

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 4, 1949

The Senate was called to order by the President.

Prayer by the Reverend Merle E. Golding of Augusta.

Journal of yesterday read and approved.

From the House

Joint Order (H. P. 2113) recalling from Legislative Files Bill "An Act Relating to Interstate Transportation of Shellfish." (S. P. 490) (L. D. 950)

(On motion by Mr. Sleeper of Knox, tabled pending passage, and especially assigned for later in today's session.)

The Committee on Claims on "Resolve in Favor of the Town of Aurora," (H. P. 825) reported that leave be granted to withdraw.

The same Committee on "Resolve in Favor of the Town of Dedham," (H. P. 1466) reported that leave be granted to withdraw.

The same Committee on "Resolve in Favor of Central Maine General Hospital of Lewiston," (H. P. 1865) (L. D. 1209) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing the Eastern Maine General Hospital, of Bangor, for Certain Claims," (H. P. 729) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Phillips," (H. P. 739) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Wells," (H. P. 1367) (L. D. 720) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Sangerville," (H. P. 1119) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the City of Bangor for Fire Fighting Service," (H. P. 1681) (L. D. 1027) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Milbridge for Fire Fighting Service During Forest Fires of 1947," (H. P. 1679) (L. D. 1017) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Woodrow W. Shaw, of Mars Hill," (H. P. 1449) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Bowdoin," (H. P. 1905) (L. D. 1271) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Cherryfield for Fire Fighting Service During Forest Fires of 1947," (H. P. 1689) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Carroll Plantation," (H. P. 893) (L. D. 364) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Creating a State Highway Commissioner and Advisory Council," (H. P. 833) (L. D. 318) reported that the same ought not to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Clam, Quahog and Mussel Flats," (H. P. 1942) (L. D. 1313) reported that the same ought not to pass.

The Committee on Education on Bill "An Act Relating to Terms of Employment for Teachers," (H. P. 914) (L. D. 400) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Portage Lake, in the County of Aroostook," (H. P. 1141) (L. D. 601) reported that the same ought not to pass.

The Committee on Military Affairs on Bill "An Act Providing for the Payment of a Bonus to Maine Veterans of World War II and to Provide for Payment Thereof by a State Lottery," (H. P. 663) (L. D. 215) reported that the same ought not to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Shipment and Transportation of Clams, Quahogs and Mussels," (H.

P. 1854) (L. D. 1192) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Labelling of Shellfish," (H. P. 1853) (L. D. 1191) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Shipping of Clams, Quahogs and Mussels," (H. P. 1836) (L. D. 1216) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act to Provide for Self-Imposed Tax on Sardines for an Industry Development Fund," (H. P. 2105) (L. D. 1596) reported that the same ought not to pass.

The Committee on Towns on Bill "An Act to Provide for the Surrender by Moro Plantation of Its Organization," (H. P. 1670) (L. D. 977) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Ways and Bridges on "Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds," (H. P. 4) (L. D. 1) reported the same in a new draft (H. P. 2099) (L. D. 1585) under the same title, and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendments "A" and "B".

In the Senate, the report was read and accepted in concurrence and the resolve read once; House Amendments A and B were read and adopted in concurrence, and under suspension of the rules, the resolve as amended was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Crosby of Franklin, sent forthwith to the engrossing department.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Control of Dogs," (H.

P. 1972) (L. D. 1354) reported that the same ought not to pass.

(signed)

Senators:

BAKER of Kennebec
BATCHELDER of York
EDWARDS of Oxford

Representatives:

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

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

(signed)

Representative;

CHAPMAN of Portland

Comes from the House, the Majority report accepted.

In the Senate, on motion by Mr. Batchelder of York, the Majority Report was read and accepted in concurrence.

The Majority of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for the Establishment of a State of Maine Information Center," (H. P. 1621) (L. D. 932) reported that the same ought not to pass.

(signed)

Senator:

WILLIAMS of Penobscot

Representatives:

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

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

(signed)

Senators:

BOWKER of Cumberland
SAVAGE of Somerset

Representative:

DENNETT of Kittery

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

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

Communication

State of Maine
House of Representatives
Office of the Clerk

May 3, 1949

Honorable Chester T. Winslow
Secretary of the Senate, 94th
Legislature

Dear Sir:

The Speaker today appointed the following Conferees on the part of the House, on the disagreeing actions of the two Branches of the Legislature on the following bills:

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

Messrs. PRINCE of Harpswell
SANBORN of Gorham
PATTERSON of Freeport

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

Messrs. PLUMMER of Lisbon
HOBBS of Acton
JOHNSON of Gardiner

On Bill, "An Act Authorizing Cities and Towns to Assess a charge for the Maintenance of Sewers." (H. P. 2034) (L. D. 1448)

Messrs. ATHERTON of Bangor
JEWETT of Manchester
WILLIAMS of Auburn

On Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse." (H. P. 1786) (L. D. 1125)

Messrs. ATHERTON of Bangor
JEWETT of Manchester
WILLIAMS of Auburn

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

Messrs. CHAPMAN of Portland
PAINE of Portland
McGLAUFLIN of Portland

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

Messrs. SANBORN of Gorham
HAYWARD of Machias
HILL of Bingham

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

Messrs. WOODWORTH of Fairfield
DeSANCTIS of Madison
LAUGHTON of Ripley

Respectfully,

HARVEY R. PEASE, Clerk

Which was read and ordered placed on file.

Senate Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Relating to the Financial Responsibility Law," (H. P. 2027) (L. D. 1416) have had the same under consideration and report that the Senate indefinitely postpone (H. P. 2027) (L. D. 1416) in concurrence with the House, and reports a new draft (S. P. 695) under the same title; and that the bill in new draft be given its first reading, and laid upon the table for printing; after which it be given its second reading and passed to be engrossed, and that the House concur with the Senate in passing the bill to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President, I rise to a point of personal privilege for information.

The PRESIDENT: The Senator may state his point.

Mr. BOUCHER: Mr. President, if this is accepted as reported, does that preclude the possibility of amending this bill once it is printed and reported back to this Body?

The PRESIDENT: The Chair will rule that this being a report of a Committee of Conference, that the only motion before this branch

would be to accept or reject the report in its entirety, and that no further action may be had than that which is specifically on the Conference Committee report. In other words, no amendment would be in order. The only action before this branch is to accept or reject the report.

Mr. BOUCHER: Mr. President, if I understand correctly, without even knowing what this report will be, this new draft, we have either to accept or reject it at this time?

The PRESIDENT: The Chair will rule that the motion before this Branch is to accept or reject the report, but the Chair would remind the Senator that after the acceptance of the report, the bill is always open for a motion to indefinitely postpone, in any phase of its passage.

Mr. BOUCHER: May I ask, Mr. President, if a motion to table this at this time with the intention of seeking more information on what the report is, would be in order.

The PRESIDENT: The Chair will rule that such a motion is in order, but will also remind the Senator that the bill will lie on the table for printing in any event.

Thereupon, on motion by Mr. Boucher, the report of the Committee of Conference and the accompanying papers were laid upon the table pending consideration of the report.

On motion by Mr. Ward of Penobscot, the new draft was ordered printed.

Mr. Haskell from the Committee on Taxation on Petition of Western Washington County Petroleum Industries Committee Favoring Reduction of the State Gasoline Tax," (S. P. 180) reported that the same be placed on file.

Mr. Smart from the Committee on Claims on "Resolve in Favor of Lyle Wheeler, of Presque Isle," (S. P. 223) reported that leave be granted to withdraw the same.

Which reports were read and accepted and sent down for concurrence.

Mr. BOUCHER of Androscoggin: Mr. President, I feel it is no pleasure, but a very dire necessity that we accept the next five reports. I realize that with the money not available and with no new taxes that these requests for reimbursement, however worthy they may be, cannot be granted. I don't want to play die-hard or play up pet bills. I believe the claims were justified and I believe they were important but where the money has not been appropriated, I will, not with pleasure but because of necessity, move the acceptance of the "Ought Not to Pass" reports.

Mr. Larrabee from the Committee on Claims on "Resolve in Favor of Saint Joseph Orphanage of Lewiston," (S. P. 565) (L. D. 1230) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of the Marcotte Home of Lewiston," (S. P. 564) (L. D. 1229) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Hospital General Ste. Marie of Lewiston," (S. P. 566) (L. D. 1231) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Healy Asylum of Lewiston," (S. P. 567) (L. D. 1232) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Saint Louis Home and School, West Scarborough," (S. P. 568) (L. D. 1233) reported that the same ought not to pass.

On motion by Mr. Boucher of Androscoggin, the above "Ought Not to Pass" reports were severally accepted.

Sent down for concurrence.

Mr. Smart from the same Committee on "Resolve in Favor of the Town of Fryeburg," (S. P. 343) (L. D. 569) reported that the same ought not to pass.

On motion by Mr. Cobb of Oxford, tabled pending consideration

of the report and especially assigned for later in today's session.

The same Senator from the same Committee on "Resolve in Favor of the Town of Jonesboro," (S. P. 401) (L. D. 738) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. McKusick from the Committee on Pensions on "Resolve Providing for State Pension for Paul Paquette, of Lewiston," (S. P. 506) reported the same in a new draft (S. P. 696) under the same title, and that it ought to pass.

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

Mr. Smart from the Committee on Claims on "Resolve in Favor of Chester Blake, of Oakland," (S. P. 287) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve in Favor of Leon W. Olmstead, of Caribou," (S. P. 56) reported that the same ought to pass.

Which reports were severally read and accepted, and the resolves laid upon the table for printing under the joint rules.

Mr. Batchelder from the Committee on Federal Relations on "Resolve Completing the Revision of the Unemployment Law," (S. P. 346) (L. D. 623) reported that the same ought to pass.

Which report was read and accepted, the resolve read once; and on motion by Mr. Batchelder of York, tabled pending assignment for second reading.

Mr. Knights from the Committee on State Prison on "Resolve Providing for Certain Construction at the Maine State Prison," (S. P. 253) (L. D. 360) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the resolve read once; Committee Amendment "A" was read.

"Committee Amendment 'A' to L. D. 360. Amend said Resolve by striking out the figures '\$225,000' in the last line thereof and inserting in place thereof the figure '\$125,000'."

Which amendment was adopted, and on motion by Mr. Knights of York, the rules were suspended, the resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. SLOCUM of Cumberland: Mr. President, I rise for information. Can any member of the committee inform me as to what purpose this resolve for construction at the Maine State Prison is being enacted.

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

Mr. SLEEPER of Knox: Mr. President, I will be very glad to answer. There is a state prison group that meets every legislative session. The group visits the state prison, and they are taken on an inspection tour and shown what is needed, and what the warden, who is also the business manager of the prison and steward, thinks should be done in the way of repairs and renovations.

As you all know, the state prison is already greatly over-crowded. The present setup at the prison is for about 285 men, and I think the present prison population is over 400. They accomplish this overloading by having upwards of 60 or 70 men stay out at the prison farm. These men are mostly trustees. They have no cell block down there, not even bars on the windows, but they do have guards down there. And then men sleep in the corridors and dozens of men on cots in the school house and the library.

The prison is greatly overcrowded. I introduced a measure at the request of the Commissioner of Institutions calling for \$225,000 in order to construct a new cell block and

bring the prison up to a maximum efficiency to take care of the number of prisoners, and as you all know, our prison population, as well as our other institutional populations is gaining, rather than diminishing. The prison is getting to a point where it is getting rather dangerous. We had one attempted break last fall which could have been much worse. There was a guard knocked down, and if the break had been successful, and if they had gotten through the guard room to the ammunition closet and obtained possession of the guns, I think you would have a tragedy there. Everyone is concerned about it, and of course they realize what should be done. They also realize there is not any too much money.

So, the warden and the group who have the running of the prison are willing to drop the demand for the \$225,000 and take \$125,000 to construct some new cells on top of the present block to make a third tier on top of the two tiers already there.

The heating equipment is very old. The plumbing is very old, and there has not been a cent laid out on that prison in capital expenditures since the fire, I think in 1931. Everything needs to be done there to bring it up to efficiency, and this bill merely cuts down from \$225,000 to \$125,000. And instead of building this new cell block, they will construct a third tier of cells on top of the two tiers they already have, and install new plumbing and heating equipment, and bring the prison up to a passable shape. I think that perhaps Senator Knights may add something to my remarks if he cares to.

Mr. KNIGHTS of York: Mr. President, our Committee went down to the state prison. We investigated the prison, and we were there all day. We went all through the institution, and we saw everything that was there. We have a report here, and perhaps I had better read it. The report is as follows:

State of Maine
SENATE CHAMBER
Augusta

"April 6, 1949, the Committee on State Prison visited this institution and, though the weather was everything but kind, we had an opportunity to visit every part of the Prison, to see and talk with the inmates, to visit the parts where labor is performed and to see the products of the labor of the inmates.

"We also visited the "farm", so called, examined about everything appertaining thereto. We were accompanied by Warden Lovell, who appeared anxious to show us everything of interest connected with the Prison and its management and appeared to be cooperative in every way in making our visit a success.

"According to the records, this prison had its establishment shortly after Maine was admitted to the Union — Feb. 9, 1822, the Legislature created a Commission "To take into Consideration the punishment of convicts and the erection of a State Prison, etc." The location selected was in the town of Thomaston, which, it has been stated, was then claimed to be "about half-way between Kittery and Eastport", two points evidently where there was a considerable population.

"The completed Prison was opened about the first of July, 1824, and the records show that on July 14, 1824, there were 35 prisoners. The first convicts were those sent us by the Commonwealth of Massachusetts to the number of 14, and were probably individuals having a previous residence in what is now the State of Maine. The location selected extended from the main street in Thomaston to the George's river.

"The land on which the Prison was built was stated to be an abandoned lime quarry. There yet exist out-croppings of these lime rocks, but it has also been stated that the old quarry has been much filled in, and that it now serves as a field

for the playing of baseball and other athletic activities.

"On the day of our visit, there were 63 employees connected with the Institution. The Warden, Mr. Lovell, appears to have had a considerable experience in the matter of Penology, and I have been informed that he has held other positions in the employ of the State of Maine, especially in the Health & Welfare Department.

"At this time there are 438 prisoners, 43 of whom are persons committed for life because of capital crimes. There are but 352 cells to accommodate these 438 prisoners. Last year, the total prison population in this institution was 474.

"Religious services are held in the prison every Sunday, Protestant and Catholic services alternating.

RECOMMENDATIONS: Because of the large prison population, there is a shortage of cells. At this time, the surplus is being taken care of at night in 20-or-30 groups by guards, with these groups sleeping in large open rooms, on cots. There appears to be a shortage of guards at night, and at least two additional guards should be added to the staff.

"The plumbing in what is called "the old part" is very bad. It is old, constructed of a type of material that is not now allowed to be used—is constantly in need of repairs, and evidence of hundreds of makeshift repairs is plainly evident. The entire plumbing installation in this section of the prison should be removed and modern, up-to-date work installed.

"The refrigeration system needs a considerable overhauling, being outmoded and insufficient for the needs of the institution.

"Two boilers, constantly in use, supply heat for the prison. One auxiliary boiler should be installed to supply heat, etc., in the event of a breakdown, which is not improbable in the case of 30-year old boilers, as these boilers are.

"The building, owned by the State, on the opposite side of the street, now used as a building for the display of prison-made goods,

needs to be re-plastered—its present condition in this respect being very bad.

"The prison appears to be well conducted, but it was quite apparent that at least \$100,000 could be profitably expended for the correction of conditions already explained. It appears quite reasonable that some repairs to the wall must be made before long.

"I should add that the members of the Committee and the Warden dined on the regular prison fare, and I am sure that all were impressed with the belief that the State's prison wards are being well-cared for and given every consideration to which they are entitled."

I think that covers everything. should be repaired, and that the We simply felt that those quarters plumbing should be completely taken out and new plumbing installed. We also felt that there should be certain repairs made in the building across the road. As Senator Sleeper states, there is an opportunity overhead there to put in about 28 or 30 cells which we think \$125,000 will cover.

Mr. SLOCUM of Cumberland: Mr. President, through the Chair I wish to thank Senator Sleeper and Senator Knights for the information they have given us. I feel very strongly on this matter. We have human beings in our state prison who although they are incarcerated down there as prisoners, I think we certainly should do everything possible to see that they are humanely housed.

