

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

Friday, April 29, 1949

The Senate was called to order by the President.

Prayer by the Rev. Martin Storms of Gardiner.

Journal of yesterday read and approved.

From the House

Joint Order: re Conference Committee on Bill "An Act Imposing a Personal Income Tax." (S. P. 686) (In Senate on April 28th, read and passed.)

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

In the Senate, on motion by Mr. Haskell of Penobscot, indefinitely postponed in concurrence.

Joint Order: re free additional telephone calls. (H. P. 2102)

"ORDERED, the Senate concurring, that free additional telephone service be provided for each member and officer of the Senate and House to the number of fifteen calls, of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and Clerk of the House, respectively, charge for this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates."

From the House, read and passed. In the Senate:

Mr. WILLIAMS of Penobscot: Mr. President, I move that the Order lie on the table.

A viva voce vote being had, the motion did not prevail.

Thereupon, the Order received a passage in concurrence.

Bill "An Act Relating to the Salary of the Judge of the Portland Municipal Court." (H. P. 2077) (L. D. 1530)

(In Senate, on April 27th, passed to be engrossed as amended by

Senate Amendment "A" in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed.

In the Senate, on motion by Mr. Allen of Cumberland, the Senate voted to insist on its former action and request a Committee of Conference.

Sent down for concurrence.

Bill "An Act Relating to Inspection of Motor Vehicles." (H. P. 1516) (L. D. 889)

(In Senate on April 27th, bill 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 as amended by Committee Amendment "A" and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Allen of Cumberland, the Senate voted to insist on its former action and join with the House in a Committee of Conference.

The Committee on Mercantile Affairs and Insurance on Bill "An Act to Increase Death Benefits Payable to Children by Fraternal Beneficiary Societies," (H. P. 1985) (L. D. 1367) reported that the same ought to pass.

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

In the Senate, the report was read and accepted in concurrence, the bill read once; House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The Committee on Salaries and Fees on Bill "An Act Relating to Compensation for Members of the Boxing Commission," (H. P. 756) (L. D. 293) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

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

In the Senate, the report was read and accepted in concurrence and the bill read once; and on motion by Mr. Collins of Aroostook, House Amendment A to Committee Amendment A was indefinitely postponed in non-concurrence.

Mr. COLLINS of Aroostook: Mr. President, I move that Committee Amendment A be adopted. In explanation, would say that the members of the Boxing Commission, under their present salary scheme the Chairman receives a salary of \$1,500 and the other members were paid on a per diem basis and meet twice a month, which gives them about \$250.00 each, in addition to their salaries. All of the Members of the Commission appeared before the hearing and stated that the salaries would be equal, and that the duties of one member of the Commission were just as important, and each had as much to do as the other. They were agreed on that point.

The Committee favored the amount of \$850.00 which did raise the total expense slightly. The House Amendment to Committee Amendment A would increase that amount to \$1,000.00.

I just simply wanted to give you the stand of the Committee, and for that reason, we have indefinitely postponed House Amendment A to Committee Amendment A. This would be in line with the opinion of the Salaries and Fees Committee.

Mr. SLOCUM of Cumberland: Mr. President, I arise to admit my ignorance on this measure. As I understand it, the members of the Commission would meet twice a month, or twenty-four days a year and get \$850.00 each, plus expenses, and I believe the Legislature gets \$850.00 for putting in a lot more time than that.

I wonder whether the Committee is being too liberal with the Commission, or are we being a little bit niggardly in the pay of legislators.

I do not know whether \$850.00 is proper. I do not know how hard these men work. I am sure if they earn \$850.00 a year, we want to see them get it. Possibly a member of the Committee could advise whether this is fair compensation.

Mr. COLLINS of Aroostook: Mr. President, it is the opinion of the Committee that the amount that they recommended was a fair amount. In addition to their meeting twice a month, they have other duties, such as making records of the different boxers and checking the bouts that are to be held, and in a good many ways have other duties that consume more time than just their time of meeting. For that reason, we felt that the amount recommended was a commensurate amount.

Mr. HASKELL of Penobscot: Mr. President, I think the Senator from Aroostook, Senator Collins, has covered the subject fairly well. But the thing that impressed me on the entire bill was the fact that there are three boxing commissioners, and each of those three boxing commissioners meets twice a month. That is one of their primary duties. Their secondary duty is that each one of those three boxing commissioners attends every one of the scheduled bouts in the state.

An attempt has been made by the Executive in his appointments to distribute those appointments by geographical consideration. So, we have a representative in the First District, one who covers the Second District area, and one who covers the third district area. And it is these fifty bouts per year that each one of them attends, plus their two meetings per month, over and above that, that made us feel \$850.00 per year might be reasonable compensation, rather than giving the Chairman of the Commission \$1,500.00 a year and paying the other two members \$250.00 a year. The original bill asked for \$1,500.00 for each one of them. That seemed unreasonably high to the Committee, but we did believe that taking the \$2,000.00 per year that it now costs; that is \$1,500.00 for the

Chairman and \$250.00 each for the other two members, and dividing that amount equally, since all of them agreed the responsibilities and work were equally divided; then considering the fifty bouts that each one of them attends in a year, and the twenty-four meetings in Augusta each one of them attends, \$850.00 for each one of them seemed a reasonable solution.

It is a little difficult to compare the values of legislative attendance with the bout attendance and the commission meeting attendance. But their duties consist of a little bit more than meeting every other week. Those chaps do attend those bouts and do try to supervise and keep clean a difficult sport. I think you have got types of persons on that board that are doing a good job, and the acceptance of the change will pay them all an equal amount, rather than what seems to be a complete inequity in the present laws of paying one chap \$1,500.00 and each of the other two members \$250.00.

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

The Committee on Claims on "Resolve in Favor of George V. Jordan, of Waldoboro," (H. P. 1029) reported that the same ought not to pass.

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

In the Senate, the "Ought Not to Pass" report was accepted in non-concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Trapping Season on Fur-Bearing Animals," (H. P. 1290) (L. D. 673) reported the same in a new draft (H. P. 2043) (L. D. 1468) under the same title, and that it ought to pass.

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

In the Senate, on motion by Mr. Bowker of Cumberland, the bill and accompanying papers were laid

upon the table pending consideration of the report.

The Committee on Claims on "Resolve of Marjorie Heald, of Yarmouth," (H. P. 1375) reported that the same ought not to pass.

The Committee on Interior Waters on Bill "An Act Relating to Penalties for the Pollution of Waters," (H. P. 1298) (L. D. 631) reported that the same ought not to pass.

The Committee on Mines and Mining on Bill "An Act Relating to Mining," (H. P. 487) (L. D. 162) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Southport Cemetery District," (H. P. 2085) (L. D. 1554) reported that the same ought not to pass.

(On motion by Mr. Denny of Lincoln, tabled pending consideration of the report.)

The Committee on Pensions on Resolve in Favor of John E. Mitchell, of Patten," (H. P. 1879) reported that the same ought not to pass.

The Committee on Temperance on Bill "An Act Relating to Definitions and Location of Licensed Premises in Liquor Law," (H. P. 1859) (L. D. 1196) reported that the same ought not to pass.

The Committee on Welfare on Bill "An Act Relating to Chiropractic Services Under the Aid to Dependent Children and Dependents of Veterans' Law," (H. P. 1755) (L. D. 1128) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Claims on "Resolve in Favor of Beatrice Noonan, of Boston, Massachusetts," (H. P. 128) (L. D. 1578) reported that the same ought to pass.

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

The Committee on Sea and Shore Fisheries on "Resolve Relating to the Use of Purse, Drag or Stop Seines in Damariscotta River," (H. P. 1321) (L. D. 690) reported the same in a new draft, (H. P. 2072) (L. D. 1524) under the same title, and that it ought to pass.

(On motion by Mr. Denny of Lincoln, tabled pending consideration of the report.)

The Committee on Interior Waters on Bill "An Act to Authorize the Construction of a Wharf in Maranacook Lake at Winthrop," (H. P. 1629) (L. D. 982) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act to Create the Town of South Berwick School District," (H. P. 1172) (L. D. 628) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the North Kennebunkport School District," (H. P. 1838) (L. D. 1162) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Creating the Town of Wiscasset School District," (H. P. 1056) (L. D. 531) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Town of Sebago School District," (H. P. 1946) (L. D. 1318) reported that the same ought to pass as amended by Committee Amendment "A".

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

The Majority of the Committee on Legal Affairs on Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse," (H. P. 1786) (L. D.

1125) reported the same in a new draft (H. P. 2035) (L. D. 1449) 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
CAMPBELL of Augusta
HAYES of Dover-Foxcroft
MARTIN of Augusta
MARBLE of Dixfield
PAYNE 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, reports indefinitely postponed.

In the Senate, on motion by Mr. Batchelder of York, the bill and accompanying papers were laid upon the table pending consideration of the report; and especially assigned for later in today's session.

The Majority of the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Regional Library Service," (H. P. 1112) (L. D. 598) reported that the same ought not to pass.

(signed)

Senators:

BOWKER of Cumberland
SAVAGE of Somerset

Representatives:

BROWN of Unity
JACOBS of Auburn
JALBERT of Lewiston
JOHNSTON of Jefferson
WEBBER of Bangor
DENNETT of Kittery
BIRD of Rockland

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

(signed)

Senator:

WILLIAMS of Penobscot.

Comes from the House, the Majority Report read and accepted.

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

The Majority of the Committee on Public Health on Bill "An Act Relating to Hairdressers and Beauty Culture," (H. P. 1954) (L. D. 1327) reported that the same ought to pass as amended by Committee Amendment "A".

(signed)

Senators:

LEAVITT of Cumberland
COBB of Oxford

Representatives:

LONGSTAFF of Crystal
BATES of Orono
BERRY of South Portland
McCLURE of Bath
WEBBER of Bangor
FAY of Portland

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

(signed)

Senator:

ELA of Somerset

Representative:

MAXWELL of Wilton

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

In the Senate:

Mr. COBB of Oxford: Mr. President, I move that the Majority Report "Ought to Pass as amended by Committee Amendment A" be accepted.

Thereupon, on motion by Mr. Ela of Somerset, the bill and accompanying papers were laid upon the table pending motion by the Senator from Oxford, Senator Cobb, that the Majority Report be accepted.

State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

April 28, 1949

Honorable Chester T. Winslow
Secretary of the Senate

Sir:

The Speaker of the House today appointed as Conferees on the part of the House on the disagreeing action of the two Branches of the Legislature on Bill "An Act Imposing a Personal Income Tax and an Additional Corporate Franchise Tax" (H. P. 1821) (L. D. 1130)

Messrs: BROWN of Wayne
PARKER of Sebec
SANBORN of Gorham
Respectfully
HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

First Reading of Printed Bills

"Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons." (S. P. 683) (L. D. 1582)

(On motion by Mr. McKusick, tabled pending assignment for second reading.)

Bill "An Act Providing for the Construction, Maintenance and Improvement of Controlled Access Highways." (S. P. 684) (L. D. 1583)

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

Senate Committee Reports

Mr. Batchelder from the Committee on Legal Affairs on Bill "An Act Relating to a Planning Board for the City of Lewiston," (S. P. 472) (L. D. 923) reported that the same ought not to pass, as it is covered by other legislation.

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

Mr. Baker from the same Committee on Bill "An Act Relating to the Superintendent of the Public Works Department of the City of Lewiston," (S. P. 471) (L. D. 924)

reported that the same ought not to pass as it is covered by other legislation.

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

Mr. Sleeper from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Shipment of Shellfish" (S. P. 555) (L. D. 1178) reported that the same ought not to pass.

Mr. Larrabee from the same Committee on Bill "An Act Relating to Interstate Transportation of Shellfish," (S. P. 490) (L. D. 950) reported that the same ought not to pass.

Mr. Brown from the same Committee on Bill "An Act Relating to Fish Weirs," (S. P. 250) (L. D. 358) reported that the same ought not to pass as it is covered by other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Larrabee from the Committee on Sea and Shore Fisheries on "Resolve Directing Commissioner of Sea and Shore Fisheries to Make Study of Herring and Means of Avoiding Their Depletion," (S. P. 366) (L. D. 583) reported the same in a new draft (S. P. 687) under the same title, and that it ought to pass.

Mr. Sleeper from the same Committee on Bill "An Act to Clarify and Simplify the Sea and Shore Fisheries Law," (S. P. 122) (L. D. 143) reported the same in a new draft (S. P. 688) under the same title, and that it ought to pass.

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

Mr. Sleeper from the same Committee to which was re-committed "Resolve to Repeal Clam Cleansing Research," (S. P. 237) (L. D. 351) reported the same in a second new draft (S. P. 689) under a new title, "Resolve Providing for a Continuous Survey of Closed Clam Areas

and Mussel Control Program," and that it ought to pass.

Which report was read and accepted, and the bill in new draft, and under a new title, was tabled pending printing under the joint rules.

Mr. Brown from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Interstate Shipment of Shellfish," (S. P. 510) (L. D. 1008) reported that the same ought to pass.

