

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, May 3, 1949

The Senate was called to order by the President.

Prayer by the Reverend Alfred J. N. Henriksen of Augusta.

Journal of yesterday read and approved.

From the House

Bill "An Act Relating to the Salary of the Commissioner of Labor and Industry." (H. P. 600) (L. D. 183)

(In Senate, on April 14th passed to be engrossed in concurrence.)

Comes from the House, the bill having been indefinitely postponed.

In the Senate, on motion by Mr. Collins of Arcostook, the Senate voted to insist on its former action whereby the bill was passed to be engrossed, and ask for a Committee of Conference.

Sent down for concurrence.

Bill "An Act Relating to the Destruction of Old Records." (H. P. 356) (L. D. 119)

(In Senate, on March 3rd passed to be engrossed in concurrence.)

Comes from the House, the bill having been indefinitely postponed.

In the Senate, on motion by Mr. Ela of Somerset, the Senate voted to recede and concur with the House in the indefinite postponement of the bill.

"Resolve Changing the Opening Date for Fishing in Streams in Cumberland and York Counties." (H. P. 2017) (L. D. 1404)

(In Senate, on April 26th bill was indefinitely postponed, in non-concurrence.)

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

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

The President appointed as members of such committee on the part of the Senate, Senators Knights of York, Slocum of Cumberland and Goodwin of York.

House Committee Reports

The Committee on Pensions on "Resolve Providing for State Pension for Elmira A. Brown, of Lewiston," (H. P. 939) reported that the same ought not to pass.

Comes from the House, the resolve substituted for the report, and subsequently the same was indefinitely postponed.

In the Senate, on motion by Mr. McKusick of Piscataquis, the "Ought Not to Pass" report of the Committee was accepted.

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Portland Junior College," (H. P. 1766) (L. D. 1108) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of Brunswick Hospital," (H. P. 1377) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Dr. A. L. Gould of Freeport," (H. P. 1376) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Exempting Persons Sixty-Two Years of Age from Poll-Tax," (H. P. 373) (L. D. 133) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Inheritance Taxes," (H. P. 1974) (L. D. 1356) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Education on Bill "An Act Relating to Reimbursement to Towns for Special Teaching Positions," (H. P. 1950) (L. D. 1323) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Unclassified Importer of Cigarettes and Tobacco Products," (H. P. 577) (L. D.

175) reported that the same ought to pass.

(On motion by Mr. Slocum of Cumberland, tabled pending consideration of the report.)

The Committee on Public Utilities on Bill "An Act Relating to Automatic Signals at Railroad Crossings," (H. P. 1796) (L. D. 1133) reported that the same ought to pass.

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

The Committee on Pensions on "Resolve Granting a Pension to Erna G. Adams, of Bridgton," (H. P. 366) reported the same in a new draft (H. P. 2095) (L. D. 1580) under the same title, and that it ought to pass.

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

The Committee on Agriculture on Bill "An Act Relating to Bounty on Porcupines," (H. P. 352) (L. D. 148) reported that the same ought to pass as amended by Committee Amendment "A".

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this is the first of the moves which I had hoped I would not have to make. I must point out to the Senate that so far as I know, this is a bill which is not set up in the general fund budget. It is a bill that provides for a bounty on porcupines to be paid by the towns, the towns to be reimbursed by the Treasurer of State, and that of course means it will come from the general fund. I don't mean to indicate that this ought to be in any respect a test as to whether or not we are going to break over and beyond that general fund budget but there are some bills that we ought to put to a motion and determine whether or not that is the action we want to follow.

I realize this is very small. It is estimated to be five thousand dollars the first year and seven thousand the second year, but all of these small items when added up with the larger items can do just the thing that our committee on Appropriations did not want to do when they brought out the general fund budget which was within our revenue and therefore, if it is in order, Mr. President, I shall make a motion to indefinitely postpone my own bill.

Mr. ELA of Somerset: Mr. President, I will make one or two corrections. It has been recently found out that the bill will cost at least twenty thousand dollars a year, and inasmuch as there is only seven thousand in the bill, the towns will be left holding the bag. Furthermore there is no provision or time for anybody to administer the bill and so I will go along with the Senator's motion.

Thereupon, on motion by Mr. Greeley of Waldo, the bill and accompanying papers were laid upon the table pending motion by the Senator from Penobscot, Senator Haskell, that the bill be indefinitely postponed in non-concurrence.

The Majority of the Committee on Military Affairs on Bill "An Act Appropriating Money to Transport War Trophies into the State," (H. P. 1927) (L. D. 1287) reported that the same ought not to pass.

(signed)

Senators:

BATCHELDER of York
SAVAGE of Somerset

Representatives:

JENNINGS of Strong
FARLEY of Biddeford
PAINE of Portland
DUFRESNE of Bar Harbor
HAYES of Dover-Foxcroft
PAYSON of Union
EASTMAN of South Paris

The Minority of the same Committee on the same subject matter

reported that the same ought to pass.

(signed)

Senator:

SLOCUM of Cumberland

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

In the Senate:

Mr. BATCHELDER of York: Mr. President, I move the acceptance of the Majority "Ought Not to Pass" report.

Thereupon, on motion by Mr. Slocum of Cumberland, the bill and accompanying papers were laid upon the table pending the motion by the Senator from York, Senator Batchelder to accept the Majority Report, and especially assigned for later in today's session.

The Majority of the Committee on Agriculture on Bill "An Act Relating to Dog Licenses," (H. P. 1268) (L. D. 669) reported that the same ought not to pass.

(signed)

Senators:

DENNY of Lincoln

Representatives:

MILLETT of Palmyra
 BOOTHBY of Livermore
 LUDWIG of Hope
 CAMPBELL of Garland
 JOHNSTON of Jefferson
 DORSEY of Fort Fairfield

The Minority of the same Committee on the same subject matter reported the same in a new draft (H. P. 2108) under the same title, and that it ought to pass.

(signed)

Senators:

GREELEY of Waldo
 BREWER of Aroostook

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

In the Senate, on motion by Mr. Denny of Lincoln, the Majority Report "Ought Not to Pass" was read and accepted in concurrence.

Senate Committee Reports

Mr. Savage from the Committee on Appropriations and Financial

Affairs on Bill "An Act Relating to New England Development Authority," (S. P. 639) (L. D. 1410) reported that the same ought not to pass as it is inexpedient at this time.

(On motion by Mr. Brown of Washington, tabled pending consideration of the report.)

Mr. Edwards from the Committee on Legal Affairs to which was re-committed Bill "An Act to Create the Phippsburg School District," (S. P. 310) (L. D. 503) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Denny from the Committee on Agriculture on Bill "An Act Repealing Portions of the Bangs Disease Law, (S. P. 618) (L. D. 1335) reported the same in a new draft (S. P. 693) under a new title, Bill "An Act to Control and Eradicate Bang's Disease," 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 for printing under joint rules.

Report "A" from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Shipping of Clams, Quahogs and Mussels," (S. P. 410) (L. D. 747) reported that the same ought to pass.

(Signed)

Senators:

SLEEPER of Knox
 LARRABEE of Sagadahoc

Representatives:

AMES of Vinalhaven
 PHILLIPS of Southwest Harbor
 PRINCE of Harpswell

Report "B" from the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Senator:

BROWN of Washington

Representatives:

HANSON of Machiasport
 BUCKNAM of Whiting

STEVENS of Boothbay
LITTLEFIELD of Kennebunk

On motion by Mr. Sleeper of Knox, the bill and accompanying papers were laid upon the table pending consideration of the reports.

Passed to be Engrossed

Bill "An Act Relating to Towns Regulating the Taking of Shellfish." (H. P. 1801) (L. D. 1143)

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

Bill "An Act to Incorporate the Town of Lubec School District." (H. P. 1050) (L. D. 466)

Bill "An Act to Incorporate the Topsham School District." (H. P. 1809) (L. D. 686)

Bill "An Act Forbidding Employers to Charge a Fee for a Medical Examination as a Condition of Employment." (H. P. 1306) (L. D. 633)

Bill "An Act Relating to Training and Field Trials for Beagles and Other Rabbit Hounds." (H. P. 2094) (L. D. 1579)

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

Bill "An Act Authorizing the City of Presque Isle to Provide for the Collection and Disposal of Garbage, Refuse and Rubbish and to Assess a Charge Therefor." (S. P. 461) (L. D. 913)

"Resolve Directing Commissioner of Sea and Shore Fisheries to Make Study of Herring and Means of Avoiding Their Depletion." (S. P. 687) (L. D. 1592)

"Resolve Providing for a Continuous Survey of Closed Clam Areas and Mussel Control Program." (S. P. 689) (L. D. 1593)

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

Sent down for concurrence.

Bill "An Act to Clarify and Simplify the Sea and Shore Fisheries Law." (S. P. 688) (L. D. 1594)

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

Sent down for concurrence.

Enactors

Mr. SAVAGE of Somerset: Mr. President, I am going to move that Items 30 to 36 inclusive all be laid upon the table for a very few days until the members of the Senate get a chance to look over these resolves and find out what ones they want to finally pass. Some of the resolves came in early in the session and some trailed along behind and I think that the Senators should have the whole picture before them, before they decide what is the proper thing to do.

Thereupon, on motion by Mr. Savage of Somerset, the following Resolves were laid upon the table pending final passage:

"Resolve, in Favor of Caswell Plantation." (H. P. 541) (L. D. 1517)

"Resolve, Providing for Certain Repairs and Construction at the Bangor State Hospital." (H. P. 630) (L. D. 1443)

"Resolve, in Favor of State Military Defense Commission." (H. P. 812) (L. D. 309)

"Resolve for the Development and Improvement of Baxter State Park." (H. P. 840) (L. D. 322)

"Resolve, in Favor of the University of Maine for Buildings." (H. P. 1027) (L. D. 459)

"Resolve, in Favor of Edward D. McKeon of Kennebunk." (H. P. 1463) (L. D. 1516)

"Resolve to Create an Educational Surplus Property Pool." (H. P. 1953) (L. D. 1326)

Bill "An Act Relating to Old Age Assistance and Aid to the Blind." (S. P. 125) (L. D. 146)

Which bill was passed to be enacted, and resolves finally passed.

Orders of the Day

The President laid before the Senate, divided report from the Committee on Military Affairs on bill, An Act Appropriating Money

to Transport War Trophies into the State (H. P. 1927) (L. D. 1287), majority report "Ought Not to Pass", minority report "Ought to Pass", tabled by that Senator earlier in today's session pending motion by the Senator from York, Senator Batchelder, that the majority report be accepted in concurrence, and especially assigned for later in today's session.

Mr. SLOCUM of Cumberland: Mr. President, this resolve is intended to transport from the War Surplus Administration certain trophies to Augusta so that the various veterans' patriotic organizations may obtain them to replace war trophies that they had and that they gave up during the war in scrap drives.

There has been a considerable number of requests from the various veterans' posts and organizations for trophies to replace those that they gave up. The Governor's office has received such a large number of these requests that it seemed only fair and right, where these had been trophies that the organizations had had and had given up for patriotic reasons during the scrap drives to help the war effort, that these should be replaced.

This bill was heard before the committee and it is one of those things that is not absolutely necessary but it seemed as if it might be an appropriate gesture to these various patriotic organizations to show them that we do appreciate what they did during the war, and I signed the "ought to pass" report, being the sole member to sign that report.

I feel that if this should pass it is one thing that could be taken from the surplus funds of the state and then if and when there is a surplus we would be able to show these various veteran's organizations that we do appreciate their patriotic service rendered during the war. If the motion to accept the majority "ought not to pass" report is not accepted by the Senate in concurrence with the House I

would offer an amendment that this be paid out of surplus funds if and when they are available.

Mr. BATCHELDER of York: Mr. President, this bill calls for an appropriation of \$10,000 for the purpose of transporting these trophies into the state to be distributed amongst the various posts. It was the feeling of the committee that any posts interested in these particular items should undertake to pay the expense of having these items transported rather than to make it necessary for the state to contribute this amount of money. During the first world war various veterans' posts did this same thing and in many cases the cities and towns helped to provide the funds for them and in this particular instance we feel that the same procedure could be followed and that if we pass this bill for this purpose, and that the money could be better used for the aid of veterans and their families. Therefore, Mr. President, I trust that the majority report "ought not to pass" will be accepted, and I so move.

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 of the committee "Ought not to pass." Is the Senate ready for the question?

A viva voce vote being had

The majority report of the committee was accepted in concurrence.

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table House Report from the Committee on Legal Affairs on bill, An Act Amending the Charter of the City of Lewiston (H. P. 838) (L. D. 321), reporting "Ought to Pass in New Draft, Under the Same Title" (H. P. 2608) (L. D. 1504), tabled by that Senator on May 2nd pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President, I am about to move the first reading of this bill in order

to offer Senate Amendment A. I now move acceptance of the committee report and that the bill have its first reading.