I think this is very important and I simply asked for the information because I believe so strongly that we should see that the equipment there is efficiently constructed. I also believe that it is quite evident that we should if possible change our system in some way so that our prison population will not continue to increase at this alarming rate. It is quite evident that if we do not do something we will continue to have to build new cell blocks. I am very much pleased with the report of the committee and I only wish that the state were

in a position to provide the whole \$225,000.

Mr. LEAVITT of Cumberland: Mr. President, I am very glad that this matter has been brought to our attention and that the Senator from Cumberland, Senator Slocum, has asked the questions he did. Of course we all know that something should be done in the way of construction and renovation to the prison. We also know that something must be done for education. Which is more important, that we make good cell blocks for our prisoners, to house them comfortably and give them new equipment, or to build new schools?

I have the list here of the bills that will use up all of the surplus and I don't find any \$135,000 on it for the state prison. We have \$174,000 more of undivided surplus that we haven't passed on so far. Are we going to take one half of all our unexpended funds and give it to the state prison when we have denied the passage here of a bill that would give us a million dollars for schools? I am just as sorry for these prisoners as anybody else and it is too bad that they have to be there but, after all, they got there by disobeying the law. It may be a hardship on them that they do not have all the comforts of home down there but it is much more of a hardship for these thousands of children that we have crowded into inadequate school rooms where they certainly do not get the comforts of home. If we have \$135,000 to spend here let's put it into schools for our children and not into cell blocks for the prisoners at state prison.

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, I realize, as the rest of the Senate does, that this matter is not now before us, we having, I think, voted to accept the committee report and the bill passed to be engrossed, and I am wondering if it wouldn't be better to let the bill progress and let it be one of those still to be considered along with these other bills, out of unappropriated surplus.

I would explain that the reason it is not on the list that was given us is due to the fact that that list tabulated six L.D.'s which at that time had been reported by the committee and this resolve being one of those L.D.'s that has just come out of the committee it will be on a revised list that will come out, if the Senate sees fit to let it continue, and it will have final consideration along with the other matters. I think that would be orderly procedure.

The PRESIDENT: The Chair will inform the Senate that this resolve has been passed to be engrossed. The Chair has allowed considerable latitude but if the Senators wish to debate the resolve the action should be reconsidered.

Mr. LEAVITT: Well, Mr. President, in order to bring the matter to a head I will move that it be indefinitely postponed. As we have not extended the courtesy which has been asked by the floor leader for the education bill, I see no reason why we should extend it to this resolve.

Mr. KNIGHTS of York: Mr. President, when the vote is taken on that motion I ask for a division.

The PRESIDENT: The Senator from Cumberland moves that the Resolve Providing for Certain Construction for the Maine State Prison be indefinitely postponed.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I believe that every word Senator Leavitt has spoken is true, and it does seem rather ironical to deny educational expansion and, as he says, build these cell blocks.

In defense of the state prison committee, and in defense of the warden of the state prison and the other interested persons, I will have to explain to you that the prison does not coddle the prisoners. The measure is more as a protection for the warden and the guards, and not for the prisoners. As I said before, about two months ago, they almost had a bad break. Three prisoners clubbed a guard with an iron pipe and half killed him, and those in

the know, the warden and the guards, tell me that everything is working up to another break.

The population of the prison, as I said before, is greatly increased, and it would almost frighten any of you men to go down and look at the prisoners and see those long gray lines of young, husky men. Many of them are in their 20's. I tell you they are pretty desperate looking characters. Most of them in there are murderers, rapists and what have you. They are not in there for forgery and breach of promise and things like that. The State of Maine does not have the death penalty. So the state prison is well supplied with prisoners serving a life sentence. It is a measure to protect the guards and the administration to construct the cell block and strengthen the walls.

It is pitiful to think we have to deny dollars for children in order to make the prison walls tighter and the cells tighter, but those are the simple facts, and it will have to be done in this case.

I have been in that prison several times, not as an inmate. I have been there as a visitor inspecting, and I know that the prison is old. Parts of the prison are 75 years old, and I know that there is a possibility of a desperate, bloody, deathly break. When you try to herd twenty-five or thirty men in one room with one man to guard them, there is going to be a bad break. The prisoners should be kept in cells, well confined during the night with no opportunity for a break. Under the present setup there, it is impossible to do that.

I am not going to argue. I am not going to be angry. I am not going to plead for the prison. It is just a matter of common sense that something has to be done. If you really want to let the guards take their chances and Warden Lovell take the responsibility, I think I have made our position clear so that you realize the prison is in poor condition, overcrowded and not in suitable shape to handle

the present population at this institution.

If you had rather let things go that way and save this money for other things, that is wholly up to you. I just want to put myself in the clear, and I want to put the administration of the prison in the clear. There is really a desperate need there for repairs and changes. The prisoners are far from coddled. I don't think anyone of us would swap our positions, even changing from here with the prisoners. That is the first objection you will have here on an appropriation to the prison. Don't do anything for the prisoners. Feed them bread and water. That is a good idea. They are not entitled to any more than bread and water. The only people we are having consideration for are the guards and the people who try to keep these prisoners under control. If you can not incarcerate them securely, there is going to be trouble, and that is nothing more than a matter of plain common sense. I am very sorry that I can't say that you are absolutely right, because I know that you feel that way, and I know that you have very good reasons to feel that way.

Mr. SLOCUM of Cumberland: I would like to add to the remarks of Senator Sleeper that it is also a protection to the public, as well as the guards and the administration of the prison. This is very important and very serious. If there should be a general break of murderers from that prison, it would be very serious, and I hope the motion of my colleague from Cumberland County does not prevail.

Mr. LEAVITT of Cumberland: Mr. President, I agree with every solid word that the proponents of this bill have given. It is a serious situation. We do need to protect the guards. We do need better conditions for the prisoners, and we certainly need to protect the public. But isn't that argument just ten times as strong when we talk about the children and the teachers. I think this is a wonderful opportunity for us to really do

some thinking; that is, if we want to think. Our prayer yesterday morning really was something for us to think about. We do need more money here. We need money for all kinds of things, and here we are deciding whether we are going to spend so much money for our prisoners, or whether we are going to spend so much money for our sick, or whether we are going to spend so much money for our children. We have to decide here whether we will allow so many children to go uneducated, and so many teachers to go unpaid, whether we will let people be denied the hospital privileges.

We have got a bill in here, or it will come in very shortly for \$400,000 for hospitals, and that is all for needy people. But now we are deciding, Gentlemen, shall we take \$135,000 of these precious dollars which we apparently haven't got for education and for the sick, and shall we go to work and build a cell block for them to make things better for the prisoners. Just what kind of a nation have we got, and what kind of a state have we got that hasn't got brains enough to go to work and pass taxes to raise the money which we need for these projects. I know it is wasted to say it to you people here, because we in the Senate have voted for taxes. We have been stymied in every move we have made to try to get a tax bill through. We realize it. So, these bitter words I am putting out now are not meant entirely for you.

Perhaps we have got to take care of the prisoners. But just think what we are doing when we deny this money to other places which need it as bad, if not twice as bad. I still think that this bill for \$135,000 to prisoners should be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the bill be indefinitely postponed and Senator Knights has requested a division.

A division of the Senate was had.

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

Passed to be Engrossed

Bill "An Act Relating to Unclassified Importer of Cigarettes and Tobacco Products." (H. P. 577) (L. D. 175)

Bill "An Act Relating to Automatic Signals at Railroad Crossings." (H. P. 1796) (L. D. 1138)

Bill "An Act Relating to Reimbursement to Towns for Special Teaching Positions." (H. P. 1950) (L. D. 1323)

"Resolve Granting a Pension to Erna G. Adams, of Bridgton." (H. P. 2095) (L. D. 1580)

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

Enactors

Bill "An Act Providing for Bridges and Culverts on Certain Roads." (H. P. 606) (L. D. 187)

Bill "An Act Relating to the Salary of Clerks in the Office of Recorder of the Portland Municipal Court." (H. P. 717) (L. D. 259)

Bill "An Act Relating to Aid to Dependent Children." (H. P. 1009) (L. D. 440)

Bill "An Act to Incorporate the Town of Yarmouth School District." (H. P. 1054) (L. D. 469)

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

Bill "An Act to Incorporate the Town of Whitefield School District." (H. P. 1173) (L. D. 629)

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

Bill "An Act Relating to Rental for the Bar Harbor Municipal Court." (H. P. 1623) (L. D. 934)

Bill "An Act Permitting Tax Abatement for Certain Towns by County Commissioners of York County." (H. P. 1624) (L. D. 935)

Bill "An Act Relative to Hatchery Employees in Classified Service." (H. P. 1627) (L. D. 938)

Bill "An Act Amending the Charter of the City of Brewer High School District." (H. P. 1653) (L. D. 961)

Bill "An Act Requiring Employer Assenting to Workmen's Compensation Law to File Written Assent and Insurance Policy." (H. P. 1723) (L. D. 1080)

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

Bill "An Act Permitting the Digging of Clams, Quahogs and Mussels in Kennebec River and Its Tributaries for Bait Only." (H. P. 1800) (L. D. 1142)

Bill "An Act to Incorporate the Old Orchard Beach School District." (H. P. 1839) (L. D. 1198)

Bill "An Act to Create the Gradiner School District." (H. P. 1841) (L. D. 1200)

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

Bill "An Act to Create the City of Bangor School District." (H. P. 1845) (L. D. 1203)

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

Bill "An Act to Incorporate the Town of Orono High School District." (H. P. 1901) (L. D. 1224)

Bill "An Act Relating to Retail Dealers' Licenses." (H. P. 2032) (L. D. 1439)

Bill "An Act Relating to Automobile Travel by State Employees." (H. P. 2042) (L. D. 1465)

(On motion by Mr. Slocum of Cumberland, tabled pending passage to be enacted.)

Bill "An Act Relating to Slash and Brush Disposal." (H. P. 1991) (L. D. 1376)

Bill "An Act Regulating Boats for Hire on Inland Waters." (H. P. 2065) (L. D. 1501)

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

Mr. BOWKER of Cumberland: Mr. President, I move the indefinite postponement of this bill and ask for a division.

Thereupon, on motion by Mr. Allen of Cumberland, the bill was laid

upon the table pending motion by the Senator from Cumberland, Senator Bowker, that the bill be indefinitely postponed.

Bill "An Act Relating to the Salary of the Recorder of the Portland Municipal Court." (H. P. 2078) (L. D. 1531)

Bill "An Act Relating to Wholesale Lobster Dealer's License." (H. P. 2079) (L. D. 1532)

Bill "An Act Relating to the Salary of Register of Deeds and Clerk Hire in Offices of Register of Deeds and Register of Probate in Lincoln County." (H. P. 2087) (L. D. 1555)

"Resolve, in Favor of Eugene Jorgensen, of South Windham." (H. P. 737) (L. D. 1537)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

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

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

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

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

(On motion by Mr. Crosby of Franklin, tabled pending final passage.)

Bill "An Act Relating to Fees of and Examinations by Board of Dental Examiners." (S. P. 87) (L. D. 114)

Bill "An Act Relating to the Salary of the Forest Commissioner." (S. P. 215) (L. D. 277)

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

Bill "An Act Relating to the Minor Elements in Fertilizer." (S. P. 283) (L. D. 484)

Bill "An Act Increasing the Amount Available for Expenses of the Justices of the Supreme Judicial Court." (S. P. 318) (L. D. 511)

Bill "An Act Relating to Clerk Hire in County Offices." (S. P. 362) (L. D. 579)

Bill "An Act Relating to Number of Medical Examiners in Aroostook County." (S. P. 421) (L. D. 778)

Bill "An Act Relating to the Re-use of Barrels for Food." (S. P. 443) (L. D. 795)

Bill "An Act Relating to Optometry." (S. P. 549) (L. D. 1171)

(On motion by Mr. Barnes of Aroostook, tabled pending passage to be enacted.)

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

(On motion by Mr. Varney of Washington, tabled pending passage to be enacted.)

"Resolve in Favor of Myrtle Keefe, of Fryeburg." (S. P. 248) (L. D. 1548)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

"Resolve, in favor of the Town of Princeton." (S. P. 456) (L. D. 1520)

"Resolve in Favor of York Electrical Company." (S. P. 570) (L. D. 1545)

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

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

Emergency Measures

Bill "An Act to Incorporate the Town of Norway School District." (S. P. 311) (L. D. 504)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate, and none opposed, was passed to be enacted.

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

Which bill being an emergency measure and having received the affirmative vote of 30 members of

the Senate, and none opposed, was passed to be enacted.

Bill "An Act to Incorporate the Town of Hartland School District." (H. P. 1175) (L. D. 630)

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate, and none opposed, was passed to be enacted.

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

On motion by Mr. Ela of Somerset, tabled pending passage to be enacted.

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

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate, and none opposed, was passed to be enacted.

Enactors

Bill "An Act Relating to the Salary of the County Attorney of Waldo County." (H. P. 1073) (L. D. 479)

Bill "An Act Relating to the Appointment of Municipal Town Forest Fire Wardens." (H. P. 1538) (L. D. 867)

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

Bill "An Act to Increase the Salary of the County Attorney of Knox County." (H. P. 1797) (L. D. 1139)

Bill "An Act Relating to Elderly Teachers' Pensions." (H. P. 2045) (L. D. 1471)

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

"Resolve, in Favor of Mrs. Charles Boyce of Cumberland Mills." (H. P. 165) (L. D. 53)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

"Resolve, to Provide for a Refund of Contributions to Certain Teachers." (H. P. 1500) (L. D. 855)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

“Resolve, Appropriating Moneys to Repair, Recondition and Maintain Lot and Monument of a Former Maine Governor.” (H. P. 2039) (L. D. 1454)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

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

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

Mr. SAVAGE of Somerset: Mr. President, we are tabling a lot of these small resolves and although they seem unimportant to a lot of you, they do add up to a good many thousands of dollars. It seems only fair that the individual resolves and the consolidated resolve should all have the same treatment in the legislature.

Orders of the Day

On motion by Mr. Sleeper of Knox the Senate voted to take from the table Senate Report 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) Report A, Ought to Pass; Report B, Ought Not to Pass; tabled by that Senator on May 3rd pending consideration of the report.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I am now about to earn the title that I had as Chairman of the Committee on Sea and Shore Fisheries. We had eighty-one bills that came before our committee, almost a two hundred percent increase on the number of bills we had two years ago. All of those bills have simmered down to one controversial matter and that is the question of clams.

I know that for most of the members of the Senate the word “clam” is sort of a funny word. It doesn't quite have the meaning that it does to those of us who live down on the coast, but for over four thousand diggers and scores of canners the word “clam” means dollars in eco-

nomie livelihood and their success in life or vice versa.

We have had I don't know how many bills relating to the shipment of clams and we are heartily sick of the word “clams” but the whole thing boils down to the question, do we want things to continue as they are or do we want to put this clam business on the common sense method of doing business that is used today.

This bill, Legislative Document 747, amends the statutes that deal with clams today and allows the free shipment of the clams, like the shipment of potatoes, anywhere they wish to send them and for any price they can get. The clams cannot be incarcerated behind a steel or iron wall in certain parts of the state.

It is very hard for me to take the attitude I will have to take on this bill. I have several personal friends who feel they will be hurt slightly by the enactment of this bill. Back in the earlier days the manufacturers of buggy whips and buggies objected to the use of the highways for automobiles because they felt it would hurt their business and in 1901 and 1902, or thereabouts, they used to try to enact laws in the various states to prohibit the automobiles as methods of transportation.

The same thing applies in our clam business in this state today. I am reluctant to admit that our law today regarding the shipment of clams is unconstitutional, uncalled-for, unwanted and ridiculous. We have a law in our state passed in, I think, 1937, which says in effect that fresh clams in the shell or shucked clams can be shipped the year around from York, Cumberland, Sagadahoc, and now Lincoln, counties but Knox, Waldo, Hancock and Washington counties are closed to the free passage of this product to those markets where it is most wanted. It cannot be shipped from those four closed counties from May 15th until some time in the fall.