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

Passed to be Engrossed

Bill "An Act Relating to Amount of Aid to Dependents of Veterans." (H. P. 698) (L. D. 223)

Bill "An Act Freeing the Richmond-Dresden Bridge of Tolls." (H. P. 1014) (L. D. 441)

"Resolve in Favor of the Town of Columbia." (H. P. 1016) (L. D. 1566)

Bill "An Act Relating to the Tax on Commercial Fertilizer." (H. P. 1903) (L. D. 1268)

"Resolve, Authorizing State Highway Commission to Study Desirability of a Bridge Across the Penobscot River." (H. P. 2090) (L. D. 1562)

"Resolve Providing for a Dam and Fish Screen at Chain-of-Ponds, in the County of Franklin." (H. P. 2093) (L. D. 1565)

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

"Resolve, Regulating Fishing in Long and Square Lakes, in the County of Aroostook." (H. P. 571) (L. D. 1401)

Bill "An Act Relative to Payment of Damage Caused by Collision Between Motor Vehicle and Deer." (H. P. 1271) (L. D. 751)

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

Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits." (H. P. 2084) (L. D. 1563)

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

Bill "An Act Relating to Punishment of Violations of Public Utility Laws." (S. P. 669) (L. D. 1521)

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

Sent down for concurrence.

Enactors

Bill "An Act to Incorporate the Town of Searsport School District." (H. P. 1171) (L. D. 627)

Bill "An Act to Incorporate the Town of Winthrop School District." (H. P. 1258) (L. D. 559)

Bill "An Act to Create the Town of Orland School District." (H. P. 1712) (L. D. 1014)

Bill "An Act Relating to Boards of Registration." (H. P. 1759) (L. D. 1031)

Bill "An Act Relating to Quantity in Purchasing Herring." (H. P. 1990) (L. D. 1372)

Bill "An Act Relating to the Salary of the Sheriff of Waldo County." (H. P. 1974) (L. D. 480)

Bill "An Act to Incorporate the Town of Monroe School District." (H. P. 1256) (L. D. 561)

Bill "An Act to Create the Town of Windsor School District." (H. P. 1675) (L. D. 929)

Bill "An Act Relating to the Salary of the Clerk of Courts of Waldo County." (H. P. 1732) (L. D. 1036)

Bill "An Act Amending the Charter of the City of Calais." (H. P. 1840) (L. D. 1199)

Bill "An Act to Incorporate the Town of Masardis School District." (H. P. 1875) (L. D. 1253)

Bill "An Act Relating to Unfair Methods of Competition and Practices in the Business of Insurance." (H. P. 1937) (L. D. 1317)

Bill "An Act Relating to the Salary of the Judge of the South Portland Municipal Court." (H. P. 1941) (L. D. 1314)

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

Bill "An Act Creating the Bath School District." (H. P. 2074) (L. D. 1538)

Bill "An Act Relating to Funeral Directors and Embalmers." (H. P. 2075) (L. D. 1535)

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

"Resolve, in Favor of Caswell Plantation." (H. P. 334) (L. D. 1510)

"Resolve, in Favor of Maynard Marsh of Gorham." (H. P. 562) (L. D. 1526)

"Resolve, in Favor of Several Academies, Institutes and Seminars." (H. P. 2073) (L. D. 1534)

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

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

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

Bill "An Act Pertaining to the Definition of a Contract Carrier." (S. P. 659) (L. D. 1479)

"Resolve, Relating to Unexpended Balances for Lobster Rearing Station." (S. P. 88) (L. D. 74)

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

Emergency Measures

Bill "An Act to Incorporate the Town of Corinth School District." (H. P. 1259) (L. D. 558)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act to Incorporate the Town of South Thomaston School District." (H. P. 486) (L. D. 161)

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of the Adjutant General Due to Insufficient Appropriations." (H. P. 1947) (L. D. 1320)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate, and none opposed, was passed to be enacted.

Orders of Day

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table Bill, An Act Relating to Overtaking and Passing School Busses (H. P. 2024) (L. D. 1414) tabled by that Senator on April 28 pending consideration of Senate Amendment "B".

Thereupon, on motion by the same Senator, Senate Amendment "B" 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.

On motion by Mr. Bowker of Cumberland the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game "Ought to Pass in a New Draft" (H. P. 2043) (L. D. 1468) on Bill, An Act Relative to Trapping Season on Fur-bearing Animals (H. P. 1290) (L. D. 673) tabled by that Senator earlier in today's session pending consideration of the report; and on further motion by the same Senator, the report of the committee was accepted in concurrence, the bill read once and House Amendment "D" read.

Thereupon, on motion by Mr. Ela of Somerset, House Amendment "D" was adopted in concurrence.

On motion by Mr. Bowker of Cumberland, the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table House Report from the Committee on Legal Affairs —

Majority Report "Ought to Pass in New Draft" (H. P. 2035) (L. D. 1449), Minority Report "Ought Not to Pass" on Bill, An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse (H. P. 1786) (L. D. 1125) tabled by that Senator earlier in today's session pending consideration of the reports.

Mr. BATCHELDER of York: Mr. President, this bill is Legislative Document 1449 which is apparently only a short bill which relates to the Collection and Disposal of Garbage, Rubbish and Refuse from the premises, and so forth. Now, this is simply an enabling action which permits cities and towns to collect these particular items and assess a charge against those that receive the service. We have a similar bill that is now before the Legislature pertaining to sewers. Now, this bill has the endorsement of the Maine Municipal Association which represents practically all of the towns. It was believed that this was a move in the right direction, and that those people receiving the service should pay for this particular charge, rather than it being paid by the whole city or town.

In these built-up portions of our towns, many of us have various services which we do not have over the whole town. In many, we have running water. We also have light and power service. Yet, we do not expect the remaining part of the town where these services are not rendered to pay for these services. Now, we have a bill before us that applies two principles. It seems right and fair that people who receive the service covered by this bill should pay for such service, and that sections of cities and towns not receiving this service should not be taxed. Matters of this kind should be given consideration, and the items covered under this bill should be picked up, especially in our built-up portions of our cities and towns.

Now, the argument that has been made by some is to the effect that this law is possibly unconstitutional.

When this question is raised, many times it is simply for the purpose of defeating a measure. The Maine Municipal Association is represented by able counsel which tells us that this is constitutional. Now, the report signed by the Committee is signed nine members in favor and one against. I might say that the one dissenting member at the present time, two years ago went along with the majority report, and no question was raised at that time as to any particular reason why there should be any dissension.

I believe this is a matter which should be given very careful consideration, and I believe that it is in the interest of the welfare that items of garbage, rubbish and refuse should be picked up and disposed of in these built-up portions of the cities and towns.

I therefore move that the majority report be accepted at this time.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I feel that I must oppose the Senator from York, Senator Batchelder on this question. I have had practical experience in Lewiston on the removal of garbage, rubbish, and so forth. I don't know what Biddeford has, and I don't know what other municipalities and towns have for removal of garbage and rubbish and refuse. But in the City of Lewiston we have an ordinance whereby the City does that work. It does this work, and the expense for performing this service goes in as part of the general tax that we collect from the citizens of Lewiston.

I have had the experience of going into some cities that I don't care to name where a different set-up was used of having a special collection made by individuals, or where the owners of property were responsible for the removal of his ashes, refuse and rubbish. And I found conditions there very, very bad. In other words, there was no responsible party such as a city, itself, is or a state department would be. Where you leave it to the individual, you might have it done one day or one week or the

other week or a month later, and in the meantime the rubbish and refuse will accumulate and cause a nuisance.

So, under this bill, as I understand it, this would be left for the cities or towns to let a contract to parties to remove this, and I feel that they will not do the proper job. If my information on the bill is correct—I haven't had time to fully read it, or go over it—but if my information is correct, then I am opposed to this bill under its present setup.

I am in favor of municipally controlled system for the removal of garbage, rubbish and refuse where the city or town, itself, undertakes to do the work from its own public works department. I believe that there should be no special charge against any citizen for that. I believe that that should come under the general taxation of the real estate in that locality. My experience has been that it is the best way to take care of the disposal of garbage, rubbish and refuse. I can well remember years ago when Lewiston attempted to let out a contract for the removal of garbage. Sensational stories appeared at the time in the newspapers of the way those contracts were awarded, of the profits that were made under those contracts, and of other doings.

For the last fifteen or twenty years, this service has been done by the City of Lewiston which takes this garbage out to their municipal farm and raises pigs with it, thus getting a little return on the service rendered the citizens.

For those reasons that I have stated, I can not vote in favor of the motion of the Senator from York, and I hope that his motion will not prevail.

Mr. BATCHELDER of York: Mr. President, I might say in relation to the remarks made by the Senator from Androscoggin, Senator Boucher, that Lewiston is probably pretty well taken care of because of the fact that they can pass certain ordinances to take care of this particular matter.

I have mentioned that this is nothing more than an enabling act which may permit these towns or cities that are less fortunate and not in a position to pass ordinances to take care of this by having this legislation. I believe it is much needed legislation, and I hope that the bill has a passage.

Mr. BREWER of Aroostook: Mr. President, I too, believe that this is good legislation. You will notice on the calendar I have a bill pertaining to practically the same thing, only Presque Isle is involved. In my situation, I live four miles out in the country from Presque Isle, and I ask you if it is fair that I should be taxed for services that would be rendered to the compact part of the City.

As the Senator from York has said, this is merely an enabling act, and it should include my bill as contingent upon the passage of this bill. Should the overall bill pass, of course, there is no necessity for me to ask for special legislation for my city. But in the event it does not pass, I will take my bill off the table and see if it will not receive passage. But I do feel that this is good legislation.

The only question in my mind for the Senate to decide is whether those that do not avail themselves, or it is not necessary for them to avail themselves of this service, shall contribute towards those that do, and I hope that the motion of the Senator from York prevails.

Mr. BOUCHER of Androscoggin: Mr. President, I can not let the remarks of the Senator from Aroostook, Senator Brewer, go by without taking a little shot at them. He says that it is not fair for the City of Presque Isle to tax his place, as it is four miles out in the country. My place is out two miles in the country, so-called, or the suburbs of the City. And I think it is fair for the City of Lewiston to tax me according to what real estate I own. I am just wondering if the Senator from Aroostook believes it is fair for the City of Presque Isle to build their roads to his place four miles

out in the country where they don't need them in town, to reach him, or if he thinks he shouldn't pay his proportionate share and the inhabitants in the compact section of town should pay for only their abutting streets.

My understanding of this section is that we have been in this Legislature for years now, dividing and dividing municipalities and localities into islands. Mr. President and members of the Senate, I am afraid that the day of reckoning is coming. I think we have just been fooling ourselves. We have school districts. We have sewer districts, and we have water districts. Pretty soon, we will have rubbish districts and everything else as a district.

If I understand this whole setup right, this money comes out from John Q. Public, or the citizens who happen to inhabit that city, or that town. And you can call it anything under God's name, it is still going to take some money from some citizens in that locality to pay the expenses of that locality. The Senator from York has pointed out that Lewiston is lucky. I believe it is lucky we have a City that owns its own water district, its own school district, and its own everything else. Thank God for that. I don't believe that we are doing any good to any city or town or group when we give them a chance and furnish them the chance to evade the law of the State of Maine. The law of the State of Maine is very specific on the matter of investment of five per cent of the real estate value, and all we are doing in all these things is just trying to evade the facing of the direct fact that if you want these services done, you have got to pay for them directly or indirectly.

I maintain, Mr. President and members of the Senate, that it will be much more economical for the city or the town to do that removal than it would be for any group to have it done by others. It has been our experience in Lewiston that we could get garbage removal done much more economically by the

City of Lewiston than we could by letting it out on contract. It has also been our experience that we have had much better service when our own public works department did it, than when some other agency was hired on contract to do it. If a citizen complains directly to the municipality, or to the employees of the municipality or to the government body of the municipality, they can get direct action. If a complaint has been made through a third or a fourth party, then the action is very indirect and very much delayed. So, Gentlemen, I do believe that we should not pass this law giving an opportunity to do something that to me is not proper. Under the present law, each municipality, as I understand it, can make its own ordinances whereby these services can be rendered, and they should be charged to one tax, and not several taxes, or hidden taxes.

Mr. LEAVITT of Cumberland: Mr. President, I am a little confused over the debate as to just exactly who is on what side here. Nevertheless, I know that the City of Portland is doing the collection of rubbish at the present time, and it is costing them a great deal of money. People are leaving all kinds of garbage on the side of the road waiting for the City to come around and pick it up. I believe if they knew they were going to be charged for it, they might pick it up, but if they do want the City to do everything for them and clear up the garbage and refuse in front of their houses, they ought to be willing to pay for it. As I understand this bill, it simply gives the right to charge the people for cleaning up this rubbish which they want collected. This bill does not force any city to do it, but it simply gives them the right to do it.

I feel very sure that the City of Portland wants that right. We have heard that Presque Isle wants the right, and no doubt other cities want the right. I do hope that this bill passes, and I hope that this Senate will back up its Committee. All three Senators here

have heard the case and have reported favorably on the bill. I think it is time we went along with our committees a little bit.

