

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday May 6, 1949.

The Senate was called to order by the President.

Prayer by the Reverend Douglas H. Robbins of Augusta.

Journal of yesterday read and approved.

From the House

Bill "An Act Relating to Harness Horse Racing Meets." (S. P. 445) (L. D. 894)

(In Senate, on April 27th passed to be engrossed as amended by Committee Amendment "A".)

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

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

Bill "An Act to Aid Small Woodland Owners." (S. P. 542) (L. D. 1182)

(In Senate, on March 31st, voted to insist on its former action whereby the bill was passed to be engrossed, and asked for a Committee of Conference.)

In House, on March 29th indefinitely postponed in non-concurrence. On May 5th voted to recede from indefinite postponement, bill read a third time, House Amendment "A" adopted, and the bill as amended to be engrossed in non-concurrence; subsequently the House insisted and asked for a Committee of Conference.

In the Senate, on motion by Mr. Williams of Penobscot, the Senate voted to insist and join.

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

(In Senate, on April 29th passed to be engrossed as amended by House Amendment "A" in concurrence.)

Comes from the House, engrossed having been reconsidered, adoption

of House Amendment "A" reconsidered; House Amendment "A" to House Amendment "A" adopted; House Amendment "A" as amended, adopted; and the bill as amended by House Amendment "A" as amended passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Ela of Somerset, under suspension of the rules the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further recede from its action whereby House Amendment A was adopted; House Amendment A to House Amendment A was read and adopted in concurrence; House Amendment A as amended by House Amendment A thereto was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

The Committee on Salaries and Fees on Bill "An Act to Provide for the Annual Salary of Members of the Public Utilities Commission," (H. P. 368) (L. D. 128) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

(In Senate, on April 14th passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, the bill indefinitely postponed.

In the Senate, that Body voted to insist on its former action and ask for a Committee of Conference.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Salaries of Somerset County Officers," (S. P. 663) (L. D. 1494) reported that both the Senate and House recede and concur in the adoption of Committee Amendment "A" submitted herewith and passage of the Bill to be engrossed as amended by Committee Amendment A

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and to further reconsider

its action whereby Senate Amendment A was adopted; House Amendment A and Senate Amendment A were indefinitely postponed; Committee Amendment A was adopted in concurrence, and under suspension of the rules, the bill as amended by Committee Amendment A was passed to be engrossed in concurrence.

The Committee on Education on Bill "An Act Relating to Secondary School Tuition," (H. P. 1951) (L. D. 1324) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

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

In the Senate, on motion by Mr. Leavitt of Cumberland, the report was read and accepted in concurrence and the bill was given its first reading; House Amendment A was read and adopted in concurrence; Committee Amendment A was read and adopted in concurrence; under suspension of the rules, the bill as amended was given its second reading and passed to be engrossed in concurrence.

The Committee on Military Affairs on "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying a Bonus to Maine Veterans of World War II and to Provide for the Payment Thereof by a State Lottery," (H. P. 664) (L. D. 216) reported the same in a new draft (H. P. 2109) (L. D. 1599) under a new title, "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying for the Issue of Paid-Up Insurance Policies to Maine Members of the Military and Naval Forces in World War II," and that it ought to pass.

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

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

The Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Providing for Annual Sessions of the Legislature," (H. P. 921) (L. D. 373) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

On motion by Mr. Varney of Washington, the Senate voted to reconsider its action taken earlier in today's session whereby L. D. 1324 was passed to be engrossed; and on further motion by the same Senator, the bill was laid upon the table pending consideration.

The Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Portland re Powers of Assessors," (H. P. 1643) (L. D. 955) reported that leave be granted to withdraw.

The Committee on Judiciary on Bill "An Act Relating to Filing of Accounts in Estates Upon Petition of Sureties on Bonds," (H. P. 1979) (L. D. 1361) reported that the same ought not to pass.

The same Committee on "Resolve, Proposing an Amendment to the Constitution to Abolish the Executive Council," (H. P. 1874) (L. D. 1214) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Claims on "Resolve in Favor of Louise W. Cony, of Augusta," (H. P. 1371) (L. D. 1619) reported that the same ought to pass.

The same Committee on "Resolve to Reimburse Wallgrass Plantation for Support of the Family of Edward Berube," (H. P. 417)

(L. D. 1618) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of New England Telephone and Telegraph Company, of Augusta," (H. P. 1465) (L. D. 1620) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence and under suspension of the rules, the resolves were given their two several readings and passed to be engrossed in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve, for Preliminary Investigation of Quoddy Project," (H. P. 1764) (L. D. 1129) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Southwest Harbor School District," (H. P. 484) (L. D. 159) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Mount Desert School District," (H. P. 485) (L. D. 160) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and under suspension of the rules, the bills were given their second reading and passed to be engrossed in concurrence.

The Majority of the Committee on Judiciary to which was recommended Bill "An Act Relating to Housing and Redevelopment," (H. P. 575) (L. D. 173) and new draft of same (H. P. 2020) (L. D. 1406) under title of Bill "An Act to Authorize the Creation of Public Bodies to be Known as Housing Authorities," reported the same in a second new draft (H. P. 2089) (L. D. 1561) under title of Bill "An Act to Create Public Bodies to be Known

as Housing Authorities," and that it ought to pass.

(signed)

Senators:

BARNES of Aroostook
WARD of Penobscot

Representatives:

PAYSON of Union
SILSBY of Aurora
BURGESS of Rockland
MUSKIE of Waterville
WOODWORTH of Fairfield

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

(signed)

Senator: ELA of Somerset

Representatives:

WILLIAMS of Auburn
McGLAUFILIN of Portland

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

In the Senate:

Mr. BARNES of Aroostook: Mr. President, I move the acceptance of the Majority Report "Ought to Pass" in concurrence.

Mr. ELA of Somerset: Mr. President and members of the Senate, I will give you, briefly, my position on this item. This is a bill to create public housing authorities to make homes out of federal monies in competition with private initiative and private industry. It is one of those pieces of legislation, new deal legislation may I say, which tend toward the socialistic state. Private industry and private initiative is the American way. That is the way America has grown great and become the best nation in the world, the nation which has the highest standard of living in the world, and it is unwise in my opinion now to revert to the old European ideology and start on the road downhill. The profit motive will cause construction of all houses which it is economical to build. It may not build them immediately, but neither will this housing authority. The emergency, as far as the war is concerned, is getting

over. After these units are built, they can not pay on the current proposed rentals, and the government proposes to subsidize rentals. This is not fair to those who can't move into these places. Other people will have to pay those bills.

It is recommended that veterans get preference. That is proper and right, probably, if you are going to build these places. But for every veteran who can have one of these subsidized housing units, there will be many more men who can not use them. In any area which makes use of these projects, the private ownership of rentals will be discouraged. When you discourage these people in that area, they won't build. It is my opinion that for every one housing unit which you will get built under this idea, ten will be discouraged and will not be built. And in the last analysis, the thing which you have striven to do will be defeated by the very action by which you hope to do it.

Under this housing authority, tax exemption will be one of the prime features of it to keep cost of rentals low. The public unit which has to support schools, sewers, and all other public services, will have to carry this additional load on the backs of those already over-taxed properties.

All countries which have gone into such projects have stagnated their building programs. It is my opinion that this legislation is unwise, un-American, reckless and extravagant, and I hope that the motion of the Senator from Aroostook does not prevail.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, this particular item of legislation consumed more of the time of the Judiciary Committee this session, I think, than any other two matters that came before us. The bill was introduced by Representative Burgess of Rockland at the request of Governor Payne. It came to a public hearing which was very well attended, and objections were voiced to it. We did,

however, find out at that public hearing, or at a subsequent public hearing, that the national housing bill from which the State of Maine, or the cities and towns of the State of Maine, if this bill is enacted could get assistance was made up of a bipartisan committee of senators, one of whom was our own Margaret Chase Smith. So, there was no political element in the bill at all.

It has been referred to as a New Deal measure. I had been hopeful at this late date that the New Deal had disappeared. In any event, I don't believe that a bipartisan committee with Margaret Chase Smith on it would be a New Deal committee.

My first interest in public housing came before I came down here to the Legislature at all when in talking with my own Town Manager, he said he hoped there would be housing legislation passed at this session of the Legislature. We have a problem in Houlton that may be a little bit different from any other town in the State, in that we had a three million dollar airport dropped on us after the close of the war. There is considerable housing there that could be improved and afforded to families of low income as rentals if we could get a little help from this bill. As a matter of fact, I believe there are many families, including our Town Manager, that are living out in the airport property at the present time.

At the first hearing on the bill, Representative Chase of Portland seriously objected to its provisions in instance after instance, and because we felt that it was most important, the bill was redrafted by two of the members of the Committee, one of whom was myself, brought down here to the Legislature, and a new hearing was held on that redraft.

Now at all of these hearings, I just want to bring to your attention the type of people who were there in favor of this legislation. Apparently the veterans' organizations are all entirely in accord with

it. Mr. Rowell of the State department spoke for it at both hearings. Colonel Stoddard came over from the Veterans Administration at Togus and spoke in favor of the bill. The State Commander of the American Legion, Mr. LaFleur, from Portland spoke for it. The State Commander, if that is his designation, of the VFW, Mr. Waller, spoke in favor of the bill. Ralph Farris, Jr., who was interested in the VFW spoke for the bill. There are other groups of people in the State of Maine who spoke in favor of the bill. Those groups were represented by labor. We had several representatives of labor unions who came in here and spoke in favor of the bill.

At the first hearing, as I said a moment ago, there was only one person who appeared in opposition. And after he had made his points of opposition to the bill as it then existed—of course, you understand this is a new draft of the bill—it was redrafted, so that it was entirely satisfactory to him. One of the points that he objected to was that, although this legislation would create housing authorities — of course, they wouldn't go into operation until some further action was taken by any town or city which wants the act, and at that time it was the governing board—I remember that the serious objection was urged to the committee that two men in a town being a majority of the board of three selectmen could bring this into existence at once. We took care of that in the redraft by providing that before it can come into operation, it has to be acted upon by a regular meeting at which at least, as I recall it, 25 persons were present.

So the housing authority is wholly a matter of home rule. You have heard that discussed on this floor a great many times by the Senator from Androscoggin. This is entirely a home-rule operation. If this is set in operation, the town can then decide whether or not it wants the legislation in our good old democratic New England for of town meeting. If it votes in favor of it,

then the proposition comes into being for that town only, and it can be entirely dissolved, and it may when there is no further need for it. I am hopeful that this legislation will pass this Senate.

I am not one of those who subscribe to reaching out continually for federal funds. Yet, in a proposition that involves our veterans, I believe that we should at least put the towns and cities in the State of Maine in a position so that they can receive some help in the way of federal funds to furnish low housing. Of course, it is not restricted to veterans. Under the bill, veterans are given preference on these housing units, all other things being equal. You will notice in the bill that persons of low income are therein defined to be persons who establish an aggregate annual net income, less an exemption of \$100 for each minor member of the family, in excess of five times the annual rental.

Similar legislation, I grant you, has been defeated in this Legislature before. But I do call your attention to the fact that it was not this bill. This is really a third redraft of the bill, and so far as I can tell, all of the objections that were voiced to the first bill, to the form of it at least, have been ironed out and straightened out to the satisfaction of everyone who came before the committee. There has been objection to the bill on the part of the real estate owners. The lobby has been in existence around this state house for the past month or more to try to kill the bill.

I don't believe it would hurt private industry. I think it would be a good thing for the State of Maine to pass it, and I am hopeful that the Senators, when they come to their vote in the matter, will accept the ought to pass report of the committee.

Mr. WARD of Penobscot: Mr. President, this legislation is purely permissible legislation. I believe it should be stressed that so far as voted towns are concerned, before any town can participate and use a housing authority, it must be

voted at an annual town meeting. It can not be voted in at a special town meeting where any special group can get together. It must be at the annual town meeting. Surely, if the voters at an annual town meeting determine that such an authority is necessary in that town, we should permit them to have it.

The housing authority, in the event that a city or town votes to have one, is made up of five commissioners who are, of course, citizens of that particular municipality. They must be people who have no interest, whatsoever, in the doing of the authority. In all such public authorities, or districts, we must have a tax exemption provision. In this particular instance, they are granted tax exemption. Section II provides that the authority, in lieu of taxes may pay to the town such sums as they feel consistent with the maintenance of the low rent character of the project. The housing authority would apply to both urban and rural areas.

As I have said before, it is enabling legislation permissive to the municipalities, and I am hopeful that the majority ought to pass report of the committee will be accepted.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, this is one of the measures which I had in mind yesterday when I expressed the opinion that we should not hurry to reach an adjournment. This measure should take several hours of discussion, and every member of the Senate should participate in it because of its tremendous importance, and because of its impact on the future of the State of Maine.

The Chairman of the Judiciary Committee has told you that this bill took more time than any bill debated before this committee this session. I think well it might, because it is a bill of very great importance. I am glad that all three Senators on the Judiciary Committee have expressed themselves on it. They represent about ten per cent of the membership of this Senate, and as high as is my regard

of the opinion of those Gentlemen, in the matter of taking the state into public housing, I hold their opinion of just the same validity as I hold the other 30 members of the Senate.

I think this is a matter on which we all ought to have an opinion and ought to express ourselves. There have been changes in this bill. This is one of several of these authority measures that have come back to Maine from Washington, and it is a part of the move toward collectivism that has been going on in this country over a period of years. If time were available, it would be well for some of us to give the history of that move towards a collectivist America. It is a bit like an authority measure. Money is taken from the central government and sent back to the states under provisions which constitute a bait and which invite us to do things which we might not do if the federal money was not there to give the actuating force so far as the impact of the people of the State of Maine is concerned. It reaches for an objective that would meet the approval of one of the Senators, I am sure, the objective of helping low-income people to be better housed. But the method by which it is attempted to accomplish that objective is to my way of thinking entirely un-American.

I don't know all of the details and provisions of this bill. I am sorry to say that I think there is no member in this room who does know all of the provisions of it. I further think that if this type of activity runs true to form that we never will know what it means until we try it. This legislation is so far reaching that you can't know what it really means to the State of Maine and to the country in which we live until you try it.

I do know the basic issue in this bill is the issue of free, self-independent citizens under traditional American was as compared with dependent people under some form of collectivism. Now, I don't know what people would take. I am not

a collectivist. I invite you to think about private housing in the collectivist state as they exist over the world. I think every one of you will see pictures of the government housing in the collectivist states as they exist in many places in the world.

You can not subsidize able-bodied men without affecting those individuals, and it is my opinion that the effect is always adverse. You can not subsidize a section of a society without affecting that society in a fundamental way. Again, I think that the effect is always adverse. It was mentioned that when this bill came to the Legislature and was up for hearing, one of the members of the House appeared and pointed out some of the details of the bill. It was my good fortune to be in the hearing room at that time and to hear that very, very brief analysis of the provisions of this act. At that time, there was a provision of eminent domain in this bill. It was so wide and broad in this act that it gave any one of these housing authorities authority not only within the towns, but it took in an area ten miles outside. If I am wrong in that, I think perhaps the Members of the Committee will correct me. That was only one of the provisions which seemed to me to follow not the type of thinking of the Judiciary Committee of the Maine Legislature for which I have very high regard, but the type of thinking of the men in Washington who sent this bill back to us—the same type of thinking that actuates those men in the drafting of all these authority bills which keep coming back to us, and apparently will come in increasing numbers if we accept them. I wish there were time to analyze the bill.

According to this, it is declared that there exists in urban and rural areas in the state, unsanitary unsafe and overcrowded dwelling accommodations and a shortage of safe and sanitary dwellings for persons of low income, and especially for veterans. In every state in

the country, you can state a condition like that and then take some money to Washington and send it back to the states to debate and lead us down the road to collectivism. Where do we arrive, and when do we stop?

The provision that the Senator from Aroostook, the Chairman, has stated whereby anybody who occupies this housing may not have an income more than five times the annual rental of the property—suppose he happened to earn another dollar that carried him over that rental provision. Do you stop subsidizing him? And just where is the cost on this thing? That means that these men in this housing pay twenty per cent of their earning for housing. I think every Senator here knows that for people of the low-income group, young men starting off in life in this country, there has been an accepted idea that they pay thirty-fourty per cent of their income for housing until they get started. Who furnishes the other ten or twenty per cent of it? Who furnishes the rest of it? Well I think we know. It is the other people. Perhaps the income of the man in this housing authority is exactly five times the rental and he earns another dollar. What will he do? Well, I suspect he will try to hide that dollar. He wouldn't be very smart if he didn't. Certainly the invitation would be there for him to admit to nobody that he earned another dollar, because if he did, he would be out on the street. I suppose if he were smart, he could find a way to carry another dollar. Perhaps he could adopt a State boy. That would let him live in this housing authority.

I just point these out as the principles underlying this thing. I am perfectly willing to go along and to subsidize people of low incomes if we want to do it in the American way—if we want to do it by holding up an opportunity, and that is the only way you can help an able-bodied man. You can help him just one way that I know of, and that is by giving him an opportunity to help himself. The

State of Maine can not subsidize these young men by carrying 20, 30, or 40 per cent of the cost of their housing, without affecting those men and affecting them personally. Give them an opportunity, surely, if you want to. But your first duty to them is to improve them. If you can do this, I have no objection. But under our system, I object to this form of subsidy. What does it do? Well, just to point out to you how you go down the road to collectivism, and I think perhaps this point has already occurred to you, this sets up a group of subsidized citizens and places the load of that subsidy on the rest of the people. When you have got that, what do you do then? Why, you take another slice out of the public funds. You take the lowest group that is not subsidized and set up another system. When you do that, you throw in a lot of people that are above subsidy. You do this again, and you go right up the ladder, and by and by the whole thing is subsidized. You have a collectivist state, and the American traditional way of life is gone.

It is a hard philosophy to say that the State of Maine won't accept this money which is offered to us under these programs, but I suspect we ought to. I suspect we ought to do it.

There is one more point I would like to discuss and then I will not upset our schedule to get out of here this week, or at least I won't do any more talking than is necessary. The underlying thought is that you can hold out bait, and you can carry large numbers of people, and anything that they vote for will be correct, or anything that the majority agree on will be correct. I wonder, do we believe that? I think mature men who know their history will realize that the majority of the people on any issue do not always express the right decision.