Now, you can easily see what happens. Back in 1905 to 1910 before

the days of automobile trucks, refrigerator cars and fast methods of transportation it was perfectly logical for the clams to stay in the state of Maine and only be shipped out when contained in tins. That was then the only way to ship them and it was a good business at that time. But with the modern up-to-date methods of transportation the people to the westward, as we call it on the coast, or as you might call it, to the south, to Massachusetts and New York City and the urban centers, those people are beginning to like and demand this product of our state, the succulent clam, and there are now many calls from outside the state for this Maine product.

Three hundred years before the first white man came here the Indians used to descend on our clam flats every fall and they would fight among themselves to get these clams and they were even dug by Indians from Canada. They could smoke them and preserve them and carry them back home to help tide them over through the winter. The same thing is true now—everybody is coming to like and want these clams.

The opponents of this bill may oppose this measure, and honestly so, on the aspect of conversation. They will tell you that our flats cannot stand this free shipment of clams beyond the borders of the state, but if that is really so, why load the entire burden on the four open counties, York, Cumberland, Sagadahoc and Lincoln, which, by the way, have only about twenty-six percent of the total clam flat area on the entire coast. Naturally York, Cumberland, Lincoln and Sagadahoc Counties are now almost depleted due to the extra heavy demands to supply the summer business in those counties and to me this law is even worse—and I hope all of you will listen as carefully as you can—to me this law is even more ridiculous and absurd. It further says that no clams from Knox, Waldo, Hancock or Washington Counties can be shipped into those four open counties during

that summer season, so—to bring personalities into this—Senator Larabee is the clambake king of Maine undoubtedly and to make it more ridiculous he can't even bake a Washington, Hancock, Waldo or Knox County clam during the summer. As a result he and other men in that business are forced to pay huge prices for their clams, upwards of fifteen to twenty dollars a barrel, and the price is still rising.

This condition, of course, could not long exist without trouble, and every night now on the coast, it is almost like the old rum running days to see these old trucks coming out of closed counties and the poor fish wardens and deputies trying to stop them, with guns being fired and wardens being shot at, and it is getting to a point where it isn't funny.

We have had that law since 1937. The figures will be shown to you. Less than a million dollars worth of clams are shown to be exported from Maine but Massachusetts figures show that somehow or other last year nine million dollars worth of clams found their way into Massachusetts, and we do know that six and a half million dollars worth of these clams were bootlegged out of these four closed counties. Now, is it logical that we should conduct our primary business on the coast in such an absurd, illegal manner? The bulk of the clams that reach Massachusetts are bootlegged out and will continue to be bootlegged out until that demand is satisfied, and that demand never can be satisfied because Maine is the last place where clams are produced in any quantity.

Canada is rapidly trying to absorb that trade but they cannot quite handle it because they are that much further away, and there is a very generous income for any trucker who wishes to come in down and buy these clams and rush them out. The wardens can't stop this because they can say they are going to Bangor with the clams. Penobscot County is neither an open or a closed county. It is just another county, and among the many bills

we have had this winter, have been bills to close up the other eight counties to the shipment of these clams from those four closed counties.

Can't you see how absurd it is? Suppose Senator Brewer and other Aroostook men were denied shipping their potatoes out of Aroostook and could only sell them to starch factories after Aroostook County had used all they could. What would come of the potato industry in Aroostook? The same thing almost applies to clams. The clam diggers and shippers, and in some cases even the clam canners in Maine should all be on an equal basis, all either open or all closed.

Abraham Lincoln was elected President on the theory that a nation cannot exist half free and half slave. I would say the Maine clam business can't be half closed and half open. It is only logical that what should apply to Lincoln County should apply to Knox County.

Now the county from which I come is a border county and without any fear of contradiction I can predict that ninety-nine out of every hundred barrels of clams that are being dug in Knox County go out of the State into other counties. We want this thing made legal and right and profitable, and we want people to do business in a legitimate, decent way, and we want the clam diggers to get the same prices in all the closed counties as they do in the open counties. We don't want them penalized and their profits cut and be forced to sell them for four or five or six dollars when some trucker can bring them down to Joe Larrabee and get fifteen or sixteen dollars. We want the digger and the shipper in those closed counties to get that profit.

Undoubtedly many of the canners will see this as we now see it and if we open the entire State, which I hope we will, and that is also the desire of the administrative heads of this State government, they realize the law is ridiculous and can't be enforced, I hope, I know these

canners will see they can go into the same business themselves and ship clams either fresh or shucked in the summer, and in the winter time they can still can them and keep that canning business. We come back to the old theory of conservation. If we open up those four counties will they all be dug out and later will there be any clams left? We have a law that has been passed and enacted, the Prince Law so-called, allowing the selectmen or the town officers of any town to close the flats to all digging any time such flats approach depletion. They don't close the entire town. They go into a certain area and if they see those areas being depleted they close them. The clams will come back. The clam isn't like our forests. The clams come back in one year. The mother clam is very prolific and lays eggs every year and in one year or two at the most, clams repeatedly propagate themselves and there are plenty of clams again. There is absolutely no danger of depletion if we can open the entire State.

The four counties now concerned, with 26 percent of the clam area, cannot stand the strain and by that fact are making the clam shucker richer and the digger poorer in the four counties. It isn't fair or just and should be rectified. What is good for the man in one county should be good for the man in the next.

The passage of L. D. 747 will nullify and cross off the books all the present clam laws regarding shipment of clams in or out of the State and put it on a common sense basis. I certainly hope you will accept Report A "Ought to Pass".

I have more to say on the question, Mr. President, but I will wait and see if there is opposition to the bill and if by any chance there should be, I will try to answer it.

Mr. VARNEY of Washington: Mr. President, I can assure the Senator that he won't have to wait long to find that there is slight opposition to this bill. I have been labeled as a "D" teacher, and that "D" doesn't

stand for "dear" either. I have been accused of being an aging tree in the forest by the good Senator from Knox County. He has spoken of the wonderful prices that are being paid for clams. Now, I know of no digger in Washington County who has received any such prices or who contemplates that he will ever receive any such prices. And if he isn't, why isn't he? It is because clams are becoming scarce.

The Senator from Knox has said that this bill is unconstitutional. In conferring with the Attorney General's Department, he tells me that this Legislature has the right to enact any sort of a law that will conserve our shellfish, or our fish that swim in the sea, or our lobsters. This bill here is in opposition to any conservation matter. There is a bill following this, L. D. 810, which is designed to conserve clams. I think probably that the good Senator has made a better argument for our cause than I could expect to make myself, because he has already told you that the clams have become depleted along the other coast of Maine. And now because they are depleted there, he wants to come down into the eastern counties and help to deplete those. At the present rate that clams are being dug, there won't be any clams left in the State of Maine. I do admit here that if we should want to put on a clam feed down here, we will at least serve you clams that are half grown or a little bit more.

Now, our flats are so depleted up there that they are digging clams that are only half grown, less than two inches long. As I understand it, a clam that is put on the market has to be at least two inches long to comply with the law. Our clams are growing down there, and we want them to continue to grow.

Now, this is not only a conservation measure that we hope to put over in Legislative Document 810, but it is also a winter employment law. During the summer months, we find that men who are engaged in the digging of clams can find

plenty of work along other lines. There is always a slack time. We can't pick blueberries in Washington County during the wintertime. But during the summer, our people can pick blueberries, and they do find other types of labor. But during the winter months, the clam canning plants are open, and they do furnish employment to a great many of the people, not only men but to women. Entire families work in these canneries, and so the money is distributed around throughout our County.

If these clams are dug and shipped out of the County, all of the profit goes into the State of Massachusetts, or wherever these clams are delivered, and all the digger gets out of that, or all that is left in the County, is what the digger receives for the clams that he has dug. But if these clams are kept in the County, and they are packed by our canneries, then the profit that would go out of the state stays in the state.

Reference has been made to the fact that this bill is only designed to help the canners. It is a bill designed to help the clam diggers, because in a very few years there will be no clams to dig at the present rate they are digging them. And during the summer months when the canning industries are not allowed to operate by law, we are allowed to dig the clams for use in our own quarters. We do have summer places down there. We have eating houses and roadside stands that serve clams to people from Massachusetts, and to people from out of the state who love these clams so well. Why do we want to keep those people from coming and eating their clams? Why should we ship our clams up there to the people who love them so well? Why not keep our clams here and make the people come from Massachusetts and eat the clams. We will get something, probably, on the tax from gasoline, food and other things that they spend money for.

I want to deny every charge that the Senator from Knox has made

concerning this law. I don't care anything about what the aborigines did with the clams. I am thinking of the people who have to get a living in the future. What the good Senator wants to do is to kill the goose that laid the golden egg while the prices are good, and then there wouldn't be any clams for anyone. I sincerely hope that his motion will not prevail.

Mr. LARRABEE of Sagadahoc: Mr. President, I am the father of this bill. I think I should have my say. You have all been told by our good Senator from Knox that I make my living when I am not in the Senate from the cooking of clams. I am naturally interested in this matter when Senator Varney said that we are trying to deplete the clams and thereby kill the goose that lays the golden egg. Should we do that, I would be the first one to feel the pinch, because I am getting the golden egg, I hope.

I want to make it plain exactly what this law does. I will read the part that we want to repeal, "No person, firm or corporation shall between the 1st day of June and the first day of October following, ship, transport, offer for shipment or transportation, either directly or indirectly, any clams, quahogs or mussels, either in the shell or shucked, taken from the clam flats of Washington, Hancock, Knox, or Waldo Counties, beyond the limits of the state, or to the Counties of Sagadahoc, Cumberland, Lincoln and York. Provided however, that an exception shall be made to clams quahogs, or mussels which have been canned, packed or barreled between the 1st day of October and the 1st day of June."

Now, I say to you that that is purely a canners' bill, a protection of the canners. We had a hearing in the House at the end of the hall, and it was full of clam diggers. They had brought those diggers over here and told them it was a conservation measure. They came over here to oppose this bill,

and after they heard a few of the arguments pro and con, the diggers all deserted them. We took a poll of the house, and the only ones, or practically the only ones that voted for this bill was the packers, themselves. The diggers wanted their county open with the rest of them. Why is this so? They can only dig in the wintertime. Our market is in the summertime when we can ship the clams. How many home people go around the country in the State of Maine and buy fried clams in the wintertime? You are eating baked beans and things like that at that time. But when it comes warm and you go out for a ride, you are going to stop and eat fried clams. I know I do, myself, even though I handle hundreds of barrels of them. There is no demand for clams in the wintertime. So, for that reason, the packer can buy the clams from the diggers for exactly what he wants to, and believe me it is not too much.

Now, down in the little Town of Friendship the factory was closed the 15th of April, because they had so many clams they couldn't sell them. Where does that leave the clam digger?

What makes the bill ridiculous is the fact that we have got four Counties that are closed and four that are open the whole year. These four southern counties are primarily fresh clam dealers. We have a few, or two or three canners, but they are mostly fresh clam dealers. The other four counties are packers, and they only pack in the wintertime. I can't see why it depletes the flats any more to ship a clam out in a barrel than it does to ship it out in a can. They are going out just the same. If I go into one of these other counties and buy a barrel or two of clams, and I am picked up by the warden on the way across the line, I am subject to a fine of one hundred dollars.

How would you blueberry men like a law that said if I went up

in Washington County and bought a bushel of blueberries that I would be fined one hundred dollars on the way home. It is ridiculous and it is unconstitutional. We have a written report from Goodspeed and Goodspeed of Augusta which says in their opinion it is unconstitutional, and the Supreme Court of the United States has ruled several times that any discrimination between shipments from one state to another is unconstitutional. Yet, we have a law on our books that you can't ship from one county to another.

Brother Varney says that the clams are becoming depleted. One man from Washington County which was on our committee made the statement in committee the other night that there are more clams in Washington than all of the rest of New England put together. Now, they are trying to keep them there and not let New England have them. And the reason that the clams are short in our counties is not wholly because they have been dug out. We have got vast areas that are polluted and are closed by the public health service. You all know what an argument we had right down in my neighborhood, and we are still having it, trying to get flats opened. There are plenty of clams, but we cannot use them. Over there, they are right on the coast, and the Representative from Vinalhaven tells me where they have good circulation around Vinalhaven, you can dig clams out in the spring of the lawful season and go back in the fall and dig right over again. They won't allow us to have those clams. They want to keep them for the canners. I say to you Gentlemen that it is all wrong, and I hope you will go along with me and repeal this foolish law.

Mr. NOYES of Hancock: Mr. President, I think that the old saying applies, the proof of the pudding is in the eating. Now, these gentlemen who have spoken for this measure have told you that the clams are becoming scarce in the

four counties that are open, and I know that it is true. Clams are scarcer in the four eastern counties than they were twenty years ago. And they will continue to become more scarce, unless something is done to conserve those clams. My good friend Senator Sleeper compares clams to potatoes. Now, there is no comparison between the amount of clams that are harvested each year and the potatoes grown. In fact, you have a surplus of potatoes, and a federal subsidy is required to regulate the price. Clams are not raised in any such manner. Clams are limited, and as yet we haven't developed any program for the propagation of clams to any great extent. True, experiments are being conducted to try to promote this industry, but as yet, no program has been initiated that has proved successful to any great extent. These gentlemen are dragging a red herring across the picture.

First of all, they say that the present law is unconstitutional when it says that you can't ship from one county into another. But we have a law that we can't ship Christmas trees from one town to another in certain sections of the State of Maine. That is federal law, and I believe it is constitutional and a necessary law. The argument has been put up here that they bootleg clams. Well, they do bootleg clams, but if the bill which will be introduced, and it is a measure directly opposite to the one which we have under consideration, is put into effect, I believe that law can be enforced. And bootlegging will be, if not stopped, it will be considerably diminished, because under the present law, the statement in that law says that clams that are taken from the flats of these counties are not to be transported out to the other counties. If a man is coming out of Hancock County with a load of clams, it is hard to prove that they were taken from the flats of Hancock County, because it has been proven that certain unscrupulous dealers do transport clams into the four counties for the express purpose of using those clams as a

screen. They put those clams in storage and come out with a load of clams, and they report that those are the clams that they took from that county. Under the law which we have before us under consideration, that will be corrected.

The Senator from Knox makes a statement that the towns can regulate this thing in town meetings. Now, I have attended town meetings, and I know that if you throw something like this into the town meeting that you are going to have a local row every year in the month of March, and probably special town meetings in which the row will be continued. That is not good.

They say that these clams will reproduce and grow in one year. That is true in certain areas. But I think probably I stand here in this Senate as being the only man who has made a living digging clams. I have found that there is a great difference in clam flats in the time required for clams to reproduce themselves. I have gone through the experience and listened to the propaganda that the more you dug clams the more clams you would have. I have found, and many others have found that that is not true. I can cite cases to you, and I can take you to places on the clam flats where twenty years ago a clam digger could dig fourteen or fifteen bushels of clams in one tide. Today, he has to be a good digger to get four bushels on those same flats. That isn't proving that we can continue to dig them and dig them and still have clams. You can't have your cake and eat it too.

Now, why do these four eastern counties want to protect their clams? We, in those counties, especially in the counties east of the Penobscot, have very few year-round industries. Our work there is seasonal, and I know of no clam digger in the summer months who ever suffered for food because he couldn't get work. In the wintertime, fall and spring when there is nothing else to do, it is a mighty nice thing to know that there is a place where a man can go and dig clams

and get enough to provide for himself and his family. As far as the dollars and cents of this thing is concerned, no doubt the clam digger can make more money in the summer months. He can get more for his clams. But when you analyze it, what happens in the fall when he gets his clams? His wife, or his daughter, works in the clam factory. They get the dollars, and it all adds up to more than what he would have gotten in the summertime. Very few of those fellows who earn money in the summertime ever put any money away for a rainy day. They live from one day to the next, and it is for their own good that the clams should be protected. I certainly do not agree with the gentleman here who are trying to change this law. If they want to be honest and consistent, why not close the State of Maine to summer digging of clams in all counties and conserve those clams. If they can show me how the clams can stand to be dug during those summer months, I will be the first one to say yes. But I want to point out to you that the summer months are your long days. Your tide ebbs and flows twice in 24 hours, and in those long days, two tides are open for clam digging, early in the morning and late at night. I venture to say that if this bill passes, that there will be more clams dug in those four months than in all the rest of the year, and your clams will disappear.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, there have been many times since I came here that I wished I had had legal training, but I didn't suppose that my shortcomings in legal training would appear most acutely in the discussion of a clam bill.

