is quite essential that all should vote.

Thereupon, the bill was given its first reading and tomorrow assigned for second reading.

From the House

Out of order and under suspension of the rules:

Joint Order

ORDERED, the Senate concurring, that a Joint Select Committee be created, to consist of seven on the part of the House and three on the part of the Senate for the purpose of drafting and presenting to this Legislature on or before Monday, May 2, 1949, a new tax measure designed to conform to the following principles:

1. To include a sales tax without exemptions.
2. To include an income tax at a uniform rate, on individuals and corporations.
3. To remove the state property tax on the cities and towns.
4. To carry an expedited referendum clause.
5. To raise approximately \$10,000,000, approximately 60% from the sales tax and approximately 40% from the income tax.
6. To specify, either generally or particularly, the purposes to which the revenue will be devoted. (H. P. 2097)

Comes from the House, read and passed.

In the Senate:

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, at the conclusions of my very, very brief remarks, I shall move the indefinite postponement of the order. There are, of course, good reasons why the order should be passed, and I think there are compelling reasons why it is not wise to pass the order. The reason that I think is the strongest reason for not passing the order is the same statement that has been used in Committee and on the floor of this Senate, and that is the fact that it is rather useless to pass something out of this Legislature with a referendum attached, and have that thing be something that appears to have little or no chance of passage.

We had before the Taxation Committee the combination sales

and income tax, and at least those ten members of the Legislature, think what you will of them, saw little or no merit in the combination bill. Each member of the Legislature, just as each member of the Committee on Taxation had a similar opportunity to move to substitute the bill for the report and thereby have the Legislature, itself, consider a combination sales and income tax. This order would create a bill little different than the combination sales and income tax, except that it would add the corporate income tax to it.

I would sincerely hope that this Legislature could devise that phantom perfect tax measure, but I am extremely doubtful that the combination tax, even though it had acceptance, could possibly have popular acceptance when you put it under one tent with the opponents of both types of taxes. We certainly have heard in this Branch those who have spoken into the record their firm conviction that when they spoke those words they thought they would never vote for one tax or the other. I believe when that is multiplied by the thousands that reflect itself into the referendum, it would be equally certain within the limits that you can predict electorate action, that it would have little or no chance of passage.

That, Mr. President and members of the Senate, is the compelling reason that I move the indefinite postponement, and the impelling reason for my indicating my hope that the motion does prevail.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, there is nothing I could say which would influence you in any way in deciding whether or not to support my motion. I move that this order lie upon the table.

A division of the Senate was had.

Nine having voted in the affirmative and eighteen opposed, the motion to table did not prevail.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, I rise in opposition to the

indefinite postponement of this order for several reasons. In the first place, we do not know what the outcome of the tax measure will be that we have just sent over to the other Branch. Beyond that, the fact that the items that are included in this joint order have not been debated in either branch is to me some indication that the Legislature should have an opportunity to do so. A good deal of the substance of this order was sponsored by very responsible groups—the State Grange Association, the Municipal Association, and various Parent-Teacher organizations and other women's groups throughout the state.

It would seem to me that it would be foolish for us at this time to indefinitely postpone this order. It does provide a vehicle that would produce tax money. It may not be that that bill would meet the approval of the Legislature. But I do think that we should have the opportunity of voting on such a measure. I really sincerely hope that the order to indefinitely postpone will not prevail.

I would like to call attention to the fact that two years ago there was a bill providing a sales tax, and a personal income tax that was before this Legislature, and at that time on a divided report, the majority report which was signed by the Senator from Penobscot, Senator Haskell, was that it ought to pass. That bill provided, in essence, some of the things that probably would be in a bill if we passed one now. So, in the interim of two years, the Senator has changed his mind in regard to the nature of a proper tax bill, but I would remind him that at that time, at least, he signed a majority ought to pass report.

For the reasons I have given, I feel that it would really be wisdom on the part of the Senators present to continue this order and see what it can accomplish.

Mr. BREWER of Aroostook: Mr. President, I too, with my colleague,

Mr. Collins, hope that this order will receive passage. It has been my thinking since I have been here that if in the final analysis the combination sales and income tax could be passed out to referendum, we would have solved at least one problem, and that is we could convince some of the pressure groups that the people back home were not crazy to be taxed. I think that is the only way we will have of convincing these individual groups.

Over and above that, in a sales and use tax, if this Committee sees fit to recommend such a tax, if the retail collections be used for the state, and the wholesale be turned to the town, and eliminate all of your nuisance taxes, I believe that everybody could be satisfied. I still believe it is possible to send a combination tax back to the people for referendum, and that is the way I would prefer to do it just to be convinced whether they did or did not want the method of taxation changed, or whether they did feel that the services asked were worthwhile and worth paying for.

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

Mr. LEAVITT of Cumberland: Mr. President, I can not be consistent in the words that I have said before in this Legislative Body if I do not oppose this motion by the floor leader. The bills which my committee have passed out call for much more money than can be possibly taken care of in the tax measure which we have now passed in this Senate and sent today. If it is the only amount of money that we can get for those bills, why we will have to take. But this order calls for a bill which will produce ten million dollars. In that ten million dollars, if it were passed, and the people did accept it, we would have the services which I know the Educational Committee feels are necessary for the State of Maine.

I have no way of knowing, and I don't believe anybody in this body has a way of knowing what the

people of the State of Maine will do if we pass them a tax, either for sales, income, or a combination. I know how I would vote, myself, but I have never been able to find out how anybody else is going to vote. I think when this body presupposes they can tell what the vote of the people of the State of Maine will be when we pass them a bill, I think we are going pretty well into the realm of phantasy.

I hope that this Legislature passes a bill which will carry sufficient revenue to do the things which are necessary to carry Maine forward, and I am not only talking now about education bills. Therefore, I feel forced to take the position that I hope the motion of the Senator from Penobscot will not prevail.

Mr. COBB of Oxford: Mr. President and members of the Senate, unless anybody should accuse me of being inconsistent in my vote—I voted against the measure to table this bill—I shall also oppose the motion to indefinitely postpone. I can't help but feel at this time that the members of the Senate know their minds. They know how they feel about this tax situation. I have the greatest regard for the floor leader who has so ably maneuvered the tax situation into the direction which he started with it at the beginning of the session. There has not been any change. He has been completely consistent in his actions and thinking. He also has had the clever ability to maneuver all of the rest of the Senate into a position where yesterday we got up and talked on various items—in my case it was fire prevention for the State of Maine—tacked onto a tax that I never did want. I was not speaking for the income tax. I was speaking for a project that I believe is vital for the State of Maine. If there were no other possible tax, I was willing, with my head somewhat bowed in chagrin, to tie it to this vehicle, hoping that we would have state funds to meet what I think are basic needs for the people of the State of Maine.

We have here an opportunity to give us a further chance at meeting this need of the people, if, as I believe the floor leader, himself, also questions that it may be turned down in the other branch. We should not close the doors at this point, unless it is to help the able Senator to pursue the one and only course left whereby those of us who believe revenue is needed are going to get it. I see no reason in closing that door. As far as I am concerned with this particular vote, we are voting on whether at this point we wish to close the doors. If the measure before the House does not succeed, we are stymied in our effort to raise funds, unless we go back on an increase of the seven-and-a-half mill property tax which God forbid. I hope the Senators here will vote against the motion to indefinitely postpone.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I can't help but feel that this is not the proper time to vote either for or against this order. It seems to me that we should know what action this Legislature has already decided to take upon the income tax which we are now considering, before we can intelligently say that we would vote for or against the order. It seems to me the proceedings thus far in this Legislature have followed a course which has resulted in the immediate killing of all tax measures, other than the one measure to which the Senator from Oxford has referred.