Thereupon the report of the committee was accepted and the bill was given its first reading; House Amendment A was read and adopted in concurrence, and the same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to H. P. 2068, L. D. 1504, Bill, 'An Act Amending the Charter of the City of Lewiston.'

"Amend said Bill by striking out in the 2nd line of that part designated 'Sec. 21' the underlined figure '12' and inserting in place thereof the underlined figure '8'.

"Further amend said Bill by striking out in the 3rd line of that part designated 'Sec. 21' the underlined words and figure 'the 5 members' and inserting in place thereof the underlined words 'a member'.

Senate Amendment A was adopted, and on further motion by the same Senator the rules were suspended and the bill was given its second reading.

Mr. SLOCUM of Cumberland: Mr. President, I am interested to know the purpose of this bill which refers to a planning board. As the Senate will remember, I was interested in a zoning ordinance or bill in the city of Augusta and at that time I made a little study of zoning, and I found in my investigations that the city of Lewiston had a so-called zoning board which was in effect a zoning and planning board. I wonder if the Senator from Androscoggin could tell me whether this is another planning board for the city of Lewiston or whether it is a duplication of effort. The City of Lewiston has a zoning and planning board at the present time, according to what I learned at the time I made these investigations and I am wondering whether this is another planning board or whether it is to replace the present planning board and whether it is necessary.

Mr. BOUCHER of Androscoggin: Mr. President, I am very glad to answer my good friend the Senator

from Cumberland. This bill that we are now discussing is not my bill. I have a planning board bill that I will have to scratch if this bill goes through. This is a bill that was prepared by a charter committee. Some ten years ago when we adopted this system, the City of Lewiston at that time adopted a system of main charter committees to revise their charter. There was the original charter committee that was appointed back in 1938, and since then there must have been three or four that have been appointed by the mayors after the original charter went into effect.

Under our charter setup, nobody can be mayor more than two years in succession. Then he must retire. Naturally, like every other growing and expending city, we have new things that come up, and new necessities, and new changes that are required that are not in our charter in order to make it operate for the best interests of all the citizens. So every two years, or thereabouts, or at least every four years, our charter committee is revived, composed of the original members that are living, and the addition of new members.

Last fall, the Mayor, Mayor Gagne, named a charter committee composed of the members of the original charter committee that were living in Lewiston, and added new members. Those charter committees are usually composed of ten persons who are citizens of Lewiston. He further named the members of the Legislature as secretaries to the charter committee in order to consult and try to agree on certain things. He also went beyond that, and he named what has been called the committee of seventy-six. Some of us claimed it was the "committee of 1776."

This was supposed to be composed of 76 citizens of Lewiston who met and were supposed to have directed and agreed on certain things. The net result was that, as the Legislature does a lot of times, we could not definitely agree among ourselves, and the charter committee

reported certain changes that they wanted.

I introduced several bills, and some representatives from Lewiston introduced other bills. We have hearings before the Legal Affairs Committee, and some of those bills have been reported. I think all of the bills have been reported at this time, and some, of course, have been reported ought not to pass. Others have been reported ought to pass as amended, and so forth and so on. This bill here is the composite bill of the charter committee, so-called, with an amendment offered in the House by a member of Lewiston, which amendment has been read as Amendment A.

Now, in order not to push my two bills further. I have had a compromise offer with the understanding that the Chairman of the Legal Affairs Committee would work with the members of the other Branch. We have arrived at Senate Amendment A which would pacify everybody. We can send this thing back home, and everybody will be happy. So that is the reason for this Senate Amendment A.

We have in Lewiston a zoning board, but no planning board. I worked on the zoning board some years ago. The zoning board was to divide Lewiston into commercial, industrial, residential and apartment districts, limiting the various types of construction to their proper districts. But that Board has no power on the planning end of the program.

Now, we are calling this board a planning board. To me it is really more than a planning board. It is a relations board between the different municipal boards in Lewiston. I found when I was Mayor of Lewiston, and other mayors have found since then, that the biggest trouble with our charter, and the only trouble with our charter, is that there is no relation between the boards. In other words, there is a beautiful chance of "passing the buck" to somebody else, in good political language. One board will say, this is none of our business.

Let the other board take care of it. And the other board will say, well, this is none of our business. Let the other board take care of it. Finally, the different things which come up for consideration get kicked around by the three or four or five boards and it becomes nobody's business. Nobody has a real say, I am sorry that under the original charter the Mayor of Lewiston is more or less of a dignitary, an official and a figurehead. Some of us have taken on a little authority, asserting ourselves, and have gotten results. But that is not according to our charter.

Now, this planning board will make it so that whenever any board wants to proceed to have something erected such as the school board having a new school, or that the fire department wants a new fire building, or the public works department wants a new building, or the police department wants a new police station; then they would make a demand to this planning board.

This planning board, as planned now, with this amendment offered would have one member from each of its six boards plus a member of the finance board, plus a member of the board of Mayor and Alderman, with the Mayor ex officio. Each board will be represented, and those people will sit down around the table and decide which project was the most needed.

Now, in the discussion that we had last fall, it was brought out that at this time we need at least five major projects in Lewiston. We have known the need for that a long time. We have all agreed on them, but the trouble is that we haven't got enough money. We are in the the position that the Legislature is at the present time. We haven't got enough money. To undertake and carry out the whole five projects would cost millions of dollars. Someone must say which project shall come first, second, third, fourth, fifth and so forth and so on, and that is the reason of calling this board a planning board. They would plan these buildings, would plan

these operations, would plan their order of importance, and they would recommend to the Board of Finance and the board of Mayor and Alderman who has the final say on what should be done and in what order it should be done.

I hope that this will explain to my good friend from Cumberland why this planning board is brought in. We are all in agreement in Lewiston that we need a planning board. The only disagreement we have had is on how the planning board should be composed. This amendment of mine is apparently going to settle the matter satisfactorily to everybody concerned. It will just be the planning board of the City of Lewiston as the amendment offers now. The rest of the amendment is in accordance with the compromise basis. It is not all my thinking, but as has been well stated before in this room on the subject of good government, it is made up by compromise action. And I am willing to compromise mine along with the other, in order that this bill may go through as it has been amended by House amendment A and Senate Amendment A.

Mr. SLOCUM of Cumberland: Mr. President, I thank the Senator from Androscoggin. It was brought to my attention in Lewiston that board which he refers to as a zoning board has been called a zoning and planning board. I am sure that the Senator, having explained this, has brought out the fact this is not just another board, but a replacement of the present board.

I gather from the remarks of the Senator from Androscoggin that this present, so-called, zoning and planning board is without the authority of law and will be replaced by this charter amendment.

I didn't want to interfere with the workings of the City of Lewiston, but I was a little bit interested, as they told me they had a planning board, and here came another bill for another planning board, I think that the City of Lewiston does not have to worry if all parties concerned are in agreement.

Thereupon the bill was passed to be engrossed as amended by House Amendment A and by Senate Amendment A, in non-concurrence. Sent down for concurrence.

On motion by Mr. Collins of Aroostook the Senate voted to take from the table bill, An Act Relating to the Caribou Municipal Court (S. P. 464) (L. D. 919) tabled by that Senator on April 6th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Savage of Somerset the Senate voted to take from the table Resolve Providing for Purchase and Installation of Heating Equipment at the State School for Boys (S. P. 419) (L. D. 776) tabled by that Senator on March 18th pending final passage.

Mr. SAVAGE of Somerset: Mr. President, I move the indefinite postponement of this resolve and in support of that motion I will say that this original resolve called for \$22,000 for heating equipment at the institution. Upon investigation the Appropriations Committee found the same thing could be accomplished for \$3,000 and we have incorporated that in Legislative Document 1560, so this legislation is not needed at this time.

Thereupon the resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Noyes of Hancock the Senate voted to take from the table bill, An Act Relating to Deer Isle-Sedgwick Bridge District (S. P. 671) (L. D. 1523) tabled by that Senator on April 20th pending assignment for second reading.

Thereupon the Senator from Franklin, Senator Crosby, presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to S. P. 671, L. D. 1523, Bill "An Act Relating to Deer Isle-Sedgwick Bridge District."

Amend said Bill by inserting before the headline thereof the following: 'Sec. 1.'

Further amend said Bill by adding at the end thereof the following:

'Sec. 2. P. & S. L., 1935, c. 88, §9-A, **additional.** Chapter 88 of the private and special laws of 1935 is hereby amended by adding thereto a new section, to be numbered 9-A, to read as follows:

'Sec. 9-A. Maintenance. The moneys necessary for the upkeep, maintenance and repair of the bridge shall be expended from the general highway fund.'"

Senate Amendment "A" was adopted and on further motion by the same Senator, under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Build Armory in Lewiston (S. P. 563) (L. D. 1228) tabled by that Senator on March 25 pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, realizing that money is not available to do what this bill would have required, I feel there is only one thing I can do and that is to explain to this Senate why the bill was introduced, why a different treatment should be given to the city of Lewiston on the armory.

In 1922, the city of Lewiston at the request of the State decided to build a State armory. The State armory cost Lewiston at that time the sum of \$250,000. The State of Maine would have reimbursed the city of Lewiston in the sum of \$100,000 as I understand it, if the city had been willing to give full title to the State. In a referendum to the people of Lewiston, they de-

ecided to keep the title of the armory and get rental from the State for the use of the armory. The rental to the city of Lewiston in the last 25 years has been under very severe control, a serious control, a control to the extent that those of us who are begrudging the federal rent control should look into this one.

The State did pay Lewiston about \$100 a month, or \$1200 a year for a building that cost originally \$250,000 but which would cost today well over \$500,000 and possibly closer to a million on the basis of today's prices.

At the hearing I pointed out to the committee two things. First, either the State should take over the armory because they are requiring more and more use of it, they are requiring fifty percent use at least and are not willing to pay a fair rental price; or, I say, the State should build a new armory, and that was the purpose of this bill. The purpose was that the State of Maine should build a new armory in the city of Lewiston and the present armory which is being used as a part of our high school system should become a school building.

The city of Lewiston when it built its high school a few years after the building of the armory could not afford at that time, to build on a gymnasium-auditorium into its high school so it built just classrooms. It was understood at the time and agreed that the high school could use the armory for gym and auditorium purposes at such time as it was not needed for armory purposes. This went along fairly well until World War II and then it was still better, because the National Guard moved out and went to war so the armory was available for the high school. But since the end of the war and the return and reorganization of the National Guard and with new units to be stationed in Lewiston, the Department of the National Guard in the State has asked and is asking for more and more use of the armory.

They are requiring the use of the armory on many more nights and days. They are requiring more and more floor space at the armory and eventually they will if this keeps up, push out all school activities from the armory. We are faced with two problems in Lewiston. Either we must build a new armory with the help of the State, and that was the idea of this bill, or the State must pay more rental for the use of the present armory so that we can afford to turn around and build a gymnasium and auditorium to our high school.

I think the city of Lewiston has played Santa Claus to the State of Maine long enough. All we have been able to obtain from the State for rental is \$2500 a year and that was very recent—we have only been getting that amount a short time—for a building that would cost to replace today at least \$500,000.

It costs the city of Lewiston just to maintain that building which means janitors, fuel, lights and whatever is absolutely necessary for repairs where they are needed, the sum of \$15,000 a year. Now if the State of Maine through its war department is going to have fifty per cent use of that armory, then I believe in all fairness they should at least pay fifty per cent of the maintenance costs which would be \$7500 a year. That would not pay for interest on the building, or bonds that Lewiston has been paying, nor the bonds themselves.

I notice in the budget report here that under "Armories" the sum of \$3,885 was spent in Bangor, the sum of \$4,974.96 was spent in Belfast, the sum of \$6,751.63 was spent on the Milk St. Armory in Portland, \$4,642.92 for the Stevens Avenue Armory in Portland.

I have no quarrel or dispute with the amount of money being spent in other cities and towns throughout the state. I don't think the state is spending any too much money in these districts but I do not believe that the State of Maine is fair to the city of Lewiston when

it only pays a rental of \$2500 a year for the best armory in the state. And that was told to me by the Adjutant General himself at the hearing. He said that Lewiston has the best armory in the state. If we have the best in the state, I feel that the State of Maine should give us a fair rental for the best armory in the state.

For years and years, for twenty-five years now, the city of Lewiston has played Santa Claus to the State of Maine in more ways than one. At this time, it is the question of the armory. Gentlemen, I feel that it is my duty to call to your attention this fact, that the State of Maine should pay the city of Lewiston a fair rental and to me, a fair rental of the armory would be \$8,000 a year and that would be very well compared with the amount of money in the budget now for state armories in the State of Maine.

I would prefer that the State of Maine build its own armory like it did in the cities and towns throughout the state, like it did in Portland and other cities, and that Lewiston use its armory as a part of its school system,—it is next to the high school and within a couple of hundred feet of the high school and now serves as an adjunct.