In trying to discuss this bill, I find the bill is L. D. 747 which says, "R. S., Ch. 34, P. 95, repealed. Section 95 of Chapter 34 of the Revised Statutes as revised, is hereby repealed," and turning to Section 95 of Chapter 34 of the Revised Statutes, I find that had to do with

the right of search, and then going into the 1947 law I find that it was revised by Chapter 137 and I think some lawyer ought to tell me whether or not the bill is properly drawn. I am not sure whether it is or not.

Mr. SLEEPER of Knox: Mr. President, I would like to speak just a few more words on this matter, in an attempt to answer Senator Hopkins, if I can. The bill presented by Senator Larrabee was prepared by the Revisor of Statutes and I suppose he feels that the bill as drawn by him, accomplishes the purpose which Senator Larrabee wanted. He wanted to repeal all the present restrictions on the shipment of clams from the so-called closed counties to the open counties and from there to outside of the state.

Senator Noyes made a very good argument for his case, and I won't say for mine either, when he said the proof of the pudding is in the eating. Apparently the eater, the ultimate consumer, much prefers the fresh clams to the canned clams. Senator Varney in my opinion put up an argument against which I will hold out to the bitter end.

Now I am going to tell you Senators that I personally felt almost the same way as Senator Varney feels, but I felt that as Chairman of Sea and Shore Fisheries Committee that it isn't my duty to inflict my personal view on the Senators or the committee. I can see the viewpoint of the canner and why it might be better to keep the clams inside the town and can them and give work to the people but this law doesn't prohibit the canning of clams such as the present law prohibits the shipment of fresh clams. We don't go that far and try to prohibit the people in the business from doing business in their own way. You can still can clams, and profitably in the winter months because the great demand is in the summer months in the summer resort business. There is

still a profitable business in canning clams up and down the Maine coast.

The only possible argument against this is the depletion argument and I will admit that I had felt much the same way as Senator Varney and Senator Noyes until I was shown differently. The federal government is now appropriating, through a bill introduced by Representative Hale, \$60,000 for the propagation, seeding and development of clams up and down the coast and the Department of Sea and Shore Fisheries already have two men investigating this very important industry.

I won't be sarcastic or bold enough to say that to continue the law as it is, is just creating a clam preserve in those closed counties for packers because the bootlegging feature offsets that. It does help the canner to keep his prices down a little so that he can price his clams a little cheaper, but as the thing goes on and the demand increases for fresh clams instead of canned clams I think he will find it harder to sell his canned clams, and as the Senator from Sagadahoc, Senator Larrabee, said, the clam canning factories close down in April because of the surplus of clams and also due to the fact that they don't sell any too well in the market to anyone who has tasted fresh clams.

The present bill as introduced by Senator Larrabee is fair and just. It is just asking the state to put everything on a statewide basis. We want the free shipment of this produce throughout the state and throughout New England. Any time it approaches depletion the town officers can close the flats or the Commissioner of Sea and Shore Fisheries can close the flats. And, furthermore, the legislature meets every two years and if this bill depletes this clam product we can easily rectify it, and while I know, and the government statisticians and technicians all know, that the clams can be depleted, they will come back, and more, in one year and I don't see why we should

continue to divide the state up, four open counties and four closed. It is ridiculous and I think the diggers and shippers in the four closed counties are just as much entitled to get the same price as those in the four open counties.

We aren't attempting to make a raid on those four counties. We don't want to deplete those flats. I have no personal interest in this; I am speaking as the Chairman of the committee that listened to this bill and the consensus of opinion was to have the thing open. The chief executive of the state prefers to have it open, the Department of Sea and Shore Fisheries finds it almost impossible to enforce the present law and it costs thousands of dollars. It is ridiculous, and in the sense of fair play and for the expansion of our greatest business, on the sea coast at least, I hope the Senate will go along and allow this business to be conducted in a businesslike method of procedure and not try to make several wrongs change what is right. This bill is only adding several wrongs to a series of wrongs.

I say, have it all open or have it all closed, and if we should approach depletion by having it open we can easily correct that. We can close this or that flat to seeding and propagation the same as other states have done. We must correct this present law which causes nothing but confusion and we must put this important business of our state on a common sense basis.

Mr. VARNEY of Washington: Mr. President, I am very sorry if I gave the impression I was trying to inflict my personal opinion upon any member of the committee or upon any Senator here. If I gave that impression, I want to apologize for it, because that was not my intention. I have the highest regard for every member of the Sea and Shore Fisheries Committee. But if the flats can be closed in one section of the county and open them in the other, why hasn't that been done in the other four counties along the coast of the

State of Maine? Had that been done, undoubtedly they would have all of the clams that they needed up there today. This proves that the theory is not correct. Clams can be depleted. I can't just quite fathom the argument they have been putting up here today that you can't deplete the clams.

It has been done. Senator Noyes has brought out the fact that where formerly they were able to dig 14 bushels in one tide, today they are only able to dig four. Further, I will say that where they were able to dig four, they are only able to dig two at the present time. A great many of the clam diggers find it tough to dig more than two bushels at any one tide.

I hope we have more clams down there in Washington County than they have in all of the other counties in the State of Maine. If we have, let's try and keep them in our own state, instead of having them shipped out of state so that there won't be any clams anywhere.

Mr. NOYES of Hancock: Mr. President, I think one point is not perhaps too clear. It has been talked about here this morning as the packers' bill. What I want to point out to the Senate is this. The fresh clam buyers and the packers are both used alike in these eight months of open season. Fresh clams are shipped, as well as fresh clams being packed. There is no discrimination whatsoever. Furthermore, I would point out that in your fresh clam market, the demand is mostly for small clams, especially for your steamed clams. They won't buy these larger clams. Your packer takes all clams, both large and small, down to the legal limit of two inches. I would further point out the difficulty in the event that the suggestion of closing down a part of the town is put into effect. If they are having trouble enforcing the law now, that is county wide, I question what difficulties they may find in trying to enforce a law that closes only small sections of certain towns, or whole towns. I question the cost of administering any such law.

Mr. LARRABEE of Sagadahoc: Mr. President, I want to take just a few minutes more to make a reply to a few gentlemen who spoke on the other side. In my town this is the second year now we have had our flats closed and the warden of the Sea and Shore Fisheries told us that the clams will crowd themselves out after a while so next year we propose to open our flats for a year or more until we find they are getting scarce, and then close them again. That is the way we would do. We don't have the large areas of clam flats that they do in some of the other counties.

I put more time in this legislature on clams than any other man in either branch and I have spent days and days with packers and shippers from western counties and we tried to come to some agreement on a state-wide basis but we couldn't make any progress and only in the last few days have the gentlemen from the packing industry tried to compromise in any way, but it is a little late now to do that. When I came up here I had a bill drawn up and put in here under another legislative name to close the state but when I found that it was an eight or nine million dollar industry it was very apparent we couldn't do it. They aren't taking eight or nine million dollars worth of clams out of our four counties because they can't find them, and for that reason we would like to put this thing on a state-wide level. And I assure you that if those counties were opened up and if there were any signs of clams being depleted we would be the first ones to try to put on some state-wide restrictions, because naturally we want to conserve the clams as much as anybody else, but to hold them all in those four counties and not allow them to be shipped into the other counties is unfair and unsound. As far as these figures are concerned, I can't see why it isn't better to pay them \$10 a barrel for clams than it is to give them \$5 a barrel for digging two barrels.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Sleeper, that the Senate accept Report "A" of the Committee which is "Ought to Pass." Is the Senate ready for the question.

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

A division of the Senate was had. Seventeen having voted in the affirmative and fifteen opposed, Report "A," "Ought to Pass" was accepted, the bill was given its first reading and tomorrow assigned for second reading.

Order

Out of order and under suspension of the rules, on motion by Mr. Haskell of Penobscot, it was

ORDERED, that such items as are now on the Senate table and require appropriations be reproduced forthwith and that such list contain, (1) the tabled items requiring appropriations from the general fund and (2) such items as require appropriations from the unappropriated surplus of the general fund.

On motion by Mr. Haskell of Penobscot

Recessed until one o'clock this afternoon, Eastern Standard Time.

After Recess

The Senate was called to order by the President.

Joint Order, re. Research Committee to Study Desirability of Legislation Seeking Information in Building Codes. (S. P. 658)

(In Senate on April 11th read and passed.)

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

In the Senate, on motion by Mr. Allen of Cumberland, the Order was laid upon the table pending consideration, and especially assigned for later in today's session.

Bill "An Act Relating to State Scholarships for Normal School

and Teachers' College Students." (S. P. 481) (L. D. 944)

(In Senate, on April 4th passed to be engrossed.)

Comes from the House, the report accepted and the bill read twice, and subsequently it was indefinitely postponed, in non-concurrence.

In the Senate, on motion by Mr. Ela of Somerset, the Senate voted to recede from its former action whereby the bill was passed to be engrossed, and the bill was indefinitely postponed in concurrence.

Bill "An Act Relating to Salaries of Somerset County Officers." (S. P. 663) (L. D.1494)

(In Senate, on April 27th House Amendment "A" indefinitely postponed, and the bill as amended by Senate Amendment "A" passed to be engrossed in non-concurrence)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed as amended by Senate Amendment "A" and by House Amendment "A", in non-concurrence, and now asks for a Committee of Conference, the Speaker having appointed as members of such a committee on the part of the House:

Messrs. SHARPE of Anson
DeSANCTIS of Madison
WOODWORTH of Fairfield

In the Senate, on motion by Mr. Savage of Somerset, the Senate voted to insist on its former action whereby House Amendment "A" was indefinitely postponed, and the bill as amended by Senate Amendment "A" passed to be engrossed; and to join with the House in a Committee of Conference.

The Committee on Education on Bill "An Act to Equalize the Educational Load of Municipalities," (H. P. 1949) (L. D. 1322) reported that the same ought to pass.

Comes from the House, the report read and accepted, and the bill read twice, and subsequently it was indefinitely postponed.

In the Senate, on motion by Mr. Brewer of Aroostook, the Senate voted to indefinitely postpone in concurrence.

The same Committee on Bill "An Act to Increase State Aid to Towns for the Support of Salaries of Teachers," (H. P. 1771) (L. D. 1110) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Comes from the House, the report read and accepted, and the bill read twice, and subsequently it was indefinitely postponed.

In the Senate:

Mr. LEAVITT of Cumberland: Mr. President, this is one of the bills that I have talked about all session. It is one of the most worthwhile bills before the legislature. With the new draft, it doesn't stand a show of passing because it calls for nearly a million dollars, but I do hope that in allowing this bill to be indefinitely postponed, that several of the bills for institutions, which although as deserving as the teachers perhaps, will not have more consideration than we are giving to this bill. If we indefinitely postpone this bill, I shall fight valiantly to kill every other bill in this Senate which is to help causes which I believe are no more worthy. I move the indefinite postponement of this bill.

The motion prevailed, and the bill was indefinitely postponed in concurrence.

Mr. Varney of Washington was granted unanimous consent to address the Senate.

Mr. VARNEY of Washington: Mr. President, I would like to make reference to the bill which was presented by me, which was relating to state scholarships for Normal School and Teachers College students, which bill was indefinitely postponed in the House. This bill came from the Committee on Education with a unanimous ought to pass report, it had the endorsement of all the normal school principals and the presidents of all of our

teacher training institutions and it met with no opposition from anyone but has been endorsed by all educators as a very worthy bill. I will move at this time that the Senate reconsider its former action whereby it concurred with the House in the indefinite postponement of this bill.

Mr. LEAVITT of Cumberland: Mr. President, I hate to keep inflicting myself upon the Senate, but this bill has a price tag on it for twenty-five thousand dollars. It is a worthy bill. It is a small bill in comparison to the major bills before this Senate to help education. I believe we should have some manifestation that we believe education is a subject worthy of our attention, and I do hope that this bill will survive the slaughter we are according to other bills. I hope Senator Varney's motion to reconsider prevails.

Mr. HASKELL of Penobscot: Mr. President, I am hesitant to project myself into a debate on a bill about which I know very little. This certainly is one of the bills that asks for a modest amount of money and since we have passed an Order to list the tabled items which call for money from both the general fund and from the unappropriated surplus, it would seem reasonable that we support the motion to reconsider.

Had the motion been made on a million dollar bill or a two million dollar bill, it would have been evident that we were leading ourselves up a blind alley, but I think that on these more modest bills, it is entirely reasonable to list these modest bills among those other bills that do call for general fund appropriations.

I fear that on the question of final enactment, we will find that the money is not there, but I think that the motion to reconsider these more modest bills is entirely reasonable.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Varney that the Senate reconsider its former action where-

by it indefinitely postponed bill, An Act Relating to State Scholarships for Normal School and Teachers' College Students (S. P. 481) (L. D. 944).

The motion to reconsider prevailed.

Mr. VARNEY of Washington: Mr. President, I move that the Senate insist on its former action whereby this bill was passed to be engrossed, and ask for a Committee of Conference.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table, pending motion by the Senator from Washington, Senator Varney, that the Senate insist and ask for a Committee of Conference.

The Committee on Taxation on Bill "An Act to Repeal the Tax on Cigars and Tobacco Products," (H. P. 1077) (L. D. 456) reported that the same ought to pass.

Comes from the House, the report and bill indefinitely postponed.

In the Senate:

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this is the bill that we discussed in the Senate and the Senate with some courtesy, permitted it to go into the income tax bill as one of the expenditure measures. I still believe that the imposition of this tax was unjust and I believe it is still a harsh procedure on the industry but certainly no action of mine could urge you take a million three hundred twenty thousand dollars out of the appropriation bill, and therefore, I move that the bill be indefinitely postponed in concurrence.

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

The Majority of the Committee on Military Affairs on Bill "An Act Relating to Taxation of Amusement and Musical Devices, to Provide Funds for Payments to Veterans," (H. P. 2005) (L. D. 1392) reported that the same ought to pass as

amended by Committee Amendment "A"

(signed)

Senators:

SAVAGE of Somerset
BATCHELDER of York
SLOCUM of Cumberland

Representatives:

JENNINGS of Strong
DUFRESNE of Bar Harbor
EASTMAN of Paris

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Representatives:

PAYSON of Union
HAYES of Dover-Foxcroft
FARLEY of Biddeford
PAINE of Portland

Comes from the House, indefinitely postponed.

In the Senate:

Mr. SLOCUM of Cumberland: Mr. President, I move that the Senate accept the Majority Report in non-concurrence.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table pending motion by the Senator from Cumberland, Senator Slocum to accept the Majority Report.

"Resolve Relating to Construction of Airports. (H. P. 1444) (L. D. 802)

(In Senate, on April 20th passed to be engrossed in concurrence.)

Comes from the House, indefinitely postponed.

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

"Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court." (H. P. 1497) (L. D. 853)

(In Senate, on March 24th, passed to be engrossed in concurrence.)

Comes from the House engrossing having been reconsidered, House Amendment "A" read and adopted,

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

In the Senate, on motion by Mr. Ward of Penobscot, the rules were suspended and the Senate voted to recede from its former action where by the bill was passed to be engrossed; House Amendment A was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act Relating to the Workmen's Compensation Act." (H. P. 1502) (L. D. 805)

(In the Senate, on April 25th passed to be engrossed in concurrence.)

Comes from the House, indefinitely postponed.

In the Senate, on motion by Mr. Hopkins of Kennebec, the bill was indefinitely postponed in concurrence.

Bill "An Act Relating to Clerical Assistance for Active Retired Justices of the Supreme Judicial Court." (H. P. 315) (L. D. 95)

In Senate, on April 25th passed to be engrossed in concurrence.)

Comes from the House, indefinitely postponed.

In the Senate:

Mr. COLLINS of Aroostook: Mr. President, this bill, as I remember called for an additional three thousand dollars for clerical assistance for the Justices. The Committee on Salaries and Fees felt that this increase was justified, but in view of the action in the other Body, I move that we concur.

Thereupon the bill was indefinitely postponed in concurrence.

The Committee on Agriculture to which was recommitted Bill "An Act Relating to the Bee Industry," (H. P. 1361) (L. D. 714) reported the same in a new draft (H. P. 2107) (L. D. 1597) under the same title, and that it ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Inheritance Tax Exemptions in Class A," (H. P. 1909) (L. D. 1270) reported

the same on a new draft (H. P. 2061) (L. D. 1490) under the same title, and that it ought to pass.