If you believe in democracy, you must believe in the ultimate decision that the majority vote will be right, but not on every issue. It

has been said—I can't remember the author of the quotation—that the only thing that a majority can decide is what they will do next. The majority is not always right. That has been tested by the actions of masses of people down through history. The mass movement of people often is wrong.

Of course, in the final analysis, as I previously said, we must believe that the people will, after making a wrong decision, turn back. I make that point, because here is one that you can't turn back from in generations. If this country of ours continues down the road of collectivism, I don't know how much farther it has got to go before it can't turn back. But I can assure that it will soon come to a place where it can't turn back and have again the American system of individual freedom, of competitive enterprise all regulated by the will of the people, the system which makes this country stand out above most of the countries of the world today. I hope we will not accept it. I hope we will not accept any collectivist bills. Of course, if we move as a nation to a point where we know that there is no return, we will become collectivist like the rest of the countries, because we can not continue the American way in the State of Maine if we lose nationally.

That is my feeling on this bill, and on the other authority bills. I think every senator should express himself. I think it is one of the most important issues we have before us. It is much more important than the issue of whether we do or do not accept a few dollars from Washington. It transcends that, but it is an ultimate matter of importance to me.

The PRESIDENT: At this time, the Chair will appoint the Senator from Hancock, Senator Noyes, as President pro-tem of the Senate, and will request the Sergeant-at-Arms to escort him to the Chair.

This was done, amidst the applause of the Senate.

Mr. BARNES of Aroostook: Mr. President, I am sure that the members of the Senate listened with much pleasure as did I to the elucidating description of the Senator from Kennebec on world government, state government and town government. He says this is collectivism. I am not sure that I could define collectivism. I prefer in my arguments on this bill to stick rather closely to the bill, itself, because I don't think I am competent to give you a lecture on government.

In some of the war years there was at least \$150,000,000 which went down to Washington in the way of income taxes. I assume that there were a very great many citizens of the State of Maine that didn't have to send a cent during the year, and there were many citizens of the State of Maine who sent very large amounts, indeed.

It was argued back in the days when the income tax was first established in Washington that that was a form of socialism. Whether that is collectivism, or not, I don't know. I am, personally, one of those who say that if it is a good purpose, something that is good for the State of Maine by which we can get a few dollars of all the money that we send down to Washington back into the State of Maine for the use of our citizens, it is a good thing, and you can call it collectivism or anything you like.

It has become a very important thing in my own county that we have federal payments through soil conservation to assist us in our agricultural efforts. The federal government directs large sums of money into the State of Maine for unemployment compensation, old age assistance and for a great many other purposes, and if this is a good thing to make housing authorities available to the towns and cities in the State of Maine, I would have no objection to getting a few of our dollars back from Washington that we send down there.

Now this bill, itself, is a far cry from any federal control. It has been said that the New England town meeting is the very fountain-head of democracy, the kind of democracy this country was built up on. And the control of a housing authority as it is brought into being by a vote of the town is wholly within the town or city, and isn't directed in any degree from Washington, nor from the State of Maine. The plain operation of this act is that if there is a housing unit in your city or town, and you have this act available, and that housing unit is set up by statute, you can get a little federal assistance for replacing that unit which would be available to families with low income. Personally, I would hesitate a great deal before I would vote against this bill. We have had a full chance to debate it. As I said, we had at least two public hearings on it in the Judiciary Committee, and we had, if my memory serves me correctly, at least three executive sessions on it. The difficulties that bothered Representative Chase have been all ironed out to his satisfaction, and it comes right down, today, now to a question of whether or not we should take advantage of this, or at least set the state machinery up so that towns and cities can take advantage of it if they want to.

I believe it should pass. The eminent domain provision that was discussed by the Senator from Kennebec is vastly different in this bill than it was in the original bill, and of course this bill is the one that we are debating. The eminent domain provisions in this bill are exactly the same as already exist and can be taken advantage of by towns, cities and counties in this state under our statutory law. And as far as control of this provision is concerned, and whether or not the authority, if it comes into existence, pays the fair share of running the town, I would remind you that not only can the housing authority be created by the vote of the inhabitants, but when in the opinion of the inhabitants at a

regular town meeting there seems to be no more need for it, it can be dissolved.

It is such a far cry from anything that is radical and socialistic, that I am somewhat amazed at some of the arguments that have been used against it. There are towns and cities in the State of Maine who want this act. This was evidenced by a great many people who came down to the hearing. I believe the Legislature ought to set up the enabling legislation so that they can have it if they want it.

Mr. ALLEN of Cumberland: Mr. President, in the interests of brevity, and with the point of view of my fellow colleagues, Senator Slocum, and Senator Leavitt, I would like to record for the record and for the benefit of the Senate that these Senators representing the great majority of the people of Cumberland County are very much in favor of this permissive legislation.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate, I am vitally interested in this document, both as a legislator, as a contractor and as a member of that party who has been accused this morning of being socialistic, and accused in every other way shape and manner. This document is very lengthy. I have read about half way through it. I don't know what the rest of the pages contain. I am not ready to vote on it.

I will agree with the Senator from Kennebec, Senator Hopkins, that this is probably the most important document we have had here this year. It certainly can create a lot of havoc if it is not a proper document. It involves the whole real estate situation in the State of Maine, as well as the financial status of some of our loan and building associations and some of our banks, because their loans are made principally on real estate.

So, for all those reasons, Mr. President, and for the purpose of getting more information with the possibility of having further debate on this matter, before I am ready

to vote, I would move you, Sir, that this be tabled for later in the day, either sometime this afternoon, or this evening if we have an evening session, so that I may peruse the rest of this. I want to read it several times in order to get it into my thick head, so that I will know what I am voting on.

I will therefore move that this be upon the table until later today.

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Boucher moves that this bill and accompanying papers be laid upon the table and be especially assigned for later in today's session.

A viva voce vote being doubted

A division of the Senate was had.

Nine having voted in the affirmative and fifteen opposed, the motion did not prevail.

Mr. BREWER of Aroostook: In view of the fact that, as the Senator from Aroostook, Senator Barnes, has stated, there are many communities in our section which are interested in this bill, I will make the following observation. From the debate I didn't quite make up my mind, from the statements made by Senator Hopkins whether he was for or "agin" the bill so I assume that he has not definitely made up his mind. I am in about the same situation. We have heard the argument brought up that we have various other matters such as soil conservation and if my memory serves me correctly it was the first bill I was given in 1941, to sit in with the federal officials and help to overhaul it according to our standards in the community we were serving and I feel that this is one particular authority, if we may call it that, that has really done a job.

I have not always approved of these subsidies that go along with the working of this particular act but I will say that apparently in our county it has served its purpose and is gradually covering the State of Maine, and erosion certainly is a problem over the state.

Although as Senator Barnes has said that during the war years we paid \$150,000,000 in federal taxes over and above the others they collected and that we should get our proportionate share back through such vehicles as the Housing Authority, I sometimes wonder if matching funds, not only on the federal level but of the state and counties and municipalities level, isn't one of the most insidious things that we have in our system of government. It does seem to me that it may make us dig a little deeper into the idea that we are getting something back of that which they have extracted from us before, but I again wonder if that isn't another form of socialism and, as you have heard me say before, I fear it is only a matter of time before we will be definitely going along that way.

I like to think I am fighting a rear guard action but that seems to me to be about all we are doing, but why should your tax payers subsidize a certain class of their citizens? This seems to me almost something a good deal like—and I suppose it is all right to mention the mock session held by the other branch—this seems to me a good deal like the idea in the inaugural message of the governor elected at that mock session, Ed Chase, who stated that it might be a good thing to gradually drive out industry and as they went across the line into other states we could strip them and then we would be on a "pay as you go" basis.

It seems to me this does just about the same thing to your local realtors in the various communities. In other words, you are putting him in competition with the federal government and in most cases it isn't too nice a thing to think about because the federal government with its vast resources happens to be in a situation that allows little or no competition. They argue to you that this is merely a vehicle by which these communities may take advantage of this particular act and they cite the

town meeting and all that sort of thing. But at the same time, pressure is usually brought to bear so that the majority of the voters feel that they are being presented with something that is really good.

For that reason I have my doubts as to whether it is good legislation. There is no doubt that we have need of it. We have in our community at the present time a housing authority and when they say they can get out of it at any time and disband it I would say to the Senator from Aroostook, Senator Barnes, that there are in Washington, D. C., buildings put up in 1918 that were supposed to be, and were, only temporary, but they are still being used. We have a housing project in our park which we dare not give up because we know that once we do the army is going to take that housing over, once we declare it as surplus, and they will leave it there to rot even though they don't use it. So I say I am still willing to listen to debate and I am still open to conviction and you can call it anything you want to, collectivism or socialization or anything else you want, but I am wondering if we are not being gradually led to the point where eventually we will have competition in every line of endeavor and this is one more of those things that the federal government, although they tell you you can handle it locally, will eventually have the handling of it themselves and so I reserve my decision at this time.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I think Senator Barnes and I both know what collectivism is with some degree of accuracy. I doubt if either of us know the difference between communism and socialism, or know all of the various ideas in collectivism, but we know what it is. I think every Senator in this room knows what collectivism is. I think you know what centralized authority really means, and I think you know what it does. Now there may be — and I didn't intend to engage in any debate on it — there may be

areas in Maine where there is need for low cost housing. I suspect there are. There are areas in Maine where there is no shortage of housing, but there are people who can not find the wherewithal to buy it or occupy it. I think that is probably true, also.

The point I make is that when the people in the State of Maine, or the federal government, subsidize any phase of our economy in this way, it leads right straight down the road to collectivism. That is the point I want to make. I can agree wholeheartedly with Senator Barnes when he says he would like to see some of the money we sent to Washington come back. We want it back. Certainly we want it back. But more important still, we don't want to lose control of our local government here at home, be it on the state, county, or town and city level. That is more important to me. He says that the federal government took upward of one hundred fifty millions of dollars out of the State of Maine during the war years. It did, and it still does. Those are the facts of the situation. Right at the present minute the federal government in Washington is advocating a raise of four billions of dollars in additional taxation. And if the State of Maine pays its per capita share, peculiar as it may seem, this will place almost the same load on the State of Maine as the tax which we thought we couldn't place on ourselves for state services. I think you get the point. We can't do it ourselves. We don't dare to tax ourselves to take care of education and things here in Maine. We threw out a tax program, but the federal government could tomorrow morning if it wanted to, pass its new tax program and take the same amount of money out of the state. And there would be nothing we could do about it.

I agree with our Senator. We want our federal money back. But most important of all, we don't want it to go at all. I was interested yesterday in a little bill we passed here. The federal government was

going to pay us back six and a quarter times as much, I think, as we raised, ourselves. That was the low of all lows on federal bait that I know anything about. I have not been quite able to figure out where the ratio of six and a quarter to one comes from, but it apparently came from these people who have the whole scheme worked out, not only for these various authorities, but for school subsidies, also in the field of utilities and down through into business. Whether they have got the timetable of collectivism, I am not sure. I think they are people who have just lost their courage. I believe it is time that we stopped going along this road toward collectivism, and I think this is the place. We haven't passed any of the collectivism bills in this state so far as I know up to the minute.

We have accepted a lot of things that the federal government sets up in the way of subsidies, and they may meet with my approval. But this thing we have before us is not a far cry from the program which the fraidy cats tell us is all in one scheme. It is not a far cry, and I hope the bill will be defeated.

Mr. BARNES of Aroostook: Mr. President, I now understand a little more clearly the objections of the Senator from Kennebec. He thinks this would be a good place to start lowering taxes. Legend has it that King Canute, feeling fairly powerful one day, had his throne carried down to the seashore when the tide was out and commanded it not to come in. I have forgotten whether he got his feet wet or whether they carried him back hastily but it was one or the other.

Maine is the only state east of the Mississippi River that does not have this type of legislation and it seems to me Maine should have it. Perhaps this collectivism that the Senator has been talking about would be something like the Hollingsworth and Whitney and the Great Northern Paper Company and one or two other power companies, getting together and agreeing that the Senator from Kennebec

should regulate the flow of the Kennebec River to Augusta for the common advantage of all the others. Maybe that is collectivism but in any event we are getting a little away from the subject under debate on this particular measure. It seems to me that Maine is a little behind the rest of the states east of Mississippi River. This is a measure that the veterans favor very much. This is a measure our Governor wants. I believe the people of the State of Maine want it and I hope that my motion prevails.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that the Majority Report be accepted.

Mr. HOPKINS of Kennebec: Mr. President, I ask for a division.

Mr. TURGEON of Androscoggin: Mr. President, I ask for the Yeas and Nays.

Mr. ELA of Somerset: Mr. President, I will be very brief. The Senator from Aroostook said in effect that we should discuss only the bill. I disagree with that. I think we might consider it in regard to its effect on other legislation. If we accept this I don't see why we shouldn't have a farming authority, why we shouldn't set up groups for tax exemption and subsidize them, why we shouldn't set up a few other authorities, insurance authorities, power authorities, manufacturing authorities, and so on. Maine is represented as being the only state east of the Mississippi without this. I noticed a day or two ago in a newspaper a list of the total building contracts let out for the last month in some of the other New England states. Massachusetts does quite a lot of this public housing—down 17% over a year ago. Connecticut—down 18% over a year ago. Maine—up 86%. Possibly the reason those other states are not letting more housing, erecting more public buildings, is because they are discouraged with that sort of legislation.

Mr. HOPKINS of Kennebec: Mr. President, I don't wish to speak a third time, but I assume every

Senator knows the effect that this type of housing in other countries has had where it is available. The facts are all available for any who want to read. This whole procedure of authorities is one that has engaged my interests over a long period of time. I had the pleasure at one time of visiting an authority which cost the Government of the United States \$65,000,000. I was escorted over this place by the manager, and all of the time we went around it, he kept emphasizing the fact there wasn't any need for it, but that he was hired to manage the thing. He knew that it wasn't needed at the time, but he hoped sometime it would be.

That is just as typical of these things as anything can be in the world. Suppose there are some communities—I suspect the City of Waterville might fall pretty close to this category—where there is pretty nearly enough housing. I think there are a lot of communities in Maine which fall into that class and where there a lot of homes built on the peak of the market. Aren't you going to create more or less of an injustice to take some of our low income people who extend themselves to carry a load on 40 per cent of their income to buy one of these houses, while another fellow comes along and gets subsidized by 50 per cent of his cost. You depreciate the value of his house which he has obligated himself for by a loan maybe to the bank.

That is the typical procedure in collectivism. If you want that to continue, you want to vote for this bill. Otherwise oppose it.

Mr. WARD of Penobscot: Mr. President, I would just like to call the Senators attention again to the fact that this is not a government authority. This is a local authority. It is a makeup of the authority of the citizens of the city or town which wishes to have it.

Section 3 of the act provides that no municipality shall have this, unless they "find that insanitary or unsafe inhabited dwelling accommodations, or blighted areas, exist in such city or town, or that there is

a shortage of safe or sanitary dwelling accommodations in such city or town available to persons of low income at rentals or prices they can afford."

These authorities are operated by people who I would assume would be excellent, outstanding and respectable citizens of each particular city or town that sees fit to put them into existence. They are not operated by federal authority or state authority.

Mr. HOPKINS of Kennebec: Mr. President, I realize that I am rising a 4th time, but I would like to reply to those remarks. To imply that a municipality stands alone in the economic structure of the state is an absurdity. Of course it doesn't stand alone. All that the Senator from Penobscot has said about the people who operate these authorities would seem to be correct and acceptable to all of us. I am sure that they would be operated by high-class people. But it will affect neighboring towns when an authority is created in any town. Some town may not need it, but it the neighboring town has it, it will affect it. It will go across the line. This thing is a neighborhood proposition.

I don't know how far we will go with this type of procedure. No one knows, but I happen to think that right at this minute the State of Maine ought to say no.

Mr. BOUCHER of Androscoggin: Mr. President, having been refused the right to table this matter, I ask to be relieved from what I am not ready to vote on this matter. There are 16 pages in this bill, and I have only gone over eight of them. I feel it is a very serious matter. I feel that this is the most serious bill that I have considered in this Legislature in 16 years, and I would want to vote conscientiously on the matter. I am not ready to vote. I can see things in this bill that are favorable, and I can see objections to it. I might want to amend the bill before I vote on it, and if the members of the Senate don't feel that they can spare the time to table this matter until later in the day, I

ask to be excused from voting on this matter, especially if there is going to be a roll call.

The PRESIDENT pro tem: The Chair would remind the Senator that there is no rule of the Senate, that would give the Senator the privilege of not voting. However, if the Senate wishes to grant that Senator the privilege, it may do so.

A viva voce vote being doubted,

A division of the Senate was had.

An insufficient number having risen, the privilege of not voting was not granted to the Senator from Androscoggin, Senator Boucher.

Mr. SAVAGE of Somerset: Mr. President, I move that this bill and accompanying papers lie on the table until later in the day.

A viva voce vote being doubted

A division of the Senate was had.

Fifteen having voted in the affirmative and eleven opposed, the motion prevailed and the bill was laid upon the table pending motion by the Senator from Aroostook, Senator Barnes, to accept the Majority report especially assigned for later in today's session.

At this point, President Cross resumed the Chair, Senator Noyes of Hancock retiring amidst the applause of the Senate.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table L. D. 173 tabled by that Senator earlier in today's session.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes to accept the Majority Report "Ought to Pass" and the Senator from Androscoggin, Senator Turgeon has requested the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of more than one-fifth of the members present.

A division of the Senate was had.

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

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Aroostook, Senator Barnes, that the Senate accept the Majority Report "Ought to Pass," and the Senator from Kennebec, Senator Hopkins, has requested a division.

A division of the Senate was had.

Fifteen voted in the affirmative and fifteen opposed.

The PRESIDENT: In relation to this tie vote, the Chair will take the action which many previous Presidents of the Senate have taken and will cast his vote in favor of the acceptance of the "Ought to Pass" report of the committee at this time. The action of the Chair will not necessarily be the action at final passage.

Sixteen having voted in the affirmative and fifteen opposed, the motion prevailed, the Majority Report was accepted and under suspension of the rules, the bill was given its two readings and passed to be engrossed in concurrence.

On motion by Mr. Barnes of Aroostook, out of order and under suspension of the rules, the Senate voted to take up for consideration, the following bill:

Emergency Measure bill, An Act Relating to Night Harness Horse Racing, (H. P. 2006) (L. D. 1388)

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate and 5 opposed, was passed to be enacted.