And I would inform the Senate and remind the Senate that in connection with that tax measure which we passed to be engrossed here this morning, that that measure has been in the hands of this body now for some ten days. It was my thought when this Legislature convened, that it was the intention of the Legislative leaders to expedite the proceedings of this Legislature that the mistakes of the 93rd Legislature might not be repeated. And I will again point out that that income tax might well have been sent from this body,

not today, but a week ago today if those legislative leaders had seen fit so to do.

This order we have under consideration this morning might well be used as a vehicle by which the state could get necessary revenue. If you don't like the order in its present form, that matter will be amended, and I would again move that the order lie on the table.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that the Joint Order be laid upon the table.

Mr. HASKELL of Penobscot: Mr. President, I ask for a division.

A division of the Senate was had.

Eleven having voted in the affirmative and seventeen opposed the motion to table did not prevail.

Mr. WARD of Penobscot: Mr. President and members of the Senate, some remarks have been made in regard to closing the doors. It seems to me that this particular order is nothing more than an attempt, intentional or unintentional, to befog the issue now facing us. Pending in the other branch of the legislature is a tax measure. If that tax measure should be defeated over there we should defeat this one here.

A similar order to this one can be presented again this afternoon or later in the morning session, or tomorrow or any time the members see fit to present such an order. It doesn't seem advisable to me at least, that we at this time further befog the issue by the passage of this order which will perhaps have a tendency to delay our ultimate closing by some days or weeks.

Comment has been made on prior action of the members of the Taxation Committee in voting on tax measures at this or prior sessions. I would point out to the Senate that the gentleman who submitted this order is a member of the present committee on Taxation. The tax measure of which he speaks in this order was before his committee and if he thought at that time that it was the vehicle that we should have to act upon, it seems to me that

he had a perfect right to report it out ought to pass. The Taxation Committee had a combination bill before it and five members of that committee saw fit to revamp it and report it out as a sales tax measure and I believe the record will show that the gentleman who presented this order was one of the members who signed the ought to pass report with the sales tax version.

Five other members of the Taxation Committee saw fit to report that combination bill out ought not to pass, which brought the issue fairly up before the legislature on whether or not they wished to discuss and debate the combination bill and whether or not they wished to substitute the combination bill for the report of the committee.

There has been quite a bit of comment here about the various maneuvers. It seems to me rather obvious that this order is just another maneuver to get a sales tax bill before the legislature again, said bill having failed twice. As this order is set up, it is set up to produce ten million dollars, sixty per cent of which or six million dollars would come from the sales tax and I will venture to predict that if such a measure were presented to this legislature, that within a very short time if the report was accepted, an amendment would be presented to strike off everything except the sales tax provision. My position is that I believe we should kill this order and if we find that we do not have before us a revenue producing measure and the proponents of the sales tax wish once again to vote on a straight sales tax proposition, if they present an order and secure a majority vote, let us face the issue squarely and not beat about the bush and try to befog the issues which are before us.

Mr. SLEEPER of Knox: Mr. President, I too, heartily agree with the sentiments of the gentleman who has just spoken and I will certainly vote to indefinitely postpone the order. We all know the purpose of the order. There is no need of camouflaging it. The order

is to hurt the chance of passage through here again, of the income tax.

Before I tear the order too much to pieces, I would like to compliment, and I sincerely wish to compliment, two or three of the Senators here who, against their personal judgment and convictions, climbed aboard the income tax vehicle, and those are Senator Collins and Senator Cobb. It almost made me feel ashamed the way they, against their personal convictions, climbed aboard that tax yesterday and voted for it and they didn't do it for any pet measure. A pet measure is one that helps only the person who fosters the measure. You certainly can't call a forest fire control bill a pet measure of the Senator from Oxford because it will help every citizen of the state. You can't call a measure such as the University of Maine bill which will affect every young person in the state who wishes to get a college education as cheaply as possible, you can call that a pet measure and I wish to compliment those two gentlemen for the unbiased and altruistic stand they took in those matters.

Apparently the order has accomplished its purpose. Both of those gentlemen would prefer another method of taxation but they have deserted temporarily the income tax vehicle and are willing to climb aboard the combination vehicle which the Senator from Penobscot has so ably stated will soon cast off the income tax feature.

We all know the people of the state. It makes me laugh the way people say they they don't know what the people will do. We do know they will never, never pass a sales tax. That is one reason I would not vote for it, put Senator Savage and his powerful committee in a position to put the state to the task of raising another ten thousand dollars to have a referendum which would come to no avail.

I do, however, doubt the fact that the people would not vote for an income tax. Someone said this has never been put to a vote, but it has.

Back in 1931 it came within ten thousand votes of passing and in 1931 the state wasn't in the economic straits that it is in now. There weren't then the demands for services that they now have and the social and economic complexion of our citizens is changing with every generation.

I compliment Senator Haskell on the stand he takes on the income tax because with perhaps one exception, the income tax will cost him more than any other man in the Senate and certainly he cannot be accused of trying to protect himself for any personal motives when he takes such a broad, unselfish view on the tax measure he sponsors. Whether the sponsors of the other bills are just as fair and unprejudiced and unbiased is a question open to conjecture. I wouldn't even say how I would vote. I don't like an income tax either, but if I can be convinced, as I have been convinced, that there are needs, I am willing for the citizens at large to vote upon the income tax feature. If they don't want it, what are they worrying about: Why are they so afraid to pass this income tax if the idea that the people will vote in favor of it is so absurd? If the opponents of the income tax are so sure that the citizens don't want it, put it out to them and it may be killed, but I doubt it.

I won't say how I would vote on it myself, personally. But I am willing for the income tax to go out to the people if that we see fit to pass, and if we have to have a tax, I will admit that I rather hope that none of these taxes pass. But on the other hand, I don't like to see this order come in here just to kill the one tax that the people might pass.

And so, I hope that the motion of the Senator from Penobscot, Senator Haskell, certainly prevails.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate, I want the first thing this morning to offer my congratulations to the Majority Floor Leader for maneuvering so well that he turned

a very divided party into a very unified party this morning on a measure that no honest Republican will vote for at the referendum in June.

I have been called, Mr. President, by citizens of Androscoggin County. The most of the calls quite clearly have come from Republicans, very good, dear friends of mine who I am sure have voted for me in the past, who have requested that I must oppose an income tax. They have told me, "if you must have a tax, vote for a sales tax, but for God's sake don't vote for an income tax." This morning I am dumbfounded and surprised at the unholy alliance of six great Republican leaders in this Senate who have formed a combination to go along with their pet bills. I will call them pet bills. Or if they are not pet bills, then call them their grand love, much grander than any man ever had for any woman, or any love that I have ever known, because they are willing to set themselves up on the altar of sacrifice and offer their life and blood and pocketbook for the purpose of getting what they want. I admire them. I haven't got their courage.