Which reports were severally read and accepted in concurrence under suspension of the rules the bill in new draft read twice and passed to be engrossed in concurrence.

The Committee on Military Affairs to which was recommitted Bill "An Act Providing for Veteran Bonus Fund for World War II Veterans and to Provide Moneys Therefor by Running Horse Races," (H. P. 1579) (L. D. 902) reported the same in a new draft (H. P. 2110) (L. D. 1600) under a new title, Bill "An Act Providing for the Issue of Paid-up Life Insurance to Maine Veterans of World War II," and that it ought to pass.

Which report was read and accepted in concurrence, and under suspension of the rules the bill in new draft and under a new title, read twice and passed to be engrossed in concurrence.

The Committee on Education on Bill "An Act Relating to School Unions," (H. P. 1952) (L. D. 1325) reported that the same ought to pass.

Which report was read and accepted in concurrence, and under suspension of the rules, the bill was giving its two readings and passed to be engrossed in concurrence.

The Committee on Banks and Banking on Bill "An Act Relating to the Banking Department," (H. P. 1969) (L. D. 1352) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate:

Mr. COLLINS of Aroostook: Mr. President, I move that we accept the report of the committee, and in so doing, I think that a little explanation of the bill would be in order, because it represents a departure in a way in regard to the

Banking Department. The primary object of this bill is to establish the Banking Department of the state on a sounder basis by putting it on a fee basis, plus a tax that will provide adequate funds, and in order to strengthen the entire banking structure of the state.

Briefly, the bill provides that every savings bank, institution for savings, trust companies, and loan and building associations incorporated under the laws of the state shall be assessed for the actual expenses incurred by the department in connection with any bank examination and shall include the proportionate part of the salaries of the examiners and assistant examiners while engaged at such institutions, plus hotel bill, room and board and expenses while away from home, but to exclude their travelling expenses.

To provide for the balance of the expense of the banking department, including the overhead and general office and administrative expenses, the bank commissioner shall assess semi-annually each bank or institution at the annual rate of seven cents for each \$1,000 of average deposits, excluding deposits of other banking and savings institutions, and shall assess semiannually each loan and building association at the annual rate of seven cents for each \$1,000 of average total resources.

Under Section 2A of the bill, all interest bearing deposits in savings banks, institutions for savings, trust companies, and all capital dues of loan and building associations in the state are exempt from municipal taxation to said institutions and to the depositors of said institutions and to the shareholders of said loan and building associations.

The committee amendment to the bill provides that the aggregate of the payments provided for is appropriated for the use of the bank. In other words, the bill will require the bank to pay for the actual services that it gets and assume the entire cost of running the banking department. This is the

way in which most of the states handle their banking department, and it seems to me that it is eminently fair. However, the bill does repeal certain sections of the law which will mean some reduction in revenue to the state. That, of course, is the fly in the ointment.

I would like to go into detail in this respect so that you can see the entire picture. Under the present laws, in the trust companies the base for taxation is for savings deposits only. Against this base, certain exemptions are allowed, as for instance, the holding of government securities, mortgages in Maine, and investments in the securities of Maine corporations. If such investments exceed the savings deposits of any particular bank, the trust company, no tax is assessed. Now, for the year ending June 30, 1947, there were only four trust companies who paid \$7857.35 in taxes. For the year ending June 30, 1948, seven trust companies paid \$14,697. Now, in the savings banks up to two years ago, the franchise tax was assessed in the same manner as described for in the trust companies. But for some reason, this was felt to have been inequitable against certain savings banks, and the law was changed to make their deposits the only base for assessment. Now, these banks, the savings banks now pay sixty cents per thousand dollars per year. The 32 savings banks paid franchise taxes of \$118,603 for the year ending June 30, 1947, and \$137,474 for the year ending June 30, 1948, the increase being due to the change of method of assessing the tax.

The loan and building associations are taxed on the basis of new shares sold during the fiscal year, and these associations paid a little over \$12,000 for the year ending June 30, 1947 and \$14,873 for the year ending June 30, 1948. In addition to these taxes, there is a so-called assets tax which is borne by both trust companies and savings banks which brings in slightly under \$14,000. Now, bear in mind

that the taxes these are paid under present conditions: we find that the present income to the state is made up about as follows: From the savings banks \$137,000, from the trust companies \$14,697, and from the loan and building associations \$14,873. This totals \$167 plus the assets tax of \$13,800 makes a total of \$180,900 that is received in the general revenue of the state under the present circumstances.

The expenses of running the banking department is approximately \$90,000 per year. So, there is left in the general revenues of the state about ninety thousand under the present conditions. However, if House Amendment A to the bill is accepted, this will be materially reduced. The amendment makes the effective date of the act December 31, 1949, and will allow an additional assessment which will bring in approximately \$83,500, so that the net loss in revenue to the state for each year of the biennium would be around some \$70,075. Now, we all agree that this is a sizeable sum. But it is being obtained by an unjust tax on the savings banks—certainly one that is not equitable. I think that the situation should be corrected. The trust companies are entirely willing to pay their share, providing that they are doing it to strengthen the Banking Department, and under this bill it seems to me it is possible to do so.

Another point that is worth considering also is the fact that the deposit levels are extremely high today and the general revenue of the state under the present system will diminish with a decrease in deposits. Taking the average of the past eight years for savings banks of \$184,000,000—and we all admit this has been high during this period under the present system—the average amount of revenue would be about \$110,000., as against \$137,000 collected in 1948. In other words, over a period of time the revenue of the state under a new bill might be just as great as continuing this unjust system.

Using the average deposits of savings banks from 1920 to 1948 based on five year intervals we find an average of \$138,000,000 and projecting this amount at the present rate the state would receive \$89,000 as against the \$137,000 paid by the same group in 1948.

In other words, it is my contention that over a period of time the loss to the state will not be any considerable amount. Under this bill the expenses of the banking department will be fully met, as deposits go down the need for strengthening the bank examinations will be greater and the expense will be greater. That expense will have to be borne by the banks having the service and I feel that, taking into consideration the fact that this puts the banking department on a firm basis, that the bill is a good one and should receive passage.

Mr. SAVAGE of Somerset: Mr. President and members of the Senate, I will go along with Senator Collins as far as saying that this tax is a little unfair on the trust companies, but if you pass this bill at the present time you are saying to the Appropriations Committee, "Go out and find this \$155,000 more than we have already put in for revenue this year. That will cost \$50,000 additional, as amended, the first year and \$105,000 the second year of the biennium. We have done a lot of unfair things the last few days and the only argument is that we haven't any money, and we haven't any money to pass this bill. I hope the Senator's motion does not prevail.

Mr. CROSBY of Franklin: Mr. President, Senator Collins has done such a thorough job in explaining this bill that there isn't much more to say. However, I do want to impress this upon you: The banking department is one of the important departments of the State of Maine and if the time comes that the deposits in these banks drop off, as we expect sooner or later they will, the revenue would be a great deal less, and that is the

one time that you will look to your banking department for guidance.

I think most of the group here went through the period when banks were being closed in the early 1930's and I believe that now is the time to make preparation for those times that might be facing us in a few years from now. This does take some funds from the revenue of the state and it is one of those things hard to replace at this time but I believe that the bill is justifiable and should have consideration at this time and give that department the opportunity of building itself up to the point where when we do need it badly we will have something to work with.

As I understand the situation, at the present time with the present salary scale that they have they are losing a good number of their old and well trained inspectors and I can appreciate that because we had occasion to hire one in our own bank and we had to pay him a good deal more than the banking department pays. Under this bill the banks will pay the cost of their examinations and will take care of these salaries so they can pay salaries that will keep good examiners and well trained men there. I think the bill should have passage.

Mr. McKUSICK of Piscataquis: Mr. President, most of us regard the banking department as the protection of the depositors of our numerous banks of the state. I happen to know that our own bank, the Guilford Trust Company, which has a reputation of being one of the more conservative banks in the state and which went through the depression solidly, is very much in favor of this bill even though it might cost them more. The desire of the trust companies is for better policing of their own activities and they feel it is their duty to encourage a stronger banking department, and this would furnish the funds on a fee basis to pay all the expenses of the banking department whatever financial situation may develop in the future. I am heartily in favor of this bill.

Mr. ELA of Somerset: Mr. President, if the same zeal had been expressed before the proper committees of the Legislature of recent years for more funds for this department that is now expressed for a new law I would be more impressed with the arguments. We might well come in here and argue that the entire receipts from the insurance taxes should be used to police the insurance industry, but we don't feel that that can be done. We might say that all of the receipts from public utilities should be used to police the public utilities industries. That isn't done.

We must have sources of revenue. This is one source of revenue and some benefits do accrue to the people who use the banks, such as exemption from municipal taxation. That is one of the benefits which accrue to these depositors and because of that some of the taxes aren't imposed. We just haven't the money to pass this bill and we might as well face it.

Mr. HASKELL of Penobscot: Mr. President and Senators, I am interested in this bill because I happen to be a bank director and I happen to be one of those who suggested to the banking people that the fee basis was a sound basis upon which to run the banking department. They are thoroughly in favor with the intent, I believe, the principle that those who use the service should, to a degree at least, pay for that service.

I am extremely reluctant that I cannot support that and the reason I cannot support it is that your Appropriations Committee has used the dollars that will be represented by bank taxes and which will be lost by the passage of this bill. If the proponents of the bill would suggest tabling the bill and amending it so that for at least the next biennium the general fund income would be continued at that figure which the Appropriations Committee has depended upon for taxes, I would vote for it and speak for it because the principle of the fee system is right.

It is to be regretted, I think, that because of the need for this income some of us, at least, cannot support the bill but, reliable and desirable and sound as it is, I am at a loss to know where we are going to dip into this second draft of the Appropriations Committee and find the dollars with which to support it. The theory of the bill is right. Those who support it are sound in their conclusions but the dollars that would be taken out of State income must, as I see it, be taken out of a pretty scanty appropriations bill.

Mr. McKUSICK of Piscataquis: Mr. President, I would like to inquire if I am correct in my understanding that under this bill the trust companies would pay a substantially larger amount.

Mr. COLLINS of Aroostook: Mr. President, under the present setup the trust companies are getting off very lightly in regard to paying revenue to the State. In 1948 there were only seven trust companies who paid some \$14,000. It is the savings banks who are being hurt through a tax that in some way got past two years ago. But the trust companies realize the injustice and inequity of the situation and they are willing to accept the responsibility of paying a just share of the expenses of the banking department.

I don't know that we are willing to impose a tax and this is for revenue only, but as far as the expenses of the banking department go, I know that the trust companies are certainly willing to assume their fair share of the load, which they are not doing under the present system.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I wish to go on record as being in favor of this measure. It is my understanding that the total assets of the banks of the State of Maine amount to something like 550 million dollars and that approximately 300 million of that is uninsured. The only thing that stands between the public and the bank with respect to this is the banking depart-

ment. There are some 430 million dollars on deposit. I believe it has been pointed out that at the present time the assistant bank examiners start out at a wage of \$46.20. We now have in the employ of the State three chief examiners, having lost one, and we have seven assistant examiners and are going to lose one of those. It is going to be very difficult for the banking department to replace the men they are losing, and also to retain the personnel they have and it is thought, as I understand it, by the proponents of this measure that if we see fit to put the banking department on a self-sustaining basis that they will be able to pay sufficient salaries to retain personnel that they have.

And in addition to that, they will also be put in such a fluid state that if we do reach a depression period, if we run into difficulties with respect to deposits or difficulties with the bank, that the banking department will be in a position at any time to engage as many additional examiners or assistant examiners as is required to protect the interests of the depositors or the interests of the public. I hope the bill receives favorable consideration.

Mr. BREWER of Aroostook: Mr. President, when the vote is taken, I ask for a division.

Mr. LEAVITT of Cumberland: Mr. President, may I ask a question through the Chair. I understand this is going to cost about fifty thousand dollars. I am now told by one of the speakers it is going to cost \$155,000 the first year. The difference between fifty thousand and \$155,000 would have a good deal to do with my vote and I would like to know which figure is correct.

Mr. COLLINS of Aroostook: Mr. President, from the figures I have, I think the net loss to the general fund the first year of the biennium, would be about \$50,000 and the loss the second year would be about \$105,000. I think in my remarks I said it would be from \$70,000 to \$75,000 per year which would correspond to the figures of the Appropriations Committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the Senate accept the "Ought to Pass" report. The Senator from Aroostook, Senator Brewer has asked for a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and twelve opposed, the "Ought to Pass" report was accepted, the bill was read once; Committee Amendment A was read and adopted in concurrence, House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The PRESIDENT: At this time, the Chair appoints as Senate members of the Committee of Conference in relation to the disagreeing action of the two bodies on An Act Relating to Salaries of Somerset County Officers, Senators Savage of Somerset, Ela of Somerset and Collins of Aroostook.

The President laid before the Senate, Joint Order re Research Committee to Study Desirability of Legislation Seeking Information in Building Codes (S. P. 658) tabled by the Senator from Cumberland, Senator Allen, earlier in today's session pending consideration, and on further motion by the same Senator, the Joint Order was indefinitely postponed in concurrence.

The President laid before the Senate, Joint Order (H. P. 2113) recalling from Legislative Files bill, An Act Relating to Interstate Transportation of Shellfish (S. P. 490) (L. D. 950) tabled by the Senator from Knox, Senator Sleeper, earlier in today's session pending passage.

Mr. SLEEPER of Knox: Mr. President, I don't know the number of the bill. I don't find it on my calendar, but the reason I tabled the measure was that this is another complicated shipping of clams with and without state laws,

with various ramifications, trying to appease this section and that section and this group and that group.

The passage of this Order will mean the bringing back of this bill and I therefore move that the Joint Order be indefinitely postponed.

Mr. NOYES of Hancock: Mr. President, the Senator from Knox is in error as to the nature of this bill which is L. D. 950. L. D. 950 deals entirely with shucking clams in the State of Maine and in all of the counties in the State of Maine.

If we pass this Order and recall the bill to the Senate, we will have a bill through which we may be able to come to some agreement about the handling of clams in the State of Maine. What this bill does, is this. It prohibits the shipment of clams in the shell, out of the State of Maine. It puts no restrictions whatever upon the moving of clams from one county to or from another county. The purpose of the bill is to get as many dollars as possible from this clamming industry about which we talked this morning.

The sponsors of this measure realized that clams are being shipped out of the State of Maine in the shell and they are being shucked in Massachusetts, and the laboring people of Massachusetts are being paid for that shucking.

If L. D. 950 were to pass, the shucking industries in the State of Maine would increase, and Maine people would get the benefit of those added industries. It is my understanding that the value of a bushel of clams when shucked is practically double the value of a bushel of clams in the shell. For this reason, I oppose the motion of Senator Sleeper. I think we should have this bill back, and give it careful consideration.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I didn't wish to become involved again in the clam argument. I very well understand the nature of L. D. 950. It is a pretty sound document except for one little, minute

feature. This bill does not allow the shipment of clams beyond the state in the shell, not only from the four counties beyond the tin curtain to the four open counties but if this bill is passed you can't even ship clams in the winter from the counties now open, and the cream of the crop naturally is the clams in the shell. That is what they want along the north shores of Massachusetts, Hampden Beach and places like that, clams that they can use for clam bakes.

Senator Noyes is very correct when he says he wants clams to be shucked in the state, and shucking houses are springing up all over the state. It would be only good business to shuck clams in Maine and ship them out in gallon containers rather than to ship them in barrels. Many of these shucking industries are coming into Maine and in fact we have a shucking house in Waldoboro that is doing a tremendous business shucking clams and many of those clams are going to Massachusetts and from there down the coast, and all the shippers will eventually shuck the clams that are destined for fried clams and clam chowders but there is still a wonderful market for clams in the shell which will run from fifteen to twenty-five percent of the business. That is the type of business the shippers must satisfy.