On motion by Mr. Haskell of Penobscot, out of order and under suspension of the rules, the Senate voted to take from the table bill, An Act for State Forest Fire Prevention and Control in Organized Towns (S. P. 528) (L. D. 1058) tabled by Senator Williams of Penobscot on March 25 pending passage to be enacted.

Mr. HASKELL, of Penobscot: Mr. President and members of the Senate, I move the final enactment of the bills and in support of that motion I will make a general explanation that in consideration of our action in having passed

the night harness racing bill and in consideration that there is a reasonable certainty that the passage of that act will create certain general fund income not accounted for in the general fund budget estimate, and in further consideration of the fact that I believe a substantial majority of the Senate believe that the fire control bills are of utmost importance, if this motion to take from the table prevails it will be my intent to seek final enactment of that bill, and if that prevails it will be my intent to take the companion fire control bills from the table.

It is my opinion that in a conservative and reasonable estimate of general fund income not accounted for in the budget is in the order of \$200,000 to \$225,000 dollars per year. These fire control bills in the aggregate amount to \$138,933 in the first year of the biennium from general fund and in the second year of the biennium from general fund the aggregate is \$136,893 or a biennium total from general fund of \$275,886. Legislative Document 1058 also provides for the capital cost in the fire control bill and contemplates \$83,100 in the first year of the biennium from unappropriated surplus and \$44,000 from unappropriated surplus in the second year of the biennium, a total of \$127,100 from the unappropriated surplus.

I hesitate in confusing this revenue with other pending bills but we do have certain minor claims and certain minor pension amounts that it appears amount to somewhere in the order of \$200,000. I think that in later debate and later explanation of these other items not covered in the budget, this can be more thoroughly explained but in fairness to the Senate I want to make the explanation that we are in effect accepting, if the motion prevails, the essential nature of the fire control bills.

Thereupon the bill received final passage.

On motion by Mr. Haskell of Penobscot, out of order and under

suspension of the rules, the Senate voted to take from the table bill, An Act Relating to Forest Fighter Pay and Aid to Towns in Controlling Forest Fires (S. P. 556) (L. D. 1179) tabled by Senator Williams of Penobscot on March 24 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Haskell of Penobscot, out of order and under suspension of the rules, the Senate voted to take from the table bill An Act Relating to the Appointment of Municipal Town Forest Fire Wardens (H. P. 1538) (L. D. 867) tabled by Senator Savage of Somerset on May 4 pending passage to be enacted and on further motion by the same Senator, the bill was passed to be enacted.

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

Mr. HASKELL of Penobscot: Mr. President, in accordance with the directive from the Senator from Aroostook, Senator Barnes, that the Senate be kept in touch with the downward progression of the unappropriated surplus of the general fund, my expert accountant on the left now advises me that by your action on L. D. 1858 which called for \$127,100 from the unappropriated surplus, we have a total of \$2,168,350.

The Majority of the Committee on Military Affairs on Bill "An Act Relating to Maine Soldiers and Sailors in the War with Spain," (H. P. 1655) (L. D. 963) reported that the same ought to pass.

(signed)

Senator:

SLOCUM of Cumberland

Representatives:

EASTMAN of Paris
JENNINGS of Strong
PAINE of Portland
DUFRESNE of Bar Harbor
HAYES of Dover-Foxcroft

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

(signed)

Senators:

BATCHELDER of York
SAVAGE of Somerset

Representatives:

FARLEY of Biddeford
PAYSON of Union

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

In the Senate:

Mr. SLOCUM of Cumberland: Mr. President, I move that this bill be laid upon the table pending the acceptance of either report.

The PRESIDENT: The Senator from Cumberland, Senator Slocum moves that this bill be laid upon the table pending consideration of the reports and that it be especially assigned for later in today's session.

Mr. SLOCUM: Mr. President, I made no time assignment on my motion, sir.

The PRESIDENT: The Chair would inform the Senator that inasmuch as the action of the Senate yesterday implied that it is the desire of the Senators to get through tomorrow, the Chair would suggest that the Senator especially assign this matter for later in the day.

Mr. SLOCUM: Mr. President, I am anxious that this bill have consideration with the other bonus bills, and since the other bonus bills are on the table with no assignment, I would prefer to have this tabled with equal consideration.

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

Mr. HASKELL: Mr. President, I would assure the Senator from Cumberland, Senator Slocum, that if he accepts the special assignment, I am sure that the Senate will grant him the courtesy of retableting it if he so desires.

Mr. SLOCUM: Mr. President, I appreciate the necessity of expedit-

ing business, and if I may have the right to retable the bill, I shall make no objection to the special assignment.

The PRESIDENT: The Chair wishes to inform the Senator, that there was no intent to deprive the Senator of his constitutional rights.

The Majority of the Committee on Temperance on Bill "An Act to Regulate the Sale of Wine," (H. P. 1919) (L. D. 1281) reported that the same ought not to pass.
(signed)

Senators:

BAKER of Kennebec
BOUCHER of Androscoggin
SMART of Hancock

Representatives:

JALBERT of Lewiston
SANDERSON of Greene
BIRD of Rockland
MAXELL of Orient
BROWN of Robbinston

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

(signed)

Representatives:

DeSANCTIS of Madison
ATHERTON of Bangor

Comes from the House, the Majority Report accepted.

In the Senate, on motion by Mr. Baker of Kennebec, the Majority Report "Ought Not to Pass" was accepted in concurrence.

The Majority of the Committee on Federal Relations on Bill "An Act to Amend the Unemployment Law to Eliminate Double Penalties," (H. P. 1387) (L. D. 759) reported that the same ought not to pass.

(signed)

Senators:

BATCHELDER of York
SLOCUM of Cumberland

Representatives:

JENNINGS of Strong
JONES of Bowdoinham
LETOURNEAU of Sanford
FITCH of Sebago
PAYSON of Union
MUSKIE of Waterville

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

(signed)

Senator:

SLEEPER of Knox

Representative:

BROWN of Baileyville

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

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

Report "A" from the Committee on Judiciary to which was recommended Bill "An Act Relating to Attachment of Wages" (H. P. 1719) (L. D. 1076) reported the same in a new draft, (H. P. 2119) (L. D. 1613) under the same title, and that it ought to pass.

(signed)

Senator:

ELA of Somerset

Representatives:

WILLIAMS of Auburn
PAYSON of Union
BURGESS of Rockland
MUSKIE of Waterville

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

(signed)

Senators:

BARNES of Aroostook
WARD of Penobscot

Representatives:

SILSBY of Aurora
WOODWORTH of Fairfield
McGLAUFILIN of Portland

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

In the Senate:

Mr. ELA of Somerset: Mr. President, I move the acceptance of Report A.

Mr. BARNES of Aroostook: Mr. President, I resist the motion to accept Report A on this matter. Ever since I have been engaged in the practice of law the sum which has been exempt from attachment

of wages has been \$20 during the thirty days next preceding the time of the service of the trustee writ. This bill would change the \$20 to \$25 for married persons and I want you to know how that works out.

Ordinarily, men who are working get paid once a week, in some instances once every two weeks, and under the statute as construed by court decisions the employer is immediately bound to pay the \$20 exemption to the employee.

Now in most cases of laboring men where these suits are brought in normal times, at least, they don't earn more than \$35 a week at the outside so it doesn't leave anything there for application to the honest and just bills they owe, and it works out this way: Every time you bring a trustee suit \$20 is exempt so it naturally amounts to \$80 a month, or if a married man, \$100 a month, and that is what they take. It seems to me that this is unfair to the merchants or tradesman who in good faith furnished the goods, even for groceries, to the laboring man, and it permits him to run up bills here and there and everywhere, and I have seen it done so many times that I know what I am talking about, and they simply evade the payment of bills altogether.

There is another reason why I think this particular bill should be defeated and that is the provision that "if a married man, and not exceeding \$20 if a single person." If you are an employer hiring labor and a trustee writ is served on you and you employ a considerable number of men, it would be very simple for a man to claim that he was a married man and demand the \$25 which this bill would permit him to have and then at some later date it might be ascertained that he wasn't a married man at all and he just made that claim to get as much money as he could that particular week and the employer would be bound to pay twice.

Another objection I have to the bill in its present form is that it doesn't take into account a man who has been married and made a widower and has children. He should have the same exemption as a married man. And so I do not think this bill is important enough for this Senate to worry about and I think it ought to be defeated. The bill first came in on a "leave to Withdraw" report and it was recommitted to the Committee on Judiciary and these two reports came out.

For those reasons I hope the motion to accept Report A fails and if it does I will move to accept Report B.

Mr. ELA of Somerset: Mr. President and members of the Senate, this bill originally called for raising the exemption from \$20 a week, as I recall it, to \$40 a week. That seemed to be too much and it was the opinion of some members of the committee that if the bill were amended to read \$25 a week if married wage earners that that would be reasonable and fair exemption, leaving the \$20 a week for single persons as it was.

This legislation has been in effect for a good many years. I looked back through the statutes and I found that as far back as I went, which was to 1883, and all through the years from then on \$20 a week was considered a fair exemption. Under the conditions in 1949 a married person in order to live should have at least \$25 exemption from trusteeship. If you don't give him some reasonable exemption he may very well become a burden on the community. The employer has ready access to any information from his employees. A great deal of that information is already in his social security records and the employee is on his premises. Massachusetts has a law which differentiates between married and single people and I think this is a very modest bill.

Mr. WARD of Penobscot: Mr. President, I believe it is a fact that

in 1883 the average working man got paid once a month and this bill as it reads is that he may have an exemption of \$20 per month if he is a single man or \$25 a month if he is married. Since 1883, through statutory requirements it has been changed so that the employer must pay the employee once a week, so that every week the employee is entitled to get his wages, if he earns it, to within eight days of the pay day, and as Senator Barnes has pointed out this increases the exemption from \$20 to \$25 for married men and in my opinion it is going to cause considerable difficulty.

In the first place, this bill would make it necessary for all the clerks of court to provide new forms of trustee writs to take care of this differential between married and single men. In my opinion it is going to hurt the laboring man more than it helps him because in extending credit the merchant will realize that if a man is married he has one exemption and if single he has another, if it ever comes to the point where the merchant has to collect a bill through trusteeship, and he is going to be much more reluctant to extend the credit. Therefore I hope that the motion will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, that the Senate accept Report A.

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

A division of the Senate was had. Fourteen having voted in the affirmative and thirteen opposed, the motion prevailed.

Mr. BOUCHER of Androscoggin: Mr. President, do I understand that there is a rule requiring all Senators to vote?

The PRESIDENT: The Senator is correct.

Mr. BOUCHER: Mr. President, I note that one Senator did not vote on this last motion.

The PRESIDENT: The Chair will inform the Senator that apparently

all Senators voted. If the Senator doubts the vote, it may be taken by Yeas and Nays, or by a motion for another division.

Mr. BOUCHER: Mr. President, I am sure that one Senator did not vote and I request a new division.

The PRESIDENT: The Chair will state that this may be done only by vote of the Senate. The Senator from Androscoggin, Senator Boucher, on a point of personal privilege, moves that the vote be taken again.

A viva voce vote being had, the motion prevailed.

The PRESIDENT: The Chair would suggest that any Senators in the room and not in their seats, immediately take their chairs.

A division of the Senate was had. Twelve having voted in the affirmative and fifteen opposed, the motion to accept Report A did not prevail.

Thereupon, on motion by Mr. Barnes of Aroostook, Report B "Ought Not to Pass" was accepted in concurrence.

The Majority of the Committee on State Lands and Forest Preservation to which was recommitted Bill "An Act Relating to Primary Wood-Using Portable Sawmills, Spark Arrestors and Timber Reports," (H. P. 1739) (L. D. 1093) reported that the same ought to pass.

(signed)

Senators: WILLIAMS of Penobscot
CROSBY of Franklin
COBB of Oxford

Representatives:

HAYWARD of Machias
BROWN of Wayne
LEAVITT of Parsonsfield
WEBBER of Bangor

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

(signed)

Representatives:

WILLIAMS of Topsham
BENN of Smyrna
SHARPE of Anson

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

In the Senate, on motion by Mr. Williams of Penobscot, the Majority Report "Ought to Pass" was accepted in concurrence and the bill read once; House Amendment A was read and adopted in concurrence and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

On motion by Mr. Leavitt of Cumberland, the Senate voted to reconsider its action taken earlier in the day whereby it passed to be engrossed Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying for the Issue of Paid up Insurance Policies to Maine Members of the Military and Naval Forces in World War II (H. P. 2109) (L. D. 1599); and on further motion by the same Senator, the resolve was laid upon the table and especially assigned for later in today's session.

On motion by Mr. Allen of Cumberland, the Senate voted to reconsider its action whereby earlier in today's session it accepted the Leave to Withdraw report on bill, An Act Amending the Charter of the City of Portland re Powers of Assessors (H. P. 1643) (L. D. 955); and on further motion by the same Senator, the bill was laid upon the table and especially assigned for later in today's session.

First Reading of Printed Bills

"Resolve in Favor of Leon W. Olmstead, of Caribou." (S. P. 56) (L. D. 1614)

"Resolve in Favor of Chester Blake, of Oakland." (S. P. 287) (L. D. 1617)

"Resolve Providing for State Pension for Paul Paquette, of Lewiston." (S. P. 696) (L. D. 1615)

Which resolves were severally read once, and this afternoon assigned for second reading.

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 Salary of the Judge of the Portland Municipal Court," (H. P. 2077) (L. D. 1530) reported that the House recede and concur with the Senate.

Which report was read and accepted.

Mr. Crosby from the Committee on Ways and Bridges on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1950 and June 30, 1951," (S.P. 107) (L. D. 111) reported the same in a new draft, (S. P. 699) under the same title, and that it ought to pass.

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

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Forty-Nine and for the Year Nineteen Hundred Fifty." (H. P. 250) (L. D. 79)

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

Bill "An Act Providing for the Establishment of a State of Maine Information Center." (H. P. 1621) (L. D. 932)

Which was read a second time.

Thereupon, Mr. Williams of Penobscot presented Senate Amendment A and moved its adoption.

"Senate Amendment A to L. D. 932. Amend said bill by striking out the figure \$100,000' where it appears in section 2 thereof and inserting in place thereof the figure '\$60,000.'"

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

Sent down for concurrence.

Mr. McKUSICK of Piscataquis: Mr. President, I move the indefinite

postponement of item thirty-four. This is a matter of not too great importance. It has caused considerable amusement in the other branch, if I may mention it, and it is largely with me a matter of principle. It is merely another case of taking away from the towns a source of revenue. There are in the state a considerable number of herds of goats of some size. On my way home just a few days ago I saw a herd out in a field of a very considerable number and there was a sign beside the road reading "Goat's Milk Forty Cents a Quart." A good milch goat will produce from four to six quarts a day and if they get forty cents a quart I see no reason why they shouldn't be taxed. And it is on the principle of this removal of another source of revenue from the towns that I make the motion to indefinitely postpone.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this was a good bill, I think. It has been a matter of some debate in the other House and I think the debate was more or less facetious but before the committee the goat interests presented a pretty reasonable case, we thought.

Subsection VI of Section 6 of Chapter 81 of the revised statutes provides that all mules and horses less than six months old and all colts of draught type under three years old and neat cattle eighteen months old and under, and all sheep to the number of thirty-five, and swine to the number of ten, and domestic fowl to the number of fifty have a basic local property tax exemption.

The proponents of the measure pointed out that goats and kids ought to have the same treatment as sheep and whatever the young sons and daughters of sheep are called. We were impressed with the logic of their logic and we didn't think we would too seriously disturb the valuations in cities and towns if we gave these further exemptions. I have no idea how many goats or kids there are in the State of Maine. Neither have I any idea how many sheep or cattle or

domestic fowl there are but we passed this out because we thought it was a reasonable request. And so with this very poor defense of the committee action I again hope that the motion to indefinitely postpone does not prevail.

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

Enactors

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

Bill "An Act Relating to Road Tax on Motor Carriers." (H. P. 318) (L. D. 98)

Bill "An Act Relating to Taxation of Goats." (H. P. 945) (L. D. 386)

Bill "An Act Creating the Town of Wiscasset School District." (H. P. 1056) (L. D. 531)

Bill "An Act Relating to the Salary of the Register of Probate of Waldo County." (H. P. 1734) (L. D. 1088)

Bill "An Act Relating to the Salary of the County Treasurer of Waldo County." (H. P. 1847) (L. D. 1185)

Bill "An Act Relating to Method of Issuance of State Highway and Bridge Bonds." (H. P. 1976) (L. D. 1357)

Bill "An Act to Increase Death Benefits Payable to Children by Fraternal Beneficiary Societies." (H. P. 1985) (L. D. 1367)

(On motion by Mr. Ela of Somerset, tabled pending passage to be enacted, and later today assigned.

Bill "An Act Amending the Charter of the City of Auburn." (H. P. 2000) (L. D. 1383)

Bill "An Act Relating to Over-taking and Passing School Buses." (H. P. 2025) (L. D. 1414)

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

Bill "An Act to Create the Bangor Water District." (H. P. 2084) (L. D. 1474)

Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits." (H. P. 2084) (L. D. 1543)

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

Bill "An Act Relating to the Pollution of Streams by Dumping Rubbish." (H. P. 2100) (L. D. 1586)

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

"Resolve Authorizing Donald S. Porter of Lowell to Sue the State of Maine." (H. P. 1305) (L. D. 685)

"Resolve Appropriating Money to Set Buoys in Inland Waters." (H. P. 1779) (L. D. 1118)

Bill "An Act Defining Agricultural Fair Associations and Societies." (S. P. 676) (L. D. 1550)

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

The PRESIDENT: In the session yesterday afternoon, Resolve, Providing for Completion of Medical and Surgical Building at the Augusta State Hospital (S. P. 157) (L. D. 225) passed in this Senate as an enactor, under the gavel. Since this resolve is an emergency measure, the Chair believes the vote should be taken again, even though there was no opposition to the resolve.

Thereupon, a division of the Senate was had.

Twenty-nine having voted in the affirmative and none opposed, Resolve, Providing for Completion of Medical and Surgical Building at the Augusta State Hospital (S. P. 157) (L. D. 225) was passed to be enacted as an emergency measure.

Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds." (H. P. 2099) (L. D. 1585)

On motion by Mr. Allen of Cumberland, tabled pending consideration and especially assigned for later today.

Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building

a Combination Highway and Railroad Bridge Across Fore River as Authorized by the Legislature." (S. P. 670) (L. D. 1522)

Which resolve being a constitutional amendment and having received the affirmative vote of 27 members of the Senate, and none opposed, was finally passed.

Orders of the Day

On motion by Mr. Denny of Lincoln, the Senate voted to take from the table bill, An Act Relating to Harness Horse Racing Meets, (S. P. 445) (L. D. 894) tabled by that Senator earlier in today's session.

Mr. BREWER of Aroostook: Mr. President, there are at least two bills pertaining to the same general subject matter and one is contingent on the other and there is confusion between the two bills. Due to the fact that I sponsored this particular one and feeling that while the fairs may not have realized all they had hoped but that in most cases they had received the greater part of what they desired in the form of stipends, and there being some question as to how this one half of one percent should be allocated, and feeling that a good compromise is always wise, I now move the indefinite postponement of this bill.

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

The President laid before the Senate, Senate Report "Ought Not to Pass" from the Committee on Legal Affairs on Resolve Authorizing Board of Examiners of Funeral Directors and Embalmers to Issue License to Arthur Andrews of Rockland (S. P. 484) (L. D. 948) tabled by the Senator from Oxford, Senator Edwards on May 5 pending consideration of the report.

Mr. SLEEPER of Knox: Mr. President, I move that the bill be substituted for the report.

Mr. BATCHELDER of York: Mr. President, this is a very short bill which authorizes the Board of Examiners of Funeral Directors and Embalmers to issue a license to

Arthur Andrews of Rockland. This actually compels this board to issue this license. I believe in this Legislature we have had four different types of bills similar to this particular one. We had a bill here requiring the board to examine plumbers issue a license to a plumber. We also have pending a bill to authorize the board of pharmacists to issue a license to a pharmacist. We also had another bill which would require the board of medical examiners to issue a license to a doctor.

Now apparently these boards are set up for the purpose of making individuals meet certain requirements in order to obtain licenses. They must meet certain requirements with reference to education and other qualifications in order that they may receive these various licenses. I am wondering whether or not we are going rather far when we call upon the Legislature for passage of some of these bills requiring these boards to grant licenses to various individuals.

I believe if we start this custom that future Legislatures will have many and various types of these bills presented to them for some special privilege to certain individuals. These individuals might have a great many friends in both branches of the Legislature, and therefore would be able to obtain a license without meeting the requirements as set up by law to obtain these licenses.

I think, in fairness to all parties, that we should stand behind the boards that we set up, and appointed by the Governor, and make people meet the requirements that are required. I might say that I would be more or less sympathetic with any particular individual who might seek to obtain a license. Yet, I don't believe we should grant any special privilege. Therefore, I trust that the motion does not prevail.

Mr. SLEEPER of Knox: Mr. President, as I mentioned before, I made quite a long plea on this particular case yesterday. I might add that Arthur Andrews, unfortunate-

ly, doesn't have a lot of friends in both the House and the Senate. In fact, I will say that the poor man hardly has a friend in the world. That is one reason why I was so glad to help him. I think I made it quite clear why Arthur Andrews can not go through the usual process in obtaining this license. I think I made it quite clear that that he is a man well past middle age with a growing family. Should he go down to Boston to take this course in embalming, he would probably know more than anyone of the instructors, or even the dean of the embalming college, because he has done this work all his life. Judge Pattangall—and I hope that I will get a few Washington votes from this—he was undoubtedly one of our learned jurists and interpreters of functions of legislative duties—once said that the real function of the Legislature was not to come up here and make laws, but was to interpret the laws so that they would not bear harshly on any individual, or any group. We are supposed to protect the minority. We are supposed to pass on new laws that are needed, and in particular cases like this try to do what we believe is right.

Undoubtedly, the board in this case feels that they are doing right, but it harks back to the old guild system which is supposed to have been abolished. I believe we should approach this according to the 20th century modern way of life. As you all know, back in the middle ages, if a man was the son of a farmer, or peasant, he died a peasant. He never could improve his situation in life on account of this guild system. And in some of these cases, some of these boards are adopting that same theory. They are trying to close a particular vocation to any one that might wish to enter it. They want to form these closed corporations, and that is especially so in the case of Arthur Andrews of Rockland. I don't think that the board, or this Legislature, has the right to tell this man that for the rest of his life he has got to work just as an ordinary laborer and

assistant in this embalming company that he works for, this funeral parlor. I think if he has the brains and the ability, and he has, that we should not deny him the privilege of bettering his position in life. I think that it is a primary function of this Legislature to act as overseers of these particular boards and see that they do not in their decisions create any wrongs such as has apparently been done here.

Several of the men, after we left the hearing, approached Andrews and said, why didn't you apply in 1924 and get your license like the rest of us. Almost half of the men who opposed Arthur Andrews' getting this license had crawled in under that clause when the law was first made. But as I explicitly stated before, he was unable to do that because of the situation that they had there at this funeral parlor. The funeral company was owned by an out-of-state corporation, the Atherton Furniture Company of Massachusetts, and the manager of the Atherton Furniture Company who was employed at Rockland at that time was holding his position on the strength that someone in his family, I won't say who, was the only licensed embalmer in the business. They were forced to keep him there as the manager of the furniture company, because he held the only embalming license in the business. We put up that same argument, as I said six years or more ago and obtained a license for Alden Ulmer in the same manner. It was passed in this Legislature and signed by the Governor, because they felt that this was not a vocation, or business, that had to do with the health and welfare of the people, or endangered the life or health of anyone. Just what damage a man who is not quite qualified can do to a dead body is more than I can see. I think, or at least I hope, that I have proven that this man knows just as much about funeral directing and embalming as any of the numbers of licensed embalmers and directors.

I don't think we have the right to deny him the privilege to better himself in life and become a licensed embalmer and funeral director. I don't think we have a right to tell this man that he shall not do the work for which he is qualified. If we deny this, we are harking back to the middle ages. I certainly hope that my motion will prevail and we will substitute the bill for the report. In this one case, at least, we should be able to hold our heads up and say we have done something in the Legislature, and we have at least made one man happy in the state.

Mr. BATCHELDER of York: Mr. President, I ask for a division.

A division of the Senate was had.

Sixteen having voted in the affirmative and four opposed, the resolve was substituted for the report and under suspension of the rules was given its two readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Resolve in Favor of Bangor Anti-Tuberculosis Association (S. P. 492) (L. D. 952) tabled by the Senator from Somerset, Senator Savage on April 6 pending final passage.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, if I have made any motion in the Senate that appears to be selfish, this is probably the one. The bill calls for \$4,500 a year in addition to \$4,500 that is set up in budget for the Bangor Anti-Tuberculosis Association, and I will state here that if any member wishes to table the matter, I certainly will support that motion. The story very briefly, is this. Bangor and Brewer people contribute about \$25,000 a year for the support of this private Anti-Tuberculosis home, or sanatorium. We take care of an average of 20 T. B. patients in that institution. While the Legislature was still in session, and I think early in January, the trustees of that sanatorium made public a statement to the effect that

the sanatorium must close for lack of funds. The City of Bangor and the City of Brewer contribute \$3,100 dollars, respectively.

I discussed the matter with the then commissioner of the institutions, and it was his opinion, and that was expressed to the committee, that the cost of taking care of those 20 patients in the state institution would, of course, be very much more than that which we are asking the state to subsidize. His estimate was \$2,000 per patient per year. Personally, I think that is high, because as you increase the increment number in the other institutions, you probably do not increase the average cost.

The resolve does require \$4,500 out of General Fund. I hesitate to point up our action in taking in a little bit more General Fund money this morning. I am hesitant, because I know that there are many more General Fund bills just as deserving as this one. If a single Senator objects to this being one of those items, I will join his motion in indefinite postponement. But because I do believe that over the next two years the passage of this will actually save the State of Maine money by keeping in our own Bangor San these 20 patients and not having to place this burden in the state institutions, I commend your consideration to a motion for final passage.

I want to reiterate again that it is a bit of selfishness. It is my own resolve. It is in Bangor, and I thoroughly admit there are many other equally deserving resolves.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I notice this resolve says \$9,000 for each year of the next biennium. I would like to ask through the chair if this bill has been amended down \$3,000. Also, on the statement of facts, the resolve calls for nine thousand.

The PRESIDENT: The Chair will state that the resolve shows \$9,000 each year.

Mr. HASKELL of Penobscot: Mr. President, I will accept that by say-

ing that the budget as it is approved in your appropriations bill, provides for \$4,500 a year. So, if you increase it to \$9,000 a year, you will be increasing it \$4,500 a year over that which was provided for in the appropriations bill which has been passed to be engrossed.

I would further more state that for at least the last ten years the state subsidized this in the amount of \$3,000. It was increased to \$4,500 in the budget committee recommendation. So, what we are asking for in additional money is the \$4,500 a year.

Mr. ELA of Somerset: May I ask through the Chair if \$4,500 in each year is not set up in the budget and this bill reads \$9,000 per year. Would this be in addition to \$4,500 a year?

Mr. HASKELL of Penobscot: Mr. President, it would provide that the budget at \$4,500 a year would be established at \$9,000 a year. If there is any question concerning that, I certainly would table it and straighten it out. But for the record, the intent is to increase the budget appropriation from \$4,500 a year to \$9,000 a year, thereby adding to the budget a total of \$4,500 a year only. I note in the Senate the presence of the Budget Officer, and by the nod of his head, I assume he agrees with me that your action would hold it at \$9,000 per year.

Thereupon, the resolve received a final passage.

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.

The President laid before the Senate bill, An Act Amending the Charter of the City of Portland re Powers of Assessors (H. P. 1643) (L. D. 955) tabled by the Senator from Cumberland, Senator Allen earlier in today's session pending consideration of the report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I will make a few very brief remarks on this bill and then present an amendment for your consideration on this matter which is of great importance to the people of Portland. This measure is recommended by the Citizens' Tax Committee as the only satisfactory way of correcting the inequities found by the Committee in the local assessment of inventories and I would like to read to you three or four of the reasons why this bill is in the legislature in order to explain to you about the bill and then I will present the amendment.

"Portland has exhausted its resources to find some other method of producing a fair valuation. They have consulted with the Harvard Business School in Boston and Dun & Bradstreet in New York, the National Association of Assessing Officers in Chicago and individual assessors elsewhere to find some reliable source of published information as to inventory values or some other business statistics which would lead to actual values. There are no such sources, nor is there any assessing official who is doing a good job without the power to require the filing of returns and the power to check the returns from the records."

"Another reason for this bill is the inequitable assessments of business inventories creating unfair competition among individual concerns which they are powerless to resolve under existing statutes."

"Thirdly, the arbitrarily high assessment which is the only resource of the present law, doesn't work. It is uncertain, may be grossly unfair, and does not reach the concern which files a false return."

That in itself I think is sufficient reason for this bill.

"Fourth, a cross-section of the business community which would be directly affected by the exercise of these powers favors them."

This includes some of the largest and most influential firms in the state and yet the management of these concerns which are certainly

affected by the bill are in favor of it and urge its passage.

"This bill is essential to doing an honest, fair, competent job. The assessors are full-time, paid employees who cannot profit in any business way from access to the information. The bill applies to Portland alone and should be of no concern to the rest of the State."

This amendment which I am presenting for your consideration does one major thing. It puts the burden on the assessors, not on the citizens, and therefore, Mr. President, I move that the Senate substitute the bill for the leave to withdraw report of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the bill be substituted for the report.

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

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

Thereupon, the "Leave to Withdraw" report of the Committee was accepted in concurrence.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Resolve, Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds (H. P. 2099) (L. D. 1585) tabled by that Senator earlier in today's session.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, you have been reminded that I have already had a preview on this question, and now we are apparently at the major question as to whether or not the state should suggest a \$40,000,000 bond issue for highway purposes. I don't want to bore the Senate with the statistical history of bond issues. I will be very brief and point out only two essential facts. First, I would remind the Senate again that the history of debt in the State of Maine starts at a level of about \$2,000,000 in 1918, reached a level of about \$30,000,000 in 1933, and since that time has been constantly re-

duced so that there is some reasonable expectancy of being out of debt in the next few years. The Republican platform commended that policy as a policy of the Republican Party. I think that commendation was deserved, and I think that when two years ago we passed as an emergency measure the increase in the gas tax from four cents to six cents, we did it, ourselves, on the good information that by accepting that we were making available some twenty millions of dollars in total highway revenue to give to the people of the State of Maine a reasonably adequate highway program.

As you well know, early in this session, we reiterated that position by making the six-cent gasoline tax rather permanent. Again, I think we believed that our action was sufficient to reasonably well support an adequate highway program. Now, I will grant that the proponents of the measure can point out that twenty millions of dollars a year in highway revenue will not build every mile of highway in every section in the State of Maine that everyone of us might wish could be built. But remember, Senators, we are still a State of less than 900,000 people attempting to build and maintain an adequate highway program, and over ten years we are going to have twenty millions of dollars to put into this highway program. Over 15 years we are going to have \$30,000,000 to put into that highway program, and long before the expiration of ten years, we are going to have plowed back into the net available money those dollars that we are now spending in debt service.

Personally, I dislike debt. I think there is justification for debt in the long-lived structures, and I was among those who rose promptly this morning in supporting the Fore River constitutional resolve. But to place upon the highway fund, the burden of debt service, and to furthermore place upon the highway department the problem of a long line of would be recipients of aid

from that debt issue—and to me it is little more than a major road resolve issue — certainly is inconsistent, I think with a sound highway program.

Should that forty millions of dollars be available today, the Penobscot County Delegation would wait upon the Highway Commission and point out the miles and miles of highway that we would like to have in our County. I visualize that \$40,000,000 disappearing like the dew before the sun, leaving as a burden the debt and its interest to make more difficult a sound highway program in the years it would take to pay off this debt.

Certainly there are highway conditions in this State that would need and benefit by that debt. But when they are met, there are still dozens of more miles that would be left out and could conscientiously say, let's have another forty millions of dollars, so that my road can be included, with an additional debt service burden to further complicate and make impossible a sound highway program. The history of the highway departments in other states are not dissimilar from that of the State of Maine, but the other states are facing it up. They are increasing their gas taxes. They are getting free of the burden of debt service and are attempting to put the problem on a sound basis. I don't think it is much different from the General Fund program.

It might be very comfortable, today, for us to authorize General Fund bonds to do some of the things we would like to do. We might, even in consistency, issue general fund bonds for some of the educational construction program. But instead of that, and soundly I think, we are attempting to live reasonably well within income.

I find nothing in the highway report to indicate that we will not in all reasonable certainty have adequate income with which to finance the matching funds available from the federal government. The highway users have accepted this in-

crease in the gas tax and have been told that the reason we are doing it is to give an adequate highway program. If this Legislature favored a forty million dollar bond issue, those same people could well visualize that the gas tax would probably be continued at six cents and future Legislatures will find additional millions for debt and all of the evils of debt service will fall upon them. I sincerely hope that the enactment action fails.

Mr. BREWER of Aroostook: Mr. President, as my colleague, the Chairman of the Ways and Bridges Committee is a little hoarse, and unable to bear the brunt of the attack, I have taken over the responsibility of the lead-off in favor of this bill. I have been kidded more or less by the fact that at the beginning when this bond issue of \$40,000,000 was sponsored, I opposed it. I opposed it for one reason only, and that was that under the bond issue as first presented, federal funds would not have been matched.

I believe that I may as well, as a member of the Ways and Bridges Committee, lay all of the cards on the table with their faces up to show to this Senate what has actually happened. Since 1938, your ways and bridges fund has been going behind, and in actuality, the two cents that was recently voted have just about taken up the slack. We are, today, two years behind in matching federal funds. We have matched this year \$2,700,000. I believe that is a carry over from the federal government since 1944. Beginning with the first of July, I believe there are \$3,600,000 more to be matched. That in turn would seem to indicate that we might step back to three years in matching this fund.

The whole thought of the committee was—and it was a unanimous report—ought to pass, not with any idea of floating a \$40,000,000 bond issue. And for those of you who are not familiar with the setup of this particular bill, it was suggested that this be broken

down into five issues of eight million each as needed. We feel that one of the very essential things is first to catch up on matching federal funds. Over and above this, from legislation now pending in the federal government, it would seem that we may have at one time as high as \$8,000,000 to match. Some of this will be on a fifty-fifty basis. Some of it will be on a 75/25 basis, 75 federal government, 25 from the State of Maine. So, with our thought that we aren't going out to immediately raise \$40,000,000, but rather match federal funds as they came along and in this way utilize money that was available as it came along.

Now, as the Senator from Penobscot, Senator Haskell, has told you, and to my way of thinking, the past history of bond issues are not too pleasant to look back upon. We had a \$38,000,000 issue. We will have paid back at the time these bonds mature and are retired, better than \$20,000,000 in interest. But many of these bonds were written for four per cent and in 25 years doubled themselves. In one particular issue I have in mind of \$2,500,000, at the end of maturity, we will not only have paid back that \$2,500,000, but we will have paid \$275,000 over and above that in interest.

This particular issue states that any more money hired would be at not over two per cent, and we find under short term loans that we can hope to borrow money at one and one-half to one and three-quarters per cent. In the next biennium, the next year as I told you, we will have \$3,600,000 to match, and the next year we will have the same. That is matched on a 50/50 basis. That state and federal money is what we have for construction. When we passed the bill that was recently passed, you were all aware that we took a combination of three bills. One was the so-called Ela Bill which would take over the summer maintenance of state and state-aid roads, the

other raising the matching unit another half. That in the aggregate, I believe, runs to a little better than \$700,000. That was the least that was felt it was wise to make the highway fund at that time. We have set up for maintenance five million and a half of money. We have in the state, today, 2,700 miles of state-aid and a thousand miles of state and federal.

In our betterment fund which we like to use, you can build a very good type of road for between ten and twelve thousand dollars; whereas, if we have to rebuild that completely, it costs from \$80,000 up. Now, you have heard a lot about poor roads, and probably the worst of them are in northern Penobscot, or from there to Aroostook. I think if we could take every member of this Senate over that road which we have had to ride for the past weeks, or if we could take them over that route just a short ways, I believe there is not one Senator who would not be convinced that a bond issue would be in order.