Mr. President and Members of the Senate, this morning I have also been accused of being a traitor, of having been false to my promise and my trust, and I want to correct that. In all the years that I have spent with you here, and I think I can get plenty of witnesses who will bear me out, whenever I have promised anything I have kept my word. I am sorry if some of the members did not understand me. But if you will look up the record, I think you will find that I have voted consistently, unless something happens to make me change my mind, and I seldom do that, because I am a descendant of the Sons of Brittany who are supposed to be some of the most hard headed people in the world. Unless I am convinced otherwise, I shall vote for a referendum on an income tax

to the people. We are well satisfied that the people of Maine, and especially the Republican people of Maine, will say "No." Definitely "No!" And for the information of the Senate, I believe that I will vote no, also. I might be almost tempted if that income tax is passed, and I have doubts that it will be, to go back to the citizens of Maine and tell them that they should not vote for the income tax, especially in the way that it has been amended yesterday.

Nevertheless, Mr. President and Members of the Senate, I will be more than glad to vote with the majority leader whose maneuvering I have admired in the last few days to indefinitely postpone this order.

Mr. SLOCUM of Portland: Mr. President, if I understood the minority floor leader correctly, he stated no honest Republican can vote for this income tax. I can not see how an honest Democrat can vote for it. I am sure he did not wish to impugn the honesty of those of us who are voting for it.

I want to also commend another group here, as the Senator from Knox was passing out bouquets, and that is the old guard who are insistent that the people must vote on a sales tax. The old guard dies; they never admit defeat.

I believe that when one charges maneuvering with its implications, that there has been a great deal more maneuvering by this minority who are insistent that the people shall have a sales tax whether they want it or not. I hope that the motion of the Senator from Penobscot prevails.

Mr. COLLINS of Aroostook: Mr. President and Members of the Senate, to show that there is some sentiment for this combination tax, or something related to it, I would like to read for the record a couple of letters that I have received, one of which is from the City of Presque Isle, Maine dated March 28, 1949.

The letter reads as follows:

"Dear Senator Collins:

"According to recent comments in the papers, the Legislature is considering the passage of some major tax bill in a form that will provide only sufficient funds to meet the increased cost of State Government.

"Speaking in behalf of the City Council of Presque Isle, I wish to go on record as stating that if any major tax bill is passed by the present Legislature, we favor the inclusion of a provision for eliminating the present 7¼ mills property tax paid by municipalities for the support of State Government.

"It is our opinion that if a sales tax, income tax, or combination tax is passed, it should be on a basis that will provide sufficient funds to enable the State to get out of the property tax field.

Sincerely yours,
(signed)

Philip A. Christie, Chairman
Presque Isle City Council."

I have another letter, or motion, from the Aroostook County Grange Number 7, which reads as follows: "Whereas—there are several new tax measures before the legislature at this time and whereas—the combination income and sales tax seems to be the most fair of these measures, reaching all citizens and not just the property owner, therefore be it

"Resolved: that if the budget must be increased making the new tax measure necessary, that this Aroostook Pomona Grange No. 7 go on record as favoring the combination income and sales tax, and be it further

"Resolved: that a copy of this resolution be spread on our records, one sent to the State Master, one to each of our State Senators and a copy sent to the committee on taxation and be it further

"Resolved: that we advise each subordinate grange to contact its State Representative urging passage of the above measure."

Signed, "Chester Haynes, Emite Rosen, Norman Pomeroy, Legislature Committee."

Those two letters are indicative, I think, of the thinking of a large

portion of the people of the State of Maine, and that is a further reason why I would oppose the motion of the Senator from Penobscot, Senator Haskell.

Mr. BREWER of Aroostook: I disagree with my colleagues, in that this order befuddles or confuses the issues. I do want to commend the floor leader on his leadership. I never could figure out why he especially wanted the income tax, unless it was more accurate to figure than some of the others. Nevertheless, it is my belief that if he is willing to admit that he has reached the dead-end street and ready to throw in the sponge, I feel it might be wise to change his tack and see if there was not possibly other avenues of thought to do what all of us have in mind.

I am not going to do as some of them because the thing did not work out as the leadership had hoped, and wave the red flag and condemn them. But I do think that we should have some opening and at least try to do some of the things that they argue that the people back home want to do.

I will argue to the majority floor leader that if enough reason is given back to the people at home to make it worthwhile to change our system of taxation, I believe even in a referendum it might be accepted. As I feel now, I probably would be one of the most surprised men in the Legislature if the people did accept it when it was passed back on a referendum. But I still will tell the Members of this Senate that it is possible, through relief of property tax, and through revenue that might be a new source of revenue returned to the municipalities, cities and towns, that there could be very much of a change in attitude toward voting for taxation.

So at this time, I hope that this avenue of a combination sales and income tax will not be closed, and I hope that the motion of the Senator from Penobscot does not prevail.

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, naturally I am extremely grate-

ful for the comments that indicate my ability in maneuvering. I plead innocent to the charge. I think the tax bills have come along in a perfectly normal procedure. The only one that had acceptance in this branch was held here until we found others that did not have such good going, and then we attempted to proceed, I think in reasonably good faith and certainly with complete debate, on that measure. I must plead innocent to that charge, if a charge it be. Naturally, I must also plead not guilty to the charge that I would pay a large income tax. My income really is modest.

With reference to the motion, it seems to me that we all ought to agree that once the sponge is thrown in we all ought to make every effort to revive any sort of tax measure that has any change of passage. And I am perfectly willing to write into the record the fact that I will be one of those joining in a final effort to get a tax measure out of this legislative session. My record, I think, is reasonably consistent in wanting state income sufficient to pay for reasonable and desirable state services. I don't think that anywhere in the record is there a statement of mine to indicate that I will never vote for a sales tax. And as the Senator from Penobscot, Senator Ward, has said, if this joint order fails of passage in its same words it can be back to us in fifteen minutes; and in its same words, we can pass it along to the other body in thirty minutes.

I object basically to the faint hope that the people would pass a tax that puts under one tenth the opponents of corporation income, individual income, and sales tax. I honestly believe that until you have your answer as to whether or not that bill is coming back into this branch, it is reasonable to wait that time before we indicate this body's approval of that which we have consistently denied approval to in the many weeks that we have been here.

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

Senator Haskell, that the Joint Order be indefinitely postponed, and that Senator has asked for a division.

A division of the Senate was had. Seventeen having voted in the affirmative and twelve opposed, the Joint Order was indefinitely postponed in non-concurrence.

Mr. SLOCUM of Cumberland: Mr. President, I move that the order be sent forthwith to the House.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, moves that the action of the Senate be sent forthwith to the House.

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

A division of the Senate was had.

Eighteen having voted in the affirmative and ten opposed, the motion prevailed.

Order

On motion by Mr. Haskell of Penobscot, it was

ORDERED that the Senate hold one session a day commencing at nine o'clock in the forenoon, Eastern Standard Time, until otherwise ordered.

Senate Committee Report

Mr. Crosby from the Committee on Ways and Bridges on "Resolve in Favor of a Bridge Across the St. John River in Allagash Plantation," (S. P. 394) (L. D. 707) reported the same in a new draft (S. P. 685) 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 Relating to Road Tax on Motor Carriers." (H. P. 318) (L. D. 98)

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

"Resolve in Favor of George L. Varney, of New Gloucester." (H. P. 22) (L. D. 10)

Bill "An Act Relating to Sale and Use of Fireworks," (H. P. 135) (L. D. 41)

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

Bill "An Act to Control the Payment of Benefits During Vacation Periods Under the Unemployment Compensation Law." (H. P. 1575) (L. D. 898)

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

Bill "An Act Relating to Fees of Clerks of Courts." (S. P. 441) (L. D. 829)

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

Sent down for concurrence.