The national guard and the state will eventually deprive our high school of its opportunity to use the building for any high school purposes.

I realize that there is only one thing for me to do this morning and that is to move that the Senate accept the "Ought Not to Pass" report of the committee, because the money is not there to build an armory but I wanted to call to your attention these facts and I hope sincerely that some future legislature will recognize that this situation exists in Lewiston and will see that the State of Maine either builds a new armory or give to Lewiston a fair rental for the armory which we now have, and which we are furnishing to the state.

I move, Mr. President, that the Senate accept the report.

Thereupon, the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Claims on Resolve in Favor of General Ice Cream Corporation of Rockland. (H. P. 898) tabled by that Senator on April 27 pending consideration of the report.

Mr. SLEEPER of Knox: Mr. President, I move that this bill be recommitted to the committee, and to support that motion I will say that I have contacted the committee and it is just a matter of process that they have to go through. The proper papers were not attended to at the time of the hearing. I therefore move that the bill be recommitted to the Committee on Claims.

Thereupon, the bill was recommitted to the Committee on Claims in non-concurrence.

Sent down for concurrence.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs on Resolve for School Construction Assistance (S. P. 605) (L. D. 1296) Majority Report "Ought Not to Pass", Minority Report "Ought to Pass", tabled by that Senator on April 15 pending motion by that Senator to accept the Minority Report.

Mr. NOYES of Hancock: Mr. President, this bill calls for the sum of one million dollars to be taken from the unappropriated surplus and used to aid cities and towns in the construction of new school buildings. I admit that this is only a drop in the bucket but I feel that it is a move in the right direction.

It seems to me that the State of Maine and the legislature must realize that there are communities in the State of Maine that are unable to build the necessary school

buildings that are needed to give those boys and girls in those communities the proper education to which I feel they are entitled.

The other day we heard our good friend from Androscoggin say that he was sick and tired of hearing these Senators tell about their small towns. Well, I am not. I am proud of the small towns in the State of Maine and I am proud that I have come from a small town in the State of Maine and after all, the State of Maine is composed of small towns. Even the great city of Lewiston is a small town, a very small town compared to our great cities throughout the nation.

It seems to me that the precedent for aiding certain towns in the building of schools has already been established. A few years ago, in the 92nd legislature I believe, we appropriated the sum of \$40,000 to aid Ricker Classical Institute. Two years ago we appropriated money from the unappropriated surplus of the post war reserve for Freedom Academy, we appropriated money for Anson Academy, and I think there was another school. If my memory serves me right, in the Forest fire catastrophe of 1947 the state aided some of the towns in Oxford County in rebuilding some of their schools. I voted for those bills here in this Senate and I supported the action taken by the Governor and Council in aiding those towns that suffered in that disaster of 1947.

I cannot see much difference between those situations and the situation that we are now facing in nearly every town in the State of Maine. I do not know how many towns will be helped by this million dollars but I do feel that many deserving and needy towns will receive assistance.

I can think of no better way to spend our unappropriated surplus than to spend it for school buildings. There are those who disagree with me, to be sure. Hospitals are necessary but let me point out to you that these boys and girls if they go to a hospital will only be there for a few weeks at the most, prob-

ably, and then go to school from the age of five years until they are seventeen or eighteen years of age. It seems to me that we have got to recognize in the State of Maine that we are of small communities. We cannot consider one town or one city. We are dependent upon each other. No town or city can live by itself alone. The larger towns and cities for the most part have more property, greater valuation and are better able to handle their own problems. However, those boys and girls who live in smaller communities and poorer communities are just as deserving as the boys and girls who live in the richer towns in the state and I certainly hope that this Senate will give this careful consideration and pass this bill. I believe it is a step in the right direction.

Mr. LEAVITT of Cumberland: Mr. President, I rise to support the motion of Senator Noyes. As we stand here in the closing days of the legislature, trying to decide how to spend this unappropriated surplus, and what is the wisest thing to do for the State of Maine, it is hard for us to know what is right and what is wrong. Shall we do this, or shall we do that?

We have before us, as we always had before us the Committee on Appropriations report of what the status was on April 13 of the unappropriated surplus. We have set aside two million dollars. It is good business for the state to have an operating capital, it is good business for everybody to have an operating capital but sometimes we find that operating capital cannot be had by ourselves because of the fact that we have to buy food, we have to buy clothing, and we have to buy houses or pay rent. But we have taken two million dollars out of this unappropriated surplus and put it away in good business practice. We have spent money for various services amounting to over three million dollars. Then the Appropriations Committee have brought out ought to pass reports on several bills including \$46,000 to construct a dormitory for the female pa-

tients at the Augusta State Hospital. We know we have got to take care of the insane, those people who are unfortunate enough to have this terrible affliction.

We know there is another bill with relation to the construction of airports amounting to three hundred thousand dollars. We feel we have got to have airports. We have talked on airports already. We have another bill for \$165,000 to construct a bridge between Oldtown and Indian Island. Another is for \$51,000 for development of state parks, and when you get all through with that, we have a little money left, but not much. Then we have these divided reports of which one is \$477,000 for the erection of a library building in Farmington. And another \$200,000 for the construction and repair at Bangor State Hospital. Another amount of money for the insane.

Now gentlemen, as I say, we don't know and it is pretty hard to decide what is right and what is wrong, and what we should do with these funds. We know, and I have already called it to your attention and I have been told not to talk too much about it because you people are getting tired of it but we know we have many more children being born in our state and they are crowding into our schools which are already over crowded and we have got to decide whether we are going to spend money for the insane or spend money for building bridges, or are we going to spend money for dormitories for different institutions, or spend money for the construction of airports or are we going to build schools. Which is the most important? Do you know which is the most important?

I am interested in a great many of these other projects and yet I cannot get out of my mind the fact that schools that are going to educate our children from five or six years of age up to fifteen or sixteen years of age, that those are the most important things for the State of Maine to do. If we can

educate our children and give them a good education, a proper education in good, sanitary, well-equipped buildings, we are making an investment which has absolutely no limits in its return to the State of Maine.

Ignorance is the greatest foe of our civilization. We must very, very carefully consider this problem. We must weigh in our minds whether we are to take care of the insane people, take care of building airports or what we are going to do. Are those things to you more important than the education of the youth of our state?

Without any tax bill this year, the bill that I put in for school construction has got to be passed if it is passed, without any money unless we take this money from the unappropriated surplus.

I think everybody up to a very short while ago thought that some money should go into that bill. It is not too late to put some money into that bill because the money that would go into the resolve presented by Senator Noyes would be given for distribution. I believe this is worthwhile and I hope you will think a long while about these other bills which had had ought to pass reports which are going to help other segments of our population but which, I believe, in the final analysis are less worthy than the bill to educate the children of this state.

I hope that Senator Noyes' motion will prevail.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, my name was not called but my county's name was called and I feel that I am the senior member of the county and I must answer that call. I am afraid that my good friend, the Senator from Hancock, has either misunderstood me, or is trying to becloud the issue. What I do resent about the small towns is that invariably in these halls, after being recognized by the Presiding Officer in either branch, a man will say in order to get a sympathetic ear, "I come

from a small town." I don't think there is any need of making that statement. I believe that when a man makes the statement "I come from a small town" he is imploring, he is begging support on the issue that he is a very humble person.

I have learned through my association here that some of the most powerful, some of the most aggressive, some of the most dangerous men come from small towns and I fear them very much. I like to believe that the man who lives in a small town is of old Yankee stock that used to be so proud of its record of individuality. What has become of him? I have admired the farmer, the man from the small town, the man of little means who has tried and worked hard to carry on and who has been proud enough to keep away from town relief or state relief. I have in my town,—and it is a town, as the Senator says, a small town compared with New York or Chicago, it is a very small town—I have in my town a man whom I admire very much, who during the depression admitted very frankly to me that on the very small amount of money he was earning on the basis of a day or two work from the city of Lewiston, fed his family on potatoes and bread, but he had the gumption to stay away from the relief rolls and that man one day became the mayor of the city of Lewiston. I have all the admiration in the world for him.

Lewiston needs schools just as much as any other city in the state. We are not denying that, but we are going to attempt to raise our own money to pay for our own schools and until we can afford to do that we will get along with what we have. We will use the armory and other buildings, the old fire stations, anything else and we will carry on until such time as we can raise the money to build the new schools.

I should think and I did believe that when we started school districts that we were going to take

care by so doing, of our school construction problem, that different towns were going to get together in a school district in order to raise enough money to build the proper schools. Apparently that was not true. Apparently we must have more than that. And again I say to you Mr. President and members of the Senate, that I feel it is unfair and unjust to ask Peter to pay Paul or ask Paul to pay for Peter.

Some of you gentlemen can afford a Rolls Royce. Others can only afford a Ford. Others cannot even afford an automobile at all, but we get along with what we can pay for. If that is true of individuals, then I believe it should be true of cities, towns, states and nations. We should keep our spending within our means and try to get along the best we can.

I believe in charity to the best of anyone's ability, but we have an old French Proverb that says that the best charity, the greatest charity starts at home. If I have any money to give for the schools in Maine, I would like to give it to my own city, the city of Lewiston needs it just as much as any city or town in this state. I think I shall have to give my share in the very near future, because I understand they are going to build schools in that city and issue bonds and I, or my children or somebody in my family will pay for those schools in due course of time.

The great State of Maine has been called upon now to be very generous and make gifts to its children, but I would just recall to your minds this fact, that a very few minutes ago I pointed out to you that the State of Maine was not paying what I called its just debts. I just pointed out to you that the State of Maine was paying unfair rental for the armory in Lewiston but I did not hear anyone else back me up on that question and I maintain and repeat that if we had any money to spend, if we have money to give away let's have the State of Maine take first

things first. Let's be fair with what already exists in the state and let's pay a fair rental for the best armory in the State of Maine.

If we could afford all these things, I would not be against the motion of the Senator from Hancock. I would be in favor of building better and bigger schools throughout Maine if we had the money but apparently we have very little money left in that six million of unappropriated surplus and as I have already pointed out, you saw fit against my wishes, to put away two million into what you call the Revolving Fund, lock the door and throw the key into the Kennebec River.

I understand that already we have passed and spent well over a million dollars of the unappropriated balance of last year, so there is well over three million already disposed of and less than three million left. If we are not going to have a larger income, and I don't believe we are, I do honestly believe, as a practical man, that we should have a fund set aside for unexpected occurrences. I understand from what information I have received that the fund is going to be increased this year and I for one will go along with that idea. I think this is the proper time to increase that fund so that unforeseen events, possibly more fires such as we had in 1947, or other unexpected events of a similar nature could be taken care of. I believe we should be very careful of what we do with what little balance we have unexpended.

Let me repeat that if we had the money, the million dollars to give away I would vote in favor of Senator Noyes' motion but taking into consideration that we have less than three million apparently to play with and demands for about ten million, I say to you it is not the proper time to give away a million dollars for the construction of schools.

Gentlemen, let me ask you one question. Is it more important

to build beautiful buildings or is it more important to pay a proper salary to our teachers? I for one, want to pay the teachers first and when we have spare money, we can take care of the buildings.

Mr. VARNEY of Washington: Mr. President and Members of the Senate, only a few days ago, the Senator from Androscoggin, Senator Boucher, said in no uncertain terms that it burned him up to hear people repeatedly making reference to the fact that they come from a small town. But when he repeatedly made reference to the fact that he comes from the second largest City in Maine, it didn't burn me up a bit. I was pleased with the statement. I was pleased to think that we do have a second largest city in the State of Maine, because every other state has one. Also, I am proud of the fact, like Senator Noyes, that I do come from a small community and represent a small community, and I want to get that impression fixed firmly upon the mind of the Senator from Androscoggin. He has referred to the fact that the State of Maine is throwing money around, and that they are handing out gifts, or at least they want to hand out gifts to the small communities. I don't consider them gifts. I consider the fact that when a state puts out money to erect school buildings in a small community in a community that is in need of better school buildings, they are simply carrying out an obligation which they owe to the boys and girls of the State of Maine. He, too, has referred to the fact that a certain man who was born, probably in a small community, who fed his family on potatoes and bread, later on became the Mayor of the Second Largest City in Maine.

Well, that is what is becoming of our boys and girls who are educated in these small communities. They are going into the second largest cities in Maine, and the largest cities in Maine. So, every penny of money that comes from the second largest city in Maine

to help educate the boys and girls in these small communities is helping the second largest city in Maine, because that is where many of the boys and girls from the small communities make their homes. The Senator has referred to the fact, also, that he would prefer to see higher salaries paid to the teachers than to have our children continue to go to school in these buildings which I have tried to describe to you previously, buildings that the Department of Agriculture, or the Department of Health and Welfare, wouldn't permit people to keep cattle in, today, if they were selling milk.