When these restaurants or resort proprietors in Massachusetts and further down order clams, they always specify they want so many clams in the shell—and that is really the leader that brings the order in. Senator Noyes bill is a good one except for that little feature that you can't ship clams in the shell out of the state even from those four open counties, and that little flaw in it is the reason that the bill should be indefinitely postponed. If he would amend the bill, however, and allow say, 25% of the clams to go out in the shell, we would be very glad to go along with it, but as it stands now, it is rather dangerous to say you can't ship clams out in the shell. I was told that Aroostook County

had a great surplus of potatoes and this bill is almost like say that the only potatoes that could be shipped out of Maine would be potato chips or french fried potatoes. Of course, there would be some who would like baked potatoes and there are some that like the clam in its natural state. While I am on my feet, I would say that whenever I talk on this clam subject, I would like to have the Senators judge their votes only from the merits of the case. I have made no attempt to lobby on this and I have asked no friends to vote for this or that. If we can't present our case properly, we don't deserve to win and I think this bill passed this morning which opens the state to shipping all kinds of clams, in the shell, shucked or in the can, covers the situation very well and in order to expedite legislation rather than to bring up this bill again and hash it over and perhaps amend it, I would rather see it indefinitely postponed because I think the whole situation is well covered by L. D. 747 which allows the shipment of clams in any way shape or manner.

Mr. NOYES of Hancock: Mr. President, if Senator Sleeper wants to debate this bill instead of the Order that is before us, I am perfectly willing to debate it, but it seems that in all fairness, in view of the action we have taken this morning, that this clam business should have more consideration than we have given it thus far. Now, from the remarks of my good friend, Senator Sleeper, I would gather that the four counties of which he speaks with 23% of the clam flats, are trying to regulate the clam industry for the entire State of Maine, and I don't think it is fair.

Furthermore, he fails to point out a problem which is a pressing problem of these trucks from Massachusetts that are coming into Maine and carrying our clams into Massachusetts where 90% of them are shucked.

And if we should lose that ten percent business of fresh clams or clams in the shell, we would still

be the winner. I certainly believe we should give this consideration. I have known of cases, and there are many of them, of these trucks coming into our coastal towns for clams and failing to return to pick up the clams for the next day and in the summer time when there is no factory to which the clams may be taken, they spoil and that is a loss to everybody and this bill to which this order refers is a fair and just law for all.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Sleeper, that Joint Order (H. P. 2113) recalling from Legislative Files bill, An Act Relating to Interstate Transportation of Shellfish (S. P. 490) (L. D. 950) be indefinitely postponed.

A viva voce vote being doubted, A division of the Senate was had.

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

Thereupon, on motion by Mr. Noyes of Hancock, the Joint Order received a passage in concurrence.

The President laid before the Senate bill, An Act Relating to Automobile Travel by State Employees (H. P. 2042) (L. D. 1465) tabled by the Senator from Cumberland, Senator Slocum, earlier in today's session pending passage to be enacted.

Mr. SLOCUM of Cumberland: Mr. President, as the title shows this is a bill relating to travel of state employees. As amended and ready for passage, it reads eight cents per mile for the first five thousand miles and four cents a mile thereafter, and I feel that this is far from what it should be, but it would appear to be all the state feels it can afford to pay for travel of state employees. Therefore, Mr. President, I move that this bill be passed to be enacted.

The motion prevailed, and the bill was passed to be enacted.

The PRESIDENT: At this time, the chair notes in the Senate the

presence of Bill Cunningham, nationally known commentator, and the Chair requests the Sergeant-at-Arms to escort him to a place at the right of the President.

This was done amidst the applause of the Senate.

The PRESIDENT: Perhaps Mr. Cunningham would like to say a few words to us at this time. If so the Chair would be pleased to have him.

Mr. CUNNINGHAM: I simply wish to thank you for this great honor and to apologize to this assembly for the interruption. I came to pay my respects to the Governor and evidently took the wrong turn, used the wrong door and was dragged in.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table (H. P. 321) (L. D. 92) House Report from the Committee on Salaries and Fees, "Ought to Pass in New Draft and under New Title of "An Act Relating to Travel for members of the Legislature (H. P. 1253) (L. D. 557) tabled by that Senator on February 18 pending acceptance of the report.

Thereupon, the "Ought to Pass" report was accepted in concurrence and the bill read once and the same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to H. P. 1253, L. D. 557, Bill 'An Act Relating to Travel for Members of the Legislature.'

Amend said Bill by inserting before the headnote in the 1st line 'Sec. 1.'

Further amend said Bill by striking out the underlined figure '5c' in the 9th line and inserting in place thereof the underlined figure '8c'.

Further amend said Bill by adding at the end thereof a new section to read as follows:

'Sec. 2. Effective date. The provisions of this act shall be retroactive to January 5, 1949.'

Mr. SLOCUM of Cumberland: Mr. President, whereas it has apparently been the will of the Legislature

to say to the state employees, those who are hired by the year, eight cents a mile for the first five thousand miles of travel, it would seem to me to equally right that those state employees hired to represent the people in the Legislature should have equal consideration. My amendment merely amends the present bill before us from the rate of five cents per mile to eight cents per mile and makes it retroactive to the beginning of this Legislature. I move that the amendment be adopted.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I again rise to that disagreeable duty of opposing a motion made by a very good friend of mine, and I arise as the Chairman of the Committee on Mileage. As the members of the Senate will recall, earlier in the session we debated at some length on this question of ten cents versus five cents, and we finally reached concurrence with the House on the five cent figure. Now, if we analyze, what has happened since. I think two significant things will come to mind. In the first place, we placed a deficiency appropriation bill of, I think, \$120,000 for legislative expenses. In the second place, we increased very substantially our own travel allowance. In the third place, we denied the employees any increase in their travel expense, and in the fourth place, we are on our way to giving a wage decrease of three, four and five dollars June 30th.

In view of those things, it seems to me just a little unreasonable that the Legislature would want to cut itself into a retroactive "melon," and a little bit unreasonable that we would want to impose upon the taxpayers of the state an increase in cost of mileage in the same session that we have had to deny so many of the worthy people of that which so many of us think should accrue to them. For any one of those reasons, I move the indefinite postponement of the amendment.

Mr. SLOCUM of Cumberland: Mr. President, I merely want to amend

one statement of my good friend and colleague, the Senator from Penobscot. I do not consider that we raised our expense money for travel. That was an act of the people in amending the Constitution. We are merely setting the rate. I believe the people, by referendum, felt that we should have a legitimate expense account for our travel. I am sure there is not a single Senator that is able to travel between his home and Augusta for less than eight cents a mile. I know that I can not, and I am sure none of the other Senators can.

I hope the motion of the Senator from Penobscot does not prevail.

Mr. BARNES of Penobscot: Mr. President, in view of the situation that this Legislature now finds itself in, I would have to oppose this amendment. As a matter of fact, when we first started to discuss this problem of getting paid for our travel to and from, we discussed it on the proposition of actual expenditures made, and those expenditures would have to be verified. I hate to disagree with my good friend, the Senator from Cumberland. Not only does my travel check, which is based on the same percentage per mile as all of the rest of you, pay my railroad fare to and from Augusta, but with the tax off, it allows me to travel by plane to and from Augusta. With the denial that we have given our state employees to maintain their wage levels at the present rate, and the general confusion and failure of this Legislature to pass a major tax—and I recognize readily that my good friend, the Senator from Cumberland, fought for a tax measure, but we didn't get it—I would have to oppose this amendment. I think we should be paid for travel under the present rate.

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

The PRESIDENT: The question before the Senate, is on the motion of the Senator from Penobscot, Senator Haskell, that the amendment be indefinitely postponed, and the Senator from Penobscot, Sena-

tor Williams has asked for a division.

A division of the Senate was had.

Twenty-five having voted in the affirmative and two opposed, the amendment was indefinitely postponed.

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

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

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to Optometry (S. P. 549) (L. D. 1171) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

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 May 3rd passed to be engrossed as amended by House Amendment "A" and by Senate Amendment "A" in non-concurrence.)

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

In the Senate, on motion by Mr. Bowker of Cumberland, the rules were suspended and the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed, and to further recede from its action whereby House Amendment A was adopted; and on further motion by the same Senator, House Amendment A was

indefinitely postponed in concurrence, and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table bill, An Act Relating to the Use of Electrolysis in Beauty Culture (H. P. 2076) (L. D. 1529) tabled by that Senator earlier in today's session pending motion by the Senator from Cumberland, Senator Bowker, that the bill be indefinitely postponed.

Thereupon, Mr. Bowker of Cumberland was granted permission to withdraw his motion to indefinitely postpone, and the bill was passed to be enacted.

On motion by Mr. Varney of Washington, the Senate voted to take from the table bill, An Act Relating to Compensation of Justices of the Supreme Judicial and the Superior Courts upon Retirement (S. P. 662) (L. D. 1493) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs on "Resolve in Favor of James A. Boyle of Portland (S. P. 436) (L. D. 790) Majority Report "Ought not to pass", Minority Report "Ought to pass in New Draft," Same Title (S. P. 690) tabled by that Senator on May 2 pending consideration of the reports.

Mr. SLOCUM of Portland: Mr. President, I move that we accept the ought to pass in new draft report, and would state that this is a special resolve for the Deputy Sealer of Weights and Measures, Mr. James A. Boyle. Mr. Boyle for 19 years was enforcing the state law in the City of Portland as sealer of weights and measures. He is one of the best sealers in

the state. In fact, he is one of the men that goes to national conference with reference to this subject. He worked faithfully down there for the Commissioner of Agriculture and then was transferred to the State of Maine employment here in Augusta. He was, in effect, a state employee paid by the City of Portland, and therefore, technically was a city employee.

The City of Portland adopted a retirement system and came into the state system, and the deductions were made from his pay with reference to retirement. However, when he was transferred to the state, it was impossible for his equities, both the deductions from his pay, and the equities toward his retirement contributed by the City of Portland, to be transferred to the state, as there is no law that permits that transfer. We have a law which would permit his transfer from the state to the city, and we have enacted at this session a law which allows the transfer between municipalities and counties. Mr. Boyle is, therefore, left out. The actuaries of the retirement board figure that it might cost the State of Maine, when he retires, and if he lives to the age that is to be expected, as much as \$20,000 at the rate of somewhere in the neighborhood of \$1,071 per year if I remember my figures correctly. However, he is not going to retire for some years, and under the provisions of the redraft of the committee, these benefits do not go into effect, and this resolve would not go into effect, unless his contributions and the City of Portland's contributions were transferred to the state retirement fund. It would merely put him on a par with all other state employees who have been in the pay of the state government for the period which he has served the state. It does seem that it is only a matter of equity that the state take this employee on under the same regulations and provisions that other state employees are carried on our state retirement system.

There is no general law to permit employees from a municipality to transfer their retirement benefits to the state at this time. It was expected that such a bill would come into this session. But whereas none have come in, it was felt only right and proper that Mr. Boyle's case be taken care of at this time.

Mr. BATCHELDER of York: Mr. President, I might state the reason why the committee reported this bill out nine to one. When this matter came before us at the hearings, we did not know just what amount this bill would cost. I took this matter up with the office of the Employees' Retirement System, and I have a letter from them, dated March 8, 1949 which I will read at this particular time. It is addressed to me as Chairman of the Legal Affairs Committee.

"It is our understanding that you have pending before your Committee for final disposition L. D. No. 790, a Resolve in Favor of James A. Boyle of Portland.

"Should this Resolve be enacted into law the additional costs to the State as determined by the Actuary of the Retirement System would be \$20,077 based on the tables now in effect for the State System. This should be amortized over a period of 28 years and would require an annual appropriation of \$1,071.

"This computation is based on the following factors: The Resolve in question proposes to grant to Mr. Boyle 25 years' credit for services rendered to the City of Portland. This would be split into 19 years of prior service and six years of membership service since the effective date of the State law was July 1, 1942." This is signed, "Earle R. Hayes, Secretary."

Now, as I understand, it has already been stated we do not have any law that permits the transfer of this money from the city to the state. Considering the length of time this party has been working for the city, it would mean the city might contribute to the state approximately \$5,000 and the state would have to meet an item of

about \$15,000. We do have a law which we have recently passed which does permit the transfer of funds from one town to another. But I think at this particular time while we are seeking to find money for various things, and we have many worthwhile projects which we are having to turn down, I am wondering whether or not it would be proper at this time that we actually pass this bill which would actually be requiring in the vicinity of \$15,000 for one particular individual. The Committee was more or less in sympathy with this particular individual, but on the other hand, we couldn't see wherein in justice we should pass this. I trust that the motion as made does not pass.

Mr. BAKER of Kennebec: Mr. President, Senator Slocum has already very ably given the reason why I signed the ought to pass report of the new draft. But I have two more reasons; one is James A. Boyle is no longer a resident of the City of Portland. He is living in the City of Gardiner. If the City of Portland is willing to put in approximately \$5,000 for anybody who is a resident of the City of Gardiner, I am very much in favor of it.

Mr. SLOCUM of Cumberland: Mr. President, I appreciate the dire financial straits of the state. I do, however, appreciate that all other state employees have been given these same benefits that we are asking for Mr. Boyle. It is not an exception for him to put him under this system. It is not a \$15,000 lump sum appropriation. As I understand it from the Retirement Board, subsequent to retirement when he does retire, then the state will have to appropriate a thousand and seventy-one dollars per year. And with a life expectancy as figured by the actuary of the retirement board, he would probably live long enough to receive a total of \$20,077. Of course, as you all know, he might die in six months, and he might die in a period longer than that figured, which would be more

than \$20,077. The probabilities that they figure would be a total sum of \$20,077, but that is not an appropriation until he becomes retired. The Legislature would have to include him among the other state employees at the rate of \$1,071 a year. At least that is the information that I received from the retirement board. It would appear at this time that we are financially in a bad way, but this man is going to work for many years to come. He might die even in service and not ever go on retirement. If he does retire, he should have, it would seem, the same benefits as we have given all other state employees, particularly where he was working in the enforcement of state law, despite the fact that he happened to be paid by the City of Portland until he came under the state retirement.

It is merely a case of exception to the general rule that we have today, not covered by general legislation, and I hope that the Senate feels that we should see that his rights are taken care of when the City of Portland is putting in their proportional amount and he puts his deductions into the state fund under the new draft which is printed as L. D. 1601.

The State is protected if either the City of Portland or he do not put their equities, or contributions, into the State retirement fund. Therefore, when that happens, this would go into effect, and then he would merely be getting the same benefits as if he had been a State employee paid by the State during the whole period of his service.

Mr. ELA of Somerset: Mr. President, this looks to me like a bill whereby the State would be called upon to throw in their share of the retirement charge just as though this has been a State employee for all these years.

He has not been a State employee for all of these years, and I fail to see why the State should now be called upon to make this contribution. They haven't received the service. They shouldn't be called

upon to pay in. It is about as though I could go into an annuity policy based on the rates which would have been in existence if I had bought the policy 25 years ago. These raids on this Retirement Board are becoming tremendously expensive. The theory behind it is to encourage loyalty and continued service to the State. If we are going to open this thing up to brand new employees so they can move back and forth from one job to another, its value will be impaired. It is my understanding that the report was nine to one adverse.

Mr. ALLEN of Cumberland: Mr. President, I would merely like to be recorded in favor of this resolve in favor of Mr. Boyle. The Senator from Cumberland, Senator Slocum, knows that this morning before I knew anything about this bill, my first reaction was to take a negative attitude. But after looking into the bill and hearing the arguments, especially the argument of Senator Baker, it seems to me that this case certainly is worthy if the City of Portland is willing to transfer \$5,000 to the fund, and that it is reasonable for us to pass this bill at this time. I certainly hope that the motion of Senator Slocum prevails.

Mr. BAKER of Kennebec: Mr. President, I would like to ask a question of the Chair. It has been stated that the report of the Committee was nine to one. I was under the impression that the report was seven to three.

The PRESIDENT: The Minority Report was signed by the Senator from Kennebec, Senator Baker, the Gentleman from Portland, Mr. Chapman and the Gentleman from Portland, Mr. Paine.

Mr. SLOCUM of Portland: Mr. President, I fear I did not make it clear to the Senator from Somerset, Senator Ela, that this man was not a city employee as would be some man hired to do city work. He was actually enforcing State law. He was doing the same work as he is doing now, but carried on

the rolls as an employee of the City and paid by the City.

He was an enforcement officer of our State law as a sealer of weights and measures. It would be, in my opinion, a great deal different case if he was some employee of some municipality who was doing some local job that was set up by city ordinance. In this case, in effect, he was doing the work of a State employee while hired by the City of Portland. I have tried to make that clear, and I believe that does put a different light on the matter. I hope that the Senate will see fit, because of the fact that he has been doing this work for the State while paid by the City of Portland, and has now been transferred to a higher job on the same work, continuing to enforce these regulations passed by the Legislature, to include him under the provisions of the retirement laws.