Thereupon, the motion prevailed and the Majority "Ought to Pass" report was accepted, and under suspension of the rules the bill was given its two several readings and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table House Report from the Committee on Legal Affairs Majority Report "Ought to pass in new draft" (H. P. 2034) (L. D. 1448) Minority Report "Ought Not to Pass" on bill, An Act Authorizing Cities and Towns to Assess a Charge for the Maintenance of Sewers (H. P. 1787) (L. D. 1126) tabled by that Senator on April 28 pending consideration of the reports.

Mr. BATCHELDER of York: Mr. President, this bill is an Act Authorizing Cities and Towns to Assess a Charge for the Maintenance of Sewers. I might say that the remarks which I have just made to the bill in relation to garbage, rubbish and refuse applies similarly to this. This is another enabling act which permits cities and towns to perform this service and charge those who are receiving the benefits of it. Oftentimes, we find people living in the country, and that requires them to put in their own systems of sewerage or their own cesspools, and I don't know any reason why they should have to contribute to those who are receiving this service. I might say that this bill had just one dissenting member who two years ago went along with the Committee.

Therefore, in view of the fact that this report was signed by nine members with only one dissenting, I move that this bill ought to pass.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate, knowing that I am speaking in vain, but nevertheless feeling that I am doing the citizens of Maine a service, I again object to

this bill and the motion of the Senator from York, Senator Batchelder, because he wants to charge for maintaining sewers.

I feel that the maintenance of sewers is the business of the cities and those who have installed those sewers. I don't know what is happening in other cities and towns, but I do know what is happening in my city. I do know that any new sewers installed in the City of Lewiston are being charged to the abutters. Now, as there is a charge made when a sewer is installed, I feel that it is the duty of the City to maintain that sewer, as it is the duty of the city to maintain their water supply, just as it is the duty of the gas company to maintain their gas supply for which they make a charge; or in the case of the power companies, as it is their duty to maintain their power lines because they make a charge for it.

At the rate we are going now, Mr. President and members of the Senate, all of these different districts of sewers, gas, schools, and what nots, I would think that the cities and towns wouldn't charge any taxes at all to their citizens, but would pay back a dividend from the money they were making on the facilities that they are furnishing their citizens. I don't believe that any one of these districts, the sewer, school, water or any other district lose money. They must be operating at a profit, and if they are bigger, or about to become bigger than the municipality, itself, why then they should pay back dividends to the citizens and the taxpayers of the municipality, rather than charge them taxes. I can't quite follow the reasoning of all this division. I realize, and fully realize, it is only a matter of book-keeping. After all, let's not kid ourselves, we must pay for those services and we all know it. But why divide them up in so many different branches? Is it to add on and make more jobs? Is it to get more employees for our government, be it local or state or federal? Possibly some of us are trying to anticipate the depres-

sion, and where some of the people have lost their jobs, they are trying to create new jobs. If that is the idea, why I might possibly go along with it, but I wish somebody would make the plain statement that they are just trying to help out the situation by creating new jobs so people can have more work to do.

I can not see the reasoning of separating sewers or charging a maintenance charge on sewers. I think that is part of the duty of the city or town or municipality in which you live. If you have sewers, that is what you are charging the taxpayers for, to take care of the sewers. If the city or town takes care of the removal of garbage and waste, the maintenance of streets and schools, it is all the public services of the city.

Every session, why several of these bills appear to divide, and to disintegrate the municipal tax structure is beyond me, unless we are trying, like the ostrich, to put our heads in the sand so that we will not see the mounting tax rate of our municipalities. A tax to me is always a tax. There are a lot of people when they buy a gallon of gas who forget that they are paying a seven and a half cent tax because the man that pumps that gasoline into their tank does not tell them that they are paying this tax. But I well know that I am not buying gasoline at twenty-nine cents a gallon. I am buying gasoline and tax at that price. When we are trying to evade the fact that we are paying twenty-five per cent, practically, of our revenues in taxes by creating more departments that will tax us so that it won't look so large, don't think we are doing anything that is going to help out the citizens of Maine.

Mr. BATCHELDER of York: Mr. President, it is quite interesting to note some of the remarks made by the Senator from Androscoggin, Senator Boucher, in which he states that on any new sewers that are put in in the City of Lewiston those charges are assessed to the abutters. For that reason, I believe that he must recognize that this must be

good legislation if they do that, rather than to charge the whole city.

As I said before, this is nothing more than enabling legislation which permits the various cities and towns to render this service. This has the endorsement of the Maine Municipal Association which represents all of our towns, and I would like to see this law receive enactment at this time. I therefore hope that it receives a favorable report.

Mr. SLEEPER of Knox, Mr. President, if my memory is correct, I think we had more or less of an argument on this same thing two or four years ago, and I would like to ask through the Chair certain questions of the Senators. I can't help but agree in some cases with the Senator from Androscoggin on this matter. To illustrate my point, I will have to speak on my case, and I imagine that there are hundreds of similar cases throughout the State.

It is my happy privilege to live in a large farm home on the outskirts of Rockland two miles or so from the city proper. In fact, it belonged to Congressman Tillson. It is quite elaborate, and includes quite a few acres. When he built that home way before the Civil War, even in that time he constructed a nice private cesspool of his own, and that is what we are operating on, and its functions well and properly even today.

What I would like to know is this. That section of the City is beginning to become developed. There are several new houses being built, and there is talk of a sewer being run up through there. Now, in the event that that sewer is run up through there, do I, as an abutter, have to pay an assessment on this sewer if that is put up through there?

If that is so, I am opposed to the bill in my own case. There are several farms on the right-hand-side of the road, and naturally we do not want to have to pay for the sewer that is being run up through the new development. So, I would like to ask if we are going to be as-

sessed on this new sewer proposition.

The PRESIDENT: The Senator hears the question and may answer if he wishes.

Mr. BATCHELDER of York: Mr. President, if the Senators will refer to L. D. 1448, I believe they will find that the bill assesses a charge upon improved lots and parcels of land, with buildings thereon connected with a sewer, sewer system or sewage disposal plant of said city or town. It must be actually connected. The mere fact that the sewer passes by somebody who is an abutter has no effect. If they are taken care of by a service of their own, they are not assessed a charge. It is just those that actually are connected.

Mr. SLEEPER: Mr. President, I will withdraw my objections to the bill, then.

Mr. BOUCHER of Lewiston, Mr. President, I don't care to lengthen out this discussion, but I must refer to the Senator from York. Where a sewer is installed by the municipality, he says you have not got to connect with it. I quite differ with him. I have had the experience in the City of Lewiston where a sewer was installed and some of the residents there had good cesspools. They were satisfied with them. They did not care to connect with the sewer. But the neighbors made complaint to the Sanitary Department of the State which came down there and forced those people to connect with that sewer, and they had to pay their part of the cost of the sewer.

Mr. SLOCUM of Cumberland: Mr. President, if I understand the intent of this bill, it merely charges the services to those who use the service. So there will not be any hidden tax. Under the system of charging it to all of the residents of the municipality, it would be a hidden tax. It is a similar tax to that of our public utilities, such as light and gas. We have a problem in my Town of Standish right now where a few of the citizens are anxious to put a water district. It will be connected up so that it will serve about one-quarter of the cit-

izens of the town. The other three-quarters who will get no service are asked to pay for the service of those who will receive it.

Now, it would seem to me that if the Senator from Androscoggin would like to have a Lincoln Sedan, I would be very much in favor of his having one. But I do not feel that the other Senators should pay for the gas for his Lincoln Sedan. If I understand this bill correctly, if the Senator wants a Lincoln Sedan, he may have one, but he will have to pay for his own gas. If he wants a sewer, he will pay for the use of the sewer.

If I am correct in the way I read this and understand it and the proponents it is merely charging those who get the charge for the service that is rendered to them, and not asking the other citizens who do not get the service to pay. I believe that basically it is a good bit of legislation. I can not see but that those of us who get service should pay for it and not ask someone else to pay for the service rendered to someone else.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, that the Senate accept the Majority Report ought to pass in new draft.

The motion prevailed, the Majority Report Ought to Pass was accepted in non-concurrence, and the bill was given its first reading.

Thereupon, on motion by Mr. Batchelder of York the rules were suspended, the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table Senate Report "Ought not to Pass" from the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Limit the Indebtedness on Municipalities by Public or Quasi-Municipal Corporations, to Fifteen Per Cent of the Last Regular Valuation of a City or Town" (S.

P. 307) (L. D. 500) tabled by that Senator on March 11, pending consideration of the Report.

Mr. ELA of Somerset: I move the acceptance of the Report.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I suppose it makes no difference whether I speak against the motion to accept the Ought Not to Pass report, or attempt to substitute what I consider a very important measure for the Ought not to Pass Report. This resolve proposing a constitutional amendment to limit the indebtedness on municipalities by public or quasi-municipal corporations is a subject which I think is of great importance.

It is not a subject which has been given no consideration previously. It has been considered by previous Legislatures, and we have made considerable progress in at least getting members of the Legislature to think about the importance of attempting to get some control on the indebtedness created by these quasi-municipal corporations. There probably would be no agreement in the statement that there has been, and still is, the need to limit the indebtedness which may be incurred by the political subdivisions thereof. The framers of the Constitution, as all of us well know, placed a constitutional limitation of five per cent on the valuation of the towns and cities within the state. Subsequently, the constitution was amended which increased it to seven and a half per cent for cities and towns in excess of 40,000 population, the limitation under that amendment being that the amendment should be increased at the rate of one-half per cent a year, and that the change from five per cent to seven and a half per cent did not take place in less than ten years.

Now, this provision of the Constitution, I think I can say without danger that it will be disputed, has protected the towns and cities of this state since the time that the Constitution was adopted.

I think, in order to demonstrate what it has meant to my own city that I will use the City of Waterville as an illustration. I would like to cite to you that sixteen years ago the City of Waterville had an indebtedness in excess of a million dollars. It was substantially over its debt limit. It was to all intents and purposes bankrupt. It could not borrow anything. It was in very serious financial condition. At that time, the Legislature enacted the Waterville Finance Board which was a three-man board appointed by the Chief Justice of the Supreme Court, and that Board had full control with full veto power over all the actions of the City. That Board re-established the credit of the City of Waterville. That board has been renewed once for a period of six years, and is before this Legislature for renewal. With this Commission, we have re-established the financial stability of the City of Waterville and have made great progress and reduced our indebtedness.

Now, it was the Constitutional debt limit which prevented the City of Waterville from continuing to borrow in excess of safe amounts, and it is that same Constitutional debt limit which protects all of the towns and cities of this State. If my memory serves me correctly, these quasi-municipal districts came into being in Maine in 1913 with the adoption of the charter of the Kennebec Water District. That has been through the courts and held to be constitutional. These districts have three purposes, as I see it. The first purpose which I mention is one which I think is commendable, and that is to confine political subdivisions or parts of separate towns under a separate corporate charter for a joint endeavor. That is often desirable, and that is often accomplished by these districts. I leave the second purpose to you whether it is desirable or not. But oftentimes these districts are organized in order that certain activities to be carried on by municipalities, or subdivision thereof, shall be in the

hands of other than municipal officers. It has been found that with a long continuity given to the administration of a municipal activity, rather than the municipal officers, there is more interest taken and the administration is more effective. Whether it is desirable to organize a district to accomplish purposes of that sort, I leave to you. But the third purpose, and perhaps the most important of those to come here and ask for these charters is to find a way to evade this constitutional debt limit, to evade by a commitment which can be classified as a subterfuge. At least it seems to me it is subterfuge. I would like to remind you, although I am sure you now know we have at least six different types of districts that are being enacted by the Legislature. I won't bother to enumerate them, but I will point out what you already know that the property within the district is assessed in these districts and constitutes the security for the indebtedness incurred by these districts. In other words, the property within the district is beholden for their debts.

I think in many towns some people at least, and I don't know how many, think that when you organize a district and incur an indebtedness, it is not indebtedness secured by their property, and that is a fallacy.

Now, these quasi-municipal corporations' charters are heard by several different committees in the Legislature, mostly the Legal Affairs and Public Utilities Committees. And records show clearly that for this reason, and because of the large amount of time which would be necessary on the part of the committees to study the purposes of the indebtedness and say just what the situation is, that these committees are not able to conduct these hearings and report on these quasias in a manner which it is consistent and make the indebtedness created by one consistent with that created by another.

For example, you, of course, have already observed that in the case of

the large movement to reduce the number of school districts before this Legislature, one or two of which were passed before it was suddenly discovered that there was need for adjusting the indebtedness which was granted them, and making it consistent, that these were all stopped and referred back to the committee, and will not be presented in the manner which any other measure is. Their indebtedness is not consistent, it appears to me, and nobody has told me that they have been issued on the basis of a total maximum of 15 per cent of the valuation of the areas served, including the five per cent allowed municipalities under the Constitution.

But I would like to ask you who can say that this procedure is consistent with what has been done by previous Legislatures, and who can say that they will be consistent with what will be done by subsequent Legislatures and authority for this debt limitation fixed outside of the Constitution of the State. Definitely it is the responsibility of the State, and it is our responsibility, as the elected Legislators of the State, that we do control the debt limitation.