Enactors

Bill "An Act Relating to Grading of Apples." (H. P. 1108) (L. D. 534)

Bill "An Act Relating to Exhibits of Agricultural Fair Associations." (H. P. 1267) (L. D. 668)

Bill "An Act Relative to Restricting the Use of Power Boats on Portage Lake in the County of Aroostook." (H. P. 1299) (L. D. 681)

Bill "An Act Relating to the Inspection and Regulation of Dog Kennels." (H. P. 1441) (L. D. 832)

Bill "An Act to Regulate Live-stock Community or Commission Auctions." (H. P. 1443) (L. D. 877)

Bill "An Act Relating to the Military Law." (H. P. 1513) (L. D. 891)

Bill "An Act Relating to Participation of Employees of the City of Lewiston in a Contributory Employees' Retirement System." (H. P. 1646) (L. D. 998)

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

Bill "An Act Permitting the Building of a Wharf for Seaplane Landing at the Southerly End of Portage Lake." (H. P. 1696) (L. D. 1019)

Bill "An Act Relating to Rules and Regulations of the State Liquor

Commission." (H. P. 1857) (L. D. 1194)

Bill "An Act Relating to Notice to State Highway Commission in Re Highway Changes." (H. P. 1893) (L. D. 1221)

Bill "An Act Crediting Certain Fees to the General Highway Fund." (H. P. 1894) (L. D. 1222)

Bill "An Act Relating to Pensions for Members of the Police Department of the City of Lewiston." (H. P. 1998) (L. D. 1381)

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

Bill "An Act Relative to the Construction of Pole and Wire Lines Upon and Along State and State Aid Highways." (H. P. 2049) (L. D. 1475)

Bill "An Act Relating to Group Life Insurance." (H. P. 2064) (L. D. 1497)

Bill "An Act Permitting Continuance of Service of State Employees Reaching Seventy Years of Age." (H. P. 2067) (L. D. 1499)

Bill "An Act to Repeal the Charter of the Bay Point Village Corporation." (H. P. 2069) (L. D. 1505)

Bill "An Act to Incorporate the Town of Gorham School District." (H. P. 2070) (L. D. 1506)

"Resolve in Favor of the Town of Chelsea." (H. P. 542) (L. D. 1519)

"Resolve in Favor of the Town of Dedham." (H. P. 1467) (L. D. 1518)

Bill "An Act Relating to the Sales and Marketing of Eggs." (S. P. 374) (L. D. 640)

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

"Resolve Transferring Moneys from Employees' Retirement Fund to General Fund." (S. P. 220) (L. D. 340)

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

Orders of the Day

Mr. HOPKINS of Kennebec: Mr. President, I present an order out of order and move its passage.

The PRESIDENT: The Chair would suggest that the Senator from

Kennebec, Senator Hopkins, might make an explanation of the Order and save reading of the two pages, if he so desires.

Mr. HOPKINS: Mr. President and members of the Senate, the Order requests an opinion from the Supreme Court relative to the Waterville Sewer District. This is a matter which might better be handled by members of the Bar. It came to my attention as the result of a visit with the mayor of the city of Waterville. One of the New England banks recently had told him that there had been a decision rendered by the Court relative to a certain district in the state which resulted in that bank being unable to get a proper legal opinion which would permit it to underwrite the full issue of bonds by that district, which forced that district to hold up on their bonds, thereby suffering very serious loss due to the increase in interest rate.

I believe the interest rate was changed from two and a quarter to three and a quarter percent. It is now necessary, in order that the bonds which will be issued by the Waterville Sewer District, a district which is pending in this legislature, that we get a proper legal opinion in order that Waterville may avail itself of the low interest rate which its financial entitles it to.

This Order is a request to the Court to give us an opinion. This is a very important Order in that it has a definite bearing on all other districts which may have to do financing and I assume that if the decision of the Court were adverse we would be requested that there be further investigations of it made. But if the Court gives a favorable opinion, it will clarify the situation so that the financing of these districts can continue at a favorable interest rate. I am not sure, Mr. President, that it would not be advisable to read the Order. I think it might be that perhaps the attorneys in the Senate would like to hear it and maybe all the Senators would like to hear it.

The PRESIDENT: The Secretary will read the Order.

Mr. BOWKER of Cumberland: Mr. President, I move that reading of the Order be dispensed with.

Mr. HOPKINS of Kennebec: Mr. President, I move that the order be laid upon the table and be assigned for later in the day. I introduced the order at this time because I was not sure that there were enough here so that we might have another session this afternoon. I think it is important that if this matter is to be submitted to the Court, that it be done immediately. However, if it be laid upon the table it will give everyone an opportunity to read it.

Thereupon the order was laid upon the table pending motion by the Senator from Kennebec, Senator Hopkins, that the order receive passage, and was especially assigned for later in today's session.

On motion by Mr. Haskell of Penobscot

Recessed until two o'clock this afternoon, Daylight Saving Time.

After Recess

The Senate was called to order by the President.

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 27 pending assignment for second reading.

Thereupon, that Senator presented Senate Amendment B and moved its adoption:

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

Amend said Bill by adding at the end thereof the following underlined sentence:

'Each motor vehicle, carrying the designation 'School Bus, shall conceal or remove such designation when such motor vehicle is used for any purpose other than transportation of pupils.'"

Mr. SLOCUM of Cumberland: Mr. President, I have taken this matter up with the members of the Motor Vehicles Committee and they agree what the provisions of this amendment in effect will make it unnecessary to stop for any car or bus that has "school bus" printed on it when it is not being used for the transportation of pupils.

We have in certain towns a number of private cars that are being used for transportation of pupils and they have permanently fastened on the car or small truck the words "school bus". Under this new school bus act all cars would have to stop and then proceed ten miles an hour when coming upon one of these school buses. It is quite right and proper that we should protect the school children but it is certainly not necessary to stop for a car or bus or truck which is being used to go to the store to buy a loaf of bread.

I hope my amendment will be adopted.

Mr. BREWER of Aroostook: Mr. President, up in my country many of these school busses have the letters printed upon the side or back in large letters and I think this might be a hard thing to enforce and I will move that the bill and amendment be laid upon the table until I have a chance to talk it over with Senator Slocum and see if we can get around this matter.

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

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table House Report "Ought to Pass in New Draft" (H. P. 2041) (L. D. 1464) from the Committee on Salaries and Fees on bill, An Act Relating to Fees Payable to Registers of Deeds (H. P. 855) (L. D. 325) tabled by that Senator on April 13 pending consideration of the report.

On motion by Mr. Ward of Penobscot, the report of the committee was accepted and that Senator presented Senate Amendment A and moved its adoption. Thereupon, on further motion by the same Senator, the bill was laid upon the table pending first reading, and the amendment ordered printed.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table bill, An Act Relating to Punishment of Violations of Public Utility Laws (S. P. 669) (L. D. 1521) tabled by that Senator of April 20 pending assignment for second reading.