We need better buildings. We have buildings throughout the State of Maine that the State should be ashamed of. I am ashamed to invite people to visit the buildings in which the boys and girls of my small community are attending. The fact that we are paying higher salaries to our teachers is no inducement for them to come into these poor buildings. We are just educating our teachers away from this type of building, and it is impossible to get a teacher who has trained to teach in the public elementary schools of the State of Maine to go into some of these hovels where our boys and girls are being housed.

I insist that it is not a gift to any town demanding money for the erection or enlargement of school buildings, but that it is an obligation of the State to see that these buildings are put in proper order for housing our girls and boys. I hope that the motion of the Senator from Hancock will prevail.

Mr. McKUSICK of Piscataquis: Mr. President and Members of the Senate, the Senator from Washington took some of my thoughts almost out of my mouth. He expressed some of the things that I had in mind. One of these is that the welfare and prosperity of our cities and towns are so closely related that they can not be separated, and I would remind you that your cities have been built up on

the raw materials, and on the ability of the boys and girls that have come from our country towns, and our country towns are depleted. Our population has gone down for the reason that many of our boys and girls have moved to the cities and helped build the cities up. If you go up the river from Augusta to Waterville, you will see these immense piles of pulpwood and the immense mills that have been built up. That all comes from the country towns.

I would also remind you that if you want to continue the crop of boys and girls of ability coming from the country towns to bring new blood to your cities, you have got to do something for education. You have got to do something for those boys and girls. It is an investment for the State. It is just as much an investment as the farmer fertilizing his fields in order to continue harvesting good crops. The farmer can not continually crop land without properly fertilizing the land and keeping things in order. Likewise, that is the situation in which our country towns find themselves, and if you want to keep your trade and cities increasing, you must keep your population in your country towns increasing in numbers. In order to keep the population of our country towns up to their present condition, we must have schools. Compared with the whole State, it is only a comparatively small amount, and it will be divided up pretty small. But I know from experience that many of these towns will welcome even a very, very little sum.

I believe that this is the time to make a beginning. To invest in school buildings is a capital investment. This could probably come out of surplus, so I believe that we should take the step and make a beginning. I hope that the motion of the Senator from Hancock, Senator Noyes, will prevail.

Mr. HOPKINS of Kennebec: Mr. President and Members of the Senate, the toughest problems that we have to face and live with are prob-

lems on which we can agree in the most important phases, but are problems in which as we think of all phases we come to different solutions. That is the type of problem we have before us when we talk about education and subsidy for education. It is the same problem that is being battled in Washington today. I noticed in the morning paper which I read, and I assume you noticed in the morning paper which you read, that there was an effort yesterday in Washington to amend the program for assistance to the states in the field of education, so that the assistance should be allocated to the state, in part at least, at a uniform rate of a student per capita basis.

That raises the issue which is, to my way of thinking, the important one in this matter of education. That is the question of whether we are talking school equalization, or whether we are talking school support on the federal or on the state level. They are two entirely different things as I see it.

I suppose it was inevitable that we should have the debate on education as the Senator from Cumberland has said. I have on the table the bill setting up the system under which allocations of any money which was appropriated under this bill would be provided. It makes no difference whether we talk education in connection with raising funds, or in the enactment of the bill which will be taken off the table shortly, and to which it was my intent to present some amendment. I think now probably I will take it off at the request of the Senator from Cumberland and let him test it.

It has been said, and I think correctly, that when a state has an average ability to pay and sends a dollar to Washington to get any service which is allocated back, on an average basis it gets about seventy cents back. In other words, about thirty cents is lost just in the cost of sending it to the centralized bureaus and getting it back. In connection with the school subsidy

and school administration and one of the leading bills, I think the one that was believed a short time ago most likely to pass, Maine would send \$1.70 for every \$1.10 it would get back.

Now, if an average town in Maine sends a dollar bill to Augusta and got it back in school subsidy, what would it get back? I don't think at the present moment anybody knows whether we get a dollar, or ninety cents, or eighty cents. I am talking about the average town. I don't think anybody knows what it will get back. I favor, personally, equalization of education through small subsidies. I do not favor federal support of education, and neither do I favor the state taking over all costs of education on the state level. If there is one thing in this world that needs to be left at home, it is education. The bill which I have on the table has provided for assistance in the equalization, I think, up to fifty per cent. I think that is a higher subsidy than you have got to set up in order to promote school construction if you are discussing equalization. It also provides that some money shall be allocated back to all towns on some basis set up by a formula with a certain formula for municipalities and a different formula for districts.

In checking into the matter, I found that the Department of Education thinks that there should be consolidation for schools, and they hold this out as bait to produce consolidation of schools. Whether the state is justified in taxing people and then allocating money back to them to get them to do something which the Department of Education wants done, and which the people, themselves might not want, that is a question. I am in agreement with the Senator from Hancock that there are definite places in the State of Maine where there is need for schools, and where the wealth and income of the people there precludes their building the type of school buildings they need. These towns need, and they ought to have some help. I can go along

with that, but I think those places are rather rare. They are not the average. They are not common. The whole state isn't in that condition.

The question, as I have stated very clearly, is one of education, one of equalization, not one of allocation of money to everybody. The Senator from Cumberland speaks about the large number of children that need facilities in order that an education may be given to them. You can't give any child an education. I think any educator will tell you you can't give anybody education. All you can do is set up an opportunity for people to get education. But you can't give it to them. Education is not a given thing. It is a thing that people take when they become interested and want to use their mind. They can use most anything if they have the inherent ability, but you can't give education.

We don't have better school buildings, generally, all over the State of Maine for just one reason, as I see it, and that is because the people at the paying level right on the home level are not willing to face the tax burden that is necessary to produce those buildings. I would like to talk to you about my own City. But I won't do it, because the things I might say might not be too complimentary in some instances. You probably know what goes on up there as well as I do. We have got some of the best athletic clubs in the New England States, but there is much that we need there in the way of education—a great deal.

When people want better school buildings, when all of the people want better school buildings, they will have them, because they will be willing to pay for them on the home level.

I hope that when the bill which I have on the table is taken off, Senator Leavitt will have some amendments, and if he doesn't I propose to submit some amendments which will bring us to a bill for the equalization and not for the taking over. It seems to me

entirely unwise to put the State of Maine in the school house building program for every community in the state. I don't see any need, for it is wasteful.

You can't get a dollar back for a dollar that you send to Augusta, any more than you can get a dollar for the dollar you send to Washington.

When you do that, you lose the control of the most important thing you have, and that is the matter of education to our children.

Mr. SAVAGE of Somerset: I would like to explain the position of the majority report of the Appropriations Committee. If you will look at the appropriation bill for education for the next two years of the biennium, we have appropriated \$11,800,000. The total appropriation is \$47,600,000. So, we have already appropriated twenty-five per cent of our total appropriations for schools. We have in unappropriated surplus at the present time \$3,300,000. I don't think it is any secret when I say that our Governor will insist that we leave \$1,500,000 here after we go away to take care of any unexpected contingencies that may arise that we know nothing about. That will leave us \$1,800,000 to spend for spending bills out of unexpended surplus.

If this Senate feels that we should take fifty-five per cent of that remaining money, or one million dollars, and put it into a school building fund, why that is what they should do. They should go along with the Senator from Hancock, Senator Noyes. If they do not believe that this is fair and equitable, I don't think they should vote for that measure.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I believe it goes without saying that we all recognize the importance of education in the State of Maine. The particular resolve under discussion presupposes I should imagine, the passage of L. D. 1431 which would provide one million dollars and if we are to do the fair thing with the one mil-

lion dollars then we would divide it among the municipalities of the state and that would mean approximately two thousand dollars per town that we would hold out to those municipalities as bait to those towns to go into debt for the construction of buildings which would take them from twenty to thirty years to pay for.

I think we recognize the fact that in every municipality in the State of Maine they can spend money on school buildings so it would not be fair to select a town and give it a junk of the money and say to the next town "No."

As to whether it is right for the State of Maine to embark on an entirely new venture of buildings schools throughout the state, my position is simply this, that there are many municipalities throughout the state who have neglected to some extent their responsibilities in the construction of schools. They have preferred to take their money and build city halls and town halls and libraries and police stations and they have let their school buildings depreciate. Other municipalities throughout the state have recognized their constitutional responsibilities and have built schools and paid for them and I don't feel, particularly in the financial situation we are in today, that it is a fair thing and an equitable thing to penalize cities and towns throughout the state which have fully complied with their constitutional responsibilities and make them now suffer for something which other towns have failed to recognize. I very much hope that this constitutional resolve will not receive passage.

Mr. SLOCUM of Cumberland: Mr. President, there are sixteen different towns in Cumberland County. They are spending of their own funds for education, fifty per cent or more of their annual appropriation. They have found themselves in many instances in a position where they cannot live up to the statutory requirements set up by the legislature to furnish the tools for getting an education.

I agree with Senator Hopkins that we cannot give an education to anyone but we have set up certain standards where by legislation, that the municipalities have to follow. There are certain tools, physical properties, that are necessary in order to live up to the statutes to aid our boys and girls in getting an education and if we require these municipalities, the cities as well as the small towns, to have certain physical properties, the least we can do is to supply the wherewithal, or aid in getting these tools. I believe we should assist these towns, particularly those that have had an influx from the cities, of boys and girls whose parents have moved in and put an additional burden upon the town. We should assist them in some way.

In our town meetings if funds are necessary we appropriated the funds and then set the tax rate. If we are saying that a municipality shall have certain standards of schools, here at the legislature we require that, then it would only seem right that we see to it in some way that the funds are supplied to make it possible for these communities to live up to the requirements. I hope the motion of Senator Noyes prevails.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, as the signer of the minority report I think maybe I should state my position because it has changed somewhat since I signed that report. As I recall the hearing before the committee, Senator Noyes did a very good job in presenting this argument, which impressed me very much regardless of the fact that it didn't impress the rest of the committee, and that was that if the State of Maine was going into a school building program and was going to consider it from 1946 on, we ought to be up to date and put some money out of unappropriated surplus to take care of these school buildings under this building code or formula, or whatever it is that is in the other bill to take care of those school buildings up to the present time. The money appropri-

ated out of the general fund this year and this biennium would start, maybe, from this date and continue on.

I believe the Commissioner of Education told us that he thought probably a million dollars would just about be enough for those buildings which have already been completed, which to me sounded very reasonable, and my whole thought was based on the premise that this legislature was going to enact the other school building program, and for that reason I signed the minority report that this bill should pass.

At the present time it appears very evident to me that the legislature is not going to provide a million dollars a year for the school building program and I think probably any amount less than that would be too small so that it would not be humanly possible for us to distribute it upon any fair basis.

I am sure that at this time I don't know what will be the intent or action of future legislatures and if we should take a million dollars and dump it into the political pork barrel or have it distributed among the various schools in the state of Maine for construction it appears to me it would be unwise. So I shall vote against my minority report at this time. Until we find out that this legislature or some future legislature wishes to go into a school building program, of aid to our municipalities, it would be very foolish for us at this time to put a million dollars for this cause, and when the vote is taken, I would ask for a division.

Mr. BARNES of Aroostook: Mr. President, I hadn't planned to talk at any great length and I don't plan to discuss or debate the merits of this particular bill because that has been ably done. One thing I think, however, should be pointed out and that is that we are now considering a question of distribution of surplus. The tax program that has been attempted to be passed at this session of the legislature was an utter and complete failure. In my opin-

ion the failure of that program was caused largely by two things.

One is a statement which our Chief Executive made in his budget message on January 12: "The budget presented you is balanced, it reflects the result of careful study and represents what can be done with existing revenue. This is sound budgeting. It permits the continuance of all services of government for the next biennium at a level comparable to or greater than present level. No new taxation is required."

That is one reason the tax program failed. I think another important reason the tax program failed is because we came in here with a surplus of some six million dollars.

Now, in answer to a statement made by the Chairman of the Appropriations Committee that at least a million dollars of this surplus should be kept on hand, I want to remind the Senators that we did tuck away two million dollars at the beginning of the session and I think that was wise. But that particular resolve left us four million dollars which we are told is now reduced to about three million dollars. The education bills for additional aid through subsidies for teaching positions and additional aid in equalization cannot be now considered because we have no funds to pay for them, from year to year. Those are things of a continuing nature and should be taken care of out of current revenue.

This, however, is a resolve which by its very nature would allocate some part of this surplus for the construction of school buildings and that is a wise proposition, to use surplus for capital improvement. We can leave it to some future Legislature if we don't have a six million dollar surplus and our budget doesn't tell us that we need no new taxation to continue this program but right now it is merely a question for the Senators to decide as to where we should allocate this surplus and personally I can see no better place to allocate it

than in assistance to construction of school buildings in this State, for all the reasons that have been so ably argued by the other Senators. So I am in favor of the motion of the Senator from Hancock, Senator Noyes and I hope we will tuck away a million dollars of the three million that is left, into this very good purpose of capital construction.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that the Senate accept the Minority "Ought to Pass" report and the Senator from Penobscot, Senator Williams has requested a division.