There is quite a bit of history underlying the consideration of the problem, and I want to refer you to a little of it. This matter was before the ninety-third Legislature with two resolves, resolves not with the same purpose, but part of which I thought was commendable. The first one was to increase the debt limitation of the towns to ten per cent in order that they might have better borrowing power and thereby be in a position to meet their financial problems without resorting to so many districts. It seemed to me a feasible bill, because valuations have been held down and costs have come up. Since the Constitution was adopted, the cost of money has fallen at least half, so that the town is better able to carry ten per cent indebtedness on its present valuation than it was to carry a five per cent valuation on its value at the time the Constitution was

adopted. That resolve failed in the last Legislature. And then in the last Legislature, we had the same resolve before us on which I am now speaking. That resolve received unanimous ought to pass report from the Judiciary Committee. It was passed in the Senate and was defeated in the House, and I am not going to take the time to explain to you why and by what methods it was defeated. I think it would be of interest for you to know that this resolve was not drawn by an engineer like myself. It was written by one of the most capable attorneys of the State of Maine. It was the result not of a few days study, but of several weeks of intensive study. The man who wrote it had extensive experience in the Legislature, and he is an experienced constitutional attorney. He knew what he was doing, and I accept his work as being a good effort.

This session, of course, we have had another constitutional resolve before us which was brought out by the special committee which was created earlier in the session. That was covered by L. D. 883. That resolve, briefly, stated this — unless authorized by the Legislature and ratified by the people, no city or town can create debts beyond the limits which are now in the constitution. The purpose of that resolve was different than the purpose of the resolve on which I am speaking, and if enacted, it would produce entirely different results. That resolve simply means that if it were passed, that a municipality could come before the Legislature and they would decide whether they had the right to incur the indebtedness to build a school building, waterworks, or something of that sort. We could approve it and send it back to the municipality. They could submit the problem to the people, and if the people approved, the municipality, itself, could borrow and engage in the creation of the facilities in order to expand their services. That, of course, is an entirely different matter than on which I am talking.

This resolve which I have, and which I think, if you haven't read it, you should read, proposes to place a top blanket over the amount of indebtedness which the municipalities could create, or any political subdivision of the state may create through these quasi-municipal corporations. It provides for a top limitation of fifteen per cent over and above the limitations now set by the Constitution. I am not able to say whether that is the proper amount. I would be willing to set it up to twenty per cent if the Senate wanted to increase that limitation to twenty per cent. But I do think it is tremendously important that we have some such constitutional limitations, so that the people who prepare the charters and come before the Legislature and ask for the right to create large indebtedness for which the property of the citizens of Maine is security will, themselves, be responsible for knowing what the limitations are, and to hold those limitations to within what the Legislature believes is safe for the municipalities. I would like to cite to you what is probably the most extreme case of indebtedness in the State of Maine at the present time.

There is one district, a single district, in the State of Maine the indebtedness of which is equivalent to fifty per cent of the assessed valuation of all the property within the district. This is based on statement of the trustees of that district before the Legislature here this winter. Of course, I would not want to mention the district, although any of the Senators who wanted to get that information, could very easily do so.

What would this constitutional resolve do? Well, as stated, it would place a definite and understandable limit on the debt which could be created in combination by quasi-municipal corporations over all property in the State of Maine, and it would place a responsibility of those who go after a charter to know whether they are asking that indebtedness be created beyond in-

debtedness established by the Constitution. Thereby, it would relieve the Legislature of that responsibility of analyzing every application for a quasi-municipal charter which comes before us. It would result in the orderly, rather than disorderly, way of doing a thing under debt limits which the Legislature considered safe. It will result in consistent debt control where consistency is a very important thing.

Of course, you can readily understand that should you wish to make adjustments in the constitutional limitations, is simply a matter of changing a percentage in your constitutional resolve which might be introduced in the future. I hope the Senators are interested in it. I am sure you are. I hope the members of the Judiciary Committee which has given considerable time to it will join with me in the discussion here this morning. I notice that Senator Barnes has gone out. I was hoping he would take part in the discussion.

This is not a matter in which I have any personal interest whatever. It is simply one in which I became interested, because I thought it was important to the State of Maine. As I told you, it received unanimous endorsement of the Judiciary Committee two years ago. It was supported by a substantial majority in the Senate. It must have had some merit. I would like this Senate to think again on this matter, and I would like you to join with me in further debate on it. I hope the attorneys will join in the debate, and I hope the motion of the Senator's ought not to pass report be accepted.

Mr. BATCHELDER of York: Mr. President, this legislation, as I understand it, provides for 15% Constitutionally over-all in the place of 5% as at the present time. I have served a number of times on both of the legal committees which have had a great many of these bills come before them, and I have also served on the Public Utility Committee, and during the sessions

that I have been in the legislature we have had a great many water district bills, light district bills, sewer district bills, school district bills, and so forth.

The only trouble with this particular legislation at this time, as I understand from remarks made in debate, is that it comes out too late, due to the fact that since that time we have created many of these particular districts, allowing them to raise anywhere from 5% to 25% indebtedness on their particular district.

Now, if this is enacted into legislation many of our cities and towns will be faced with the proposition that they will have no borrowing capacity for the reason that it will be already exhausted under these districts already set up and there wouldn't be any way, in case of necessity, that they might raise any money to take care of various needs they might have.

I believe that when we take into consideration the extension of this limit up to 15% we might find that many of our cities and towns really should not be allowed to raise it to that extent because they would have to go back and rely on the state to help out their financial condition.

This affects the financial standing of our state due to the fact that if any of these districts get into difficulty it is necessary for the state to go to their help, and it might be that we might have to float a bond issue and have to pay a large amount of money, and I believe that in view of those facts it would not be proper to allow this 15% limit at this particular time, and I hope that the motion of the Senator from Somerset, Senator Ela, prevails.

Mr. ELA: Mr. President, this was the unanimous report of the committee. I would correct, I think, one statement made by the Senator from Somerset, Senator Batchelder. It is my interpretation of the bill that the 15% is in addition to the 5% now permitted to the mun-

icipalities. However, there is so much difference in the statutes of different municipalities that this amendment to the Constitution would not be too feasible. I am entirely in sympathy with the motive of the Senator from Kennebec. Every municipality should be given every encouragement to keep their indebtedness low but, as mentioned by Senator Batchelder, many of the cities and towns have acquired school district indebtedness which, with their local indebtedness, gets them up, if the legislature holds them to the present proportion, to about 15% of their total valuation.

Now there is another group of municipalities which enter into other activities as much as the water districts, the school districts, the power districts and so forth. Those are entirely different in nature, in that they are revenue producing. They are intended to sustain their own debts and probably in most cases they do, but this would put them all under the same blanket with those towns which only have non-revenue producing indebtedness and I think it would be improper to say to a municipality, in effect, that "because you now have the school district and some local indebtedness we will then hold you to simply an additional five percent of your valuation for whatever you wish to do, whether it is school district, sewer district, power district or what have you."

You would in effect say to them, "No, you can't enter into any such activity." Then too, I fear there would be possibly a great many interested groups in the municipalities to get their babies under the wire first and perhaps enter into municipal activities which otherwise might well be delayed.

As it is now, the people who wish these things done are required to come to the legislature, each one of these activities is carefully scrutinized and in many cases the legislature holds the legisla-

tion to less than the maximum and the legislature is becoming increasingly alert to the danger of extensive debt. I feel that with the experience of years behind them the committees will scrutinize increasing indebtedness very carefully and perhaps accomplish Senator Hopkins desires to attain by this amendment.

Mr. HOPKINS of Kennebec: Mr. President, I think from such study as I have made, that there are relatively few areas in Maine over which there is a debt blanket in excess of 25% of the valuation within the area, but I think with the 20% in a Constitutional Amendment of this sort and 5% under the Constitutional municipality limit that you will find you have very few areas above that line. I would think there is evidence that some municipalities are trying to get their babies under the wire as far as indebtedness is concerned and I think that the work done in the legislature this year demonstrates that very clearly.

The Senator from Somerset has mentioned that it might limit the municipalities in revenue producing activities. I am not sure he is correct about that. It doesn't seem to me there is anything in this Constitutional resolve to say what the limit of such activities would be. It might force them to do better planning and look ahead and decide what they want to do.

I don't see anything in it that would limit the nature of the activities in any way. The Senator has expressed the view which I find is held by a great many people, and one in which I do not concur and since it is held by so many people in Maine such as the Senator from Somerset, I suppose I must be wrong, but I am going to state it to you.

He contends that it is different whether you incur indebtedness in connection with a revenue producing utility or for a non-revenue producing purpose. I contend that the burden on the people who live in the area over which the debt applies

is the same in both instances. To demonstrate my thinking on that, I might suggest that if all the Senators in the room constituted a town and all owned property and were representative of the citizens in the town and we wanted to build a school house for our children and we had to go out of town and borrow the money, that would be one type of indebtedness against, which we would have to borrow to retire the indebtedness and pay the carrying charges.

If we build a utility of any sort, whether a water district, sewer district or anything we may need and had to go out of town and borrow the money the same thing would be true, we would have to look to the people to carry the indebtedness and the assessment which was made would be sent all over the community in order to carry the indebtedness.

The only difference so far as I can see, is that you could incur so much liability against the total income of the group that you would be unable to pay for school houses, for instance, and you could do the same thing whatever you were trying to build and the same thing would happen in either case. I see no difference in that respect, unless you borrow the money from yourself.

One of the great brains of our country once said that indebtedness didn't count because we owed it to ourselves. I don't hold to that theory at all. I suppose it is true if all of us were wealthy people and we lived in municipalities and were able to put up money for a service and put it into revenue producing service, there might be in that case some difference from the conditions which will exist if we put it into a none revenue producing service, but beyond that I can't see the distinction. The difference in the status of municipalities in regard to their debt carrying capacity; certainly, these Constitutional resolves are 35 years too late. That is unquestionably so. I think we should give a lot of thought to the statement that it effects the financial standing of the

state. That one I am not quite able to fathom but it does seem to me it would be wiser now to place a top over all the debt limits on these quasis such as the one I mentioned to you of fifty per cent of the assessed valuation. I think in a case of a municipality having but two very small industries, if those industries close their doors tomorrow, that district would have to default on its bonds, in my opinion, and that is the thing we would be responsible for here, as the elected representatives of the people.

It is the responsibility of the state to control such indebtedness. I ask for a division just to see how you people stand on this matter, and I hope the motion of the Senator, Senator Ela does not prevail.

Mr. BARNES of Aroostook: Mr. President, it has been brought to my attention that during my enforced absence a few minutes ago, the Senator from Kennebec, Senator Hopkins said that he wished I were here to participate in the debate. For two reasons I did not intend to participate in it. After the result of a debate that we had here in the Senate yesterday on a matter that was ninety percent for Aroostook County, and two-thirds of the Aroostook delegation here opposed me, I got a total of five votes. The other reason was because it has been our custom of late to divide these things up, and Senator Ela was going to handle the debate on this matter.

All I can say is that I agree with Senator Ela. The feeling of the committee was that although we are intensely interested in the same problem that interests Senator Hopkins, we felt perhaps this would be an invitation to interested people to come in and form districts and it would have the effect of raising the debt limit from five to fifteen percent. And there was quite a strong feeling in the committee that perhaps future legislatures would be at least as wise as this one and these matters could be handled in future legislatures through the legal affairs committee and debated on

the floor of both Houses. That is why we came out with the report we did. We feel that way about it and we hope that the report of the committee will be accepted.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, that the Senate accept the ought not to pass report of the committee, and the Senator from Kennebec, Senator Hopkins, has requested a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and three opposed, the motion to accept the ought not to pass report prevailed.

Sent down for concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table bill, An Act to Increase the Salaries of Members of the State Police (S. P. 75) (L. D. 51) tabled by that Senator on April 21 pending passage to be enacted.

Mr. SAVAGE: Mr. President, I now move that this bill pass to be enacted and in support of my motion will say that the money is available in the budget fund and also has been made available in the highway fund for this bill to be enacted.

Thereupon, the bill was passed to be enacted.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, "An Act Relating to Night Harness Horse Racing (H. P. 2006) (L. D. 1388) tabled by that Senator on April 27 pending passage to be engrossed.

Thereupon, Mr. Barnes of Aroostook presented Senate Amendment C and moved its adoption:

"Senate Amendment C to H. P. 2006, L. D. 1388, bill, An Act Relating to Night Harness Horse Racing." Amend said bill by striking out the third sentence of that part of section three designated 'Sec. 9' and inserting in place thereof the following sentence: 'No meeting shall be allowed for more than six days

in any 28-day period, except night harness racing as hereinafter defined and except day racing as provided in the last paragraph of section twelve, except that between the first day of July and the first Monday of August, a meeting may be allowed for not exceeding eighteen days on mile tracks."

"Further amend said bill by striking out the last underlined paragraph of section five of said bill and inserting in place thereof the following underlined paragraph: 'During the remaining time of the period, if any, between July 15th and October 15th, the commission may grant to a track or tracks a license to operate day or night harness racing for no more than two weeks in any 4-week period without necessarily meeting the specifications set forth in the preceding paragraph.'"

"Further amend said bill by striking out the underlined sentence at the end of section six of said bill and inserting in place thereof the following underlined sentence: 'A sum equal to one-half percent of such total contributions shall be paid to the treasurer of state to be credited to the 'stipend' fund provided by section sixteen of chapter twenty-seven as amended.'"