Mr. SLOCUM of Cumberland: Mr. President, I present Senate Amendment A and move its adoption. In looking over the new draft which came from the Committee on Judiciary, I found what appeared to be a mistake in the wording. I took this matter up with Senator Ward and the member of the committee who was in charge of the new draft and the representative of the Public Utilities Commission interested in this legislation, and they were in agreement that there had been a mistake in the wording of this bill to the effect that any person, firm, corporation would also lose his right to operate a motor vehicle if there were some infraction of the truck and trailer law which would have made it impossible for that employee or officer to use his private car to go to court or to the commission to answer for the alleged violation. All parties concerned felt that this new draft clarified and corrected the situation.

I move the adoption of the amendment.

The Secretary read the amendment.

"Senate Amendment 'A' to S. P. 669, L. D. 1521, Bill 'An Act Relating to Punishment of Violations of Public Utility Laws.'

Amend said Bill by striking out all of the last underlined paragraph and inserting in place there-

of the following underlined paragraph:

'If any such person as above specified, after being ordered to appear in court to answer any violation of this chapter, fails to appear in court on the day specified, either in person or by counsel, the court shall notify the secretary of state, who shall, at the expiration of 7 days after mailing such person by registered mail, postage prepaid, a notice of his intention to do so, suspend or revoke his license to operate trucks, tractors or semi-trailers, if licensed in this state, or suspend or revoke his right to operate trucks, tractors or semi-trailers in this state, if a non-resident and not licensed to operate motor vehicles in this state, and also suspend or annul the registration of the motor vehicle operated by such person so ordered to appear, if said motor vehicle is registered in this state, and such suspension, annulment or revocation shall continue in effect until such person so appears in court as ordered.'"

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

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on bill, An Act Requiring Owners of Motor Vehicles to Furnish Security for Their Civil Liability on Account of Damage Caused by their Motor Vehicles (S. P. 502) (L. D. 1003) tabled by that Senator on March 18 pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, let me first of all thank the Senator from Penobscot, our Majority Floor Leader for being kind enough and gracious enough to table this bill for me during my absence while I was sick. This bill was introduced for the purpose of counteracting another bill concerning financial responsibility. I

understand that this other bill has been killed in the unmentionable branch so therefore, Mr. President, I move acceptance of the ought not to pass report.

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

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table House Report "Ought to Pass as amended by Committee Amendments A and B" from the Committee on Legal Affairs on re-committed bill, An Act to Incorporate the Town of Dexter School District (H. P. 1052) (L. D. 468) tabled by that Senator on April 27 pending consideration of House Amendment A to Committee Amendment A.

Thereupon, on motion by the same Senator, House Amendment A to Committee Amendment A was read and adopted in concurrence, Committee Amendment A as amended by House Amendment A thereto, was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Order requesting an opinion from the Justices of the Supreme Judicial Court re Waterville Sewer District, tabled by that Senator earlier in today's session pending motion by that Senator that the Order receive a passage.

Thereupon, the Order received a passage.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table bill, An Act Relating to Wild Bees (H. P. 1025) (L. D. 457) tabled by that Senator on April 27 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to H. P. 1025, L. D. 457, Bill 'An Act Relating to Wild Bees.'

Amend said Bill by adding at the end of the 1st underlined paragraph thereof before the period, the following underlined punctuation and words: 'except that an owner of an apiary may destroy wild bee nests within a distance of 2 miles of his apiary for the purpose of protecting his bees from disease'"

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, the bill under consideration forbids one from destroying wild bee hives. There is in this county a person with whom I am acquainted who has an apiary, and it is his contention that wild bees in Maine as they used to be, were black bees and were not subject to a disease which is so destructive to bee hives, but that most wild bees in Maine now are swarms that have escaped from hives and that they are subject to disease and that one who runs an apiary, if he cannot destroy those wild bees within a reasonable distance of his own hives, the wild bees will infect the domestic bees and cause loss to the same.

I know nothing about bees. I have been watching this bill and when it came along I tabled it and tried to get information from the Senators. Most of the Senators denied that they knew much about bees. So I went outside for professional advice. I called Professor Dirks of the University of Maine to see if the statements I have made to you as given to me were factual and Professor Dirks told me they were factual.

During the recess period I found that there are several here in the Senate who are well informed on bees. I assume that there is some question as to whether the information they have would be in accordance with the information that I got from Professor Dirks this morning. Of course I have no personal interest in the bill but I am told it is a bill in which quite a large number of people are interested, and one which should be given proper consideration by the Senate and which if passed should be in proper form. I move the adoption of the amendment and I

hope the debate will bring out the facts of the matter and that the decision of the Senate will be the correct one.

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

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report "Leave granted to withdraw" from the Committee on Pensions on Resolve Providing for State Pension for Paul Paquette of Lewiston (S. P. 506) tabled by that Senator on April 27 pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, at the time I appeared on this resolve there was a question that this man might receive further compensation from the Industrial Accident Commission. The Chairman of the Commission now advises me that further relief to Mr. Paquette has been denied. I have consulted with the Senate members of the Committee on Pensions and they have agreed to have this resolve recommitted if it is the pleasure of the Senate. Therefore, I move that the resolve be recommitted to the Committee on Pensions.

The motion to recommit prevailed.

Sent down for concurrence.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table House Report from the Committee on Judiciary, Majority Report "Ought Not to Pass", Minority Report "Ought to pass as amended by Committee Amendment A" on Resolve Authorizing Donald S. Porter of Lowell to Sue the State of Maine (H. P. 1305) (L. D. 685) tabled by that Senator earlier in today's session consideration of the reports.

Mr. WARD of Penobscot: Mr. President and members of the Sen-

ate, I move the adoption of the Minority "Ought to Pass" report of the committee and in support of that motion I will attempt to briefly give you the facts concerning this matter. On October 31, 1946 Donald S. Porter of Lowell in the County of Penobscot was traveling as a guest in an automobile going from that town to the town of Enfield. The car was involved in an accident and as a result of that accident, this gentleman suffered some very painful and serious injuries and it was necessary to perform twenty-seven different operations on him. After the fourteenth operation he became immune to the use of any anaesthetic and suffered great pain.

He lost his left eye, and a piece of pipe on a guard rail on the highway went through the base of his nose. He also suffered a fractured skull which was fractured in over twenty places. He was hospitalized for over a year and a half. During that time for considerable periods he had his left arm tied to his face for grafting purposes. This particular gentleman happens to be a veteran, incidentally, of World War II and consequently was privileged to go to Togus to receive a considerable amount of medical attention. It is his contention, and it is a question of fact, that a guard rail on this particular highway, the state highway leading from Lowell to Enfield, was bent and broken and projected out into the highway.

There is some dispute as to the facts. There have been self-serving declarations made by parties to both sides of this matter. However, if the Legislature should see fit to pass this resolve and give this gentleman the right to sue the State of Maine an attempt to establish the true and correct facts would be made.

Then the Committee Amendment to the resolve provides that the case would be heard by two justices of the Supreme Judicial Court and a justice of the Superior Court, which three justices would be assigned to the case by the Chief Justice. The

case would be heard without a jury so that sympathy or anything of that nature would not affect the decision. His recovery from the state would be limited to \$4,000.

I think we can all agree that there would not be much chance for this gentleman to recover unless he can clearly establish that the State of Maine is at fault and I think we will agree that if the State of Maine is at fault in this particular instance, the gentleman should have a right to recover.