A division of the Senate was had.

Fourteen having voted in the affirmative and seventeen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Bowker of Cumberland, the "Ought Not to Pass" report was accepted. Sent down for concurrence.

On motion by Mr. Haskell of Penobscot,
Recessed until one o'clock E. S. T.

After Recess

The Senate was called to order by the President:

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

"Resolve Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building Highway or Combination Bridges Authorized by the Legislature." (S. P. 670) (L. D. 1522).

(In Senate on April 21, passed to be engrossed.)

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

In the Senate:

On motion by Mr. Bowker of Cumberland the Senate voted to recede from its former action whereby the resolve was passed to be engrossed; House Amendment "A" was read and adopted in concurrence.

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

Senate Amendment "A" to S. P. 670, L. D. 1522, "Resolve, Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building Highway or Combination Bridges Authorized by the Legislature."

Amend said Resolve by striking out of the Title the words "Highway or Combination Bridges" and inserting in place thereof the words 'a Combination Highway and Railroad Bridge Across Fore River as'

Further amend said Resolve by striking out the 3rd, 4th and 5th paragraphs thereof and inserting in place thereof the following:

"The legislature may authorize, in addition to the bonds hereinbefore mentioned, the issuance of bonds not exceeding \$7,000,000 in amount at any one time payable within 15 years at a rate of interest not exceeding 2% per year, payable semi-annually, which bonds or their proceeds shall be devoted solely to provide in whole, or in connection with other funds, for the construction of a combination highway and railroad bridge, including highway approaches thereto, across Fore River between the cities of Portland and South Portland in Cumberland county, as authorized by the legislature and in accordance with the terms of such authorization.'

Form of question and date when amendment shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and representatives, at the next general or state-wide election, to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

"Shall the constitution be amended as proposed by a resolution of the legislature to authorize the issuing of bonds in an amount not exceeding \$7,000,000 to be used for the purpose of building a combination highway and railroad bridge across Fore River as authorized by the legislature'."

Thereupon, on motion by Mr. Bowker of Cumberland the resolve and accompanying papers were laid upon the table pending consideration of Senate Amendment A; and on motion by Mr. Haskell of Penobscot Senate Amendment A was ordered printed.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table Resolve in Favor of a Bridge Across the St. John River in Allagash Plantation (S. P. 685) (L. D. 1588) tabled by that Senator on May 2 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to S. P. 685, L. D. 1588, 'Resolve in Favor of a Bridge Across the St. John River in Allagash Plantation.'

Amend said Resolve by striking out all of the 1st paragraph thereof after the headnote and inserting in place thereof the following paragraph:

"That there be, and hereby is, appropriated from the general highway fund the sum of \$100,000 to aid in building a bridge across the St. John River in Allagash plantation, at or near the present ferry site, this bridge to be built under the bridge act, so called; and be it further"

Which amendment was adopted, and the resolve as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table House Report from the Committee on Judiciary "Ought to Pass" on bill, An Act Relating to Unclassified Importer of Cigarettes and Tobacco Products

(H. P. 577) (L. D. 175) tabled by that Senator earlier in today's session pending consideration of the report; and on further motion by the same Senator, the report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table bill, An Act Relating to the Duties of the Insurance Commissioner and State Fire Inspectors (H. P. 1788) (L. D. 1127) tabled by that Senator on May 2 pending adoption of House Amendment A.

On further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, House Amendment A was read and adopted in concurrence, and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs — Majority Report "Ought to Pass in second new draft under same title", Minority Report "Ought to pass in second new draft under same title as amended by Committee Amendment A—on bill, An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1950 and June 30, 1951 (S. P. 678) (L. D. 1557) tabled by that Senator on April 22, pending acceptance of either report.

Mr. SAVAGE of Somerset: Mr. President, I move the acceptance of the majority "Ought to Pass in Second New Draft" report of the Committee, and in order that my position may be made clear on this matter I will say that I did go along with the other first appropriation bill because I sincerely believed those monies were needed.

But it is perfectly evident that money is not going to be available and I feel the only action this Senate can take is to accept the majority report.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, I think you are all aware that I do not make a funeral oration in the Senate when anything I have done has to be killed or when a majority feel it is necessary to have it killed, but I want to make a few brief remarks regarding a Committee Amendment A which four members of the Appropriations Committee added to this bill. Now at this hour I am certainly not going to vote against the motion of the Chairman of the Appropriations Committee, because it is the only logical thing to do.

Probably most of us who signed the Committee Amendment A realized that sooner or later we would have to accept the wishes of the majority of this committee. However, I thought it might be well if we realized when we do that, that we are accepting a report that leaves very little money to play with. I believe it is \$30,000 the first year of the biennium and something like \$7,000 the second year. Funds available from existing revenues projected on rather a higher level than what is taken care of in that bill and I would think—I haven't had this checked, but from the few bills I have seen going through since that time on salaries and otherwise, I would think that probably at the present moment there is nothing for either biennium to take care of the other bills.

I want to point out that Senate Amendment A merely put upon this bill what the Appropriations Committee, in its good judgment after long deliberations during the winter, thought was necessary to run the state government. I also wish to point out that this Body accepted that report and the other Body after some debate did likewise. I think I have never had too much of a reputation of being a

“tax and spend” individual and I think from my record of five sessions in the legislature that probably I can say I have done as much for economy as any other member.

As you will probably recall, in the last legislative session I worked night and day to try to bring some economy into the Department of Health and Welfare. Some things were good and some were bad and all of us took a little kicking, and I want to call your attention to the fact that when some of your good citizens during the next two years tell you their old age assistance has been cut down because the program was not liberalized that we can't attempt to blame the head of the department or some other individual but we must say, “Yes, I realize that is due to our action in the legislature; we brought that about.” I think we should assume that responsibility and not try to place it on any heads of departments, because after all we are the ones responsible. So with those few remarks, and after calling your attention to the fact that when you accept this report I hope you will accept it gracefully, as I am going do, realizing that we cannot ask for more spending bills because the money isn't there.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Savage that the Senate accept the Majority Report “Ought to Pass in second new draft”.

The motion prevailed and the Majority Report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table House Report from the Committee on Appropriations and Financial Affairs—Majority Report “Ought Not to Pass”, Minority Report “Ought to Pass”—on bill, An Act Relating to Regional Library Service (H. P. 1112) (L. D. 598) tabled by that Senator on April 29 pending consideration of the reports.

Mr. WILLIAMS of Penobscot: Mr. President, in conjunction with remarks I have just made on the other bill saying that when we accept this I recognize that we can't expect some of the other bills, no matter how small, to go through on this budget, I move acceptance of the majority “Ought Not to Pass” report, for the reason that this bill, although very desirable along lines of education of the people of our state and providing library service for Farmington State Teachers' College, which I believe would take something like \$12,000 a year, due to the closeness of this budget I see no way but to accept the “Ought Not to Pass” report of the Committee.

Thereupon, the majority “Ought Not to Pass” report was accepted.

On motion by Mr. Williams of Penobscot the Senate voted to take from the table bill, An Act Relating to Aid to Dependent Children (H. P. 1551) (L. D. 869) tabled by that Senator on April 20th pending passage to be engrossed in concurrence; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table Senate Report “Ought to Pass” from the Committee on Maine Publicity on Resolve in Favor of State of Maine Building at Eastern States Agricultural and Industrial Exposition (S. P. 212) (L. D. 274) tabled by that Senator on March 17 pending consideration of the report.

Mr. BREWER of Aroostook: Mr. President, I now move the indefinite postponement of this bill. This particular bill calls for five thousand dollars for the fiscal year ending June 30, 1950 and five thousand dollars for the fiscal year ending June 30, 1951, for the operation and maintenance of State of Maine Building upon the grounds of the Eastern States Agricultural and Industrial Exposition, Inc., at West Springfield, Massachusetts.

It doesn't seem that this money is available at this time and in order that the Senate may have a chance to debate the issue, I will make my motion to indefinitely postpone.

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

Mr. VARNEY of Washington: Mr. President, I inquire if L. D. 1366 An Act to Incorporate the City of Brunswick (H. P. 1982) (L. D. 1366) is in the possession of the Senate.

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

Mr. VARNEY: Mr. President, I move that the Senate reconsider its action of yesterday whereby the bill was indefinitely postponed.

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

A division of the Senate was had.

Fourteen having voted in the affirmative and twelve opposed, the motion to reconsider prevailed.

Thereupon, on motion by Mr. Varney of Washington, the bill and accompanying papers were laid upon the table pending consideration of the reports.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table House Report from the Committee on Appropriations and Financial Affairs — Majority Report "Ought Not to Pass", Minority Report "Ought to Pass"—on Resolve in Favor of Higgins Classical Institute (H. P. 1765) (L. D. 1107) tabled by that Senator on April 8 pending acceptance of either report.

Mr. WILLIAMS of Penobscot: Mr. President, due to the fact that there is no money in the budget for extensive school construction or repairs, and in view of the action taken by this branch this morning, I believe this appropriation bill should have the same treatment as the others, and I now move that the Senate accept the ought not to pass report.

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

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table Resolve Providing for a Men's Dormitory at Gorham State Teachers' College (S. P. 602) (L. D. 1293) tabled by that Senator on April 15 pending assignment for second reading.

Mr. LEAVITT of Cumberland: Mr. President, this bill calls for the erection of a dormitory at Gorham State Teachers' College at a cost of \$250,000. This morning we killed a resolve for school construction assistance. This reduces the amount of money, the total undivided surplus on bills which had divided reports from \$1,870,000 down to \$870,000, which now gives us a surplus which is undivided even by all of the bills which have been reported out ought to pass and those with majority reports.

Therefore, there is in the undivided surplus, if we do not reconsider our action of this morning, nearly \$600,000 in the undivided surplus. This bill will provide for a dormitory at the college which will house a hundred boys. It will be self supporting and will give the college atmosphere to this school. The boys will not have to travel back and forth to their homes, or live in small rooms or crowd into attics of homes around the college buildings.

It is a very worthwhile project and I believe this Legislature should favorably consider it. We have had quite a lot of talk around here about people being diehards and not being willing to have their bills killed. Well, I don't want to kill this bill. I am a diehard. I want to see this bill passed. The money is there and this is a good place to spend it. I still don't think it is as good a bill as the one presented by Senator Noyes for school construction. However, here is a place where we can put the undivided surplus to good use. I hope this bill will be given its second reading.

Mr. SAVAGE of Cumberland: Mr. President, this bill came out of committee with an "Ought Not to Pass" report. However, if the Senate wishes this bill to go along for the time being, so that we can consider it with some of the other bills, then I will go along with Senator Leavitt that the bill have its second reading.

Thereupon, the rules were suspended, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table Resolve Providing for a Classroom and Library Building at Farmington State Teachers' College (S. P. 603) (L. D. 1294) tabled by that Senator on April 15 pending assignment for second reading.

Mr. CROSBY of Franklin: Mr. President, as you know this morning, I was in favor of Senator Noyes' bill, as I thought it would give aid to a large number of towns. Now in this particular instance it calls for a library and classroom building at the Farmington State Teachers College. If we are going to train teachers for our schools, to make up for the lack of teachers, then we must have facilities to train them.

In this particular case we have a fund left to the college as a library fund, the income to be used for the purchase of books. They now have at Farmington eighteen volumes of books and no place to put them.

One of the features in this bill is the fact that they have plans for five classrooms, mainly for the Home Economics department and I am told that teachers in that line are very much in demand at the present time.

If there is to be any money spent for school building, I think this would be one of the bills that you could advantageously consider for use of that money.

Thereupon, under suspension of the rules, the bill was given its sec-

ond reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table Resolve Providing for Certain Construction at the Bangor State Hospital (H. P. 632) (L. D. 1350) tabled by that Senator on March 22 pending passage to be engrossed.

Mr. BREWER of Aroostook: Mr. President and Members of the Senate, I am torn rather by two desires on this particular bill. My first thought would be that I fear there is not money to do this particular type of construction. And for those who do not have the bill in front of you, I will read the bill. "That the sum of \$20,000 be, and hereby is, appropriated from the unappropriated surplus of the general fund for construction of a home for the superintendent on the grounds of the Bangor State Hospital. This appropriation shall not lapse and shall be carried forward from year to year until such time as the building is constructed and the work completed. This construction shall begin as soon as practicable and upon approval of the Governor and Council"

I have made the statement for several years that to my way of thinking the most important thing we have to consider are our institutions, especially your mental institutions. If we have institutions that have suffered lack of attention, this particular institution, I believe is one of those out in front.