Mr. BARNES: Mr. President and members of the Senate, I will simply say very briefly that despite any disagreement that may prevail among the members of the Senate upon the bill itself, this amendment has been studied and compared and is agreeable to those who represent the agricultural fairs. You will recall another bill the other day that needed amendment, and this bill is the Night Harness Racing bill and contains all the provisions that one did, and carries the provision for the payment of one half percent to go into a stipend for all agricultural fairs instead of just those which might be in competition with any night harness racing meets.

Thereupon, Senate Amendment C was adopted.

The PRESIDENT: The question now before the Senate is on the passage of the bill to be engrossed.

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

A division of the Senate was had.

Eighteen having voted in the affirmative and seven opposed, the bill as amended by Senate Amendment A was passed to be engrossed. Sent down for concurrence.

Mr. HASKELL of Penobscot: Mr. President, if there are no more matters to come off the table immediately, I move that we recess until one-thirty o'clock this afternoon daylight saving time.

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

On motion by Mr. Ward of Penobscot,

Recessed until two-thirty o'clock this afternoon daylight saving time.

After Recess

The Senate was called to order by the President.

From the House, out of order and under suspension of the rules:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Imposing a Personal Income Tax and an Additional Corporate Franchise Tax." (H. P. 1821) (L. D. 1130) on which the House accepted the Majority Report of the Committee on Taxation reporting "Ought Not to Pass" and the Senate accepted the Minority Report of the same Committee reporting same in a New Draft (H. P. 2046) (L. D. 1481) under title of "An Act Imposing a Personal Income Tax" and passed the same to be engrossed as amended by Senate Amendments "A", "B", "C", "D", "E", "F", "G", "H", "I", and "K", in non-concurrence have had the same under consideration and ask leave to report:

That the House recede from its former action whereby it accepted the majority "Ought Not to Pass" report of the Committee and that the Senate recede from its former action whereby it passed the new draft to be engrossed as amended; and that said bill in a second New Draft, submitted with this report, under a new title, Bill "An Act Imposing a Sales and Use Tax and a Personal Income Tax to Raise Additional Revenue and Equalize the Tax Burden," passed to be engrossed and passed to be enacted in both branches without amendment.

Comes from the House, the report having failed of acceptance.

In the Senate:

Mr. SAVAGE of Somerset: Mr. President, I move that the Senate accept the Committee Report.

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

Mr. HASKELL of Penobscot: Mr. President, in supporting the motion of the Senator from Somerset, Senator Savage, it seems to me that it is reasonably consistent that we vote for that measure whether we failed with a sales tax or the income tax. It seems to me that we should continue to demonstrate to the other Body, where all tax measures must originate, a clear indication that the Senate remains ready to work with the House in solving this problem. A vote against the motion would seem to me to be telling the other Body that the Senate wants no more part in their considerations. Having been down here as long as we have and worked as diligently as we have, it seems to me it would be cruel to give that type of message to the House.

I realize we are not, by that vote, telling the other Body that this is the particular tax bill we want, but we are remaining in a position of willingness and I think almost everyone in this Body from early January until now has indicated that willingness to compromise if there is a tax measure that a majority in the House can agree on.

For those reasons, even though I am one who is most bitterly opposed

to a sales tax, I most certainly hope that the motion of the Senator from Somerset prevails.

Mr. BARNES of Aroostook: Mr. President, I think perhaps it might be well, as a member of the Conference Committee, to explain the reasons why we came out with the report we did. Of course, in the first instance a Committee of Conference as I have always conceived it is a committee of the two branches to get together and see if we can agree on something. We would not have a Committee of Conference unless there were serious differences of opinion between the two branches.

The Senate has gone on record in favor of an income tax and the House almost passed the sales tax. In view of those facts and in view of the stand of some people who have been down here who are interested in taxation matters, particularly the State Grange, and in view of the fact that they bitterly complained that the combination tax was never brought forth on the floor of either the Senate or House to be debated, the Committee of Conference, after long deliberation, decided that in all probability, that would be the thing we should come out with.

Now we had reason to feel that that should be done for another reason and that was because the House two days ago, on the order introduced by Representative Chase, voted by quite a majority to entertain the order which called for the very thing we brought out last night and then again yesterday, after a measure was debated and defeated, the House went on record in favor of this Committee of Conference.

I am not trying to influence the Senate by mentioning anything that happened in the House. That is what happened. So we got together and decided that that was the measure to report. They asked for the Committee of Conference. We didn't ask for it; we concurred.

Now when we were discussing the matter last night, we came to a proposition of what spending bills, if any, should be tied to this bill.

If my information is correct, there was a committee from the House and the Senate that got together and agreed on Amendments "A" through "K", excluding "J" and so that seemed to be a joint and concerted vote on the part of both House and Senate. Personally, I disagree with some of the items in this amendment, but bearing in mind that a Conference Committee is supposed to get together and have a little give and take, we decided the proper thing to do was to tie those amendments which had been acted upon by a joint committee of both the House and Senate, to the bill.

We also felt that there was a great deal of support for the proposition of the State withdrawing from the real property tax field and so in line with that thought and apparently with enough money in sight, we added that amendment. In order to take the argument out of the mouths of some people who say, "You are going to raise a lot of money here, too much money, more than you need," we accepted the thought in one of the bills that the Senator from Hancock, Senator Noyes introduced that if there was any surplus left after these amendments were taken care of, and the State had withdrawn from the real property tax, we could return any surplus to the towns on a per capita basis.

I am sure in my own mind that in both branches of this Legislature, there is a majority in favor of a new tax. I have watched the votes as they have come along and that, I am convinced of. Of course, this whole proposition of a new tax is, one might say, almost insurmountable. There are those who for one reason or another — and you can figure the reasons; I won't try—are opposed to any tax. There are those who are bitterly opposed to a sales tax. There are those who will not accept an income tax. And so, when you try to get agreement on any tax measure, you haven't one group to fight, you have three groups to fight. Now, on this Committee of Conference on the

report you are now considering, we have been trying to get together. We felt that if we didn't put the report in the shape that it is now in, that we might well be here until July or August because it is only human nature for those who have appropriation measures in this Legislature, whether they are members of the Senate or members of the House, to be in favor of those measures that are their pets, their babies, and they want those to pass.

So if we didn't make the report that there could be no amendments we would be here until July. Now on the theory — and I am sure I am right on this and that the members of the Senate will agree with me — that there is a majority in both branches of the Legislature who desire a new tax, I feel we ought to go along with the committee report, and so I am defending the Committee's report. We did the best we could. I think we did a fairly decent job and I hope we will send a message back across the State House to those over there who I am sure want a new tax measure, that we in the Senate at least, have accepted this report of this committee and tried to work something out.

I don't think it will take too long. I think we are almost to the point of working something out, and I hope the Senate will go along with the report of the committee.

Mr. WARD of Penobscot: Mr. President and members of the Senate, as another member of that committee, I wish first to endorse the remarks of Senator Barnes. I would also like to express, so that it may be in the record, the appreciation of the committee for the very fine cooperation which we received last evening from the Director of Legislative Research and his staff, and from the Tax Assessor's office.

I believe it is well for the Senate to consider that the report of the Conference Committee is entirely different from the report of a Joint Standing Committee or any other committee. The purpose of a Conference Committee is to

bring the two branches of the Legislature together on a bill which can be enacted. As has been stated, in order to do that, as it is a compromise proposition, the conferees took the tax measure which the Senate has already endorsed and took the tax measure which the other branch had given the most favorable support to, and put those two bills together.

In the corridors, there has been some comment about the words being added to the Conference Committee Report "without amendment." In law we have controversies. The two parties concerned have lawyers who meet and compromise, and of course that compromise on one side is conditional upon the acceptance on the other side, and one side, after the compromise has been reached, can not go back and then ask for the whole loaf. The same is true of the Conference Committee in the Legislature when the Conferees get together and accept a report. It is more or less in the nature of a conditional report. It either has to be accepted or rejected, and in my opinion if the report had been submitted, even without the words "without amendment," the report could not be amended.

I am hopeful that this Senate will endorse the actions of the Conferees by accepting the report.

Mr. SLEEPER of Knox: Mr. President, I am very willing to grant a vote of courtesy to all three Members of the Senate, and we all know that they are three of the most able members in the Senate. But I listened quite carefully to the discussion in the House, and what I am wondering is if I grant this courtesy and accept this report, am I not accepting this thing to be engrossed and enacted, and the only thing is the Governor's signature if by chance there should be the similar change of opinion in some other body.

I would like very much to have further chance for bringing out something, but the way this is worded, if we vote to accept this

report, we have to swallow it whole, and the thing is passed to be enacted. I can't quite agree to that, because there are some parts of this order that is not a compromise and I don't like. I would like very much to grant them the courtesy of showing that we appreciate their work, and we do. It has been very nice, and I feel like an ingrate to stand up here and say I can't vote, but unless someone will tell me that by voting to accept this, that I am not passing it to be enacted, I can't vote to accept the thing as it stands.

The PRESIDENT: Does the Chair understand the Senator has made a parliamentary inquiry?

Mr. SLEEPER: Yes, sir, Mr. President.

The PRESIDENT: The Chair will rule, and in the rule I think it might be well to review slightly some of the purposes of a Conference Committee. A Conference Committee, as has been said by the two Senators, is created by the two branches in an attempt to reach a compromise. In this action by the two Branches of creating a Conference Committee, each one in its turn clothes that Committee with the power and authority of the branch, itself, while they are conferring in the Conference Committee. A majority of each of those two Committees embodies only the legal power of the Branch in which it originates.

In other words, the Report of a Conference Committee agreed to by the two branches does do these various things about which the Senator has inquired. However, it does not do them in one action of acceptance. It does prohibit, in the opinion of this chair, the amendment of the bill, for the following reasons:

In itself, the Conference Committee must be a meeting of minds, and the result of their compromise can not be amended by either branch, or the meeting of minds is lost.

However, the actual passage, and the steps of passage of the bill are

not necessarily involved. In the opinion of the Chair, if this Body should accept the Report, the prohibition against amendments would hold, but the final enactment of the bill would be in the usual form. Has the Chair made itself clear?

Mr. SLOCUM: Then, in effect, the acceptance of the Report of the Conference Committee is the enactment of this bill as it stands.

The PRESIDENT: Is that a parliamentary inquiry?

Mr. SLOCUM: It is an inquiry, Mr. President.

The PRESIDENT: The Chair will rule that that broad interpretation would be perhaps beyond the power of the Committee. In the opinion of the Chair, the essence and the purpose of the Committee is served only by the means of the production of a compromise which can not be amended; otherwise, it would not be a compromise. But the actual mechanical passage of the Bill would still go through its usual channels and follow the language of the order which says it shall be engrossed, and it shall be enacted, but that it shall not be amended.

So, the mechanical part of the action would be the same as always.

Mr. ELA of Somerset: Mr. President, may I ask this question of the chair. If this Committee Report should be accepted, and if the bill have its first reading, would then a motion to indefinitely postpone the bill be in order?

The PRESIDENT: The Chair would rule that the motion would be in order at any time while the bill is in the possession of the Senate.

Mr. BARNES of Aroostook: I know that no member of this Conference Committee wanted the job, and I feel very sure that no member of this Conference Committee wants a vote of confidence. If this does not appeal to the members of the Senate in its form, I know that so far as I am concerned, and I am very sure that so far as the other Senators are concerned, you should vote against it. One reason why I think perhaps this particular measure, so far as the appropriations

are concerned, should appeal to the members of this Senate, is because a day or two ago we adopted Amendment A through K excluding J. And I again remind the members of the Senate that that was the result of joint actions of both Bodies through a committee appointed for that purpose, and I again remind the members of the Senate that there are a great many, both in this body and the other body, who have measures that are near and dear to their hearts, and who would probably make a fight for them to the bitter end.

I would again remind the members of the Senate that the appropriations measure as contained in those amendments were not acceptable even to the members of the Conference Committee. But as the Senator from Penobscot, Senator Ward, has said, this is a matter wherein we tried to compromise. I think that we were well justified in our attempt, and our effort to compromise along that line that the bill contains. If we brought it out so that it could be amended, we would be here until July, and I am hopeful that the Senate will go along without amendment, not out of any courtesy to any member of the Committee, but because it is a fair and right and just proposition.

Mr. BOUCHER of Androscoggin: Mr. President, I want to commend the members of the Committee from this body on that group. I think they attempted to do the very best they could. In fact, I think they did a very fine job, but there must be an end to everything. We have fooled around with all of those things, individually, assembled together, with compromise measures, and everything else that I know of has been attempted.

These have been turned down by one branch or the other. We tried the sales tax in two different forms and turned it down. We tried the income tax. That was turned down. Now, we come in with this combination, and that is flatly turned down. I think we had better make up our minds that there is no

compromise in sight. I can not agree with the Senator from Aroostook who says that we will go out of here with a tax. I think we will be here come Labor Day, and we still won't pass any tax bill. There seems to be no compromise between the two branches. One group seems to desire one form of taxation. The other group seems to desire the other form of taxation. And even when both forms are brought together, they are not acceptable.