I would remind the Senate that two years ago we extended to a certain company the right to sue the State of Maine for damages sustained by a tug boat in the Kennebec river and it seems to me it would be far more important to give this man who suffered these terrific injuries a right to go to Court and establish whether or not the State of Maine is liable in this particular instance.

Mr. BARNES of Aroostook: Mr. President, I am sure all of us who served on legislative committees, during the course of the hearings that we hold, we are often times in doubt as to which way is the proper way to go on a committee report. This was one of those cases. The majority report was ought not to pass. The reason for that report was that from the facts as we could get them established by all the information we could get, it was a case where there was clearly no liability and I, even after that, hesitated as to which way to go. I feel that with the amendment now on this resolve, all proper safeguards are thrown around the State of Maine in this matter and I am rising at this time simply to state the position of the members of the committee who signed the majority report which was that there was no chance of recovery anyway. I will be glad to leave the decision up to the Senate.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Ward, that the Senate accept the Minority Report, "Ought

to Pass as amended by Committee Amendment A'.

Thereupon, the "Ought to Pass as amended" report was accepted in concurrence and the resolve was read once; Committee Amendment A was read and adopted in concurrence and the resolve as so amended was tomorrow assigned for second reading.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act Relating to Pensions for Members of the Police Department of the City of Lewiston (H. P. 1998) (L. D. 1381) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Agriculture on bill, An Act Relating to the Tax on Commercial Fertilizer (H. P. 1903) (L. D. 1268) tabled by that Senator on April 19 pending consideration of the report.

Mr. BARNES of Aroostook: Mr. President, I move the indefinite postponement of this bill. This is one of those bills that have been before this Legislature every session since I have been in the Legislature and has been defeated at least three times in the Maine Legislature. The bill proposes to place a tax of one cent per ton on all commercial fertilizer sold in the State of Maine. We are told by the proponents of the measure that the purpose of this tax is to provide funds to supply the department with enough money to make tests on the different brands of fertilizer that are sold in the State of Maine. This would be a radical departure from anything we have ever had before relative to balancing the expense of this item. It has always been borne by a registration fee on each different brand of fertilizer. I am not exactly certain what the registration fee is now, but I am going to guess

that it is fifteen dollars per brand. I think it is somewhere in that neighborhood.

During the war, due to the lack, or shortage, of elements that were available for commercial fertilizer, the number of brands was cut down to such an extent that the registration fees only met about half the expense of the testing. It is proposed by this law to make up that expense with a tax, a tonnage tax on fertilizer. Now, according to my best information and belief, about ninety per cent, at least ninety per cent of the commercial fertilizer used in the State of Maine is used in Aroostook County for the growing of potatoes. So, I think that this is a matter that is of importance to Aroostook County. It can be considered from two different angles, and should be so considered. One point of consideration is from the viewpoint of the fertilizer company, and the other is from the viewpoint of the Aroostook County farmers.

I have been informed, and have no reason to disbelieve it, that there was a meeting sometime very early in this session of representatives of the various fertilizer companies, and that an agreement was reached at that time not to oppose this particular tax. I did take the trouble, however, to make some inquiries at home, after I saw the bill again before us for the fourth time, of fertilizer companies in the Town of Houlton. I talked with a man from the American Agricultural Chemical Company, and also with a man from the International Fertilizer Company. I found that in both cases—and New York also called on the proposition, so that it was thoroughly checked—that they were not in favor of this tonnage tax. They were in favor of an increase in the registration fee, in order to take care of this expense. One of the reasons that they didn't want the tax, was because fertilizer companies in general are highly competitive, and one company wouldn't want another to know just what particular brand they are pushing in their sales to the farm-

ers. I am not as concerned with that angle of the matter as I am concerned with the principle of this thing which I think is definitely very wrong.

Of course, if a tonnage tax is placed on fertilizer, the ultimate purchaser, the farmer, will have to pay the bill. One cent a ton doesn't look large at all, but I think it is the history of taxation in general that once a tax is placed on a commodity, it never comes off, but it stays there and is increased. We were told in prior sessions of the Legislature when this same old bill was before us that in Florida now they have a tonnage tax that is up to twenty-one cents per ton. And there is no reason to disbelieve that in the future this tax might well go up into the dollars.

So, I oppose this from the viewpoint of the farmers in Aroostook County. A few years ago the potato industry came down here to this Legislature and asked that they be taxed so many cents per barrel on potatoes for the purpose of advertising their potatoes. The farmers pay that tax, and the farmers will pay this one. And it might well grow to a point where it would be embarrassing. I think the proper way to get the money to take care of this expense of testing commercial fertilizers is through the registration fee, and I had understood that there was a bill before this Legislature to increase that fee. I am authorized to say for the fertilizer companies that I have mentioned, that they would not oppose that. In fact, they would favor it to a great extent over this particular bill.

I hope that the Members of the Senate, when they come to vote on this will take into consideration the fact that at least ninety per cent of the fertilizer used in this state is used in Aroostook County, and this is a matter which directly affects us. I very much hope that the Members of the Senate will give Aroostook County the courtesy of killing this particular bill.

Mr. BREWER of Aroostook: Mr. President and Members of the Sen-

ate, I was one of the faithful that succeeded in polishing off this particular bill in two or three previous sessions. My argument, like Senator Barnes, was that it was another tax. At that particular time, most of the fertilizer companies in our section objected to this sort of tax.

For those that are not familiar with why this particular thing has been brought in with such persistence, I would like to say that before the war with the formula tax, which I think runs to about twenty-five dollars to a formula, it gave the Department about eight thousand dollars for the purpose of analyzing these various formulas. This work is done by the University of Maine. Through the war these formulas were drastically cut, and the situation that now exists is that many of the fertilizer companies in Aroostook have very few brands, and under that setup would pay for few formulas, while many of the fertilizer companies in the southern end of the state mix a lot of formulas. And under this setup, the small companies would bear the burden of the cost of the analysis of the various fertilizers that are put out.

The Department has no say in what the cost is of the University of Maine in their analysis. They want about four thousand dollars more. In the aggregate, about eight thousand is what they want, and to date the formulas are producing about half that amount. At the beginning of the year, so far as I know, practically every fertilizer company had a representative that met with the Commissioner of Agriculture, and they decided that the only fair way to affix this tax for analysis was on a formula basis, and also a one cent a ton tax. On the basis of 200,000 of fertilizer, they estimated that this would give the proper revenue to the University of Maine, which, as I said before, does this work.

If every company, so far as I know, had representation and sat in with the Commissioner of Agriculture and agreed that this was the proper method, and that every-

body was treated equally under this particular setup, it seems to me that it is poor policy after the representatives committed themselves to this policy for the other companies to feel that they didn't like the commitments that were made at that time.

I do feel that it is a protection to anybody who uses these various fertilizers, whether it be for potato culture or orchards or gardens or what have you, and I feel it is worth much more from that angle than the cost, in itself, of the analysis. In other words, you know that if these formulas are checked by reliable authorities, that you are at least getting what you pay for, or what you think you have bought. If there was not money enough to continue this work, it would seem to me that anybody buying any of the various formulas could not be sure that they contained all that he felt they should when purchased.