I do feel that at this particular time this particular bill would be worth a lot to this institution, and therefore I move that we accept at this time, and that the bill pass to be engrossed.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I find myself again in the unusual position of rising to oppose a motion for something that I know is badly needed. The only reason that I do this is to call to the attention of the Senate that we have another resolve in favor of the Bangor State

Hospital which calls for ten times as much money as this for badly needed repairs in that institution.

I think I am reasonably well acquainted with the Bangor Hospital, and it is difficult for me to say that we should build homes, or any other capital construction at that hospital, until we take care of some of the really dangerous conditions that exist within an old institution.

I would be very thankful if we could do the things provided for in this resolve, but not if it means placing in hazard the appropriation that I think the members on the hospital committee agree with me are pretty essential. I point out the opinion of at least one Senator that the electrical, plumbing and all of the things are badly in need of repair up there ought to have priority over capital construction. I assume that I can't be interpreted as opposing the motion, but I want to call to the attention of the Senate that there are some pretty fundamental and basic needs that exist at the Bangor State Hospital, and in my opinion, at least, would have priority over this resolve.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I concur with the Senator from Penobscot as to the absolute necessity for making the funds available to carry on the repair program at the Bangor Hospital. That money must be made available in order that the institution be a safe institution. It is my opinion that that institution has been operating in an unsafe condition for a long time, and I think we must correct that situation immediately in order that we have no accidents there.

This resolve here provides for money for a superintendent's home. I wish the Legislature might find money out of the unappropriated surplus to take care of this home. I think we should. I did not inspect the apartment at the hospital where the superintendent lives, but other members of the committee did. It has had no repair work done on it for a long time. The rooms are large, and I understand there

is ample space there to make at least two apartments. These apartments are needed because of additional staff there. I think that the institution, in order to be placed on the basis that it really should be placed, should have a separate home for the superintendent, and I wish that the money might be made available.

I would like to see this bill go to engrossment and stay alive for a short time. I hope in the final shakedown that the money will be available for the purpose, because I think it is essential.

Mr. BOWKER of Cumberland: Mr. President, I rise to oppose the Senator from Penobscot, Senator Haskell, on this particular bill. The other bill that calls for \$200,000 for general repair work at the institution is to my way of thinking very essential.

After the committee held that bill up for quite a few weeks, and had a chance to talk it over with the proponents of the measure, Senator Hopkins had made quite a study of the program up there. Their facilities of plumbing and heating is very bad. It was my impression that if the money were available, certainly \$200,000 should be appropriated. But it was more or less of a blank check to the hospital. We could not get an exact amount of what it would take until they started the work up there on repairs. As I understand it, the hospital certainly needs it. I should vote for it, but I would hope that when we receive the bill we might amend it by striking out the \$200,000 figure and probably inserting \$150,000, and therefore take at least \$20,000—and we would still save \$30,000—but at least take the \$20,000 for this home.

As I understand it, if we appropriate this \$20,000 for this home for a superintendent, and the present apartment of the superintendent be made available for other purposes, it can be converted into quarters for at least two staff members of the hospital and their families. I certainly hope that we can

work it out that way, and that the motion does not prevail.

Mr. HOPKINS of Kennebec: Mr. President, I would like to inform the Senate that the Appropriations Committee has been most courteous with the hospital committee in considering this matter, and we were very sorry that we were not able to give that committee detailed information to use in arriving at their decision in regard to the \$200,000. The Governor has been tremendously interested in this matter, and he has asked the committee if they could break that for electrical, plumbing, heating, and general repairs.

In order to do that, it would require a number of weeks of study on the part of electrical contractors and builders and plumbers and others. And even if that study were made, the work is so extensive and of such a nature that accurate estimates would not be possible. That is the reason we recommended that the Appropriations Committee go along with the full amount of \$200,000 on this resolve. No one knows whether the \$200,000 would be necessary, but we think it absolutely essential that the money be available to do the essential work. I would dislike to see the \$200,000 cut to a point where, when the work is undertaken, there wouldn't be sufficient money to do a good job on the institution. Between the matter of building the superintendent's home and doing this essential work in order to make the institution a safe institution from an operating standpoint, of course the maintenance, electrical and other construction work is ever so much more essential. But I think it is also very important that the apartment that has been used for the superintendent be renovated and rebuilt, so that two apartments may be made available for new staff members, and that the superintendent have a separate domicile where he can live and be properly housed.

Both of these things are necessary. I wish they could both go along. But if we can not go along with both, of course we should not go along with the superintendent's house. We should take the other as being more essential.

Mr. BOWKER of Cumberland: Mr. President, I would like to correct my statement that I hope that the motion of the Senator from Penobscot does prevail.

Mr. HASKELL of Penobscot: Mr. President, may I suggest that I join with the Senator from Cumberland, Senator Bowker in hoping that the motion does prevail. I think there has been sufficient expression to indicate, to me at least, that the Senate does appreciate the basic problem that exists at Bangor State Hospital, and I agree with both the Senators that it would be logical to support the motion of the Senator from Aroostook, Senator Brewer, with the thought that prior to final enactment we will reach an agreement as to what we are going to do about taking care of these dangerous conditions of the state hospital.

Thereupon, on motion by Mr. Brewer of Aroostook, the resolve was passed to be engrossed in concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on bill, An Act Appropriating Moneys for Board and Care of Neglected Children (S. P. 31) (L. D. 6) tabled by that Senator on March 11, pending consideration of the report.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, it seems in this spending spree that we are having ought to have a fill-in in the sandwich, of "Ought Not to Pass" reports. I would like to make a comment regarding the board and care of neglected children. This is certainly a lost cause, but there was added to your appro-

priation bill—the amendment A was not adopted which provided enough money to increase the cost, the pay to boarding homes for neglected children from \$24 to \$30 a month.

I am sure that no member of this Senate would think that \$30 a month is too much to pay for taking care of a child under present costs of living. But because we have not provided the money, the only outcome of this bill of mine, is to accept the ought not to pass report.

Thereupon, the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Bowker of Cumberland

Recessed for five minutes.

After Recess

The Senate was called to order by the President.

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table Resolve, Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building Highway or Combination Bridges Authorized by the Legislature (S. P. 670) (L. D. 1522) tabled by that Senator earlier in today's session pending consideration of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was adopted and the bill as amended was passed to be engrossed and sent forthwith to the House.

Mr. COBB of Oxford: Mr. President, there are several Senators here who are in doubt as to what that last bill was that we so rapidly passed to be engrossed. Is it possible for the Senate to be so informed?

The PRESIDENT: The Chair will inform the Senator that it is a Resolve Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building Highway or Combination Bridges Authorized by the Legislature. This was amended

by House Amendment A and by Senate Amendment A.

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

Mr. HASKELL of Penobscot: Mr. President, I think the request of Senator Cobb is entirely reasonable. The bill under question is a Constitutional Resolve by means of which the Constitution is amended to provide for a seven million dollar bond issue, the question to go to the people. Senate Amendment "A" sought to change the title of that bill from one wherein there was no reference to the particular area wherein the bridge would be built and furthermore changed the question from one in which there was no reference to what bill we were talking about to a question that refers to the Fore River Bridge in Portland.

On motion by Mr. Savage of Somerset, the Senate voted to reconsider its former action taken earlier in the day whereby we assigned for second reading tomorrow Bill, An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1950 and June 30, 1951 (S. P. 678) (L. D. 1557) and on further motion by the same Senator, the rules were suspended and the bill was given its second reading.

Thereupon, the Senator from Cumberland, Senator Bowker, presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 678, L. D. 1557, 'Bill An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1950, and June 30, 1951.'

Amend said Bill by striking out all of that part designated MAINE MARITIME ACADEMY and inserting in place thereof the following: 'MAINE MARITIME ACAMEMY

75,000.00 75,000.00

In addition to the amounts hereby appropriated for the years 1949-50 and 1950-51 for Maine Maritime

Academy and before the transfer of balances under the provisions of section 23 of chapter 14 of the revised statutes, there is hereby further appropriated from any balances remaining on June 30, 1950 the further sum of \$20,000 and on June 30, 1951, the further sum of \$20,000."

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I would like to explain my position on this amendment. Under the new draft of the appropriations bill, as I said before, we are still able to give away \$1,113,000 from current revenue for the next biennium to most of the departments. However, there are three departments left, the University of Maine, the Maine Maritime Academy, and the Forestry Department. This amendment simply says that the Maine Maritime Academy had \$115,000 for each of the last two years. Under the appropriations bill we have set up \$75,000 for each of the next two years. Therefore there is a loss of \$40,000 to the Academy. This puts back \$20,000 of that if the revenues should be more than we anticipated. In other words, if the revenues estimated for the next biennium are correct they would not receive it but if the revenues are there under current revenues then they would receive it.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I hope someone will sympathize just a little bit with the position in which I find myself, because I realize I ought to predict that two days from now nobody will vote a motion to recess with me.

The amendment seeks to restore in a partial way \$40,000 in the appropriation bill. I acknowledge that it is contingent upon revenues being available, but I think in fairness we ought to also acknowledge that in the Department of Education, the amendment by which the original first draft was changed to the present second draft, took from the appropriation bill \$910,551. That is the reduction that the Appropriations Committee had to make to bring the educational expenditures

down to indicated revenues, and they told me by their majority report that they believed the general fund should be brought down to indicated revenues.

Now, in addition to that, still in terms of education, we also added educational bills calling for \$2,100,000, making a total of \$3,010,551 as the sum total of the bills that the Appropriations thought ought to pass, plus those that a majority of us thought we would like to pass in new educational legislative documents.

In supporting this motion to make contingent restoration of this \$40,000, I think it is fair that you consider the position of all the other desirable expenditures that were in the original appropriation bill, and that you consider the position of all the other legislative documents. Consider, please, the \$400,000 a year for the private hospitals. Consider the ADC to aid the towns. Consider the \$350,000 for state employees' salaries.

Had this amendment provided that, if surplus funds existed, some authority, and he would have to be a magician, could distribute that surplus among the \$3,000,000 of basic deficiencies, or among the six million of L. D.'s that will in substantial proportion be killed, I could not have objected. But when we pick out this particular objective, worthwhile as it is, and compare it specifically with some of the other items that had to be eliminated, it seems to me that we are opening the door wide open which will find us in an impossible position.

Now let's for want of a better comparison, compare the needs of this institution with the needs of the University of Maine. As you know, there are no funds available for the supplementary appropriation to the University of Maine. As you know, we are now giving them \$325,000 a year in supplemental funds, supplemental to the mill tax. Presumably that must be denied, unless some other vehicle is found. Let's consider two youngsters, brothers; one goes to the Univer-

sity of Maine and the other goes to the Maine Maritime Academy, both of which are fine institutions, and we should be proud of them.

At the University of Maine, the student must first find \$759 with which to pay for his tuition, his board and room at the dormitory, and some of the other charges. To that is added \$140 a year, according to their catalogue, page 194, so that his total costs become \$899 a year in addition to whatever may be his costs of clothes and personal expenses.

Now, let's take his brother who might want to go to the Maine Maritime Academy. I have recited what this boy who is going to the University of Maine must expect to raise, either through his own efforts, or his parents' financing. Now, at the Maritime Academy—and I will turn to page 11 of their current catalog and read paragraph one.

"Midshipmen enrolled at the Maine Maritime Academy under present Federal Appropriation are entitled to a Federal Subsidy at the rate of \$65.00 per month. Also a subsistence allowance of .75 per day per Midshipman actually in attendance is paid to the Academy by the Federal Government under present Federal Appropriation. No charge for food or quarters is made to the Midshipmen from their pay."

In other words, he gets the \$65.00 a month that his brother does not enjoy at the University of Maine. Then, on the expense side the Maritime Academy makes a service charge of \$200.00 per year, and this may be deducted from his pay. He must also make a deposit of \$250 toward his clothing. Now, it seems to me that in the Appropriations Committee Budget we have at least equalled the subsidy that we would give to the University of Maine. I think I can prove rather conclusively that that subsidy is very substantially in excess of what we gave to the University of Maine.

Seriously and honestly, Senators, it doesn't seem to me that it is quite fair to look the University of Maine youngster in the face and

say, we have got to deny what you are now having in subsidy to the tune of \$650 per biennium and force upon you an increase of \$100 per year in your tuition, when you are already paying several times the net cost at our own state institution that a similar student has at Maine Maritime. No one in this Senate can, of course, criticize in any way the objectives of the Maine Maritime Academy. They are splendid. They are doing a good job. But as long as we must cut down the equalization to our communities for education, and as long as we can't find the funds to live up to existing law and give our towns that sum of money which the statutes say are due them for teachers' pay—as long as we must make those substantial cuts in this second new draft which I support and acknowledge is limited to the income, it is just a little bit unreasonable to say that we want to open up that door to further subsidize the Maritime Academy.