I feel in a bond issue of this sort that it is very flexible. We have no intentions of raising the \$40,000,000 bond issue right off. But we also feel that it might be very valuable if we should get more of a recession to be able to go out and borrow this money and build roads at a much less cost than we are building them today.

Costs have gone up. Maintenance has reached the point that it is almost excessive, and if we don't build more roads, it seems to me that in a few years time about all of the money we will have available will be for maintenance, and that certainly costs real money, because you don't have roads only expense. I believe that this is a wise move, and as the debate goes along, if there are any other questions that have not come to my mind, either I, or the Senator from Franklin, I, or the Senator from Franklin, answer them. I hope that the mo-

tion of the Senator from Penobscot does not prevail.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, we had this bill before us for some time and gave it a good deal of thought. One of the things that to me was absolutely necessary was if this bond issue was to be issued it be set up so that the so-called groups that come in from this county, or that county for a piece of road be constructed and probably needs it, wouldn't have too much bearing upon the issue.

This particular bond issue, if approved, is supervised by the Governor and Council with the advice of an economic advisory board. In other words, they wouldn't issue any of these bonds until economic conditions would warrant going into debt.

There is no question about the need of the roads. We have got miles and miles of roads that need construction. The Highway Department is doing a good job constructing some roads every year and will continue to do so. I believe in five years, or thereabouts, we will have some million dollars more than we have now. But right at the present time, we have been through the war years. We did not do any construction to amount to anything. Our maintenance had to fall off, and our roads got in a bad condition.

If you have a bond issue that will match your federal aid money, when the time seems feasible, you would relieve some of your regular money spent to resurface these roads which can be done at the present time for about ten or twelve thousand dollars per mile. You can see lots of these roads right out of Augusta at the present time. You could go on these roads and retop, or resurface, them, and you would have a highway that would last for ten or fifteen years. If they are allowed to go on much longer, it will mean a construction job. And when you get into construction, you know that runs up to 80 or 90 or more thousand dollars per mile. So, a reasonable amount of money set aside for

that type of work can save us a great deal. There seems to be a general need for roads throughout the state. In fact, I don't believe there is a county or place in the state but will tell you of the needs of their roads. The most of your industries at the present time depend largely upon trucks and their personnel use cars. In the State of Maine, it costs us approximately twice as much for repairs to operate our trucks as it does in the State of Massachusetts and some other states where they have better roads.

We advertise for our summer business, and those people when they get here expect to not only see the scenery and enjoy the climate, but they are in hopes of riding comfortably in automobiles as they go along. They can do that in lots of places now. But on the other hand, as you know, you can be riding along very comfortably, and all of a sudden you go off that road and it is not as comfortable. I think there is a demand for more construction on the highways in the State of Maine. You gentlemen all read the report that the highway department put out, advocating the pay-as-you-go policy over a fifteen-year period. In that same book, they advocated, as we wished, a ten-year accelerated program.

Now, I think this is just that. It is running the state in debt, but not for an extended period of time. Those bonds will be issued on a fifteen-year basis at a low rate of interest compared with our old ones, and I don't think that is taking on any extended debt.

Our maintenance charges at the present time average in the neighborhood of five and a half million dollars per year. Our construction program for the next two years is approximately \$6,000,000, including the money that we get from the federal government. So, our maintenance costs at the present time are very nearly as much as what we are spending for construction. We have roads at the present time costing us \$5,000 a mile to maintain. We have got lots of roads that are costing us

a thousand dollars per mile to maintain. Now, a road that is recently constructed, the maintenance cost drops down very low for the first five years. Perhaps it will be from one to two hundred dollars, and then, of course, as it is used and worn you have to do a little more maintenance. The average total life of the average road is only about twenty years. We have got plenty of miles that have been built for thirty-five and forty years that have never been resurfaced in that time.

It seemed to us that when the time was right and feasible as determined by the advisory board and the Governor and Council, that it might be a good policy for us to accelerate our construction program on the highways. I, for one, wouldn't think of advocating this if I thought it was going to impair the State of Maine in any way. I think we would save enough in our maintenance after these roads were constructed, to pay out interest cost. I am a firm believer that we shouldn't run in debt any longer than for the life of a road. If the average life of that road is twenty years, let's have a bond issue, if we are going to have any, for a fifteen-year period.

These bonds wouldn't all be issued at once. They are to be issued at times and conditions would warrant, and not by any political group. While I wouldn't consider that the Governor and Council would issue these bonds, unless the advisory board thought it was wise and feasible to do it at any time, I think in all fairness that we would be doing right if we gave them a chance when that time is right to increase their construction, relieving us a good deal on the maintenance. I firmly believe that that would be enough to pay the carrying charges on these bonds, and that we really would be doing the State of Maine a great benefit.

Mr. HASKELL of Penobscot: The point has been made that one of the more desirable features of this constitutional resolve would be that it would insure the State having

sufficient funds to match the federal aid that is available. It is my personal opinion that with the present \$20,000,000 highway fund income, which income is rising slowly, we do have adequate funds. Under the federal aid, out of 1944 funds, the federal government allocated \$11,690,592 to the State of Maine. Let's see what we have done about it. Out of income, we haven't issued any highway debt for several sessions of the Legislature. Out of highway income in 1945, we authorized \$2,500,000. In 1947 it was \$5,300,000, still, Senators, out of income. In 1947 a million dollars, and we also transferred \$348,000 from surplus, and in 1949, still to be allotted, \$2,700,000 all out of current income. That is a total of \$11,848,000 that we found from our income to match \$11,690,592. That takes care of all our allotment under the 1944 act. Now, under the Federal Aid Act of 1948, we have been allotted \$3,459,000 for the 49-50 year and the same amount for the 50-51 year. Now, our present highway program projects matching \$2,700,000 plus an additional \$300,000 to start on these 1948 allotments. Then the program sets up \$3,300,000 of matching money for the fiscal year 50-51.

I would refer you to page 20 of your budget for the confirmation of these figures. So, as I see it, we are following the sound policy of taking out of income those funds necessary to match federal funds. And remember this. Even though construction costs do not go down to make more money available for us, we are reducing very substantially each year, at an accelerated rates, the charges against income for debt service. As we get out of debt, we no longer have the \$1,068,000 to pay, principal plus interest, and as we approach 1957 when that debt is expired, we pick up all of that money that we are now having to plow back into debt created years and years ago.

I think it is absurd to point out the relationship between the principal payment and interest pay-

ment in the highway history of the State of Maine. But it is both amazing and an indictment on somebody's business thinking when you compare the fact that for every dollar we borrow, we have had to pay that dollar plus nearly another dollar before we get out of that debt. If we continue a revolving fund of \$40,000,000 to build some roads whenever a group of good Republicans, or good Democrats, whether they are the Governor and Council, or an advisory board, think that the State ought to have another million dollar highway, it is difficult for me to believe that you have got a fund too much different than the road resolve fund.

If I had the privilege of serving on that advisory group, or that council, I think I would be impressed with the argument from Aroostook, or from Franklin County that—we want to get out of the mud. The people have spoken, the Legislature has spoken. You have got the authority to issue the bonds that get us out of the mud. I would be entirely sympathetic, and I would say, well let the fellow who succeeds me worry about paying that interest. That would allow me to give the people a good highway program while I am in there. I think that is natural. But don't you think, Senators, having gone to six cents on the gas tax and told the people that if they will stand that, that they will get a pretty good highway program, we should stand by that implied promise by our act on this thing?

I think the action of this very Legislature in wanting economy, in not wanting taxes, certainly indicates that we shouldn't give our approval to \$40,000,000 in debt. And if we have adequate income, or we are willing to make that income do for a reasonably adequate highway program, I think we may well wait for another couple of years, or four years, and see what the highway department can do with \$20,000,000 of income in giving to the State of Maine with all of the Department's highway pro-

grams a good highway program, consistent with the population of the State and the miles of road that we have as our problems.

Mr. CROSBY of Franklin: Mr. President, I would like to point out that this \$40,000,000 is not a revolving fund. Any bond issued under that has got to be retired in 15 years and can't be reissued. We can go over the summer maintenance of highways on the highway system this spring here with our gas tax. Now, that means some burden upon the Highway Department. We also increased our State-aid allotments to the towns. In fact, I think this is one of the few things that this Legislature has done to relieve the towns of any expense at all. We have had to revise our figures in the last few days and set up an extra \$30,000 on the State-aid program, because at that time there was only eight towns left that hadn't been heard from as regards to the requirements for State aid, and practically every one of them had taken the full two units, which means added construction and added construction on State-aid highways means added maintenance by the highway department.

There is no doubt we are going to have more money available as we retire this old debt, and by the way, the experience with it wasn't good. There was issued a forty-year bond at four per cent rate of interest to build roads that were going to be worn out in twenty years, or thereabouts, which on the face of it is just not good finance.

I believe the money we will save in the retiring of this debt will be pretty much taken up by increased maintenance that the State will have to resume in the next few years.

Mr. McKUSICK of Piscataquis: Mr. President, I am obliged to oppose this bond issue for several reasons. The first is that I am opposed to a debt in order to match funds furnished by a higher governmental body. Most of our little towns have had experience with borrowing money to take advantage

of that old state aid law. My own little town borrowed money, went into debt, and we have just barely got the debt paid off and the road is all worn out and needs to be rebuilt.

I see no difference between our own experience in our towns and this proposition of the state matching money from the federal government.

I am opposed to this proposition for a reason that has been mentioned. I think the people have been led to believe that if a six cent gas tax were granted our highway program would be adequately financed and I feel it is an imposition on the people to pass a six cent gas tax, as we have done, and then hand out this proposition to raise forty million dollars in bonds.

The argument has been advanced that private business borrows money to carry on its business. It has not, perhaps, been mentioned here on the floor of the Senate but I have heard it. I grant you that is true but I should like to call your attention to the difference between private business and the business of the State of Maine. Private business is conducted for profit and the capital from bonds or borrowing is used with the idea of producing a profit which is expected to retire the bonds. Our business of the state is non-profitable and the only way we can retire those bonds is from the proceeds of a tax on the people.

Another thing that has been mentioned here is the fact that it is possible to put these bonds out at a very favorable rate of interest. I would like to call your attention to the fact that the advantage from a low rate of interest is nullified entirely by the exorbitant cost of construction at the present time. I just happened two or three nights ago to see a little item in the Lewiston Journal stating that the Highway Department had in mind three highway projects to be done in 1950. If I recall correctly one of these was in Lisbon Falls, one in Winthrop and one in Rumford. The Lisbon Falls project

called for 5.2 miles and called for an investment of something over \$400,000 or approximately \$85,000 a mile.

Now, will you just stop and think that even at an interest rate of one and one-half percent that it costs \$1200 for interest, more than \$1200, to carry that debt and the expenses that must be met because of the cost of maintenance of some of our old roads.

The Winthrop project called for approximately \$166,000 at one and one-half percent interest, which would amount to over \$2,400 per mile. The one in Rumford of 1.2 miles calls for a cost of \$1,500 per mile.

Those are the reasons why I believe it is not the time, even if we desire to issue bonds, to go into debt when the cost of construction is high, and beyond that, I am opposed to a highway debt at any time.

Mr. ELA of Somerset: Mr. President, we do now have in fact a highway program which is the result of a lot of work, careful planning and study by legislatures which have been before us and highway commissions which have done, in my opinion, a good job. As we look back over the years, and we don't have to look too far, what do we find? In those days we had a system that kept us in our own town in the spring of the year, and now we feel irritated if we can't go twenty-five miles on a town road at any time. Our highways are not perfect, they never will be perfect. There can always be improvements but they are improving and if we will be honest with ourselves we will acknowledge that they are steadily, if slowly, improving and are doing it on an exact basis and we are paying up some of our debts of the past.

Bond money is easy money. Money which comes from bonds is not as prudently and as carefully spent as money which comes the hard way. It is spent in larger amounts, it is spent for those people who can put on the most pressure at the time. I shudder to think of the

vacuum there would be when this \$40,000 would be gone. We will be spending it in the high peak of prosperity and we will try to pay it back in periods which may not be as prosperous.

Comment has been made on the high cost of maintenance. We are spending probably double what we did previously but we are using some better methods on maintenance. It is not all thrown away. Some of this heavy maintenance is more or less of a permanent nature. Instead of a few barrels of tar we now maintain our roads with practically new construction for distances of from a hundred feet to a quarter of a mile. You can recall many places where such maintenance has the effect of permanent roads.

In the figures which I have here from the Highway Department the federal matching is completely taken care of. The State of Maine has a far better record than the average of the states in this respect. Many states are away behind and you can be sure that the federal government will not feed this money out faster than a state such as Maine, at least, can match it.

Comment has been made on the maintenance bills which were taken over this winter but I think that it was fully argued at the time that decreasing bond retirement and interest, and increasing gas taxes more than took care of those features.

Better methods are being used at all times to build these roads, bigger machines are used, we are going to be able to build a lot more miles of road for our dollars even if we get no deflation. Science will take care of that. I think this is a time to keep cool, to keep our feet on the ground, to keep on getting out of debt for things such as this, and to vote no on the bill.

The PRESIDENT: The question before the Senate is on the final passage of the constitutional amendment.

Mr. BREWER of Aroostook: Mr. President, I just want to correct one inference that the Senator from

Somerset made, that we have taken care of federal funds. That is true of matching funds but we have been two years behind the maximum. In other words, those funds were available to us two years ago had we had the money, and with the way matching funds are coming in it seems that we might fall behind three years. Matching funds have been taken care of but nevertheless we are two years behind now in matching what was available to us and it looks as though it would be three years.

Over and above that I would like to make a statement that this is the one state in the Union so far as I know that doesn't have at least one good road that runs the length of the state and I do think if any members of this legislature should take a ride to northern Penobscot and the southern end of Aroostook after those trucks have pounded that road—and, in fact—in one place there just isn't any road—and know the cost of keeping those roads passable, I don't think there is anybody would feel but what they wanted to fix those roads, and others, in the quickest possible way.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, the very first of the session when this bond issue was introduced I hadn't made up my mind on it. I could remember when I teamed with the able Senator from Penobscot to defeat a bond issue a few years ago and at that time I used the same arguments he uses here today against state debt and the cost of state debt. But I changed my mind on this bond issue. I opposed the other one because I didn't think the dollars it would have raised were worth while to the state of Maine particularly with the nuisance tax that was to pay for it which would have fallen most heavily on the group in our state of the veterans seeking the bonus. I felt it was unwise. But I have changed my mind on this bond issue for several reasons and perhaps the plainest illustration I can think of is this: Up until about twelve years ago I rented a house

for my family and if I had adopted the arguments used today by the Senator from Penobscot and the Senator from Somerset I would still be renting a house. But I felt it was wise in my own personal interests to go into debt, rather heavily, to purchase a house, and it would have been the same if I had been going to build a house.

A farmer in Aroostook can't build a potato house section by section out of income. He has to borrow to do it and if that saves him money it will be worth while for him to borrow for it. But the thing that really clinched this in my own mind has been the situation that has obtained on our main trunk road that Senator Brewer speaks of between the city of Augusta and the northern part of Aroostook County.

I had about two weeks ago two telegrams from my home town, one from the President of the Chamber of Commerce and the other from an interstate trucking concern that operates up there, and the gist of them was that Aroostook County is just about to be isolated from the rest of Maine and the rest of the country except by air. Trucks became mired and stuck on that state highway and I am not sure whether the worst of it is in Penobscot or in my own county right in the middle of that main road.

Now we cannot, in my opinion, have the proper road construction program that the state should have, on this pay-as-you-go proposition. This a capital improvement, a capital expenditure which I have made up my mind is worth borrowing money for. And more than that, I am pretty well convinced that the savings in the cost of maintenance will offset interest in a large degree in saving to the business men and the potato farmers in my county and to the truckers, and in that intangible way will very much more than make up for the debt cost the state will have to maintain as a result of this bond issue.

So although I do not pretend to know too much about the highway problem and I have never been on the Committee on Ways and

Bridges, for the reasons I have stated I have concluded that this is a wise measure and I hope the members of the Senate will accept it.

Mr. COLLINS of Aroostook: Mr. President, I think I should rise to state that I am in accord with the other two Senators from Aroostook because the other day on a minor matter some of the Senators felt that I didn't take any position, that I didn't have an opinion on the matter. But I want to state that I do have an opinion on this and my opinion is one that has been changed. When the subject was brought up at the beginning of the legislature I stated that I hadn't made up my mind as to whether or not a bond issue was desirable. I still don't like debt and debt service but I do think that the advantages of the bond issue would more than offset the disadvantages. I feel that with the possibility of hiring money at a low rate of interest and with the thought in mind that maintenance would be materially reduced and with what can be done within the framework of the six cent gas tax, that it is a good idea and I hope we will have this bond issue and make at least one good road the length of Maine.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, there are very few issues in this legislature that have bothered me as much as this one but I have to be consistent and I am going to continue to be consistent. The most important thing in this legislature is the education of our children and the building of schools. We are expending \$20,000,000 a year on roads in the State of Maine, and to spend another \$40,000,000 now on a bond issue when we can't afford even \$2,000,000 to build schools is ridiculous. I will have to vote against it.

Mr. NOYES of Hancock: Mr. President, I am very happy to rise at this time and find that my good friends from Aroostook are all in accordance. Practically every time I have opposed them in this Sen-

ate, I have voted with one or two and against another one. This policy has bothered me much the same as it has Senator Leavitt. I shall vote against it, however not for the same reason. It seems that we, here in this Legislature today, are about to make a decision which will be a lasting decision. That decision is this. In order to finance our highways, are we going to pay for our highways out of current revenue, or must we always have bond issues? Back in 1935 when I was a freshman legislator, we paid in that year almost a million dollars in interest on bonds. Since that time, those interest payments have been reduced until at the present time we are paying roughly \$300,000 per year interest. I have thought for some time that it would be a wonderful thing when the State of Maine had reached the point where we would no longer need to pay that debt service, but could use our revenues for the building and maintenance of roads.

Let me point out to you that in the current biennium, the State of Maine has spent roughly four million dollars in debt service, and today we are almost over the hump. If we could continue the policy that we have followed for the last few years for five or six years more, we would then be in a position where we could use our current revenue and apply those revenues entirely to highway purposes. I realize the argument that is used for this bond issue at the present time is that they would bear a low rate of interest. However, if you multiply your \$40,000,000 by your two per cent interest and figure that sometimes those bonds will be issued over a period of fifteen years, you are committing yourself to a \$12,000,000 interest charge.