I think that the evidence that has been brought into this Legislature in the last four months has well brought out the fact that we can go home, and the State of Maine won't go bankrupt, and the State of Maine will carry on for another two years without a major tax measure.

For three sessions we have been warned. We have even been threatened if we did not pass a major tax measure, we would be recalled into session in order to carry on the state's business. The facts are that the outgoing Governor in his last message on the first day of our convening here in this room told us that we had a six million dollars unexpended balance on his way out. I wouldn't call that a bankrupt state. I wouldn't call that a situation that was so bad that it would need the recall of the Legislature. I think the situation of the state is so good that this same Senator saw fit to take two million dollars of it and salt it away into what my good friend from Penobscot called a closet, and he took the key and threw it in the Kennebec River. If that gentleman had been worried at that time about the financial status of the state, I don't think he would have thrown the key away. He might have put the money away, but he would have kept the key where he could have found it if he needed the two million dollars.

Let's stop being jokers. Let's be real hard headed business men. Let's get down to brass tacks. Let's admit that we can not agree and let's agree to disagree and call it a day. Let's wind up our business and go back home, and I will

prophesy that the Governor of Maine who has stated three different times that no new money was needed to carry on the state business, unless we wanted to be Santa Claus. Let's take him at his word. I am willing to believe him.

I have known the Governor since I was knee-high to a grasshopper. I was raised in the same city where he was. I have known him a long time, and I think he knows financial business, because it has been his business. He has been auditor. He has been controller of this state, and I think he knows what he is talking about. I am willing to take him at his word and go home now, or very early next week and let him carry on the state's business. And if he needs money, let him call us back, and we will find it for him.

Mr. WARD of Penobscot: Mr. President, I rise to make a parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. WARD: In the event that the Senate sees fit to vote to accept the Report of the Committee, I would inquire if the Senate will again have the opportunity to vote on this measure before enactment, and if so, upon how many occasions.

The PRESIDENT: In the opinion of the Chair, if the Senate sees fit to accept the report of the Committee, the bill might very well be given its first reading at this time, either passed to be engrossed under suspension of the rules, or laid over a day for second reading, and it will then go to the other Branch for consideration. Before enactment, it would be in this Branch again for further action. I would assume that the Senator would see two more opportunities to vote on this bill if we accept the report.

Mr. BREWER of Aroostook: Mr. President, in the first place, I want to commend the Committee of Conference on bringing out this bill. I realize that there is a little difference in the Committee of Conference, in that you empower them to find some solution, and that when this solution is offered, that it must be taken in toto or not at

all. I have no objections; in fact, I am pleased with the action they took, until I get down to a new title, Bill, "An Act Imposing a Sales and Use Tax and a Personal Income Tax to Raise Additional Revenue and Equalize the Tax Burden," passed to be engrossed and passed to be enacted in both branches without amendment.

In other words, that looks like a cow giving a good pail of milk and then turning around and kicking it over. The results are about the same. I realize that sitting in on this Committee they had to give and take here and there, and that the thought would be that if this took place I would go along, and if that didn't, I wouldn't. But at the same time, this must have been passed out with tongues in cheeks when they put in, "enacted in both branches without amendment."

I hate to think that something is offered to me that I have no alternative except to do that one thing without further recourse. To my way of thinking, the last two words "without amendment" give this the kiss of death when it was once passed out. It reminds me a good deal of the story of the man wandering around through the graveyard reading the epitaphs on the tombstones, and upon one was this epitaph, "Gone but not Dead," and the guy's comment was, "Mister, he isn't fooling anybody but himself."

But I for one wouldn't want to feel that my hands were tied, although at this particular time I haven't any particular amendment that I feel I would like to put on it. But I feel at this time I don't want it passed in such a way that I can take it or else. If that is the situation, I am afraid that I wouldn't be willing to accept it. For that reason, at this time I will not vote acceptance for this Committee Report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Savage, that the report of the Conference Committee be accepted.

A division of the Senate was had.

Seventeen having voted in the affirmative and ten opposed, the motion to accept the report prevailed.

Thereupon, the bill was given its first reading, and under suspension of the rules was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table Divided Report of the Committee on Public on Bill, An Act Relating to Hairdressers and Beauty Culture (H. P. 1954) (L. D. 1327) tabled by that Senator earlier in today's session pending consideration of the Reports.

Mr. ELA of Somerset: Mr. President and members of the Senate, I will briefly outline what this report is and what the bill is.

This is Bill, "An Act Relating to Hairdressers and Beauty Culture," which comes out of Committee with two reports, both ought to pass—Report A and Report B. The Majority A Report in the bill in brief does this. It states that all members prior to their examination to become a hair dresser must go to a hair dressing school. Furthermore, the hours that they study must be increased from six months to nine months and the period and the hours to 1,500 hours.

Report B is similar to Report A, but permits the present apprenticeship system which is now in effect to still obtain. The principal difference between the two bills is in the apprenticeship system.

Report A closes the door to that practice of a girl going into a beauty shop which is in existence, serving a period as an apprentice, and then being permitted to take the examination to practice. There is one further difference between the two reports, and that is that in the Board which gives these examinations. In Report A, the Board's fees are increased from ten dollars a day to twenty-five dollars a day, and Report B, which is the minority view, the fees are increased from ten dollars a day to fifteen dollars a day. I feel that the twenty-five

dollar fee for a Board is excessive. I do not think it is necessary, and therefore did not approve it in Report B.

Because of the increased pay to the Board members, the author of the bill felt that it would be necessary to increase the fees which are now charged the beauty shops. In Report B those are not increased, because there is not need of it in the opinion of the Commission.

The principal difference is in the apprenticeship system. I feel that it would work a hardship where it is not necessary. Many girls all over the state are now permitted to serve an apprenticeship period in one of these shops. They go in there, and they learn the business. They meet customers. They take the examination, the same examination that others who attend the schools take. Probably the majority of all the operators at the present time of beauty shops never went to school. They have learned their business this way, and they are doing all right.

It saves girls the expense of going away from home. It permits those who have families to learn the business in their own town. I feel that if you support Report A, you will be doing an injustice where it is not necessary, and I feel it would be unwise legislation. To me, it looks as though it were a little selfish. The operators who run the schools were vitally interested in this bill. They packed the committee room with their girls and showed tremendous interest. It goes to their interest to get all of these scholars they can. It is a little selfish on the part of those operators who are now in to try to close the door and make it more difficult for other members to get in. No evidence which satisfied me was introduced to prove that apprentices could not learn this business well. Many other trades and professions no more intricate than this one learn their business that way. Consider if you would, the proposition of a girl perhaps living in Fort Kent or Rumford or Eastport or Houlton or

Rockland having to go away to school for the period of nine months to learn this business, whereas she could perhaps have learned it just as well, and perhaps better, and perhaps under conditions even more favorable to her welfare in her own home town.

I feel that if you support Report A that you are doing an injustice to the girls who wish to learn the profession. You are setting up a closed shop, more or less, for the operators of the schools, and I hope that Report A will not be accepted, so that we may act on Report B.

Mr. COBB of Oxford: Mr. President and Members of the Senate, I think perhaps one of the unhappiest parts of my brief legislative experience is to have to be on the opposite side from the good Senator from Somerset. I have also discovered from practical experience that it is a most unfortunate position to be placed in. I have been placed there once before in this session.

It was interesting in our Committee hearing, and then in our executive session—in our Committee hearing we had but one person who opposed this bill, and that was a hair dresser who was not a member of the Maine Hair Dressers' Association. It was also interesting in our Executive Session to find that we had no discussion from the Senator from Somerset. In fact, when it was requested to receive the wrappers, we assumed that he was in favor of the bill. So we had no warning of his present feeling. I don't suppose I am a person who ought to get up and talk on a hair-dressers' bill. One look around the Senate makes me feel that maybe others, either fortunately or unfortunately, did not come to the attention of the apprentice schools, and that their mother failed to take them to the hairdressers at all.

We have heard it said that a woman's hair is her crowning glory, or something like that. I would like to read to this body the names of the Committee who are on the Majority Ought to Pass Report as amended by Committee Amendment

A: Senator Leavitt and myself. Miss Longstaff of Crystal, Dr. Bates of Orono, Mr. Berry of South Portland, Mr. McClure of Bath, Mr. Webber of Bangor and Mrs. Fay of Portland. Now, I think the minority members were most courageous to be able to oppose two ladies who felt as definitely as those two ladies did on the Committee. I think they are taking a chance that I don't believe any member of this Senate wants to take. Imagine, Members, of going home tomorrow, or whenever we can get away, to go home and facing down our wives. I suppose this should be taken on a Yes and Nay vote and be published in the papers so that our wives could see exactly what we have said about this hairdresser business. I don't know how much confidence your wives have in your judgment on beauty parlors and hairdressers. I do know how much confidence my wife has in my judgment on anything pertaining to that particular business. Not to leave out the bachelors, of whom I understand there are a few, and if there is a bachelor in the room, I think that before in the State of Maine they can get a date, they are going to be awfully lucky fellows.

Now, this bill is one of the most important bills we have had before us this session when we can't go home and get along with the ladies. I will have to admit, in deference to my friendly opponent, that my vote was somewhat swayed by the lady members of the Committee. I had to admit more or less complete ignorance. We did have the Department of Health representative. They seemed, as far as I could tell, to approve of the bill.

The whole purpose behind this was from the Hairdressers' Association in that state who are asking to increase the standards of their work. Now, I feel sympathy for the girls in the country. I come from a country town, an area which is rural. I find the girls in my area go to Portland to Shaw's Business College. I would doubt if it will work a terrific hardship on them

if they want to become hairdressers to put in nine months, instead of a period of one, two, or three years learning a profession.

In all seriousness, I believe that from the ladies' point of view, at least, it is a serious matter when they go to a hairdresser's shop to them that they will receive competent attention. I was interested in the report of one of the people who appeared before the Committee as to just exactly what they do with these apprentices, and I can be accused of having said in our Executive Session that I thought it was a racket. The lady who gave the testimony, which I assume is very general, said that these girls come into a shop with trained operators. Their business keeps them busy, so that they haven't very much time to give them. They sweep the floor. They sterilize the instruments. They answer the telephone. They run errands. And as far as I could ascertain from the hearing, they received very little, if any, training before they could go out at some point and set up shops and take care of your wife or daughter or sweetheart or what not.

I have felt that it was a racket to make those girls go into a shop and pay for the privilege of cleaning the floors and disinfecting the dishes, and I made that comment in the hearing. I do hope that the report of the majority of the Committee, ought to pass as amended by Committee Amendment A, will receive favorable passage.

Mr. LEAVITT of Cumberland: Mr. President, I have little to add to the debate. In the first place, I did very much lean toward the side which Senator Ela has presented. Since the hearings I not only have talked on the debates inside the Committee, but we have debated it long and hard outside. I have also talked with several beauty shop operators relative to their ideas on this matter. Therefore, I signed the Report A which would do away with the apprentice system and have these girls go to schools, and which would

increase the fee which does not cost the citizens of the State of Maine anything, but is a tax which the beauty shop operators are willing to have placed upon themselves in order that their inspectors may receive more money.

I think after all of the deliberations and debate that I have heard, and I have heard a great deal more than we have heard in here today, that I shall not change my decision to go along with the Committee Report A. I hope that the Senate will accept that report and support Senator Cobb's motion.

Mr. SLOCUM of Cumberland: Mr. President, I do not have to worry about any family troubles either way that I may vote on this. I am interested because I was responsible for the first barber and cosmetologist bill that was passed through the Legislature of the State of Maine. I went to the hearing on this measure because of my interest of years' standing, and I do feel that the attempt is to raise the standards of the hairdressers.

It is interesting that if it were something to raise the standards of the legal profession, we would have a number of members of the Legislature who could talk advisedly on that matter. We have to take the word of the members of this profession, and where the very large majority feel that this is a step forward, I am sure that the Legislature will make no mistake in passing this bill in the form that the hairdressers feel is more satisfactory. I hope that the Majority Report prevails.

Mr. ELA of Somerset: Mr. President, if you accept either report, the standards, if you will notice the bill, are being raised, both under Report A and under Report B. The girl, before she can become an operator must pass one and the same examination. The reason why so many favoring the bill were at the hearing and so few opposing the bill were not is because those who were there had a financial interest in seeing that

the thing was closed up, was tightened up. The poor girl who in the future is going to learn this trade couldn't possibly be there, because she had no knowledge of it.

It was not quite fair for the Senator to say that I gave no opinion of this bill in committee. I think the statement of the Senator from Cumberland stated that it was debated as far as people wished to debate it. I stated my views clearly, and he must have either been out or not listening when that occurred. The barbers, by the way, don't all have to go to school. They learn their trade efficiently and well, and it has been mentioned that that department was in favor of this bill. One member of the Department, very high in the Department, I may say, considers this bill just the same kind of a bill as I do, and that is that it is a door-closing, selfish bill.

I really believe that it will be an injustice if you adopt Committee Amendment A.

Mr. COBB of Oxford: Mr. President and Members of the Senate, I will gladly withdraw my statement of the discussion in the committee if that is recommended here, because I have no intention of abusing my friend from Somerset.