Mr. ELA of Somerset: Mr. President, the fact that a sealer of weights and measures enforces State laws for the benefit of residents of a city doesn't make the employee a State employee. He still is an employee of the city for the benefit of its citizens.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Slocum, that the Senate accept the Minority Report "Ought to Pass in new draft", and that Senator has requested a division.

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

Thereupon, on motion by Mr. Batchelder of York, the Majority report "Ought not to Pass" was accepted.

Sent down for concurrence.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table House Report "Ought to Pass in a New Draft under the same title" (H. P. 2066) (L. D. 1500) from the Committee on Merchan-

tile Affairs and Insurance on bill, An Act Relating to the Inspection of Buildings and the Approval of Certain Articles Containing Natural or Synthetic Components (H. P. 1654) (L. D. 962) tabled by that Senator on April 27 pending consideration of the report; and on further motion by the same Senator, the report was accepted in concurrence, House Amendment A was read and adopted, and under suspension of the rules, the bill was given its two readings and passed to be engrossed in concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act Relating to Requisites for Old Age Assistance (H. P. 1552) (L. D. 870) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. ELA of Somerset: Mr. President and members of the Senate, this is a bill regarding requests for old age assistance with relation to the requirements to receive old age assistance. Now, the law says that he or she must have no spouse able to support him, and article six says that he or she has no child or children able to support him. This bill inserts in those clauses "residing in this state" in each instance. So this bill will read, "Has no spouse in this state and able to support him, or has no child or children residing in this state and able to support him."

Those people who desire old age assistance who have children residing in the state now have to give a sworn statement to the effect, that the spouse, or the children, are not able to support the old folks. In some instances, when the children have been living out of state, it has been difficult to get those statements. But now, those who advocate this legislation, wish to be relieved of all necessity of inquiring if the children or spouse should be out of state, whether or not they are able to support them. If people who live in this state must prove they are unable to support the old folks, it is my contention that similar rules should

apply for those out of state. I see no reason why we should take upon ourselves the burden of granting old age assistance simply because children able to support live beyond the borders of our state. There are not too many cases. The claim is made that those cases which are in existence create irritation. That may be true, but the whole law is a continual irritation. In many instances, the people wishing old age assistance, if the children live out of state, and are able to support, if the assistance is not granted, the children will then support them. It is an inducement for the children to move out of the state to avoid this load.

Now for those who live in the state and refuse to grant assistance, the Commissioner, if he can't get the information which is desirable by law, is permitted to use his own discretion. If there are a few cases which are a problem, I believe some other solution than this bill could be presented.

I conferred at great length with some members of the Welfare Committee and with the department, and they seemed inclined to offer no other solution. I think there is another solution if it could be worked out. I think by offering this legislation you are opening up the doors to the welfare problem. We are becoming a welfare state fast enough, and if you try to liberalize these laws, there is no limit to the distance you can go. We have operated under the present law since the old age law went into effect, or at least for quite a while since the old age law went into effect, and I think we can operate a little while longer. If we can't come up with a better solution to a very few irritating cases, we had better not have this bill.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, it always bothers me a little to rise and debate with the Senator from Somerset, Senator Ela, because he is usually so sound in most of his arguments. So I think I had better

start in today by admitting that perhaps he is somewhat right on this general proposition. It is probably as fair for sons and daughters outside the state to be compelled to look out for their parents as for sons and daughters within the state. But that is where the difficulty comes in—the difficulty of compelling them to do this particular thing.

It is hard enough to compel sons and daughters within the state to look out for their parents. The Welfare Committee gave this bill a lot of consideration. I don't believe there is a member of that committee that doesn't feel the same way as the Senator from Somerset, Senator Ela, has expressed himself today. They feel we should do everything to make children who live support their parents. Yet it is a fact we are falling down and can not do that particular thing. Because of our disadvantage, and because we are falling down, somebody is suffering. If it fell upon the children, I would feel as strongly for it, but it falls upon the poor old folks of the state.

I had a few cases taken out of the files this morning bringing out that particular point. If it were earlier in the session, I might spend some time debating it. I will just call your attention to one that I have here. I was called from the Town of Amherst over the weekend because this old gentleman there who had been receiving old age assistance had been cut off the rolls, and he directly became a town charge. The reason for that was that he had five children all out of the state. Two of their addresses were unknown. A reply could not be obtained from the other three. That is not an exaggerated case. Probably in half of these cases with children outside the state, they can't reach the children. And according to this law, and the interpretation of it as given by our Attorney General's Department, there is really nothing we can do about it.

In other cases, children just willfully will not help out, as in this particular case here which I would like to call to your attention. The worker saw a letter from Raymond, that was the son outside of the state, saying that he did not want to hear from his parents or anybody else concerning them. I wish I had the letter here today, or maybe I don't wish I had it here because I would hate to read it into the record to show to what extent some sons slip when they get outside of the state. In another case here, a worker received a letter the gist of which said it was none of her business, nor of the State of Maine, what she was earning. It is a fact, whether we like to admit it or not, that when children are long removed from their parents, they seem to lose their interest. Not all of them lose their interest, but a great many of them do. That is the reason that this particular act is so hard to administer. Probably the real burden, or one of them, is the hardship cases in health and welfare. This particular act can ease up that undesirable situation.

I think that this bill should be enacted today as an emergency measure. I think it would do more to right some of the wrongs which have been brought about by the sworn statements than anything else we can do. For that reason, I would ask this body to vote to enact this bill.

Mr. McKUSICK of Piscataquis: Mr. President, I would call to your attention that this act does not remove the financial liability of the children or grandchildren. That is provided for in another section of the law. It does not relieve the child or grandchild outside the state from his moral or financial liability. It simply states that it should not be made a requisite for the old person to obtain old age assistance. And the point of the whole thing lies in this.

If a child in the state, financially able, refuses to care for his parents, or grandparents, the local authorities can bring him into court and

require contributions. Under the present statutes, it is impossible to bring a child or grand child out of the state into court and make him answerable. For that reason, in a few scattered cases, compared to the total number, there are old people who are suffering hardships because of the provision in our laws at the present time requiring sworn statements from children outside the state. It simply takes that requirement off and allows the department to grant old age assistance in such cases.

I would also call your attention to the fact the number of those cases would be comparatively small, and that this bill carries no price tag. The number is small compared with the total number of cases, and the Commissioner tells us that he can absorb the expense. For that reason, I feel that we should look at this from the standpoint of the old people being deprived of this help, and not look at it from the standpoint of the fact that we would like to see those children outside the state who are able and backward in coming forward to help their parents being prosecuted. I feel that this should receive passage.

Mr. ELA of Somerset: We have passed at this session of the Legislature, and you have all voted for it compact Legislative Document 1075 which— if other states adopt a similar compact, and some of them have already done so—would permit other states a sort of reciprocity with this state whereby they could compel children to contribute to things such as this support their parents.

Regardless of what the cost would be the first year, you can be sure that if this legislation goes into effect, and they have to give no consideration to children outside of the state, it would cost an increasing amount as time goes on. I think there is some other solution to the very few present irritating cases. That solution has not been presented. For that reason, I think we should fail to pass this act.

Mr. McKUSICK of Piscataquis: Mr. President, the suggestion of reciprocity in handling these cases between the states sounds a little odd to me. Perhaps some of the lawyers could inform me whether it is according to constitutional requirements that a person could be brought to trial in New Hampshire for an offense committed in the State of Maine. I am not a lawyer, but that sounds strange to me.

Mr. ELA of Somerset. This compact was presented by the Council of State Governments, I think, who had the ablest counsel in the country to draw from. It is my belief that no such compact would have been sponsored if it didn't have legality back of it.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, probably this argument about the compact is very good. I think it may cloud up the issue somewhat. I think we have all seen some of these compacts and different arrangements we have had with other states. I believe whether we have any compact with other states or not, that the fact remains that we have a lot of hardship. A whole lot of senior citizens of the State of Maine are being kept in a very, very difficult economic situation to the extent that the municipalities are having to support them due to this particular act.

For that reason, I think we can ask that this bill be passed at this time.

Mr. BOUCHER of Androscoggin: Mr. President, as the other member of this Senate on this Welfare Committee, I, too, was very hard to convince that this was the proper thing to do to report this ought to pass. I am of the opinion, and have always been of the opinion, that children who are able should take care of their parents. It seems that this is not the modern idea. I may be old fashioned, but I believe in the old principle that children should take care of their parents when they are able to. I for one certainly would not want to make it very easy and favorable

for somebody to run away from their responsibility by just crossing a state line.

On the other hand, having had cognizance of the fact that we have old people who have been deprived of receiving old age assistance on account of their children taking advantage of the fact that if they went beyond the borders of the State of Maine, even if they only went ten feet beyond the border, that they could not be forced to contribute to their support, I felt that in all conscience I had to go along with the committee and report favorably ought to pass.

Therefore, I want to add my plea to my two colleagues' that this measure receive a favorable passage, not in order to protect those children who are dishonest and disown their own parents, but in order to take care of some of the old people who are being deprived of receiving aid from the State on account of dishonest children.

Mr. WILLIAMS: Mr. President, I ask that when the vote is taken, it be taken by the yeas and nays.

The PRESIDENT: The question before the Senate is on the passage to be enacted as an emergency, bill, An Act Relating to Requisites for Old Age Assistance and the Yeas and Nays have been requested. To order the Yeas and Nays requires the affirmative vote of more than one-fifth the members present. Is the Senate ready for the question?

A division of the Senate was had.

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

The PRESIDENT: The question is on the final enactment of the bill. A vote of Yea if a vote for final enactment, and a vote of Nay is against the final enactment.

The Secretary called the roll:

YEAS: Allen, Baker, Barnes, Batchelder, Boucher, Boutin, Brewer, Brown, Cobb, Collins, Crosby, Denny, Edwards, Greeley, Haskell, Hopkins, Knights, Larrabee, Leavitt, McKusick, Savage, Sleeper, Slocum, Turgeon, Varney, Ward, Williams—27.

NAYS: Bowker, Ela Goodwin—3.

Twenty-seven having voted in the affirmative and three opposed, the bill was passed to be enacted.

The President laid before the Senate, Resolve in Favor of the Town of Fryeburg (S. P. 343) (L. D. 569) tabled by the Senator from Oxford, Senator Cobb earlier in today's session pending consideration of the report, and this afternoon assigned.

Mr. COBB of Oxford: Mr. President, I ask the indulgence of the Senate to put that bill over until tomorrow morning for just one reason, the Chairman of the Claims Committee has told me he will get the committee together today after adjournment and at that time we will report to the Senate.

Thereupon, the resolve was laid upon the table pending consideration of the report, and especially assigned for tomorrow.

On motion by Mr. Varney of Washington, 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 Incorporate the City of Brunswick (H. P. 1982) (L. D. 1366) tabled by that Senator on May 3 pending consideration of the report.

Mr. ALLEN of Cumberland: Mr. President, I don't know whether the Senator from Washington, Senator Varney, wished to speak on this before I did in view of the fact I was absent when this was debated the first time. I was here yesterday when the reconsideration motion prevailed. I voted to reconsider this bill, myself, with Senator Varney, because I wanted to be sure of my facts before I opposed any local legislation. I have always tried to take the attitude that most of these things should go to the local voters to vote upon in cases of this type. Therefore, I was perfectly willing and agreeable to keep the bill alive until I, personally, could look into the situation and convince myself whether the bill should be killed, or whether it

should be passed on by the voters of Brunswick.

I feel that there is very little doubt that the majority of the people in Brunswick do not want this matter to go to vote. They are in favor of having this bill killed in this Legislature. There is a small group in Brunswick that has continually brought these matters into the Legislature. The town is now operating on a very satisfactory system. They have just hired a new town manager. I know three of the Cumberland Senators who know the Brunswick situation pretty well have all come to the same conclusion.

Therefore, Mr. President, I move the indefinite postponement of an Act to Incorporate the Town of Brunswick.

Mr. BOUCHER of Androscoggin: Mr. President, I rise to oppose the motion of the Senator from Cumberland. I realize that the Town of Brunswick is in the County of Cumberland and that possibly the good Senator knows more about that situation down there than I do. But I probably live nearer to Brunswick than he does.

What he has said may be true, that only a small group wants to have a city manager form. But nevertheless, the principle of home rule still remains. It was discussed yesterday whether Brunswick should return to the old form town of government with three selectmen or keep the present town form of government with the manager, which was to be decided by the voters at a future election. I can not see any harm in having a third question put to the voters of Brunswick, asking whether they want to become a city under a city form of government even if only ten voters voted that way. I still feel that it is up to the citizens of Brunswick to decide and not the members of this Legislature.

For years and years I have fought for referendum and local government, and I can not let this motion go by without raising my voice in opposition. I am not doing this

on a partisan basis. I don't know how the selectmen of Brunswick are enrolled at this time. I do know that their representatives have been for years democratic. But if it were the opposite, it would not make any difference to me. If anybody introduced a bill to have a referendum to change certain things in their locality, whether it was Democratic or Republican, I should vote to give them the chance to decide for themselves what they wanted.

For the information of the Senate, I want to tell you that I have been asked, and I have been pressured, into trying to intervene in the actions of cities and towns in my district. Where the local referendum was attached, I have kept my hands off, because I have preached, and I have begged this body for several sessions on the basis of local government and home rule. Where this proposed bill has a referendum clause in it, I certainly hope that you members of the Senate will give the citizens of Brunswick the chance to express themselves on whether they want a city form of government, or a town form of government with a town manager, or a town form of government without a town manager, but operated by their own selectmen.

In all sincerity, I believe it is not our duty to decide. It is the duty of the citizens of Brunswick to decide under what form of government they desire to operate. Therefore, Mr. President and Members of the Senate, I hope that the motion of the Senator from Cumberland, Senator Allen, does not prevail.

Mr. LEAVITT of Cumberland: Mr. President, because of a spirit of fair play, I think, more than anything else, in this Legislature the word Democrat and Republican is almost never mentioned on the floor here. But this is one place where I think the words, Democrat and Republican, should be mentioned. This is a purely democratic matter. A few Democrats in the Town of Brunswick wish to up-

set what most probably will eventually develop into a very Republican form of government in the Town of Brunswick. Two Democratic members of the House, the only two from the Town of Brunswick, brought this bill in here, and the only person who is favoring it in the Senate is the Democratic minority floor leader. This is an absolute party measure. Your four Senators from Cumberland County are all Republicans as you know, and they have all been approached by Republican leaders of Brunswick telling us that they do not want this bill to come down to them. As a Republican, I am opposing this bill.

I can't see any sense to it anyway, but in this case I am doing it entirely as a party measure.

Mr. BATCHELDER of York: I had hoped it wouldn't be necessary for me to impose upon this Senate again in relation to this matter. But in view of the motion that has been made, I might state just how this bill come before our committee.

At the hearing, only two individuals appeared before our committee. Apparently, nobody came from the Town of Brunswick to change this from a town to a city. At the present time, they have a town-manager form of government. A short while afterwards, they sought a town meeting to do away with the particular form of town-manager form of government, and it was unsuccessful. It now appears that these same people are seeking, through legislation here, to get the present parties out of power.

Recently a town meeting was held in the Town of Brunswick. At that particular time, one article was inserted in the town warrant to find out whether the people desired this particular change. It appeared, as has already been said, that there was not any demand for this legislation at this particular time. I hope that the motion of the Senator from Cumberland, Senator Allen, prevails.

Mr. BREWER of Aroostook: Mr. President, I have so far as possible during my tenure in the Legislature,

tried to keep my nose out of the business of others and let them run their own affairs. When the Gentleman that I assume sponsored this bill came to me and asked me to support it, I told him I would. I did so until yesterday. But in the meantime I have had so many people approach me that are opposed to this and advise me that it is not good legislation, that I feel I must change my stand. I have talked with three Senators from Cumberland County. Two are definitely opposed to it, but the other fellow said that it didn't make much difference whether it did or didn't go through. As far as he was concerned, it didn't make much difference.

In view of the fact that I have had so many people approach me and say that they do oppose this bill, I therefore will vote with the Senator from Cumberland in indefinite postponement.