True, we do use the greater part of fertilizer in Aroostook County. The one thing that strikes me funny is that I will be one that pays this fertilizer tax if it has to be paid, and I don't think my colleague, Mr. Barnes, will be paying any of it, and I am willing to go along with this particular agreement that the representatives of all companies concerned made; whereas he is not. I do feel it is a protection. As I say, I feel that it should pay its way. I am not too concerned in the years to come whether this individual tax should be raised, or not. Over and above that, you may recall that at the beginning of the session I had a similar bill in the Senate which I asked leave to withdraw. The reason I did that was because this, being a revenue producing measure had to be entered in the House. For that reason, my colleague from Presque Isle introduced the bill in the proper House. I hope that the motion of the Senator from Aroostook does not prevail.

Mr. DENNY of Lincoln: Mr. President and Members of the Senate, I agree with Senator Barnes that this a long-standing argument in the Legislature. As I recall it back

in 1941 when he first arrived in the Legislature and I first arrived there, we had about the same argument as we are having today. The only difference, I hope, is that he won in 1941. This tax, as has been explained, is for the purpose of protecting both the manufacturers of fertilizers and the farmer who buys the fertilizers. I don't know what percentage of fertilizer Aroostook County used. But if they buy ninety per cent of the fertilizer and use ninety per cent of the fertilizer that is used in the state, certainly if any tax is fair, they should pay ninety per cent of that tax. It is a protection to them. Furthermore, this tax is for one cent a ton, and a ton of fertilizer costs between forty, forty-five, fifty, fifty-five dollars. So, you can see that it is not a very heavy tax.

It has been stated that the dealers and manufacturers of fertilizer were called in this year and were in favor of this. As I recall it at our committee meeting, there were two members from Aroostook County, both potato raisers, on the committee. One of them had intended to oppose this tax. The other one stated that they had an agreement signed by the dealers, or manufacturers saying that they were agreeable to the tax, and he therefore withdrew his objection to it and signed the unanimous report of the committee. So, where it is such a small tax, and is for the purpose of protecting both the manufacturers and the farmers who use the fertilizer, I certainly can't see any logical reason why such a tax should not be passed.

It has also been explained that before the war there were several more varieties or mixtures of fertilizers, more analyses, and for that reason more money on the brand tax could be raised. Now that they have come down to a few varieties, there are still the same number of tons used in Aroostook County, and it seems to me it is a much fairer tax than a brand tax.

I hope that the motion from the Senator from Aroostook does not prevail.

Mr. BARNES of Aroostook: Mr. President, I feel compelled to answer one or two of the arguments that have been made against my motion. In the first place, I have lived in the County of Aroostook for the past thirty-eight years, and although I am not a farmer, anything that affects Aroostook County farmers affects me. If I talked and voted on matters in this Senate that would affect my pocketbook, I certainly would have voted against the income tax. This isn't a matter of affecting my pocketbook. It is a matter of principle. The way this thing has operated in the past, every ton of fertilizer is not tested and inspected. I want to say just a word here. It is one of the finest services we have here, this testing service, and none of us would want to get along without it. But they don't have to test every ton that is sold. They make one test of a certain formula, and that is all there is to it.

This is not going to be a very expensive matter for the fertilizer companies, and the ones that I have talked with prefer to go along with the system that has worked so well all of these years, paying for this on a registration-fee basis, rather than to open the door and get a wedge in the door on a tonnage tax on fertilizer that year after year after year will be raised and never repealed. This could easily be taken care of by increasing the registration fees, and the companies that sell fertilizer in Aroostook would have to pay that fee for every brand they put out. I, therefore, am against this particular bill, because I think it is wrong in principle. I am convinced that it is not a good thing for my County which uses, as I said, at least ninety per cent of the fertilizer used in the state. I hope that my motion prevails.

The PRESIDENT: The question before the Senate is on the Senator from Aroostook, Senator Barnes, that the bill be indefinitely postponed.

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

A division of the Senate was had.

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

Thereupon, the ought to pass report of the committee was accepted, and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table bill, An Act Relating to Participation of Employees of the City of Lewiston in a Contributory Employees' Retirement System (H. P. 1646) (L. D. 998) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

The PRESIDENT: At this time the Chair will appoint on the Committee of Conference on the disagreeing action of the two branches on bill, An Act Relating to the Financial Responsibility Law, as members of such committee on the part of the Senate, the Senator from Aroostook, Senator Barnes, the Senator from Penobscot, Senator Ward, and the Senator from Oxford, Senator Cobb.

The PRESIDENT: On the disagreeing action of the two branches on An Act Relating to Fishing in Certain Waters the Chair will appoint the Senator from Washington, Senator Varney, the Senator from York, Senator Batchelder and the Senator from Aroostook, Senator Barnes.

The PRESIDENT: Inasmuch as the Senate seems to have some time on its hands for a few minutes the Chair will make a few general observations with regard to the rules of procedure under which we operate.

It seems to the Chair that in the past few days the Senate has skirted rather dangerously close to some of the limits of proper decorum un-

der our rules, and it might be well if the Chair would read a few of the rules by which this Body is governed.

"All debate shall be relevant and confined to the subject on debate." "The subject on debate is always the question directly before the assembly."

Perhaps we might keep that in mind in the future.

With relation to other matters which have been the subject of rulings by the Chair in the last few weeks, I take this opportunity to bring this to your attention. In the matter of yielding the floor, the Senate has no rule and no member may grant such courtesy to any other member. Therefore, with respect to the motion to yield by a member, this cannot take effect and merely creates a condition of that member losing the floor himself. This motion of yielding is strictly a matter of the House of Representatives in Washington and to my knowledge no other Body has this rule.

As to the matter of referring to the other branch of the legislature, I think it might be well to read this into the record: "It is not permissible to allude to the action of the other House of the legislature or to refer to a debate thereto, as such conduct might lead to misunderstanding and ill will between the two Bodies. These Bodies must cooperate in order to properly serve the people. So also the action of the other branch should not be referred to in such a way as to influence the Body which the member is addressing."

The Chair has not seen fit to invoke this rule and I think it might be well if it were read to the Senate, in the light of the next trying days. It is entitled "Disorderly words in debate." "Whenever unparliamentary words are used in debate any member may call to order such member speaking and ask to have such words taken down, providing he does so at once. The Chair will then rule as to whether the words are disorderly."

I have no intention of making any personal observations at this time. I merely thought it might be well if we considered a few of these rules and that in the heat of debate we would attempt to keep within the parliamentary bounds which we ourselves have set up.

Message from the House

A message was received from the House of Representatives, through Mr. Pease its Clerk.

"Mr. President, I am charged with a message from the House of Representatives to this honorable Body that the House insists upon its former action whereby it accepted the majority report of the committee on bill, An Act Imposing a Personal Income Tax and an Additional Corporate Franchise Tax, and that the House asks for a Committee of Conference."

Mr. PRESIDENT: The Senate hears the message and the Chair thanks the messenger.

Mr. HASKELL of Penobscot: Mr. President, concerning the matter before the Senate, I move that the Senate do insist and join with the House in a Committee of Conference, and in supporting that motion I am expressing some confidence that the Chair will select such members of this Body as will sit down in deliberation with the House members and attempt to work out a constructive solution to the problem.

As much as any of you, I realize the handicap that such a committee will face. I realize it also means some night work tonight because I am sure that that committee will, within physical limitations, complete their deliberations tonight so as not to delay our legislative procedure any longer.

Mr. BOUTIN of Androscoggin: Mr. President, I would like to have the message reread.

The PRESIDENT: The Chair will state that the message was verbal. If the Senator would care to have the reporter do so, he will read it from his notes.