It was interesting on a report which Dr. Bates took the trouble to get from the Health Department, and I think this had a little something to do with the apprentice system, as well as the other things I have stated.

Over a two-year period from 1946 to 1948 when they came up to the state examination, out of those who had the school training, 32 failed and 465 passed, and the percentage of failures of those who had taken the work was six.

At the same time, the apprentices, and they were the girls who had spent hours and days of rather severe labor in these shops, came up to the examination—and they had to pay for the privilege. The record showed that of the apprentices, 66 failed, and 107 passed,

with a failure percentage of 38 per cent. I think that perhaps had something to do with my expression of the feeling that it was somewhat of a racket on these girls who hoped to go into that kind of business and were denied that opportunity.

I can not feel as I look back, and neither did the two lady members of the Committee, that a grave injustice would be done to anyone by the passage of the Amendment "A". Undoubtedly the two minority members felt that it would and therefore went on record in that direction.

I certainly hope that the Senate will approve the Committee Majority Report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Cobb, that the Senate accept the Majority Report "Ought to Pass as amended by Committee Amendment 'A'."

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

A division of the Senate was had.

Twelve voted in the affirmative and eleven opposed.

Mr. BOUCHER of Androscoggin: Mr. President, if I understood you yesterday, you instructed the Senate that all Senators must vote. I notice this afternoon, some of the Senators are not voting. I have been one who has not voted in the past on certain matters because I felt I was not qualified to vote and had rather stay neutral, especially where there was a disagreement in the majority party and where the minority party was not interested. I noticed this afternoon that at least two votes were taken where all the Senators did not vote, and I think the rules should apply to everyone.

The PRESIDENT: The Chair will state that the point is well taken. Does the Senator request another vote?

Mr. BOUCHER: Not necessarily, Mr. President.

Mr. ELA of Somerset: I request another vote, Mr. President.

A second division of the Senate was had.

Mr. HASKELL of Penobscot: Mr. President, noting the presence of at least another Senator, may I request that a third vote be taken?

Mr. ELA: Mr. President, in view of the fact that some members have entered the room recently, I think it only fair to restate both questions.

The PRESIDENT: The Chair will do so. The point of privilege has been raised that the Chair should instruct the Senators that under the Senate rules, all members of the Senate must vote unless excused by the Senate.

The Senator from Penobscot, Senator Haskell, has requested another vote. The question before the Senate is on the motion of the Senator from Oxford, Senator Cobb, that the majority report of the Committee be accepted.

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

The PRESIDENT: The Senator may state his point.

Mr. BARNES: Mr. President, as I understand it, a vote was taken and registered and it seems to me that vote should be declared and if the matter should be further considered, it should be on a motion to reconsider.

The PRESIDENT: The Chair will rule that as the vote had not been declared by the Chair, any Senator has the privilege, on a point of personal privilege, of requesting another vote or of requesting the Yeas and Nays.

Mr. ELA: Mr. President, may I ask a question of the Chair: In view of the fact that some members are now in the chamber who were not in the chamber during the debate, may they be informed by the Chair that there is a Minority Report "Ought to Pass" report available to them to vote on later if this should not pass?

Mr. LEAVITT of Cumberland: Mr. President, considering that there are several people in the Chamber at the present time who haven't the slightest idea what this is all about, and who are being

asked to vote, I think it might be a good idea for us to re-open the debate or at least restate the case very briefly.

The PRESIDENT: The Secretary will read the reports of the two committees.

The Secretary read the reports.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Cobb, that the Senate accept the Majority Report of the committee "Ought to Pass as amended by Committee Amendment A". Is the Senate ready for the question.

A division of the Senate was had.

Thirteen having voted in the affirmative and twelve opposed, the motion to accept the majority report prevailed.

Thereupon, the bill was given its first reading, Committee Amendment A was read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. McKusick of Piscataquis, the Senate voted to take from the table Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons (S. P. 683) (L. D. 1582) tabled by that Senator earlier in today's session pending assignment for second reading; and the same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to S. P. 683, L. D. 1582, 'Resolve, Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons.'

"Amend said Resolve by adding at the end of the 1st paragraph after the Emergency Preamble the following: "There is hereby appropriated from the general fund of the state to carry out the purposes of this resolve, the following:

| | |
|---------------------|----------|
| Fiscal year 1948-49 | \$ 6,000 |
| Fiscal year 1949-50 | 35,000 |
| Fiscal year 1950-51 | 35,000" |

Which amendment was adopted and under suspension of the rules,

was given its second reading and passed to be engrossed as amended.

Sent down for concurrence.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Aeronautics on Bill, An Act Relating to the Aeronautical Bill (S. P. 414) (L. D. 772) tabled by that Senator on March 22 pending consideration of the report; and that Senator moved to substitute the bill for the report of the committee.

Mr. WILLIAMS of Penobscot: Mr. President, I move that this bill be laid upon the table.

A via voce vote being had, the motion to table did not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the bill be substituted for the "Ought Not to Pass" report of the Committee.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I think there is no need for me to debate on this measure but it is my duty as chairman of the committee to defend the action of the committee. We have given this bill careful consideration. It is a very simple measure and very easy to understand. I think there is no technical point as issue. Anyone taking the time to open a book and read it would form an opinion immediately. The report of the committee was ought not to pass and I hope the action of the committee will be sustained.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, these two items, 13 and 14, which I propose to take off this afternoon are certainly in the interest of the people of our state and I am delighted to debate it at any time and at any length that the Senate feels necessary.

I move the substitution of the bill for the unfavorable report of the committee and if the committee feel they wish to defend their report I will be glad to have them do so.

This bill provides for a bond issue to develop airports in this state. The bill was introduced by me at the request of the Chamber of Commerce and of leading persons throughout the State of Maine. I think perhaps the simplest and quickest way to explain this bill would be to say that we are trying to develop in Maine a transportation system in line with the demands of the present-day America. Our country was built and has prospered on the building of our present transportation system. Back in the old horse and buggy days you will find that the canal system was built throughout the country. After the canals were built and were becoming obsolete there began to be developed what was called "the iron horse," the railroad systems, and if it hadn't been for the government giving grants to the railroads, and if it hadn't been for the various states setting up bond issues to develop our highways later on, our country would not have developed into the world power that it is today.

We need to develop our airports. The further development of our state economically and financially depends to a large extent on our facilities for air transportation. And yet we seem to think we are too poor to set up a bond issue in an amount not to exceed a million dollars. The federal government has provided matching funds which we can't possibly meet and make use of unless we do pass these two measures. And I say to you that in a state like this we are not going to be able to develop our airport system unless we have the cash to do it, and just as the canals and horse-and-buggy and railroads and highway system have developed this country and provided our people with a livelihood and a free flow of commerce, so in this case in our state it is necessary to have a transportation system which is able to put our state in a competing position with other states.

One of the good examples of what air transportation is already doing for our state is found in the coastal

areas such as Rockland and others which are now shipping lobsters and shell fish by that method across the country. I had dinner one day in the Palmer House in Chicago and on the menu was State of Maine lobsters. You don't carry lobsters from Maine to Chicago by rail. They have to be transported in a hurry. They go by air. And so I say to you that the development of our airports in our state is important because developing our airports will mean development of Maine business all over the country. At present this is being retarded because our key airports are not large enough to handle the large type of aircraft now being used.

This money would be used for the development and maintainance of our airports. Back in the olden days if we had been opposed to progress and said, "Where are we going to get the money to develop our highway" and if we had refused to issue bonds for the development of our highways and bridges, we would still have been using the horse and buggy transportation system and getting across our rivers in canoes. We have got to have a little foresight. We can't afford to think of the almighty dollar every time we turn around. We have got to have a little faith in the future of our state. This measure is endorsed by the state chamber of commerce and approved by other interested people in our state and it can be financed by existing revenue. Mr. President, I certainly hope that the bill is substituted for the ought not to pass report of the committee.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I was much interested in the remarks of Senator Allen relative to his history of transportation in the country and in Maine. Most of the things he said I can agree with him on but I sure most of you know the condition of aviation and transportation facilities in Maine and you also know the picture of the state of Maine in regard to airports.

It has been some time since I have made a study of the airports in the country but the last time I made a survey of aviation facilities in New England it was obvious that the state of Maine had more and better airports than almost any state in the east, this having been because of the war. We have ample port facilities. It is true that airplanes are larger and it is true that some of the ports used by the one transport line serving Maine need longer runways but by and large the airports spread over Maine are used largely by fliers training under the federal program, which I think pretty generally has been discontinued, and by private instructors, and there are quite a number of those ports available.

I can't understand the Chamber of Commerce suggesting that the State of Maine bond itself to the extent of a million dollars for this. There is much better use that can be made of the money, if we didn't need it for other purposes than to expand airport facilities. We certainly want to keep our flying facilities in Maine adequate to the traffic they serve and we want to be progressive, but personally, I don't think there is need to raise a million dollars by bond at this time for any such purpose as this.

Of course, the reference made by the Senator in regard to the development of the country by railroads is true but is not applicable to the present question and to compare the need for airports with the need for bridge and highway facilities in Maine is a comparison which to my way of thinking has no party in it.

I think I have said enough on this matter and I think the judgment of the committee was correct in suggesting that the Commission look to the Appropriations Committee for any amount of money they need and are willing to grant to meet the conditions from time to time without resorting to a bond issue.

Mr. SLOCUM of Cumberland: Mr. President, I rise to defend my position on the Aeronautics Committee.

I went along with the other members of the committee on the ought not to pass report despite the fact that I am very much in sympathy with the legislation sought by Senator Allen. I did that because I believe there will be before the people, a referendum on this bond issue for bridges and other purposes to a large amount at the next referendum and I fear that if we had these other bond issues authorized by this legislature and if we also authorize this one at this time, that it would be lost because the people would say that we could not afford to put the state in debt for such an amount at this time.

I am really very much in favor of what is being attempted by this legislation but if it were killed in referendum this fall, I fear it would be that much more difficult in the next legislature to pass such legislation. I voted "Ought Not to Pass" for that reason.

Mr. BARNES of Aroostook: Mr. President, I shall have to support the motion of the Senator from Cumberland, Senator Allen. If you don't use the airports and the airlines, you don't realize the problem. It takes me about five and a half to seven hours to get from Augusta to Houlton by train or by car. It takes an hour and a half to get down here by airplane. Now there are only, so far as I know, three first grade airports in the State of Maine. The only reason there are those three is because we happened to have a war and they were used for military purposes. One is in Presque Isle, one is in Houlton, and one is in Bangor. Right now they are putting on new Convair planes on that route and the only three airports on which those planes could land in all kinds of weather conditions, are Presque Isle, Houlton, and Dow Field in Bangor.

Dow Field is closed at the moment because it is an army base and they don't allow it to be used. The airport in this city, the airport in the city of the Senator from Androscoggin, the airport in the city of the Senators from Cumberland, and the airport in the city of

the Senator from Kennebec, can't be used by these Convair planes. They will fly right on over those cities and go down to Boston because it is the only place they can land now.

Along the first of January, I had in my office in Houlton, about ten people from my county who were interested in flying. And of course I suppose the interest in flying is greater in that county because it is so far away from the large centers, such as Augusta and Portland and Boston. But we have had an airport dumped on our hands in Houlton when the army moved out, and it is going to be a great expense to the town to maintain it. The runways have to be kept up just as any road has to be kept up. I noticed the other day when I landed at the airport in Lewiston that there was need for work on that airport. There were holes in the runway and I could easily conceive that some of those would be unsafe unless they are taken care of before long.

Now, any encouragement the State of Maine can give to obtain federal funds for the purpose of improving our airports throughout the state, to my mind would be a very good thing for the State of Maine. We have a forty million dollar highway and bridge bond issue before this legislature, and the highway department is going to make that fifty million. If we can afford to spend that amount of money on highways and the state can afford to back it, I am certain in my own mind that they can afford to raise a million dollars for assistance to the airports of this state. People from outside the state come in here on business and they need to go fast and they use our airlines and when we have to go outside of Maine we use them and we even use them inside the State of Maine and we often save a half day by using a plane.

I don't believe that without some assistance from the federal level that airports can be developed or maintained. I can't understand the report of the committee. Perhaps

Senator Allen and myself are thinking too far in the future but we use the airlines as a lot of the rest of you do and we realize it is the coming mode of transportation that is going to be used more and more as the years go on. I think we should give the same encouragement to it that the nation and the state gave to rail transportation and the highway systems when they were coming along.

So I am very hopeful that the motion of the Senator from Cumberland will prevail.

Mr. SLEEPER of Knox: Mr. President I feel compelled to rise and help the Senator from Cumberland, Senator Allen in his endeavor to further the development of airports. I am not too air-minded although I am beginning to be. I have taken several trips during the past year and saved a lot of time, but I am bringing it up from the point of view he mentioned. It is getting to be quite important to our section. As I have said before, two of the greatest potential sources of wealth in the future and the economic life of the citizens of Maine are the sea products which will never be exhausted and our summer business.