I haven't the words to express my high regard for that institution. But when you vote, please think of those kids back in the small towns. Please think that their teachers have been cut. Please think that their schools could have been built. Please think of the University of Maine where we can't continue what we are now doing by the tune of \$650, and see if it is not just a little bit reasonable to say that that chap at the Maine Maritime Academy who is getting paid \$65 a month, according to their catalogue, and who gets free medical attention, and who gets federal subsidy is pretty well taken care of. I don't believe that is the door to open when we seek to amend the second draft of the appropriations committee's bill.

Mr. LEAVITT of Cumberland: Mr. President, our floor leader is very, very consistent in most of the things he says. He generally knows what he is talking about. The only reason why I have made an insistence that the Maritime Academy receive this extra \$20,000 is because it is not an extra \$20,000. We are

still taking a \$20,000 cut. The Governor's Message says, this budget permits the continuation of all services of government for the biennium "at a level comparable to or greater than the present level." And when your Appropriations Committee returned this bill which they have given to us, they say in there, and they maintain stoutly, that they are giving to every department of this state government a sum equal to or greater than they have given in the previous biennium. But with the Maine Maritime Academy, and I believe it is the only exception, I am not absolutely sure of it, but it is at least one of the rarest instances, when the Maritime Academy last year had \$115,000, and the year before \$115,000, they have cut the Academy to \$75,000. Now, you cannot say that they are giving a like amount to the Maritime Academy or even "greater than." They are giving this Academy \$40,000 less each year. Now, our costs have gone up just the same as the costs of any other school or institution in the State of Maine. Because of the fact that we knew that this Legislature from its actions of two years wanted to cut down the cost here, we have diligently pursued a course which would allow us this year to cut the cost of running that school \$20,000 over and above the added costs which naturally are coming to all institutions.

So, when we are asking you for this \$20,000 that we are putting into this appropriation here, we are in reality asking you for over \$20,000 less than we needed, or which would allow us to run on the same level as we have run on before.

As to the two schools, the University of Maine and the Maine Maritime Academy, I know that our floor leader went to the University of Maine, and therefore he is very loyal to it. He should be. It is a very fine school, and the Maine Maritime Academy in no way, shape or manner wants to enter into competition with that school. We are not doing the same thing that school does. We are not

trying to do the same thing they are doing, but we are running a very highly technical school which costs more to run than it does those of the courses which they are giving to the University of Maine. Furthermore, the boys that go to the Maine Maritime Academy are boys who when they go into their vocation which they are learning there are going to spend most of their lives away from home. We are asking them to make certain sacrifices for their government. The two schools in no way, shape or manner are comparable.

Furthermore, the Senator reads from our catalogue—and he has a right to read from it, because we try to keep it up to date as much as possible—but when you are dealing with the Federal Government, things shift very, very fast. In fact, at the present time, we are fighting to get this subsidy of \$65.00 a month which is not paid to the school but paid directly to the boy, and the subsistence of seventy-five cents a day only covers part of the cost of food, as you know today nobody can live on seventy cents a day, unless it is in some of our institutions such as we have across the river where they have big farms and things of that sort. The appropriations bill directly from the President cut that sum out of the appropriations bill in Congress this year. After a very valiant fight which took about five pages to write up the debate in the Congressional Record, it was restored. But now it has got to go into the Senate for a fight, and you know how hard it is to get things through the Senate even in the State of Maine.

So, there is no assurance at the present time, and there will not be at the time this Senate adjourns sine die, and we hope it will adjourn before next August. We have no assurance, yet, that we are going to have that subsidy we are talking about. Therefore, a boy going to the Maine Maritime Academy will pay just as much, if not more than going to the University of Maine.

There is another point which the Senator from Penobscot debated the question on very thoroughly. Before we went into this, Senator Bowker and I went to the University of Maine and said, we don't want to take advantage of the University of Maine, and we want to go in on a pro rata basis. If there is further income, we want you to put your bill in for \$800,000. We will put ours in for \$20,000. If they have \$320,000 more income than is estimated for the year, you will have your \$300,000 and we will get our twenty. If they only have \$100,000, the University of Maine is going to get eighty some odd thousand dollars and we will get anywhere from four to five thousand dollars.

We are not trying to hurt the University of Maine. We are working with them in this thing. I think that the Senator from Penobscot knew that, but he did not mention it. He just mentioned how the Maritime Academy was trying to grab some money. We are not trying to grab any money. We are simply asking that you give us enough money to operate on this year, and we are asking for \$20,000 less than we got for the last biennium. If that is trying to grab money, if that is trying to be unreasonable, I leave that to your judgment.

We also come very close to what we heard about in the fight we had in the Senate in the closing hours last year, and that was something called phantom money. It was pointed out to me, and it was pointed out to most of those here that the budget estimates were very, very close. There couldn't possibly be another cent. In fact, we were going to come back here for a special session, because we were going to be in the red. It has happened every time I have been here. We need more money. Yes, we need \$5,500,000 to get out of the property tax field and put in a tax that would replace that. We need \$3,000,000 a year for school construction, to pay teachers, for equalization. Yes, we need more money.

We have got to remember that the people who estimate our revenues aren't going to get caught short if they can possibly help it, and they are going to estimate as low as possible, and Senators, there is going to be revenue enough. I think that every one of you knows there is going to be revenue enough over and above the estimates not to unbalance this budget, and to give us money enough so that the University of Maine will get \$300,000 and the Maine Maritime Academy can have \$20,000. And in this amendment, if you don't get it, we don't get it. There is nothing pledged, except that if you do get it, we get a portion of that in proportion to the amendment. There may be other amendments, but I do hope that this amendment will be accepted.

Mr. WILLIAMS of Penobscot: Mr. President, earlier in this afternoon's session, I willingly accepted the ought not to pass report on the Committee Amendment "A" to the appropriation bill. I see now that I was in error. I should have presented that again to this body and had it adopted if there was money to take care of it. After all, I think probably this is a very fair proposition as far as the Maritime Academy is concerned. If the University of Maine is planning to put their \$300,000 on by the same method, if they are planning to put their \$400,000 on by the same method, and then we continue on through all of them, I could have saved a lot of time for you if I had presented the Committee Amendment "A" and it had been either adopted or turned down immediately. Because if we are going to use one service by that method, isn't it just as fair that we should look out for welfare and all of the other services of the state the same.

I rose mostly to clear up a misunderstanding which the Senator from Cumberland seems to have. The appropriations Committee has said that there is as much money available for this under this new draft of the appropriation bill as we are spending at the present

time. I don't know where he received that statement. I don't believe the Appropriations Committee has ever made such a statement. Maybe some individual member has made such a statement. I am speaking as an individual at the present time, and I can say as an individual that I have never made that statement, because it is utterly false.

I have just run over a few accounts on the matter of education. We have the matter of the Farmington State Teachers' College which is not receiving as much money in the first year of the biennium as they received this year. Washington State Teachers' College is also receiving less money. Subsidies to the cities and towns for tuition is less in the first year of the biennium than they are receiving this year. The amount for teachers' vocational rehabilitation is less. Industrial education is less. And secondary education for island children is less.

I have not bothered to go through each account, but I think you could find as much of a percentage, probably, in any other account. As to the matter of revenue, I think I have talked in past sessions about phantom money as much as anyone. We have hoped that money was going to show up, but those of us who advanced the idea of phantom money haven't known where the money was coming from and it is really not a very strong way of debating. I think, also, to say that we think money is going to be there, is rather a weak way to argue on this matter.

For those reasons I hope this amendment does not pass, and I think in doing this that it is the first time that I ever opposed an appropriation for the Maritime Academy, recognizing the fine work which that institution has done. There is an old saying which could be applied to this Legislature. So, let's all take our medicine as you have noted that I have been doing this afternoon and be willing to kill our own bills, or at least be willing to let our friends kill them.

Mr. ELA of Somerset: Mr. President, I think that this amendment is atrocious legislative procedure. Regardless of the merits of this bill, if you once start this type of an amendment, it will have no end. No fiscal division of the state government will ever know where they are, or where things are going to stop. I hope you will pause and consider this amendment well, even if you favor \$20,000 for the Maritime Academy. It must not go on this way.

Mr. LEAVITT of Cumberland: I have been trying to go over this statement of Senator Williams of Penobscot. There are certain items in the Education Department which have less money. The aggregate state department, however, is more for each year than was had in the current biennium for either year.

I have quoted from the Governor's message which said that this budget permits the continuation of all services of government for the biennium at a level comparable to or greater than the present level. And as I understood from the Appropriations Committee, that is their stand. I have talked with members of the Appropriations Committee, including the Senator from Penobscot, Senator Williams, who has put up a very forceful argument, and he has agreed with me, as have all other members of the Appropriations Committee that I have talked with, that they were not giving us the amount of money which we had had in the last biennium.

If we were asking for more, or asking for even the same amount, I would say that my pleas here for the school would be out of order. We are not asking for more. We are asking for twenty thousand dollars less. I will grant that it is unsound procedure to put an amendment of this type in. It is unsound to ask any institution to wait for one year to find out whether they are going to get the appropriation which they need to operate on. But in the spirit of cooperation, because of the fact we are not trying to gouge, we were will-

ing to go along on this pay if you can basis. The gentlemen who are fighting this are not fighting the Maritime Academy. They are just fighting any expenditures. They know the new tax bill has not gone through. I fought for it just as long and just as hard as anybody else has, and I am willing to go along in the new tax bill for this money. This Maine Maritime Academy is a state institution. You passed a bill last year which made it a state institution, and it is up to the state to run their institutions and give them the money they need to operate.

We have come in here and asked for \$20,000 less than for the last biennium, and out of fairness it should be given to them. Contrary to anything that anybody else may say in here that we are trying to put something over, we are simply fighting for our rights as an institution to have sufficient money to operate.

Mr. HASKELL of Penobscot: Mr. President, I will be very brief but first of all I want to apologize for not making it clear that there were appropriation measures that were cut. I will also indicate that I had no idea—and I say this very honestly—that the University of Maine was to be cut in on this same procedure. There have been substantial cuts made to the appropriations bill and those have been made below the existing appropriation measures. It is perfectly obvious to the Senators, I am sure, that since 1929 the University of Maine has received the income from the mill tax. They presumably will receive that mill tax the next two years of the biennium and because state valuations are up they will receive \$47,000 more from the mill tax than they are currently receiving. But remember that they are now receiving \$325,000 per year in supplemental appropriations over and above the mill tax and instead of taking a cut of \$20,000 or \$40,000 a year in those supplemental appropriations the University of Maine is taking a cut of \$325,000 per year, or one hundred percent of that appro-

priation. So I don't think it is quite true to indicate that all of these appropriations are set up on a level consistent with the current biennium, because certainly in the case of the University of Maine that is not true.

I agree with the Senator from Somerset, Senator Ela, that this procedure could well lead to complete fiscal confusion, to set up phantom appropriations to be made good in dribblets and in proportion to the size of the requests if surplus is created.

I also call to your attention that the general fund must operate in the black if you, members of the Senate, are to have funds with which to appropriate for these non-recurring expenditures. It would be a fiscal absurdity, in my opinion, to appropriate every penny of what might be the operating gain in the next biennium because then you would be sure to come back here and find a bare cupboard and if you came back for an emergency you would be sure to find a bare cupboard. I am at a loss for words to describe that approach to the problem of the Senator from Cumberland, Senator Leavitt. It is not sound, Senators.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I would like to correct any statement that I might have made that was in error. Senator Williams has stated that there were cuts all the way through but I would like to inform the Senate and straighten out the Senator from Cumberland, Senator Williams, that if he would care to go down through the appropriation bill and note where these cuts show, in most cases he would find that it shows a cut for the next biennium below what the appropriation bill calls for the next two years and in most cases he will find that those departments did not use what was appropriated two years ago and had balances left that lapsed and were transferred to other departments.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, I didn't know I was going to get into

a personal argument this afternoon but I have this sheet here which the Senator from Cumberland insisted on having put out and I don't think it is worth going into a lengthy discussion, but it does show that in many cases we have given less than they had for the present biennium.

The argument that there were some loose balances may be true but I will submit that in the matter of aid to the blind there wasn't a balance this year and it was cut from \$150,000 to \$128,000.

In the matter of old age assistance, I think they had \$55,000 and we cut them out altogether and I doubt if Farmington State Teachers' College would recognize why they should have been cut back eight thousand dollars this year. I don't think it is because they carried over such a balance last year and probably the same thing applies to the Maritime Academy.

The only reason I am discussing this at all this afternoon isn't for ill will to the Senator from Cumberland but is for the matter that we have accepted this obnoxious position we are in in regard to the finances of the State of Maine and I think we have got to abide by it.

As soon as this thing opens up I am going to have plenty of amendments that I would like to add to this appropriation bill. I certainly will not forget the matter of aid to dependent children or the board and care of neglected children. That is the reason why I took my bills off the table this afternoon. So I can't see why we should open up this unsound policy of going along and saying that if the money should happen to be available we will pro rate it for these different services. Certainly if one service to the state is desirable there are many others just as desirable.