In view of the statement that has been made by the proponents and the opponents of the value of the currency, it seems to me we will find ourselves in the position where we have borrowed and spent cheap dollars, only to be paid at a later date with dollars that are

depleted. For those reasons, I shall vote against the bonds.

Mr. SLOCUM of Cumberland: Mr. President, I am very much in favor of good roads. I believed in 1927 that we did the right thing by passing a \$20,000,000 bond issue for a highway program. Frankly, it is a difficult position to be in to know whether to vote for or against the bond issue. However, there is one question I would like to propound to the proponents.

I know a large number of the people in Cumberland County understood that the raise from four to six cents in the gas tax was more or less temporary. I would like to know if it is going to be absolutely essential that we have a six-cent gas tax for the life of these bonds which is fifteen years.

Mr. CROSBY of Franklin: If I understood the question, it was, would we need the six-cent gas tax for fifteen years providing we don't issue these bonds. I would say, in my opinion, that definitely we would, whether we issue the bonds or not.

Mr. BREWER of Aroostook: I would like to call the attention of the Senate that this, as they all know goes out to referendum. I think the past history of past referendums on bond issues for road money, with one exception in 1925, the vote has been overwhelmingly for them. I do ask when the vote is taken that a division is had.

Mr. CROSBY of Franklin: Mr. President, I don't think that the state, if we don't have this bond issue, will go out of the construction program at all. I think it simmers down to an accelerated road program to build your roads that much faster.

One other fact I forgot to mention was that I talked with two contractors this very week, and each of them told me that if you could construct these roads in stretches of five to ten miles at a time, the cost would be approximately twenty per cent less. I believe if you check your highway program for the next two years, you will find that the

most of the construction is around a half mile, one mile, and up to two and a half with occasionally one that goes to five, but very, very few.

The PRESIDENT: The question before the Senate is on the final passage of the bill.

This being a Constitutional Amendment, a division of the Senate was had.

Eleven having voted in the affirmative and twenty opposed, the Constitutional Amendment failed of passage.

The PRESIDENT: At this time, with relation to the disagreeing action of the two bodies on L. D. 183, bill, An Act Relating to the Salary of the Commissioner of Labor and Industry, the Chair will appoint as Senate members of the Committee of Conference, Senators Bowker of Cumberland, Haskell of Penobscot and Ela of Somerset.

With relation to the disagreeing action of the two bodies on bill Relating to the Salary of the Public Utilities Commissioner, the Chair will appoint as Senate members of the Committee of Conference, Senators Bowker of Cumberland, Haskell of Penobscot and Ela of Somerset.

With relation to the disagreeing action of the two bodies on L. D. 1182, An Act to Aid Small Woodland Owners, the Chair will appoint as Senate members of the Committee of Conference, Senators Williams of Penobscot, Bowker of Cumberland and Ela of Somerset.

The Chair will suggest that these Conference Committees meet and act at their first opportunity.

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

Joint Order: Re. Study of Feasibility of Annual Sessions of the Legislature, by the Legislative Research Committee. (H. P. 2121)

Comes from the House, read and passed.

In the Senate, on motion by Mr. Haskell of Penobscot, the Order was laid upon the table pending passage.

The Committee on Taxation to which was re-committed Bill "An Act Relating to Taxation of Boats," (H. P. 1743) (L. D. 1096) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and passed to be engrossed as amended by House Amendment "A".

In the Senate, the bill was substituted for the report and given its first reading, House Amendment "A" was read and adopted in concurrence, and under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

The Committee on Claims to which were referred the following resolves:

S. P. 400. Resolve in Favor of the Town of Parkman.

H. P. 273. Resolve to Reimburse the Town of Bowdoinham for Supplies Furnished to George Lambers.

H. P. 418. Resolve to Reimburse the Town of Fairfield for Support of Charles J. Richards.

H. P. 544. Resolve in Favor of Charles A. Dean Memorial Hospital, of Greenville Junction.

H. P. 699. Resolve to Reimburse the Town of Dexter for Support of a Pauper.

H. P. 738. Resolve in Favor of the Town of Phillips.

H. P. 741. Resolve in Favor of the Town of Waterford.

H. P. 816. Resolve to Reimburse the City of Old Town for Hospitalization and Aid Furnished Mrs. Lawrence Gordon.

H. P. 1121. Resolve to Reimburse the Town of Berwick.

H. P. 1126. Resolve in Favor of the Town of Chapman.

H. P. 1129. Resolve in Favor of Stanley Bros., of Kezar Falls.

H. P. 1272. Resolve in Favor of the Inhabitants of the Town of Westfield for the Support of John Bennett and Family.

H. P. 1281. Resolve to Reimburse the Town of Oakland for Supplies Furnished William Stevens.

H. P. 1339. Resolve to Reimburse the Town of Stetson for Certain Pauper Expenses.

H. P. 1369. Resolve to Reimburse the Town of Pembroke for Support and Medical Aid for Mrs. Kenneth Gove.

H. P. 1589. Resolve in Favor of the Town of Garland.

H. P. 1595. Resolve to Reimburse Town of Crystal.

H. P. 1594. Resolve in Favor of Milliken Memorial Hospital of Island Falls.

H. P. 1685. Resolve in Favor of Calais Hospital.

H. P. 1690. Resolve to Reimburse the Clyde Smith Memorial Hospital for Hospitalization and Medical Aid for Carroll Hapgood.

H. P. 1692. Resolve in Favor of Dr. J. C. Bourque of St. Leonard, N. B.

H. P. 2104. L. D. 1595. Resolve to Reimburse the Town of Whiting for Transportation of State Children.

reported the same in a Consolidated Resolve, (H. P. 2116) (L. D. 1611) under title of "Resolve, Providing for the Payment of Certain Pauper Claims," and that it ought to pass.

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

In the Senate, the report was accepted in concurrence and the consolidated resolve given its first reading; House Amendment A was read and adopted in concurrence and under suspension of the rules, the resolves as amended was passed to be engrossed in concurrence.

Sent down for concurrence.

The Committee on Inland Fisheries and Game on "Resolve Closing Embden Pond in the Town of Embden to Ice Fishing," (H. P. 918) (L. D. 370) reported that the same ought not to pass.

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

In the Senate, on motion by Mr. Ela of Somerset, the "Ought Not to

Pass" report of the committee was accepted in non-concurrence.

Sent down for concurrence.

Bill "An Act to Enable Certain Cities to Impose a General Business and Occupation Tax," (H. P. 2068) (L. D. 1559)

(In the Senate on May 5th passed to be engrossed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was indefinitely postponed, 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. ALBEE of Portland

McGLAUFLIN of Portland
FITCH of Sebago

In the Senate, on motion by Mr. Allen of Cumberland, the Senate voted to insist on its former action and join with the House in a Committee of Conference. The President appointed as members of such Committee on the part of the Senate, Senators Allen of Cumberland, Noyes of Hancock and Haskell of Penobscot.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Maintenance of Sewers," (H. P. 2034) (L. D. 1448) reported that they are unable to agree.

Comes from the House, the report read and accepted.

In the Senate, the report was accepted in concurrence.

The Committee on Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse," (H. P. 1786) (L. D. 1125) reported that they are unable to agree.

Comes from the House, the report read and accepted.

In the Senate the report was accepted in concurrence.

The Committee on Ways and Bridges on Bill "An Act Relating to Repairs of Roads in Deorganized Towns," (H. P. 14 (L. D. 4) reported that leave be granted to withdraw.

The same Committee on Bill "An Act Relating to Taking of Land by State Highway Commission," (H. P. 1895) (L. D. 1223) reported that the same ought not to pass.

The Committee on Appropriations and Financial Affairs on "Joint Resolution Relating to Consolidation of State Departments," (H. P. 1948) (L. D. 1321) reported that the same ought not to pass.

The Committee on Public Utilities on Bill "An Act to Amend the Charter of the Augusta Water District," (H. P. 1656) (L. D. 964) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Relating to Tax on Gasoline Used for Aeronautical Purposes," (H. P. 1944) (L. D. 1316) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on Bill "An Act Relating to Definition of 'Teacher' Under State Employees' Retirement Law," (H. P. 1783) (L. D. 1122) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted, in concurrence, and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

The President laid before the Senate bill, An Act Relating to the Method of Issuance of State Highway Bonds, tabled by the Senator from Somerset, Senator Ela, earlier in today's session.

Mr. ELA of Somerset: Mr. President, I move the indefinite postponement of the bill.

The motion prevailed, and the bill was indefinitely postponed.

On motion by Mr. Haskell of

Penobscot, the Senate voted to take from the table bill, An Act Relating to State Scholarships for Normal School and Teachers' College Students (S. P. 481) (L. D. 944) tabled by that Senator on May 4 pending motion by Senator Varney of Washington that the Senate insist and ask for a Committee of Conference.

Mr. ELA of Somerset: Mr. President, I move that the Senate recede and concur.

Mr. VARNEY of Washington: Mr. President, I had hoped to get on my feet before anyone else and ask permission of the Senate to withdraw my motion that the Senate insist. I have an amendment I would like to offer to the bill.

The PRESIDENT: The question is on the motion of the Senator from Somerset, Senator Ela, that the Senate recede and concur. This motion has precedence over the motion to insist.

Mr. ELA of Somerset: Mr. President, I fail to see how an amendment can be put on if we vote to insist.

Mr. VARNEY of Washington: Mr. President, may I state to the Senate that no Committee of Conference had been provided. The bill was tabled pending my motion to insist and ask for a Committee of Conference.

Mr. HASKELL of Penobscot: Mr. President, being acquainted with the wishes of the Senator from Washington, Senator Varney, I would suggest that Senator Ela might be willing to ask the Senate to grant him permission to withdraw his motion and then if the Senate grants permission for the motion to insist and ask for a Committee of Conference to be withdrawn, it would give to the Senate an opportunity to listen to the Senator from Washington, Senator Varney with respect to his amendment. I know his sincerity in wanting to explain to the Senate his desires with relation to this bill and I hope he is given the opportunity to make that explanation.

Mr. ELA: Mr. President, if it is necessary for me to withdraw my motion for him to explain it, I shall.

The PRESIDENT: The Chair will rule that it is not necessary and the Senator may make any explanation he sees fit in debate.

Mr. VARNEY: Mr. President, if the Senator has withdrawn his motion, I will ask permission to withdraw my motion.

Mr. ELA: Mr. President, I said I would withdraw my motion if it were necessary to permit Senator Varney to explain his point. I understood it was not necessary for me to withdraw. However, to clear matters up, I will withdraw my motion.

The PRESIDENT: Perhaps the Chair should have clarified the situation. The motion to recede and concur, under the rules, takes precedence and is put before the motion to insist and join. Both motions are debatable and any debate would be accepted. However, the Chair understands that Senator Ela has now withdrawn his motion to recede and concur, and the question now pending is on the motion of the Senator from Washington, Senator Varney to insist and ask for a Committee of Conference.

Thereupon, Mr. Varney of Washington was granted permission to withdraw his motion to insist and ask for a Committee of Conference.

Mr. VARNEY of Washington: Mr. President, I would like to make a motion that the Senate insist on its former action whereby this bill was passed to be engrossed in order that I may offer an amendment which I will explain very briefly.

The PRESIDENT: The Chair will state that it is not necessary to reconsider engrossing as this was done prior to offering the other motion. So the bill is now in a position so that you may offer an amendment at this time.

Mr. VARNEY of Washington: Mr. President, the original bill asked for a scholarship fund of \$25,000 a year providing for 100 scholarships of \$250 to be administered by the normal school board to needy teachers. Throughout the state, there are a great many young people who would like to attend normal school, and who, because of their academic

standing in school, are very desirable students. Many of these students could be induced to enter the normal schools, providing they had some financial assistance. The heads of our normal schools and teacher colleges are in favor of this bill, and they have been advocating it for many years.

The bill was passed out of the committee unanimously ought to pass, and the bill reached the engrossing stage in the House. Because of the fact that this money was to be taken from the General fund, and no provision was made for it in the budget, it was indefinitely postponed in the House. My proposal is that there be taken from the unappropriated surplus the sum of \$50,000 to be set up as a trust fund to be administered in the same manner as the money proposed in the original bill. My purpose in doing this is in the hope that subsequent legislatures may be more sympathetic toward education than this Legislature has been. I would like to see education salvage just a little bit from this unappropriated surplus. Education, to date, has shared very meagerly from this fund. With this brief explanation, I offer Senate Amendment "A".

Senate Amendment "A" to S. P. 481, L. D. 944, Bill "An Act Relating to State Scholarships for Normal School and Teachers' College Students."

Amend said Bill by striking out all of the Title thereof and inserting in place thereof the following Title: "Resolve Creating a Trust Fund for Scholarships for Normal School and Teachers' College Students."

Further amend said Bill by striking out all after the enacting clause thereof and inserting in place thereof the following:

Resolved: That there be, and hereby is, transferred from the unappropriated surplus of the general fund the sum of \$50,000, such sum to be established and known as the "Scholarship Fund for Normal

School Students"; and be it further

Resolved: That the state normal school and teachers' college board be authorized to develop and administer a plan for awarding scholarships to selected students enrolled in the normal schools and teachers colleges of the state who have evidenced qualifications of general worth, professional promise as potential teachers, and who have demonstrated ability and assistance with respect to their educational expenses but who may be in need of partial financial assistance with respect to their educational expenses. Each scholarship shall not exceed \$200 in any one year. The board may, at its discretion, reduce the amount of any particular award when such a reduction would better serve the need of an otherwise eligible recipient. Amounts available for such scholarships shall be distributed annually by the board to the 5 normal schools and teachers' colleges in the same proportions as the proportion of each institution's student enrollment bears to the total student enrollment of the 5 institutions for the preceding year, but not more than \$25,000 shall be expended from the trust fund in any one year; and be it further

Resolved; That it is the intention of the legislature that the trust fund so created may be increased by such sums as normal school alumni associations, student group activities or individuals may wish to contribute to the scholarship fund for normal school students.'

Mr. VARNEY of Washington: Mr. President, I now move the adoption of Senate Amendment A.

Mr. NOYES of Hancock: Mr. President, I rise, not to oppose the amendment, but to a point of parliamentary procedure.

The PRESIDENT: The Senator may state his point.

Mr. NOYES: Mr. President, it is my understanding that this bill was passed to be engrossed in this body and then in the other branch it

was voted to indefinitely postpone. Now it is a matter of a Committee of Conference, on the disagreeing action of the two bodies. As I understand it, a motion to recede is in order, a motion to adhere is in order, a motion to insist is in order, and a motion to concur, and in the order in which I have named them. I don't know of any motion to amend, and I am thinking that if we should adopt the procedure of amending the disagreeing action of the two branches at this hour, adjournment would certainly be delayed. I would like to have a ruling from the Chair.

Mr. ELA: Mr. President —

The PRESIDENT: For what purpose does the Senator rise?

Mr. ELA: For the purpose, Mr. President, of making a motion.

The PRESIDENT: The Senator is out of order. The Senator from Hancock, Senator Noyes has requested a ruling on a point of personal privilege. The Chair will rule that the various motions as stated by the Senator from Hancock, Senator Noyes, of recede, concur, insist and adhere, apply only to motions which are between the two branches in agreement, and do not necessarily preclude any other action. Inasmuch as the bill is before the Senate, regardless of any action on the engrossing having been reconsidered, a motion to amend is perfectly proper at this time.

Mr. ELA of Somerset: Mr. President, would a motion to recede and concur be in order at this time?

The PRESIDENT: The motion to amend takes precedence. The question now before the Senate is on the motion of the Senator from Washington, Senator Varney to adopt Senate Amendment A.

A viva voce vote being had, Senate Amendment A was adopted.

Mr. ELA: Mr. President, I now move that we recede and concur with the House in the indefinite postponement of the bill.

Mr. LEAVITT of Cumberland: Mr. President, I am unable to follow the reasoning of our Senator from Somerset. About the only

changes in this bill which we already have passed in the Senate is that the money now comes from the unappropriated surplus, instead of from the General Fund. It does put a little more protection around the money so that it has to be expended at \$250 to a person. It seems to me it is a type of action which will encourage students to go to our teachers' colleges.

As you all know, I have debated here, and argued for a long time relative to the building of schools which I think we need. We do also need new teachers. It takes longer to get a teacher than it does to build a school. We are going to have a shortage of teachers. It is inevitable. I believe that this is a way that we can, on a long-range program, start to build the teachers' education to the point where we will have more teachers in the years to come. I think it is a very good bill. I do not differ with the Senator from Somerset on his right to make his motion, but I do hope that you will not concur with him, and that you will go along with it and see if we can not get some aid from the House in passing this bill.

Mr. ELA of Somerset: Mr. President, regardless of the words "trust fund" in the amendment, it was very clear to me that it was a recurring item to be spent at the rate of not exceeding \$25,000 a year. We apparently haven't the money in current revenues to take care of it. Furthermore, we would be setting up a class of discriminatory acts between students as to who was to say that this student should get it, and that one shouldn't. The state must be very, very careful in being perfectly fair between all their students. But my main objection is to the fact that it is out of current revenues. It has been clearly indicated that the current revenues are not there.

The PRESIDENT: The question before the Senate, is on the motion of the Senator from Somerset, Senator Ela, that the Senate recede and concur.

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

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

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Resolve to Provide for a Refund of Contributions to Certain Teachers (H. P. 1500) (L. D. 855) tabled by that Senator on May 4 pending final passage; and on further motion by the same Senator, the resolve received final passage.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Resolve Relating to Construction of Airports (H. P. 1444) (L. D. 802) tabled by that Senator on May 4 pending consideration.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, if I wait many more hours, or many more days, I will be so sleepy I can't even discuss this bill. So, perhaps we had better discuss it now. It looks to me as though we in this Legislature are selling aviation down the river. All our airport bills are being slaughtered. Here is one bill that comes out of the important and competent committee on Appropriation and Financial Affairs unanimously ought to pass, calling for \$300,000 for airport construction. We went into this matter in some detail. We went over the whole aviation problem. We discussed it from the commercial point of view and from the point of view of the necessity of having airports if we were to keep our air service.

I would merely remind you at the time that this bill which would spend \$150,000 each in the next two years is primarily for us to take advantage of federal funds to keep our airports in condition until we can get federal funds under our bond issue. The Appropriations Committee thought it was a very good idea.