The absolute limit on the shipping of lobsters by rail or truck is to Cleveland, Ohio, and Cincinnati. Some are able to get as far as Chicago but from there on it is impossible to ship them and have them arrive alive, and of course if a lobster isn't alive on arrival it loses its taste and in a short time isn't fit to eat. With the development of air transportation, we are now shipping lobsters as far as California, and in Texas there is a big potential market. The same applies to soft shell clams which are found only in New England. The absolute limit of our clam market ports without air transportation are New York and Western Ohio, but with air transportation, they can be shipped all over the United States.

The same argument applies to summer visitors. Many men wish

to spend week-ends with their families and if we expanded our airports so that men from New York or Washington or Chicago could fly up week-ends I think they would have their families staying here instead of down on the Cape or other places outside of Maine. I am very sure that every dollar we spent on our airports and for the expansion of our air facilities would be a great benefit to Maine and I certainly hope Senator Allen's motion prevails.

Mr. HASKELL of Penobscot: Mr. President, I had rather expected that this would be a debate between Senator Allen and I. Naturally I find it difficult to oppose the enthusiasm of Senator Allen, or the wisdom of Senator Barnes or the eloquence of Senator Sleeper, but I still do not like debt. The Senator from Cumberland stated that the income will be sufficient to pay for these services. I will take a figure at random from the budget on page 42 and that indicates revenue of \$43,400 in the 1950-51 year and suggests expenditures of \$47,734. As the Senate realizes, the income to the Maine Aeronautics Commission is that income that results from a four cent tax on aeronautical gas. The industries, when the gas tax was raised from four to six cents, convinced the Committee on Taxation and later on convinced both branches of the Legislature, that they couldn't afford to pay a tax greater than four cents and therefore they were relieved of that added two cents. They said industry couldn't contribute that two cents even though substantially all of that goes into the Aeronautic fund.

Now you have heard recited in this Senate, the facts that the entire debt in the State of Maine which was two million dollars in 1918 reached thirty million dollars in 1933 and at the end of this biennium will be back down to nine million. Many of you in the Senate were active proponents of highway measures which sought to produce revenue sufficient to support

a highway program, and much as there is to be said for the expansion of our airport facilities, think the Senate should be extremely hesitant in financing that expansion from debt until at least, income facilities have been proven sufficient to take care of at least debt services and I remain unconvinced that revenues are sufficient to take care of the debt service on million dollar bond issues just as I am convinced that revenues are non-existent for many other things we would like to do.

This is one of those very desirable things that we ought to be doing but until we have the revenue with which to do them or the revenue with which to support the debt service, it seems to me we should be very reluctant in creating new debts today that we will have to pay for fifteen or twenty or thirty years from now.

Mr. ALLEN of Cumberland: Mr. President, I think at the present moment, I have L. D. 772 off the table but as you are well aware, Items 13 and 14 are companion measures still waiting enactment and the million dollar bond issue says that the State under authority of the Legislature may issue bonds not to exceed the amount of a million dollars. If the Legislature in its wisdom, feels that it had rather amend this measure to reduce that amount of a million to \$650,000 or \$700,000 I still think we could take care of available federal funds to help us in this program.

I think we are very much in the same state as a young man starting out in business who has a chance of buying a house for five or six thousand dollars or renting a house right beside that place for fifty or seventy-five dollars. After working twenty or thirty years, in the end he will be much better off financially by having the house than merely a lot of rent receipts. He doesn't know but what he might be taken ill or what might happen in the future. The Senator from Penobscot has no idea what the condition of the State may be

twenty years from now but he expects we will be doing business and so he must have a little confidence in the future of the State, just as the young man would if he bought he house. In the end he would be better off, and in the end, wouldn't the State of Maine be better off if it invested in such an enterprise?

What I am trying to get at is that if we have no faith in the future and are looking just at the dollar sign, we can fail. But I say we must look a little in advance and cannot pin everything on the budget book, and I certainly hope the Legislature will have faith in Maine's future and will give the people an opportunity to vote.

I repeat the statement I made before that if you had refused the bond issue for the highway department for the last twenty-five or thirty years you would be driving to Augusta on dirt roads and not on cement three or four lane highways.

Mr. ELA of Somerset: Mr. President, I recall one more statement which was presented when the gas tax increase was proposed and that was by members of the Aviation industry and I believe the Aeronautics Commission, that they were getting all the money they need under the four cent tax and the reason they didn't want the additional two cents was because they had no way to spend it.

Now, if they have faith enough in their airport construction they shouldn't debate a similar gas tax which the highway program needs.

Mr. HOPKINS of Kennebec: Mr. President, it is pleasing to me and I assume it is to you, to have debate on this matter carried to the extent which it has been carried and we certainly ought to try to nail this thing down.

I use the airlines occasionally the same as the rest of you, but I usually want to make a fairly long flight. He and you all know most of the transports fly over the airport in my town and he also knows that when the three hundred mile an hour Convair planes come into use in Maine that they will be used for

long flights and when those planes begin to operate in Maine, they aren't going to stop in Waterville, Augusta, Lewiston, Portland, Bangor, Houlton and Millinocket. If they do, they won't get very much service. He seems to think they will but I don't believe they will. They may in his town but not in mine.

The State of Maine is pretty well supplied with airports that would serve beautifully for pick-up service to large airports which will serve for long hauls out of the state and some time we are going to have that pick-up service.

I might mention that Rockland, Brunswick, Waterville, Presque Isle, Houlton, and other places all have the airports that would serve such service but we are not going to get frequent and long haul service in and out of Maine although we hope some time we will have a pick-up service which will come into the centers so one can get on the line once or twice a day for the long haul outside.

Personally I don't think the State of Maine is in a position to raise funds by issuing bonds to build one or two airports for this long haul service. We have plenty of large airports that could be diverted into that service, one of the largest in the state is Sanford. I don't think it is in much use at the present time. Brunswick, of course, is a very large port and you have the Aroostook County port, but Augusta and Waterville ports aren't adequate for larger types of transports. It is only a matter of time before you are going to have long haul service in the state and you will have to have some new ones, but I don't think the airports have developed yet so that we know just where we are going. Personally I think the decision of the committee on this matter is the correct one. We have plenty of ports in Maine now to serve the type of planes serving Maine now, but I don't think the great big ones are going to make the circuits around these airports which I have mentioned to you.

I hope Senator Allen's motion fails.

Mr. BARNES: Mr. President, I hesitate to speak again on this measure but there are two statements I want to answer. In the first place, relative to a question by Senator Ela, the money that is received from the gas tax goes part way on snow removal on airports and it doesn't stretch to any extent to the maintenance or construction of them. When my good friend, the Senator from Penobscot does speak in his patient way about debt, I am reminded of former speeches by the same gentleman on other occasions. When we got to the point where the state debt was up to thirty-three million dollars and has now sunk to a point around nine million, I knew he was having a dress rehearsal for a bigger bond issue that is coming later. I say to you that even if the big bond issue for which he is having his dress rehearsal to trim it up in good shape, even then we ought to listen because this is a very much smaller amount but very vital to the State of Maine.

As far as the remarks of the Senator from Kennebec are concerned, I assure him that those Convairs will land in Houlton and Presque Isle. And why? Because they are good big airports there. We are fortunate that the federal government came in and built them for us because they needed them during the war. But I want to assure you all that the time is coming when you are all going to need big airports, and believe you me, they cost money. If the State of Maine can help by this comparatively small million dollar bond issue and take advantage of an equal amount from the federal government to help construct and maintain airports in Maine, it will be a very good thing for Maine and a step forward.

I hope the motion prevails.

Mr. LEAVITT of Cumberland: Mr. President, I am one of these people that, too, use the airways. I also have spent quite a lot of time studying this type of thing. It is an infant industry. Its great-

est product is speed, the ability for people to get into the State of Maine fast and for the people of the State of Maine to get away fast and do business in far away places. By including us on their schedules, we are able, ourselves, to go to points far distant and still be able to conduct our own businesses here.

It is not an industry which I believe can ever support its own airports. I don't believe it is possible for the air industry to pay for all of the airports that are necessary to be built to give us the coverage here in Maine that we need. And yet the unprofitable dividends, the dividends which come to the State of Maine from the very fact that we have these fields is worth a great deal to us.

In the early days when the railroad first came, when they built their docks, when they built their stations, when they built the elevators, they knew they would never pay for themselves. But they had to be built in order that Maine could have the services which we at that time had foresight enough to see were needed. We had enough spirit of pioneering so that we wanted to bring those services to Maine so that Maine would not be in the backwash of the country.

Now, we have the air age, and we shouldn't try to stay in the backwash now. If it weren't for the fact of the late war, and the Army building some of these great fields for us, Maine would be way in the ruck.

Fortunately, we did build some of these fields, but we have other fields that we need to build and other fields that we need to enlarge. I think that the State of Maine should be foresighted enough and progressive enough to allow us to have the authority to issue bonds up to one million dollars to match these federal funds in order that we can go forward.

Mr. ALLEN of Cumberland: I would add just one word. I had no intention of speaking three times on this. I do appreciate the support that has come from the Sena-

tors from Aroostook and Knox and other Senators who have showed by the fact that they got up and testified this afternoon that the value of air transportation is continually growing and that their life and business is being built around air transportation, and as they move around the country they are depending more and more on air travel. The very fact that they are testifying here is evidence of that. I would like before I ask for a division, which I will do at this time, to answer just one question which was raised by the Senator from Cumberland, Senator Slocum, who says that he is in favor of this measure, but he was afraid of the effect it would have at the polls. If I can change his vote, of course I am always ready to change a vote. I feel that the people in the State of Maine are very much interested in air transportation, and I feel that a bond issue on air transportation has as good or even better chance of passage at the polls than any other type of bond issue that may or may not go before the public. Mr. President, I ask for a division.

Mr. WILLIAMS of Penobscot: I rise merely to state one fact which has been overlooked or intentionally disregarded, and that is you have already accepted an ought to pass report of the Committee on Appropriations for three hundred thousand dollars a year for some what the same service that is being debated here this afternoon.

Probably no bill has been given more consideration by the Appropriations Committee than that particular bill, because it was reported out to you unfavorably, re-committed and then reported out favorably. In the meantime, many of the enthusiasts of aviation came before us privately, publicly and every other way to tell us what they wanted. At the first hearing, they came before us and told us if we didn't produce this money, that we would lose Northeast Airlines in the State of Maine which is always a good argument, but I

don't think the Committee was too impressed or too easily frightened.

A few nights ago I was contacted by some of the little fellows in the State of Maine, and they said, what we want are the feeder lines. That is really what the money was for, I won't go into everything that came along. But finally former Governor Gardiner came up to see us, and I thought he really brought some common sense with him. I asked what he thought about this idea of the Northeast Airlines moving out, and he said he wouldn't be too worried. He said that there was a contract to carry air mail in the State of Maine, and if you drop a letter with an air mail stamp on it in the mail box, someone is going to have a contract to carry such mail. If Northeast Airline planes get so large they can't land in the State of Maine, I wouldn't worry about that. He was interested in aviation for the state as a member of the Aeronautics Commission. He was interested in seeing these feeder lines and some money being appropriated so that these could be developed. It could be done with this three hundred thousand here which we appropriated. That is not a small sum, and before it is used, it will have to be matched by the municipalities in which the airports are located. Then the Federal Government will match that which would be a matter of \$1,200,000 for the year or \$2,400,000 for the biennium which we are already providing. This money we are providing out of unappropriated surplus.

It almost appeared to me that maybe the opponents of this bill had lost sight of the fact that we were already in this session doing a real job for aviation. For that reason, I hope that the motion of the Senator from Cumberland, Senator Allen, does not prevail.

Mr. BARNES of Aroostook: Might I ask through the Chair from the Senator from Penobscot, Senator Williams, the question of

whether or not that \$300,000.00 was tied into the tax bill that is now in the other branch.

The PRESIDENT: The Senator hears the question and may reply if he sees fit.

Mr. WILLIAMS: Mr. President, I would be pleased to reply. That was out of unappropriated surplus, and I believe that report has been accepted by both branches of the Legislature at the present time. I wouldn't be too sure of that. I haven't checked it to see where it is tied. It has been in some time. I think somebody on the Appropriations Committee has it on the table pending final enactment. The money is available.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the Senate substitute the bill for the ought not to pass report of the committee, and that Senator has requested a division.

Mr. BOWKER: Mr. President, I just want to bring out the point that the construction bill that Senator Williams spoke of is out of unappropriated surplus as the Senator said, but the amount is for \$150,000 each year and not \$300,000 each year.

Mr. WILLIAMS: I wish to thank the Senator for calling it to my attention. I was in error on that and I am glad to be corrected.

The PRESIDENT: Is the Senate ready for the question?

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

Thereupon, on motion by Mr. Hopkins of Kennebec, the "Ought Not to Pass" report of the committee was accepted, in concurrence.

On motion by Mr. Bowker of Cumberland the Senate voted to take from the table bill, An Act Relating to Lamoine Naval Coaling Station (S. P. 499) (L. D. 1000) tabled by that Senator on March 30th pending passage to be enacted.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I would like to explain why I had this bill put on the table. I had it tabled at the request of the Governor until such time as another bill was passed to be enacted by the Senate that provided the money that would take care of this bill. That bill passed this morning so I move that this bill be passed to be enacted.

Thereupon the bill was passed to be enacted.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at nine o'clock, eastern standard time.