Mr. BOUCHER: Thank you, Mr. President.

(The reporter read the message.)

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the Senate do insist upon its action whereby it passed this bill to be engrossed and join in a Committee of Conference. Is this the pleasure of the Senate?

The motion to insist and join prevailed.

Mr. WILLIAMS of Penobscot: Mr. President, out of Order, I present an order and move its passage.

ORDERED that the Conference Committee on the disagreeing action of the legislature on bill, An Act Imposing a Personal Income Tax (H. P. 2046) (L. D. 1481) report to both branches of the legislature not later than Friday morning.

The PRESIDENT: The Chair will have to rule that this not being a Joint Order, the Order is not in order at this time.

Mr. WILLIAMS of Penobscot: Mr. President, that was intended to be a Joint Order, but I think that maybe in the hasty action, the words "the House concurring" were inadvertently omitted. I would like to amend the Order to add those words and make it a Joint Order.

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

Mr. HASKELL: Mr. President and members of the Senate, I am heartily in accord with the intent of the Order presented by the Senator from Penobscot, Senator Williams. I am hopeful that those three Senate members and the seven House members who are appointed to serve on this committee can do that. But, having served on the same type of committee two years ago, and having stayed up until four o'clock in the morning, I realize the physical limitations involved in the job and also imposed on the clerical help in the Revisor of Statutes' office.

I am sure that no member of that committee would fail to work dili-

gently toward getting out a report in the morning. I had hoped that the Senator from Penobscot, and every other Senator, could have felt that whoever is on that committee would make every possible effort to do this, but to put that limitation on—and I realize that there is no penalty imposed if they don't accomplish it—but the limitation to my way of thinking, doesn't really accomplish anything. I would be very hopeful that the Senate could accept the intention of whoever may be on that committee, that they, as much as the rest of us, are anxious to have the job over.

Mr. WILLIAMS of Penobscot: Mr. President, I certainly have no quarrel with anyone who may be on that committee, the floor leader or anyone else, but I think at this hour in order to avoid any misunderstanding it might be well to have it definitely understood what the situation is. If the Senators do not want this report tomorrow morning, I would go along with them and I would offer another order to the effect that we adjourn until next Tuesday or Wednesday. I have become rather peeved I might say at some of the waiting around. I don't think any of us expect too much to come out of this conference anyway. I think at this stage of the session, it is time for action. No doubt the Committee could report tomorrow morning. Even if they wanted to bring in a combination tax, which I doubt very much, after the action of both branches of the legislature, they could do it as well tomorrow morning as they could Tuesday or Wednesday. Maybe this order is not necessary, but I presented it so that the committee would know what the intention of the legislature is. I think if the members of this Body agree with me that it is our intent that the Conference Committee should bring in a report tomorrow morning, we should pass this order. If not, then let's not pass it.

Mr. Leavitt of Cumberland was granted unanimous consent to address the Senate.

Mr. LEAVITT: Mr. President, I think that although I do not expect to be on this committee, we saw two years ago what they tried to do over night and it was not successful. I think we should give the Committee of Conference time enough to deliberate and do a good job. I hope the Order does not receive a passage.

The PRESIDENT: The Chair will state that the Order is not before the Senate at this time. It has not yet been presented in the proper form.

Mr. Ela of Somerset was granted unanimous consent to address the Senate.

Mr. ELA: Mr. President, I would like to express my opinion on the subject matter which has been recently discussed. I am more or less in sympathy with the idea expressed by Senator Williams that if he can get his Order into shape, it would be proper to pass it.

However, I have not the slightest degree of hope that if the Senate members of the Committee of Conference honestly represent the opinion of the Senate, and if the members from the other branch honestly represent the position of that branch, that any compromise can come out of a committee that is considering an income tax. I think that whatever they do will fail. I think probably then what might happen would be another order such as was introduced to this Body and the sooner we get the whole procedure into gear, the better off we will be.

It would suit me if this Committee of Conference met and brought in something within a short time rather than over night.

Mr. BOWKER of Cumberland: Mr. President, I would like to ask the Chair for information on the message just received from the House. If I remember correctly, it asked for a Committee of Conference on bill an Act Imposing a Personal Income Tax and an Additional Corporation Tax. I wonder if I understood that correctly. I was of

the opinion that the corporation tax was stricken from that bill.

The PRESIDENT: The Chair would inform the Senator that the new draft struck from the bill, the corporation tax, but the House, the Chair believes, took a vote on the bill as it originally was, so the report was in proper form.

The disagreeing action is on the original bill and not on the new draft.

Mr. Williams of Penobscot presented the following Order and moved its passage:

ORDERED, the House concurring that the Conference Committee on the disagreeing action of the legislature on bill, An Act Imposing a Personal Income Tax, (H. P. 2046) (L. D. 1481) report to both branches of the legislature not later than Friday morning.

Mr. BOUCHER of Androscoggin: Mr. President, I don't recall that I heard any hour mentioned in the Order.

The PRESIDENT: The Chair will state that the order says, "Friday morning."

Mr. BOUCHER: Mr. President, of which week, Mr. President, or which month, or which year? It is a pretty wide order, I think.

The PRESIDENT: The Chair will refer the Senator to the Senator who introduced the order.

Mr. WILLIAMS: Mr. President, may I amend the order to say "Friday morning, April 29, 1949, at nine o'clock Eastern Standard Time."

The PRESIDENT: Is it now the pleasure of the Senate that the Order receive passage?

Mr. BOUCHER: Has the order been amended, Mr. President?

The PRESIDENT: The Secretary will read the order.

The Secretary read the Order:

ORDERED, the House concurring, that the Conference Committee on the disagreeing action of the legislature on bill, An Act Imposing an Income Tax (H. P. 2046) (L. D. 1481) report to both branches of the legislature not later than Friday morning, April 29, 1949 at nine o'clock Eastern Standard Time.

Mr. HASKELL: Mr. President, if the order is now in reasonably good form, I rise to support the motion that the order receive passage.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Penobscot, Senator Williams, that the order receive a passage as amended.

A viva voce vote being had

The order received a passage.

Thereupon, on motion by Mr. Williams of Penobscot, the order was sent forthwith to the House.

Mr. WARD of Penobscot: Mr. President, for the purpose of offering a very minor amendment I would like to move that the Senate reconsider its action taken earlier today whereby Resolve Authorizing Donald S. Porter of Lowell to Sue the State of Maine, L. D. 685, was assigned for second reading.

The motion to reconsider prevailed.

Thereupon the same Senator presented Senate Amendment A and moved its passage:

"Senate Amendment A to H. P. 1305, L. D. 685, 'Resolve Authorizing Donald S. Porter of Lowell to Sue

the State of Maine.' Amend said Resolve by striking out in the 4th line thereof the figure "16" and inserting in place thereof the figure '188'

"Further amend said Resolve by striking out in the 8th line thereof the figure "16" and inserting in place thereof the figure '188'

Which amendment was adopted and under suspension of the rules the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: At this time the Chair will appoint on the Committee of Conference of the disagreeing branches, with relation to the Personal Income Tax, as members of such committee on the part of the Senate, Senators Savage of Somerset, Barnes of Aroostook and Ward of Penobscot.

On motion by Mr. Savage of Somerset

Adjourned until tomorrow morning at nine o'clock Eastern Standard Time.