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

Mr. BOUCHER of Androscoggin: Mr. President, I well realize after the remarks from the Senator from Cumberland, Senator Leavitt, who absolutely wants to make this a party measure, that if we want to vote on party lines the motion of the Senator from Cumberland will certainly prevail. But I want to assure the Senator from Cumberland that it certainly won't make more Republicans in Brunswick by voting down this bill at this time, especially on the basis of a party measure.

I don't wish to make any threat. I don't wish to make any extensive remarks, but I do want to make this one remark. It is very queer that at times we don't talk about party lines when we need the Democratic votes for certain purposes, but that at other times when they are not needed or wanted, then party lines appear. I am sorry that the Senator saw fit to bring into the picture the partisan angle in the Brunswick dispute. The Senator from Aroostook has brought out the fact that he has found opposition since he first started to support this

measure. That does not surprise me. He had informed me of it this morning. But now it does not surprise me after finding out from the Senator from Cumberland, Senator Leavitt, that it has been made a partison measure. Naturally, the Senator from Aroostook would have been approached and told not to vote for the measure. It is natural.

Nevertheless, I appeal to the fair play and fairmindedness of the Senators of the Republican Party who are not so hidebound but what fair play goes above party lines. I appeal to them again on the basis of home rule to let the citizens of Brunswick to decide what they want, be they Republicans, Democrats, or anything else under God's sun.

Mr. BREWER of Aroostook: Mr. President, I would like to correct the statement or insinuation, that the Senator from Aroostook made that a party issue would change my mind. I would assure the Senator that that is not the case. I made up my decision from the few people that I knew and that were bitterly opposed to it. I didn't happen to hear of the party element in this until Senator Leavitt got on his feet a few moments ago. So, I would like to leave that thought with him.

The PRESIDENT: The question before the Senate is on the indefinite postponement of the bill and the Senator from Cumberland, Senator Allen, has requested a division.

A division of the Senate was had. Twenty-one having voted in the affirmative and seven opposed, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to reconsider its action whereby it assigned for second reading Bill, An Act Relating to the Banking Department (H. P. 1969) (L. D. 1352) and on further motion by the same Senator the rules were suspended and the bill was given its second reading.

The same Senator presented Senate Amendment "A" to House

Amendment "A" to L. D. 1352, and moved its adoption.

Mr. COLLINS: Mr. President, in explanation of this amendment I would say that it would provide some additional revenue for the State if the amendment is adopted. The banking department and the State tax assessor feel that an additional \$40,000 can be turned into the general fund if this amendment is accepted. In other words, under the provisions of the law by which the savings banks are assessed there is a period from the date of assessment in September to December whereby they could assess this tax at fifteen cents for the quarter and get an additional \$40,000 which would sweeten up the general revenue situation that the bill creates. For that reason I hope the amendment will be adopted. It is possible that the tax department could do this without the amendment but in their opinion it would clarify it much better if the amendment was adopted.

"Senate Amendment 'A' to House Amendment 'A' to H. P. 1969, L. D. 1352, Bill, 'An Act Relating to the Banking Department.'

Amend said Amendment by adding at the end of that part designated 'Sec. 5', the following: 'The franchise tax assessed upon each savings bank and institution under the provisions of section 143 of chapter 14 of the revised statutes for the 3-month period next preceding December 31, 1949 shall be at the rate of 15c for each \$1,000 of average deposits. The tax assessed upon each loan and building association for the 3-month period next preceding December 31, 1949 shall be at the rate of 1-4 of 1% on the amount of capital receipts so returned under the provisions of section 145 of chapter 14 of the revised statutes. The tax assessed upon each trust company for the 3-month period next preceding December 31, 1949 shall be at the rate of 1-8 of 1% on the balance of the deposits so ascertained under the provisions of sections 152 and 153 of chapter 14 of the revised statutes.'

Mr. HASKELL of Penobscot: Mr. President, might I ask, through the Chair, of the Senator from Aroostook, Senator Collins, just how much this amendment will leave the general fund budget short of the income now in there?

Mr. COLLINS of Aroostook: Mr. President, I understood that this would provide an additional forty thousand dollars so that in the first year of the biennium, that would reduce that to about ten thousand dollars but in the second year of the biennium, the figure would be the same as formerly, about \$100,000 which makes an additional contribution of \$40,000 over the way in which the bill was first written with House Amendment A.

Thereupon, the Senate voted to reconsider its former action whereby House Amendment A was adopted. Senate Amendment A to House Amendment A was adopted; and on motion by Mr. Collins of Aroostook, House Amendment A as amended by Senate Amendment A was adopted and the bill as amended by House Amendment A, as amended by Senate Amendment A thereto, was passed to be engrossed in non-concurrence.

On further motion by the same Senator, the bill was sent forthwith to the House.

The President laid before the Senate bill, An Act Permitting Continuance of Service of State Employees Reaching Seventy Years of Age (H. P. 2067) (L. D. 1499) which was recalled by Joint Order from the Governor.

Mr. BARNES of Aroostook: Mr. President, I move that the bill be indefinitely postponed.

Mr. WILLIAMS of Penobscot: Mr. President, I always rejoice in a motion to indefinitely postpone at this session of the legislature. But sometimes it is nice to know the reason and I would ask if there is a reason.

Mr. BARNES of Aroostook: Mr. President, this bill was presented to the Judiciary Committee by a House member and it relates to

the Board through which a state employee who has reached the age of 70 years—that is the ordinary retirement age. The committee considered the bill, we had a public hearing on it and we could find no instance wherein this Board had ever violated in any way its duty or transgressed the bounds of propriety in the consideration of such requests. The bill simply said that the Board “shall” offer further employment instead of “may” offer further employment.

The word “shall” was substituted and in case the application was rejected it would go to the Governor and Council. Our feeling was that this would throw this matter of continued employment of state employees who reach the age of retirement directly into politics because instead of having the Board handle it as they should under the law, and in a way that no fault has been found with it up to this point, it would throw this thing into the laps of the Governor and Council and make a political football of it and it was almost as bad as the bill to repeal the Personnel Act. So we have now found that the Governor and Council do not approve of it and in line with that, instead of waiting for a veto we had the bill recalled and would now like to give it a nice quite burial.

Thereupon, on motion by Mr. Barnes of Aroostook, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table Senate Report “Ought Not to Pass” from the Committee on Judiciary on recommitted bill, An Act Relating to Permits to Cut Logs (S. P. 262) (L. D. 393) tabled by that Senator on March 25 pending consideration of the report; and on further motion by

the same Senator, the “Ought Not to Pass” report was accepted.

Sent down for concurrence.

On motion by Mr. Brown of Washington, the Senate voted to take from the table Senate Report “Ought Not to Pass as it is inexpedient at this time” from the Committee on Appropriations and Financial Affairs on bill, An Act Relating to New England Development Authority (S. P. 693) (L. D. 1410) tabled by that Senator on May 3 pending consideration of the report; and on further motion by the same Senator, the “Ought Not to Pass” report was accepted.

Sent down for concurrence.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Senate Report from the Committee on State Hospitals on bill, An Act Establishing Infirmaries at the State Hospitals (S. P. 629) (L. D. 1378) “Ought to Pass in a new draft and under a new title” Resolve Authorizing the Legislative Research Committee to Study the Advisability of Infirmaries and Home for the Aged (S. P. 650) tabled by that Senator on April 5 pending consideration of the report.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, the Committee gave careful consideration to the original bill. That bill provided for a commission of five persons to be appointed by the Governor with the advice and consent of the Council, the purpose of which was to study the advisability of establishing infirmaries at the state hospitals or a home for the aged and infirm at any other place in the state. There was an appropriation of \$5,000 attached to the original bill.

The Committee on State Hospitals is aware, as I am sure all of the Senators are aware, that our present state hospitals are infirmaries to a very great extent. They are not insane hospitals in the usual sense of the word. The patients in state hospitals are really infirm patients at state hospitals.

It was the thought of the Committee that there was need for a special commission to make a study of this matter, and that it was a matter which might better be referred to the Legislative Research Committee. So the Committee brought out a new draft of the bill, directing that studies be made by the research committee and taking away the appropriation. After the committee acted on the matter, that being the last matter that was had, and we had no further meeting, it occurred to me, and I think that the Senate will agree that the Research Committee might definitely better be governed by an order than a bill.

I assume that Senator Williams, the proponent of the original bill, with whom I have discussed the matter will approve the procedure, in which case I assume we will approve the indefinite postponement of the bill and introduce the proper order. I move the indefinite postponement of the bill.

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

Mr. WILLIAMS of Penobscot: Mr. President, I would say in discussing this matter that, as Senator Hopkins has presented to the Senate, this was given careful consideration. I am not satisfied with the arrangement that it be referred to the Legislative Research Committee, because in my legislative experience, I have seen so many matters referred to that particular Committee, and, with due respect to all those members and its director—they have all done a fine job and put in a lot of time—yet I think with the number of items we are referring to that Committee, if they give consideration to all of these things, they will have to be continuously in session.

Realizing we have such a powerful committee opposing this idea of infirmaries, it would be impossible for me to try to have the bill substituted for the report, or something of that type. My two fellow members on that committee would

certainly kill any idea that I would have of extracting a little money for making such a nice survey as I would hope this would be, regardless of the desirability. I feel possibly it is proper to go along with this motion which I believe the Senate has already gone along with. So, at this time, I will present an order out of order and move its passage.

ORDERED, the House concurring, that the Legislative Research Committee be instructed to study the Advisability of the Establishing of an Infirmarium or Infirmaries for the Care of the Aged and Infirm of the State, and be it further

ORDERED, that the committee report the results of their study to the 95th legislature.

Which order received a passage. Sent down for concurrence.

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table bill, An Act Creating a Merit Award Board to Encourage and Reward Efficiency and Economy in State Government (S. P. 537) (L. D. 1069) tabled by that Senator on March 30 pending passage to be enacted.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I hesitate to make this motion on this bill. It is a good bill and I wanted to go along with it, but it calls for ten thousand dollars out of the general fund. It calls for money that is not there, so I am sorry to do it, but I move that the bill be indefinitely postponed.

Thereupon, on motion by Mr. Ward of Penobscot, the bill was laid upon the table pending motion by the Senator from Cumberland, Senator Bowker, that the bill be indefinitely postponed.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table bill, An Act Relating to Allocation of Moneys by Governor and Council (S. P. 66) (L. D. 47) tabled by that Senator on April 14 pending passage to be enacted.

Mr. SAVAGE of Somerset: Mr. President, by way of expressing the hope that we won't take tabled items off the table tonight that do refer to money and I have that hope because I think all those money bills should be considered in the morning after we have the list, I move the indefinite postponement of this particular bill because it is one that there certainly cannot be any debate on. It is a bill I introduced and it is perfectly all right and sound in principle and would provide that additional income that takes the dollars out of the contingency fund instead of going to the surplus fund but obviously the income does not exist so I move the indefinite postponement and again express the hope that we don't take money bills off the table tonight, but leave them until tomorrow morning.

Thereupon, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hopkins of Kennebec, 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 Aid Deficits of Public and Private Hospitals (S. P. 478) (L. D. 924) tabled by that Senator on March 15 pending consideration of the report.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I assume you are all aware of the reasons which underly the introduction of this measure. We know our private hospitals have taken extensive loss in the care of State cases during the last year. If there were to be money available, it wouldn't be unreasonable that they have some reimbursement for their loss. But the present situation precludes any such allocation of money for the hospitals and therefore I move the acceptance of the "Ought Not to Pass" report.

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

Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Resolve that the Legislative Research Committee make a Special Study of Youth Problems (S. P. 637) (L. D. 1408) tabled by that Senator on March 31 pending passage to be engrossed.

Mr. SLOCUM of Cumberland: Mr. President, inasmuch as it would appear that we cannot afford to have a special commission to do this work, at least there can be some research done by the Legislative Research Committee and I move that the bill be passed to be engrossed.

Mr. HASKELL of Kennebec: Mr. President, I rise to oppose the motion with the thought that all the problems we have put up to the Legislative Research Committee this year have at the request of the Director of Legislative Research been done by Joint Order rather than by private and special laws. It is with the sincere hope that we do it that way, if that would satisfy the Senator, that I move that the resolve be indefinitely postponed.

Thereupon, the resolve was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, it was

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is authorized to investigate and study Youth Problems including all factors of delinquency and rehabilitation of delinquent minors; and be it further.

ORDERED, that the legislature research committee shall file a report with the 95th legislature, together with any proposed legislation necessary to carry such recommendations into effect.

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 Inland Fisheries and Game on bill, An Act Relative to Prosecutions of Inland Fisheries and Game Laws to be Published (S. P. 404) (L. D. 743) tabled by that Senator on March 16 pending consideration of the report.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, I think it might be a good time to explain some of the difficulties a fellow runs into when he thinks of a bill. It reminds me of some remarks I have heard by some fellow enthusiasts. I will not try to go into this in detail, but this was a perfectly good bill which I thought up all by myself. I have been accused of a lot of other people bringing this idea to me. From the very start, I want it understood there was no malice aforesaid. It was not against any particular trade, profession or group of individuals. It was just a good idea. I discussed it with the Fish and Game Department. They were enthusiastic for it. I discussed it with the Committee on Inland Fisheries and Game, and that Honorable Chairman thought it was a fine idea and would see that the act passed. The House Chairman told me he would fight and die for this bill. And when we had the hearing, the committee was never more sympathetic than they were to listen to this bill of mine. There was only one drawback.

One bald-headed Gentleman who has a seat in the Senate came before the Committee. His arguments were not very enlightening as to why he didn't like the bill. I have forgotten what his reasons were.

Now, I must explain my bill. I suppose it is simply that the Fish and Game Department issue a list of all the persons convicted of a violation of the fish and game laws, once each month. It seems to be a very simple little matter. They would get out a little mimeograph sheet, and it would be available for the newspapers, and available to any interested citizen in the state department. Of course, there

were a few things I forgot. My reason for this bill was simply this. There are a lot of thrill hunters who are not frightened of a fine for night hunting. They go out, and they shoot at any pair of eyes that they see, be it cat, dog, moose or cow, even headlights on automobiles have been fired at. And this bill would give them publicity when they fired at the headlights of somebody's automobile. But it seems it is a bad idea, because a certain professional group in the State of Maine don't like it. It went before the committee. I think I lobbied each member of the committee separately, and they all told me that they favored this bill. And then it came unanimous "ought not to pass." One of them came to me the night before and said that this bill pertaining to beavers, which I was interested in, they were passing that out, ought not to pass to soften up the pill that they were giving to me.

As soon as it came out, I went around to see each one of them, and I said, "I thought you were for my bill." Of course, each one whom I contacted told me that they were absolutely for my bill and that it was the best legislation that ever came before that committee, but the original committee didn't favor it. That is the position I find myself in, and all this session I have left it here on the table, not because I feared the committee, because all of them are in favor of it, and in fact practically all of the members of the House tell me they will put through if I ever got it over there. But just one individual in the Senate did not like the bill. I don't know what motion I should make at this time, because probably if I move that we substitute the bill for the report, the Senate would go along with me. That is about as crazy as this bill has been from beginning to end. But due to the fact that the Senate has given me such good attention while I have been trying to explain the plight of the poor backwoodsman that tried to put

such a good bill before this Legislature, I would move the acceptance of the ought not to pass report.

Mr. ELA of Somerset: Mr. President, I did not suppose that the intensity of the gentleman from Penobscot's desire for his own bill would make him commit perjury. He has been one hundred percent on the right side of every moral issue, but I fear this one has warped his judgment.

Mr. SLOCUM of Cumberland: Mr. President, I rise to sympathize with Senator Williams, and also with the Committee on Inland Fish and Game. I have had experience with them where a hearing was held and one member of this Senate got up and spoke for the bill. Two members from the House on the Committee spoke for the bill. The department spoke for the bill. Everyone spoke for the bill. Then

it came in reported unanimously "Ought Not to Pass." I sympathize with that committee and I sympathize with the Senator from Penobscot, Senator Williams.

However, where he has taken this defeat with such good grace, and where we also accepted the "Ought Not to Pass" report on my bill where we would have been able to arrange matters with the Commissioner, I simply rise to sympathize with the hardworking Inland Fish and Game Committee.

Thereupon, on motion by Mr. Williams of Penobscot, the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot,

Adjourned until tomorrow morning at 8:30 Eastern Standard Time.