With the exception of Presque Isle and Houlton, we can't land

modern planes on our airports. The CAA has ruled that now even these DC-3's are unsafe and must be retired by 1953. Our airports can not handle the convairs, as my good friend, Senator Barnes brought out last week. They don't land at Augusta, and they don't land at Waterville. They can only land on one of our runways at Portland under certain weather conditions, and in Lewiston and Auburn under certain conditions on one runway.

As you know, the federal government is trying to develop feeder lines to take care of our summer spots and to give the benefit of air service to our industries here in the state. We feel the benefit of air service to our industries here in the state. We feel that just as education seems to be taking a backward step, so is aviation coming to a sudden stop here in Maine.

I think that before we kill all of these aviation bills, perhaps we in the Senate, as I said the other day, might stop and pause and have a little bit of faith in the future. I move to accept, Mr. President, the favorable committee report in non-concurrence on resolve relating to the construction of airports.

The PRESIDENT: The Chair will state for the information of the Senator, that this resolve was passed to be engrossed in the Senate; it comes from the House having been indefinitely postponed. The Senator's motion is not in order.

Mr. ALLEN: Mr. President, I move that the Senate insist and ask for a Committee of Conference.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I realize that at this stage of the Senate proceedings it might be entirely in order to confer with the other body in an effort to get the two branches together. However, this is a \$300,000 item. My expert accountant displays a balance of \$2,208,350 in surplus. I would remind the Senate that on the statute books is the provision that the council orders are added up at the end of each year and so long as they do not exceed \$450,000 per

year, those council orders representing the contingency fund are taken from the unappropriated surplus of the General Fund. So, there is a statutory contingent liability on this \$2,208,000 surplus of \$900,000, bringing that surplus down to \$1,300,000 with which to support over the next two years an expenditure budget of some fifty millions of dollars. I question the wisdom of any substantial reductions, particularly when those expenditures, commendable as they may be, are in the order of \$300,000 to tackle a problem that all of us recognize to fulfill is in the order of many millions of dollars.

I recognize that there are many airports in the state that need construction funds. I recognize that in my own locality there is a multi-million-dollar airport that probably ought to be expanded. But to take \$300,000 in an effort to solve this tremendous statewide problem doesn't seem to me as though it is going to accomplish too much. If it is passed, it seems to me that we are continuing on the surplus an attack down to a point that is getting pretty thin. I realize I am guilty for having made a number of the motions yesterday that pulled that surplus down. But generally, they were specific things which could be accomplished individually by our actions of yesterday and today.

I therefore oppose the motion of the Senator from Cumberland, Senator Allen, and thereby indicate the opinion of at least one member of the Senate that these other measures which did have acceptance were at least some more deserving than the \$300,000 airport bill.

Mr. BARNES of Aroostook: Mr. President, I must confess that I am a little bit bewildered at this point. I usually am when it comes to a discussion of figures. I think I gathered from the remarks of the Senator from Penobscot that we are reaching the bottom of the appropriations barrel, but I had thought that that barrel had a false bottom in it, and that there

was \$2,000,000 tucked away for the very purposes that he now mentions. The tote board says we have \$2,208,000 and some dollars, and with that other \$2,000,000, that makes \$4,208,000. Do I understand the Senator to claim that it is necessary to leave that amount intact in the State balance sheet at the moment.

Mr. HASKELL of Penobscot: Mr. President, I would reply to the Senator from Aroostook by indicating that the \$2,000,000 which we set up as working capital appears to some of us, at least, to be an essential working capital balance.

As explained in the rather lengthy debate on the subject that I enjoyed with the Senator from Androscoggin, Senator Boucher, I think it was brought out that with the several hundred thousand dollars worth of checks that the State writes each year, we are required to maintain in the banks substantial cash balances. I think that it was also pointed out General Fund revenue is irregular in its receipt by the State, in that there are periods of the year when those revenues are at a minimum. There are other periods when they reach a maximum, and I will again repeat it is up to the Legislature at any time to recall that working capital just as you can recall the inventory investment you have in the liquor stores of the State. Yet, as working capital, and the need exists for working capital, I don't think we ought to consider that in our various expenditure procedures.

If we were wrong in concluding that this General Fund business needs working capital, we certainly were wrong in the assumption that the State highway garage needs working capital, that the State prison needs working capital, or the division of sanitary engineering needs working capital, or that any of our institutional plants needs working capital. As I have indicated before, this is for the express purpose for use as working capital, and I don't think it would be too sound to consider appropria-

tions from that, unless we want to reverse ourselves and say no, the State doesn't need working capital and that we don't need substantial balances to carry on the business of the State.

So, in conclusion, it is still my thought that we ought to confine our thinking to the \$2,208,350. I think we ought to remember that unless we change the statute, the Governor and Council still have a claim to \$450,000 a year for items that could not be foreseen by the Legislature, and which, if expended by the Governor and Council are a direct charge to surplus.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the Senate insist and ask for a Committee of Conference.

A viva voce vote being doubted

A division of the Senate was had.

Eleven having voted in the affirmative and seventeen opposed, the motion to insist and ask for a Committee of Conference did not prevail.

Thereupon, on motion by Mr. Haskell of Penobscot, the Senate voted to recede from its former action and concur with the House in the indefinite postponement of the bill.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Aeronautics on Resolve Proposing an Amendment to the Constitution to Authorize a Bond Issue to Match Federal Funds for the Construction and Improvement of Airports (S. P. 415) (L. D. 773) tabled by that Senator on March 22 pending consideration of the report.

Mr. ALLEN of Cumberland: Mr. President, I move to substitute the bill for the ought not to pass report of the committee. I am standing here this afternoon as I stood here last week to tell you you are selling aviation down the river. I think we have got to consider the future instead of worrying so much about

today. I talked at some length on this issue last Friday and I am just as much interested now as I was then. I am not going to take time to debate this. I have made my motion and the Senate knows what it wants to do but as I have told you, the future of commerce and the future of our summer industries in the state are very dependent on this mode of transportation. It is essentially a part of the mode of life of our country. I certainly hope my motion prevails.

Mr. SLOCUM of Cumberland: Mr. President, I am on the Committee on Aeronautics. We had this matter before us. I was very much in hopes that I could vote for it. I felt that under the circumstances of other bond issues for highways and other various projects that if the state of Maine could find \$300,000 to help our airports it possibly was not the time to go along on a bond issue for airports. I believe something should be done although I concurred with the other members of the committee in an ought not to pass report. However, I feel that we should do something with the bond issue and I therefore am going along with Senator Allen.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the bill be substituted for the report.

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

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

On motion by Mr. Varney of Washington, the Senate voted to take from the table House Report from the Committee on Education on bill, An Act Relating to Secondary School Tuition (H. P. 1951) (L. D. 1324), reporting "Ought to Pass" as amended by Committee Amendment A, tabled by that Senator earlier in today's session.

Mr. VARNEY of Washington: Mr. President, my reason for tabling that this morning was to acquaint myself with the amendment to the

bill. As you are aware, there are towns which do not maintain high schools. They send their children to high schools, or academies, in other towns, and the state will reimburse them for two-thirds of the tuition up to \$1,000. It also provides, too, that some of the smaller towns perhaps have school teachers maintaining only two courses. Many send their children to other high schools which maintain three or more courses, two of which shall be industrial or occupational, and the town would become responsible for the tuition of those children up to two-thirds of the amount providing it is approved by the superintendent of the school committee.

Now, the amendment as proposed by the committee reduces the state subsidy from two-thirds of the cost to tuition to one-quarter of the cost. This is going to work quite a hardship on many of the small towns, as the state subsidy has been for a great many years two-thirds of the cost of tuition up to a thousand dollars, and when you reduce that tuition to one-quarter of the part, then you are taking away from those towns quite a substantial sum.

At this time, I will make a motion that Committee Amendment "A" be indefinitely postponed.

Mr. ELA of Somerset: Mr. President, I am wondering if the Senator from Washington meant Committee Amendment A or House Amendment A.

Mr. VARNEY of Washington: Mr. President, No, I wasn't particularly concerned about House Amendment A. It is the Committee Amendment A which affects me.

Mr. LEAVITT of Cumberland: Mr. President, I think Senator Varney has mistaken the intent of Committee Amendment A. In putting in the one thousand dollars we did compensate for the difference between one-fourth and two-thirds. It is more or less of an involved computation but it was worked out according to the department and those who were interested in the situation that if we took out two-thirds

and put in one-fourth and then allowed up to one thousand dollars the result would be about the same, the towns would receive about the same so that the payments they made would be compensated. It is very complicated but I think it works out about right and I do hope the motion does not prevail.

Mr. VARNEY: Mr. President, I am thinking now of the small high school that is now perhaps sending nine students to a tuition school and they are paying a hundred dollars for each student which amounts in the aggregate to \$900. That town will be reimbursed to the amount of \$600 under the present bill but under the amendment that town will be reimbursed for only \$225 of the cost and there are very few schools, I am sure, whereby two-thirds of the tuition will ever amount to more than \$1,000, towns that are not maintaining high schools. That is just to illustrate how this amendment is going to affect the small towns throughout the state, and I come from one of those small towns.

Mr. NOYES of Hancock: Mr. President, in view of the misunderstanding on this amendment and what it does, I move that the bill and accompanying papers be laid upon the table pending the motion of the Senator from Washington, Senator Varney, that Committee Amendment A be indefinitely postponed.

Thereupon, on motion by Mr. Noyes of Hancock, the bill and accompanying papers were laid upon the table pending motion by the Senator from Washington, Senator Varney, that Committee Amendment A be indefinitely postponed.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, An Act Relating to Tax Stamp Discounts in Cigarette and Tobacco Products Law (H. P. 1541) (L. D. 818) tabled by that Senator on April 1 pending passage to be enacted.

Mr. HASKELL of Penobscot, Mr. President, when we increased the cigarette tax from two cents to four

cents, we cut the duties from seven per cent to three and a half per cent on the sound theory that it costs no more to put a four cent stamp on a package of cigarettes than a two-cent stamp. Then when we enacted via this amendment two years ago the tobacco tax on cigarettes and other tobacco products, we provided the same three and a half per cent duty. The cigarette dealers presented a claim that we should have left at seven per cent the duties on the stamps on the other products. It seemed reasonable to the committee and went along to enactment, but it will take \$24,000 a year from General Fund revenues. Despite the fact that it is a just claim, personally, I see no possibility of its enactment in fairness to the general procedure that we are following, in that our available General Fund revenue is now down to a very small figure, even considering our action on the night harness racing bill and our subsequent action on the fire control bills. Therefore, reluctantly, I move that the bill be indefinitely postponed.

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

Sent down for concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table, House Report "Ought to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Erskine Academy (H. P. 540) (L. D. 1442) tabled by that Senator on April 11 pending consideration of the report; and on further motion by the same Senator, the "Ought to Pass" report of the committee was accepted in concurrence, and under suspension of the rules, the resolve was read twice and passed to be engrossed in concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Resolve in Favor of Caswell Plantation (H. P. 541) (L. D. 1517) tabled by that Senator on May 3 pending final passage;

and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Resolve in Favor of Edward D. McKeon of Kennebunk (H. P. 1463) (L. D. 1516) tabled by that Senator on May 3 pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Resolve in Favor of Myrtle Keefe of Fryeburg (S. P. 248) (L. D. 1548) tabled by that Senator on May 4 pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Resolve Appropriating Moneys to Repair, Recondition and Maintain Lot and Monument of a Former Maine Governor (H. P. 2039) (L. D. 1454) tabled by that Senator on May 4 pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Resolve Providing for the Construction of an Employees Dormitory at the Augusta State Hospital (S. P. 158) (L. D. 226) tabled by that Senator on April 15 pending assignment for second reading.

MR. HASKELL: Mr. President and Members of the Senate, this is a resolve calling for \$460,000 out of the unappropriated surplus of the general fund. Undoubtedly the need is substantial but obviously, the money is not there and I regretfully move the indefinite postponement of the resolve.

The motion prevailed and the resolve was indefinitely postponed. Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from

the table bill, An Act Completing the Revision of the Unemployment Law (S. P. 346) (L. D. 623) tabled by that Senator on May 4 pending assignment for second reading.

Mr. BATCHELDER of York: Mr. President, this bill is a complete revision of the unemployment law since the revision of our statutes in 1944, and I would say during the 1945 Legislature and the 1947 Legislature a great many changes were made within our old law. Therefore, it has really become necessary that something be done making some revision in the law. I would mention that our Revisor of Statutes has been working on this for a considerable length of time with a member of the Unemployment Compensation Commission, and they have prepared this revision which is now before us. Also in this Legislature, we have again made a considerable revision in some of our laws by enacting some changes, and at the present time, in order to make these tie in with this particular bill, I will offer an amendment later which I will submit.

The motion prevailed and Senate Amendment A was adopted without reading; and on further motion by the same Senator, the rules were suspended, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table House Report "Ought to Pass as amended by Committee Amendment A" from the Committee on Legal Affairs on bill, An Act Amending the Charter of the City of Saco (H. P. 1988) (L. D. 1373) tabled by that Senator on May 5 pending consideration of the report; and on further motion by the same Senator, the "Ought to Pass" report was accepted and the bill was given its first reading; Committee Amendment A was read, and on motion by Mr. Batchelder of York, Committee Amendment A was indefinitely postponed in concurrence.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

Mr. HOPKINS: Mr. President, I move that we reconsider our action taken earlier in today's session whereby we accepted Report B "Ought Not to Pass" on Item 22 on the calendar, if my motion carries, an amendment will be presented and I shall ask for the privilege of tabling the bill until tomorrow.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I oppose this motion. We are getting into the closing days of this Legislature, and I don't believe this is of sufficient importance to delay the Legislature any longer. I will say, perhaps repeating, that under the existing law there is exempt from attachment already what amounts to eighty dollars a month. This only increases it to the extent of approximately five dollars a week isn't of sufficient importance, I believe, to change the law under which we have been getting along here for so many years.

I don't know the nature of the amendment, but I assume the amendment would be designed to take away some of the objections I spoke about this morning; I don't believe we need any change in this law at all. I don't see any need of this Senate reversing itself and reconsidering this measure which shouldn't have been passed in the first place. I will remind the Senators that first the bill came in "leave to withdraw" requested and granted, and then it was picked up by some other member and pushed back in here. It is not of sufficient importance to take up any more of our time, and I hope the motion to reconsider does not prevail.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I have no personal interest in this bill at all. In fact, I knew nothing about it until the bill was

ing. It was pointed out to me by several persons that the objection to the bill as drawn was that the exemption was not uniform for all people and could work a hardship in the administration.

That was the only reason that I asked for the privilege of reconsideration.

Mr. ELA of Somerset: Mr. President, I would like to support the motion for reconsideration. This exemption has been at twenty dollars for many, many years. Surely over the last 15, 20, 30, or 40 years if twenty dollars was all right, twenty-five dollars would now be proper.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Hopkins, that the Senate reconsider its action taken earlier today whereby it accepted Report B "Ought Not to Pass" on bill, An Act Relating to Attachment of Wages (H. P. 1719) (L. D. 1076)

A viva voce vote being doubted by the Chair

A division of the Senate was had.

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

Thereupon, on motion by Mr. Ela of Somerset, Report A "Ought to Pass in new draft" was accepted in concurrence, and the bill read once.

On motion by Mr. Hopkins of Kennebec, the bill and accompanying papers were laid upon the table pending consideration.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Resolve to Create an Educational Surplus Property Pool (H. P. 1953) (L. D. 1326) tabled by that Senator on May 3 pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill, An Act Relating to Secondary School Tuition (H. P.

1951) (L. D. 1324) tabled by that Senator earlier in today's session pending motion by the Senator from Washington, Senator Varney that Committee Amendment A be indefinitely postponed.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I have checked the amendment, and I agree with Senator Varney. It does exactly what he says that it does. The town that has only a few students will be penalized if this amendment were accepted. It seems to me that the committee on education, if they were to make a change in a bill, especially a bill with only two pages which amounts to as much as this would indicate, that we should have a new draft. I want to thank Senator Varney for finding this amendment and calling it to our attention.

When you apply this amendment to a town with only ten or a dozen tuition students, under the present law under which they are now operating, if they were paying a tuition charge of \$1,500 dollars, the state would reimburse them \$1,000. If they were paying \$1,200, the state would reimburse them \$800. But under the bill that we have under consideration, if this amendment were to pass, a town that is now reimbursed in the amount of \$800 for twelve pupils would receive only \$300. That is a change which I feel is rather drastic, and it seems to me that the intent of this thing is to discourage the continued use of these small high schools.

Now, I will agree that our small high schools are not efficient, but in some places they are absolutely necessary. In view of the fact that we have no place to send some of those students, if this bill were passed and these small high schools were closed, your school construction problem would be certainly aggravated. I certainly hope that this amendment is indefinitely postponed.

Mr. MCKUSICK of Piscataquis: Mr. President, it just came to my attention that there is a provision in that amendment in regard to

community schools which is very desirable to retain, and I wish the matter could be retabled.

Thereupon, on motion by Mr. McKusick of Piscataquis, the bill and accompanying papers were laid upon the table pending motion by the Senator from Washington, Senator Varney, that Committee Amendment A be indefinitely postponed.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on bill, An Act Relating to Certificates of Intention to Seek Nominations to Public Office (S. P. 207) (L. D. 270) tabled by the Senator from Kennebec, Senator Baker, on March 2 pending consideration of the report.

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

Sent down for concurrence.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I make a motion that the Senate reconsider its action taken earlier this afternoon where they substituted a bill for the unanimous report from the Committee on Taxation on Legislative Document 1096, an Act Relating to the Taxation of Boats. I would simply say that this bill has a unanimous report of the taxation committee ought not to pass. I was just wondering if the Senate realizes what this bill is.

This does not affect any boats in use in tidal waters. The law at the present time states that the boats should be taxed where the legal resident of the owner is. This would change the law to allow the towns and cities to tax the boats where they were, or would be on April 1st. I think it is only fair that the cities and towns be allowed to continue to receive the tax on boats of the legal residents of their towns. If the motion prevails to reconsider, I am going to ask that the bill be indefinitely postponed.

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

ate, I find myself in the embarrassing position of being a member of the committee which was unanimous and then take the exact position not indicated by the committee report.