Mr. LEAVITT of Cumberland: Mr. President, I know there is unlimited debate, but nevertheless I wish to apologize for speaking a third time. This matter of the \$20,000 has been a subject of discussion by me with a great many people ever since the Legislature

started. We are told that this is a poor way to handle it, and we are also told that it is not the way to handle it. While the talk has been going on, I have talked with our floor leader, and I asked him if he knew of a better way to handle it. He says he doesn't know a better way to handle it.

There are so many things in this world that aren't done because somebody says, I don't like the way you are trying to do it. They admit it can be done that way, but they just don't like the way it is done. Now, I will be perfectly willing to go along with any person—and we have got men here with brains, I hope. I admit that I haven't too many of them—but I will go along with anybody here that can give us a reasonable solution of how to do this.

Here is an institution that belongs to the State of Maine that is asking for \$20,000 less to operate during this biennium than it asked for during the last biennium. And for some reason or other, after they got through finagling with all the figures, they found that they couldn't quite go along with twenty thousand dollars. I would like to remind you of eight years ago when our Senator from Penobscot, Senator Williams, had a bill. He got it through his committee. He got it through the Legislature, and then it was vetoed by the Governor because it threw the budget out of balance by forty thousand dollars. And when we came back, we had a surplus of \$4,000,000. The next year the same bill came up, and they finagled it around again so we were going to be out of balance \$27,000 and it was vetoed again, and we came back with two million and a half surplus. The next year it went through, the bill was passed, and we still came back with a surplus.

It reminds me of back in the old days when we used to go to church. There would be a bunch of people, and all of a sudden everybody sat down quick to see who they would squeeze out. Well, that is what this little job is. That is just to say,

when we sit down in the pew, the Maine Maritime Academy is going to be sitting in the aisle here, because we are four thousand dollars out of balance. With a budget of \$47,000,000, or I don't know how many millions, we are going to be out of line four thousand dollars. I am asking you Senators in all fairness to see that the Maine Maritime Academy is in there for that amount of money. If you don't want to be fair on that, and you think we should be sitting out in the aisle, why all right. I think there has been a division asked, but I might as well ask for it anyway.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, so much has been said about the University of Maine in comparison with the Maritime Academy that I would like to call to the attention of the members of the Senate that this particular amendment does not affect the University of Maine in any way, because in the budget of the University of Maine under the present setup all that was included by the Appropriations Committee was the mill tax which would bring in a revenue, based on present values, of \$762,000.

There is, of course, the legislative document for general measures calling for \$300,000 annually for each of the next two fiscal years and I will admit that the idea has been brought to my attention that a similar motion might be put on such a bill. However, I don't think there has been any indication by people that I know of, that that definitely would be done. So in connection with this present amendment it isn't certain.

I would like to call to your attention that the per capita subsidy to the University, based on four thousand students for 1949-50 is \$125 per student, where in 1931-32 under the mill tax which produced within six thousand dollars as much at that time as it does at the present time, the per capita grant by the state was \$370 per pupil. I just bring that to your attention at this time and also the fact that the University of Maine is not con-

cerned in this particular amendment on the appropriation bill at this time.

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

A division of the Senate was had. Seven having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, the bill was passed to be engrossed.

Sent down for concurrence.

Mr. COBB of Oxford: Mr. President and members of the Senate: I don't know whether other Senators here feel as I do, a grave concern over what has just gone on, not this last motion, but the preceding two. Sometime previously today we turned down, or accepted the "Ought Not to Pass" report of the Appropriations Committee on Resolve for schools construction assistance. Now, within a very, very few minutes we have appropriated \$720,000 for two school projects.

My concern primarily is that I believe at this point we should reconsider our action, our previous action whereby we accepted the "Ought Not to Pass" report on L. D. 1296.

The PRESIDENT: The Chair would inquire of the Senator if he voted with the majority in the acceptance of the "Ought Not to Pass" report.

Mr. COBB: Mr. President, I voted "Ought Not to Pass" when we voted before and I was asked by Senator Noyes, because I was in that position to ask for reconsideration. I believe he has a sound basis for asking reconsideration.

The PRESIDENT: The Chair will state that the motion to accept the "Ought Not to Pass" report was not a division and was put through under the gavel. The Chair is somewhat at a loss as to whether there was anyone opposing the motion. There was no voice raised against it, so presumably it was unanimous.

Therefore, the Chair does accept a motion from the Senator from Oxford, Senator Cobb, that the Senate reconsider its action whereby it accepted the "Ought Not to Pass" report of the committee, on Resolve for School Construction Assistance, L. D. 1296.

Mr. WARD of Penobscot: Mr. President, I believe it is entirely in keeping with our discussion here, as members of this legislature, that we provide suitable facilities for all present state institutions. I think it is perfectly in keeping for us to vote in favor of these resolves this afternoon in connection with our normal schools, and I further think that we have the duty to see to it that the state institutions which we have under our control are properly taken care of before we embark on an entirely new feature of the state subsidizing a school construction program. I oppose the motion of the Senator, that our action be reconsidered.

Mr. NOYES of Hancock: Mr. President, I am very much in favor of the motion to reconsider the action taken earlier today, and I rise at this time to congratulate the Senators from Cumberland and Franklin, on the stand they have taken. Both gentlemen in their remarks stated that the bill which was earlier defeated, in their estimation was a much more important measure than either of their own, as we might call them, pet measures. And they are willing to vote accordingly.

For one and a quarter hours this morning we debated this question and finally turned it down with a vote of seventeen to fourteen on the two bills to which I have referred and to which Senator Cobb referred. We just recently put through under the gavel those two bills carrying a total appropriation of \$720,000.

I question perhaps if the school construction bills should have been divided into three bills calling for three hundred and thirty-three and a third thousand dollars each, which might have received passage, but a million dollars seemed

to frighten some people and they voted to kill the measure. It seems to me in all fairness that this school construction bill should receive favorable action at this time, and kept alive and passed along to see what action might be taken by the other branch.

I hope the motion prevails.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Cobb, that the Senate reconsider its former action whereby it accepted the "Ought Not to Pass" report on Resolve for School Construction Assistance.

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

A division of the Senate was had.

Fourteen having voted in the affirmative and seventeen opposed, the motion to reconsider did not prevail.

On motion by Mr. Barnes of Aroostook, it was

ORDERED, the House concurring that H. P. 2067, L. D. 1499, bill, An Act Permitting Continuance of Service of State Employees Reaching Seventy Years of Age be recalled from the Governor.

On motion by Mr. Barnes of Aroostook, sent forthwith to the House.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table bill, An Act Relating to an Institutional Farm Supervisor (S. P. 219) (L. D. 339) tabled by that Senator on April 21 pending passage to be enacted.

Thereupon, on motion by Mr. Denny of Lincoln, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and that Senator presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 219, L. D. 339, Bill 'An Act Relating to an Institutional Farm Supervisor.'

Amend said Bill by adding at the end of the 2nd underlined paragraph thereof the following underlined sentence: **The salary and the**

expenses incurred by the farm supervisor shall be prorated among the accounts set up for the several institutional farms.'

Further amend said Bill by striking out the abbreviation and figure 'Sec. 1. at the beginning of the 1st paragraph thereof, and by striking out all of section 2 thereof.'

Mr. DENNY of Lincoln: Mr. President, in keeping with the program and realizing that this bill asked for an appropriation of seven thousand dollars a year, and being just a little afraid that it might not pass, this amendment takes the cost of this farm supervisor from the operational account of the farm itself, which I think is proper anyway and should be part of the farm expense.

Thereupon, Senate Amendment A was adopted and the bill as amended by Senate Amendment A was passed to be engrossed.

On motion by Mr. Williams of Penobscot, sent forthwith to the House.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table bill, An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945 and 1947 (S. P. 611) (L. D. 1319) tabled by that Senator on April 21 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act Relative to Sale of Wild Hares and Rabbits (H. P. 353) (L. D. 118) tabled by that Senator on April 21 pending motion by the Senator from Somerset, Senator Ela, that House Amendment A be adopted.

Mr. BOUCHER of Androscoggin: Mr. President, since we are having a pretty wooly and wild session, I thought it might be a good idea to take off these wild hares. I think my good friend from Somerset has an amendment to make the rabbits wild. I hope they don't froth at the mouth.

The Secretary read the amendment.

Thereupon, House Amendment A was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table House Report "Ought to pass as amended by Committee Amendment A" from the Committee on Legal Affairs on bill, An Act to Provide for a Council Manager Form of Government for the City of Westbrook (H. P. 1983) (L. D. 1364) tabled by that Senator on April 27 pending consideration of Committee Amendment A; and on further motion by the same Senator, Committee Amendment A was indefinitely postponed in concurrence, 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 "Ought Not to Pass" from the Committee on Legal Affairs on bill, An Act to Revise the Charter of the City of Westbrook (H. P. 1984) (L. D. 1365) tabled by that Senator on April 28 pending consideration.

Mr. BATCHELDER of York: Mr. President, this bill came out of committee with an "Ought Not to Pass" report, in view of the fact that we had reported out L. D. 1364 which was an Act to Provide for a Council Manager form of Government for the city of Westbrook. As I understand it there have been considerable requests made that they do desire to make some revision in the charter providing this council manager form of government does not pass. In view of that fact, and in order to allow the people to vote on it — and the referendum is set on the same day as the other bill — and since the House has moved to substitute the bill for the report, I move that the Senate concur with the House.

The motion prevailed and the bill was substituted for the "Ought Not

to Pass" report, and under suspension of the rules, was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Welfare on bill, An Act Relating to Requirements for Old Age Assistance (H. P. 1820) (L. D. 1136) tabled by that Senator on April 20 pending consideration of the report; and on further motion by the same Senator, the "Ought Not to Pass" report was accepted in concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take from the table bill, An Act Relative to Crop and Orchard Damage (H. P. 1134) (L. D. 542) tabled by that Senator on April 26 pending passage to be engrossed.

Mr. WILLIAMS of Penobscot: Mr. President, I move that this bill be indefinitely postponed.

Mr. ELA of Somerset: Mr. President and Members of the Senate, this was a unanimous "Ought to Pass" report. If a land owner posts his land during the current or previous season he is not permitted to claim crop damage. A great many people in various parts of the state have started in to post their land against hunting and in view of the fact that we are a hunting state, it is thought that something should be done to discourage this practice. Furthermore it has been called to the attention of some of us that some people planted crops and apparently only for purposes of collecting damages and for that reason we thought this bill had some merit and reported it out ought to pass.

Mr. WILLIAMS of Penobscot: Mr. President, I thought likely if I got out of the money bills, I might find a little opposition somewhere in the Senate, especially in trying to kill someone else's bill. It seems to be a foregone conclusion for any Senator to get up and kill his own bill at any time. I will give briefly my reasons for indefinite postponement.

I realize there is some call for this type of legislation and I would be one hundred percent for this bill if all the men and women that we have in the woods during the hunting season could still conduct themselves as perfect gentlemen and ladies.

It so happens that a lot of men and women, if you put a gun in their hands, will return to the savage state. They forget that other people have the right to exist. I think that all of us who happen to live in these numerous small towns in the State of Maine, especially in the areas where a lot of hunting is going on, recognize the problem that does exist. That may be somewhat far fetched from this particular bill before us but the very nature of many men who hunt, people in self-defense have to try to keep those hunters away from their buildings and out of their orchards.

I might give this personal illustration, and this bill doesn't affect me in the least, because my orchard is fenced in so I would not expect there would be wild game in it. Two years ago this fall it was necessary to post that orchard for the simple reason that cars were driving in there and I had several young trees driven over and they would even use the trees to shoot at. I don't think that is an illustration that is uncommon in the State of Maine. I know of other situations where elderly people living in these districts on old farms practically live in fear during the hunting season because of stray bullets and because people are not shooting for game in their fields but just for the fun of it at targets of anything they happen to see.

There are cases where people had a farm and had damage by deer, which is common, and the next year as a matter of self defense, they had to post their farm land and in those cases they couldn't receive damages and apparently the wardens would not even try to protect their gardens because the only reason they try to protect gardens at the present time

is to do away with the payment of damages. As for the few reasons for this bill, given by the Senator from Somerset, which no doubt exist to a marked degree, I think the disadvantages in this particular bill, would far outweigh the advantages, so for that reason, I move the indefinite postponement of the bill.

The **PRESIDENT**: The question before the Senate is on the motion of Senator Williams that the bill be indefinitely postponed.

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

A division of the Senate was had.

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

Thereupon, the bill was passed to be engrossed in concurrence.

Mr. **HASKELL** of Penobscot: Mr. President, I move the Senate do now adjourn.

A viva voce vote being doubted.

A division of the Senate was had.

Sixteen having voted in the affirmative and twelve opposed, the motion prevailed and the Senate adjourned until tomorrow morning at nine o'clock Eastern Standard Time.