As the Senator from Cumberland has said, the change, if the act is accepted, would permit the small town that might have some boats to tax the Chris Crafts, or what have you, regardless of the fact that they were owned by some wealthy resident of a large city. The proponents thought it was full of merit. There were others who thought that it probably was not true that these larger cities were failing to get the income from those boats. I am probably stating things that shouldn't be stated. At least, those of us who were in attendance at one of those last executive sessions suggested that the proponent of the committee amendment debate the thing out in the House, and at least one member of the committee said that whichever side prevailed in honest debate in the other branch, he will but carry it on when it gets to the Senate.

I can't keep that promise because of the action of my very good friend, the Senator. I think there is some merit in letting these towns where the boats are located have the privilege to tax them. It has seemed to me that if that happened to be the law, these boats would be much more likely to be taxed, because they would at least be in evidence to the assessors in those towns. I certainly have no firm convictions one way or the other, and I admit I am a bit embarrassed and ashamed at not having made that position clear in my signature on the committee report. But that is my complete confession on my action.

Mr. LEAVITT of Cumberland: I think the changing of the law which has been on the statutes for a long time with such treatment as our members of the taxation, the Senator from Penobscot, has explained is a mistake. He has virtually told us that it is a flip of the coin whether

this law be changed, or whether it won't be changed.

The only reason why my colleagues from Cumberland County did not interpret this as it was going along is that, as you explained yesterday we had to be pretty much on our toes, or we were going to find our bills were already enacted, and we were certainly sound asleep when that went through—perhaps resting up for this evening's session.

I think that the fact that this went through that way, and the fact that the committee, itself, is indecisive in whether there should be a change and are leaving it more or less to happenstance of who wins the debate in the House, and they really don't think it makes much difference, I think it is better to leave the law the way it is, and I hope that the motion of the Senator from Cumberland, Senator Bowker, will prevail.

Mr. NOYES of Hancock: Mr. President, I, too, am somewhat embarrassed. I was also a member of that committee. However, I signed the ought not to pass report, and I still feel that the bill ought not to pass. What the bill actually does is to tax boats where located. We have had in this Legislature, and in past Legislatures every session, several bills dealing with the change of taxation of boats.

The law is pretty well understood as to taxation of boats at the present time. I can visualize certain areas in the State inland waters upon which more than one town borders so that a boat could easily be moved from one town to the other, and possibly in the middle of the night. I wonder who will tax it then. I hope that Senator Bowker's motion to reconsider and followed by indefinite postponement does prevail.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, when I first came to the Legislature some ten years ago there was one thing I wanted to do, and that was to stop a lot of folks from evading their personal property tax. But I soon got wise to the fact that there were a lot more powerful groups

and individuals in the halls and around the Legislature than I was, and so I soon gave it up. But I have seen during the sessions that I have been here with perfectly good bills introduced with the point of view that property should be taxed where it was on the 1st of April, such as trailers, music boxes and several other items. But one thing will come along, and then another, and the bills usually end up about where they started at the beginning of the session.

Now I notice that the House struck a blow for freedom the other day on the taxation problem of small towns in making an act that boats could be taxed where they were on the first day of April. Could anything sound more reasonable than that? If a man lived in one of these towns and everybody knew that he had a boat, of course he would be taxed on the first day of April. But if he lived in some town or city ten miles from there, his assessors, of course would not be particularly interested in that town. And though we are all honest in turning in our taxes as I have been told by the different people around the halls, I don't believe that you or I ever turned in a boat to our local assessors if it were in another town. It is simply a method which has grown up of getting rid of taxation.

Now, if the towns in which the owners reside receive that tax money, I certainly would have no quarrel with the situation, but it is an actual fact in most cases that they don't. Therefore, certain categories of personal property, like some others, get along without any taxation. Now, I think that is very unfair to those who pay a tax on real estate. I think the personal property should be taxed on a par with real estate taxation. Real estate, whether you live in the particular town where that property is, or if it is some other place, is always located on the face of the earth. The tax on it can not be evaded as is the personal property tax.

I think it would be a fine move if this Senate showed the wisdom of the House in going along on this particular bill, and it would make it much easier for people to pay their tax on personal property in the form of boats which they might own in some other town from that in which they reside.

So, at this time, I hope the motion to reconsider does not prevail, and that the Senate continue along the course that it has taken.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, I disagree with Senator Williams about this. This present law on taxation of boats used in tidal waters is where the legal residence of the owner is, not where the boat is on April 1st. As Senator Noyes has pointed out regarding taxation of boats on tidal waters, that had been worked by some people that owned boats, and it used to be where the boat was on April 1st. Deals were made with boat owners by selectmen of certain towns so that their boat would be in one town on April 1st and hauled there for the winter. I know about the boat yards in Portland, the boats, the people who own boats, the number of the boats taken, and the boats in our lakes in and around Cumberland County, and the city assessors know who owns boats.

Why should the City of Portland lose the tax on those particular boats if they happen to be up to a lake on April 1st. That man that paid his personal property tax in the City of Portland is paying his tax and supporting our school teachers. Why should the town, just because his boat happens to be there on April 1st receive a personal property tax? He is paying that town or city his real estate for his property. I don't see why there should be any difference between the tax on boats used in tidal waters or on inland lakes, and as Senator Noyes said, you might get your boat out of there by April 1st and go out on the lake, and who is going to tax it then. I cer-

tainly hope that the motion prevails.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I think in regard to taxation of boats used on inland waters that we should keep in mind that perhaps the larger percentage of our inland waters are situated in unorganized townships, and if we should enact this particular law, the tax, if any at all were assessed, would be assessed by the state. I know in my particular section practically every body of water up there is in unorganized townships. People that own these boats haul them out and leave them at their camps during the winter. There is no doubt there is possibility at least some of them may be missed. We miss various items in assessing taxes.

It would seem to me that the towns are having some difficulty in regard to this taxation of boats. If they feel there is a good boat in their town that may be escaping tax, all they have to do is assess the tax, and they can very soon find out when they send the fellow a bill whether he is paying a tax elsewhere or not.

I hope that the motion of the Senator from Cumberland prevails.

Mr. WILLIAMS of Penobscot: Mr. President, in answer to some of these reasons I think this bill is for pleasure boats and not for cargo boats on inland waters. As far as this difficulty as to where the boats would be on the first of April, they could move back to their own city or town and have it taxed there. I don't think too many of these boats are moved from one place to another. I feel that a great many of these lakes up there are in organized towns. Senator Ward made reference to the fact that he is nearer the unorganized section of the state than some others, but his position is somewhat rare and in that case they are using the advantage of those places so that the state would receive from the unorganized townships, the tax on them.

As far as whether these municipalities should receive a tax or not, I call your attention to the fact that in most cases they furnish the road over which these boats are hauled into these inland waters, and as I said in the beginning, if they were taxed in the cities and the other towns, I would have no argument but I don't think there is a Senator here who does know that boats are just not taxed. Senator Ward has brought out that you could send a tax bill to them when it is against the law. I am surprised that an attorney would mention that, because they all know it is not legal for that town to assess them. I think this is a good bill and it is about time that we enacted something of this type so that one more form of personal property will not get by without being taxed.

Mr. SLOCUM of Cumberland: Mr. President, of course I should go along with Senator Williams because I live in the town of Standish. The largest boat yard on the Sebago chain of lakes is in Standish and boats from Windsor, Raymond, Casco, Sebago, Naples, Bridgton and I believe some from Harrison, are pulled out at this boat yard in Standish. Now my boat has been held over in the town of Windham for repairs at a small boat yard in Windham and it was there on April 1st, and I can assure the Senators that the selectmen in the towns on the Sebago chain of lakes know who have boats and they do tax them in the towns along with the summer places or other homes in those towns. I think it would be an injustice to those towns that do not have a boat yard so the boats can be pulled out in the fall and left over in the town where the person is taxed on his other real property, and I feel that all the boat owners are not necessarily tax invaders as might be inferred by some of the remarks on the floor of the Senate. I am sure the old law has not been working too inefficiently and I do feel that this would work more inequities than the inequities that may prevail under the present law.

Mr. WILLIAMS of Penobscot: Mr. President, I am not going to debate this on the standing of my own boat because I don't possess one. I am judging it simply from the standpoint of the problem that I have lived with as an assessor in a town for many years, and I think that is the standpoint it would be judged on by all the rest here who have ever been assessors. Apparently the gentleman from Standish never can have been or he would know that this is a problem that should be met.

For that reason the motion to indefinitely postpone should not prevail.

Mr. SLOCUM: Mr. President, I will simply say that I do know many tax assessors in the towns of Cumberland County have so far been able to find these boats and I hope the motion to indefinitely postponed does prevail, and, Mr. President, when the vote is taken I ask for a division.

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

A division of the Senate was had.

Twelve having voted in the affirmative and fourteen opposed, the motion did not prevail.

From the House

Senate Report from the Committee on Temperance, Majority Report "Ought to Pass with Committee Amendment 'A'"; Minority Report "Ought Not to Pass" on Bill "An Act Relating to Liquor Licenses in Unincorporated Places," (S. P. 511) (L. D. 1010)

(In Senate on May 5th, Majority Report read and accepted and the bill passed to be engrossed as amended by Committee Amendment "A".)

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

In the Senate on motion by Mr. Barnes of Aroostook, the Senate voted to insist and ask for a committee of Conference; the President

appointed as Senate members of such Committee, Senators Baker of Kennebec, Barnes of Aroostook and Ward of Penobscot.

The Majority of the Committee on Federal Relations on Bill "An Act to Amend the Unemployment Compensation Law with Respect to Coverage," (H. P. 1386) (L. D. 758) reported that the same ought to pass.

(signed)

Senators: SLEEPER of Knox
SLOCUM of Cumberland
Representatives:

BROWN of Baileyville
JONES of Bowdoinham
FITCH of Sebago
LETOURNEAU of Sanford
MUSKIE of Waterville

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

(signed)

Senator: BATCHELDER of York
Representatives:

JENNINGS of Strong
PAYSON of Union

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

In the Senate, on motion by Mr. Batchelder of York, the reports and the bill were indefinitely postponed in concurrence.

Bill "An Act to Control and Eradicate Bang's Disease." (S. P. 693) (L. D. 1605)

(In Senate, on May 5th passed to be engrossed.)

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

In the Senate, on motion by Mr. Denny of Lincoln, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment A was read and adopted in concurrence, and the bill as amended was passed to be engrossed in concurrence.

The Committee on Claims on "Resolve, in Favor of General Ice

Cream Corporation of Rockland," (H. P. 898) (L. D. 1622) reported that the same ought to pass.

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

The Committee on Judiciary on Bill "An Act Relating to Summation Arguments by Counsel in Criminal Cases," (H. P. 1980) (L. D. 1632) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Tremont School District," (H. P. 483) (L. D. 158) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Create the Town of Benton School District," (H. P. 1170) (L. D. 626) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bills read once; Committee Amendments "A" read and adopted in concurrence, and the bills as amended given a second reading and passed to be engrossed.

Communication

State of Maine

HOUSE OF REPRESENTATIVES

Office of the Clerk

Augusta

May 6, 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 Bill "An Act Relating to the Salary of the Commissioner of Labor and Industry." (H. P. 600) (L. D. 183)

Messrs: DOW of Falmouth

JACOBS of Auburn
MILLETT of Palmyra

Respectfully,
HARVEY R. PEASE,
Clerk of the House

Which communication was read and ordered placed on file.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Lee Academy," (H. P. 891) (L. D. 363) reported that the same ought not to pass.

(signed)

Senators:

BOWKER of Portland
SAVAGE of Somerset

Representatives:

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

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

(signed)

Senator:

WILLIAMS of Penobscot

Representative:

WEBBER of Bangor

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

In the Senate

Mr. WILLIAMS: Mr. President I move that the Senate accept the Minority report.

Mr. MCKUSICK of Piscataquis: Mr. President, I don't know how many of you are acquainted with this school. It is an academy and it is one of the so-called private schools. I think it is one of the most deserving schools in the state. Up until recently it has served eighteen small towns and plantations. The town of Winn is now giving up its little high school. They were running a high school with

thirty pupils and those thirty pupils are going down to Lee Academy.

The academy runs several buses. Those buses go off thirty or forty miles to these little towns and bring in students to this school who have no opportunity of going to high school in any place. It is worth the time to talk with some of the teachers from Lee Academy and learn of the effort some of those boys and girls are making to get to the school. Many of them are walking several miles to get the bus and then traveling thirty-five miles or more in the morning in order to get their schooling and this is the only opportunity they have.

I also call your attention to the fact that the school itself is making a special effort to get an extra building. I believe they already have a considerable sum of money on hand and are trying to raise the balance needed and they are seeking for asking for this comparatively small amount to aid them in their efforts to serve this very large area of towns which have no other opportunity for their students to attend high school.

Many of those children have parents who are not financially able to send them to schools where they would have to pay tuition. I feel that this is one of most deserving schools in the state and I think if you had the opportunity to inquire into and talk with the teachers and find out conditions under which these boys and girls live in homes that are poor, I think you would be satisfied that they are doing a wonderful job there and I hope you will be able to give them this little help.

Mr. BOWKER of Cumberland: Mr. President, I would like to go along with Senator Williams on this resolve in defense of the Minority "Ought to Pass" report. The Resolve called at that time for fifty thousand dollars. Since the amendment has been put on the resolve, it cut it to \$25,000 and I think I am speaking for both Senator Savage and myself that we all agree it is deserving and the Minority report should be accepted.

Thereupon, the Minority Report was accepted in concurrence and the resolve read once; House Amendment "A" was read and adopted in concurrence, and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

On motion by Mr. Haskell of Penobscot

Recessed until seven o'clock this evening, Eastern Standard Time.

After Recess

Then Senate was called to order by the President.

Enactors

Bill "An Act Relative to Sale of Wild Hares and Rabbits." (H. P. 353) (L. D. 118)

Bill "An Act Relating to Compensation for Members of the Boxing Commission." (H. P. 756) (L. D. 293)

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

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

Bill "An Act Relative to Crop and Orchard Damage." (H. P. 1134) (L. D. 542)

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

Bill "An Act to Incorporate the Topsham School District." (H. P. 1309) (L. D. 686)

Bill "An Act Relating to Aid to Dependent Children." (H. P. 1551) (L. D. 869)

Which bills were passed to be enacted.

Resolve Providing for Construction of Dormitory for Female Patients at Augusta State Hospital (H. P. 631) (L. D. 1444)

Mr. HASKELL: Mr. President, this is a resolve which I thought was indefinitely postponed this afternoon. Apparently I was mistaken. I now move that the resolve be indefinitely postponed.

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

Sent down for concurrence.

Bill "An Act Relating to the Duties of the Insurance Commissioner and State Fire Inspectors." H. P. 1788) (L. D. 1127)

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

Which bills were passed to be enacted.

Bill "An Act Relating to Hairdressers and Beauty Culture." (H. P. 1954) (L. D. 1327)

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

On motion by Mr. Cobb of Oxford, tabled pending motion by the Senator from Cumberland, Senator Bowker to indefinitely postpone.

Bill "An Act to Provide for a Council-Manager Form of Government for the City of Westbrook." (H. P. 1983) (L. D. 1364)

Bill "An Act to Revise the Charter of the City of Westbrook." (H. P. 1984) (L. D. 1365)

Bill "An Act Relating to Fees Payable to Registers of Deeds." (H. P. 2041) (L. D. 1464)

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

Bill "An Act Relating to Aviation." (H. P. 2096) (L. D. 1581)

"Resolve, Providing for Certain Construction at the Bangor State Hospital." (H. P. 632) (L. D. 1350)

(On motion by Mr. Haskell of Penobscot, indefinitely postponed in non-concurrence,

Sent down for concurrence.)

Bill "An Act Creating the State Board of Education." (S. P. 294) (L. D. 488)

(On motion by Mr. Haskell of Penobscot, tabled pending final passage.)

Bill "An Act Relating to the Salary of the Judge of the Lewiston

Municipal Court." (S. P. 466) (L. D. 917)

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

Bill "An Act Relating to Interstate Shipment of Shellfish." (S. P. 510) (L. D. 1008)

(On motion by Mr. Noyes of Hancock, tabled pending final passage.)

Bill "An Act Relating to Salaries of State Department Heads Set by Statute." (S. P. 665) (L. D. 1496)

(On motion by Mr. Haskell of Penobscot, tabled pending final passage.)

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

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

Which bills were severally passed to be enacted.

On motion by Mr. Ward of Penobscot, 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 May 4 pending motion by Senator Bowker of Cumberland, that the bill be indefinitely postponed.

Mr. WARD of Penobscot: Mr. President and members of the Senate, you have just successfully indefinitely postponed two other bills, and I am hopeful in respect to this particular measure that you will change your mind and not indefinitely postpone it. I am not going into a long discussion in relation to the bill, itself. If you will recall, the merits of the bill were fully debated in the Senate, and this body saw fit to pass the bill to be engrossed. It carries with it an appropriation of \$10,000 from the General Fund, and for that reason I assume the Senator from Cumberland, Senator Bowker, moved the indefinite postponement of the measure.

As I told you before, this particular setup has been tried in the State of New York where they estimate that they have saved at least eight dollars for every dollar invested in the plan. It seems to me that if the State of Maine ever needed a plan to encourage its employees and perhaps give them some lift, it is now.

Since this bill was passed to be engrossed in the Senate, I happen to know that on the 1st of April the Bangor and Aroostook Railroad, one of the most efficiently operated railroads in the country, has put this plan in effect for its employees. Sometime during the day, the Senator from Penobscot, Senator Haskell, read into the record that a conservative estimate of the revenue which the night racing bill would produce is in the vicinity of \$225,000 per year for the next two years. And deducting from this revenue all of the forestry bills, deducting from it all of the claims which haven't passed, and are in the mill, and all of the pensions which have been passed, or in the process of being passed, it leaves a balance in General Fund of approximately \$80,000 at this time.

As I have said, this particular bill calls for \$10,000. It seems to me that this is a very desirable place in which to invest ten of the eighty thousand dollars which we do have, and for that reason I hope you will vote against the motion for indefinite postponement, and that you will enact this bill.

Mr. ELA of Somerset: Mr. President, long before we were in our financial difficulties, you will remember that I opposed this bill for other reasons, but I did mention the financial aspect. I believe that the best efforts of our employees will be put forth without this merit award. It will create dissatisfaction and dissension, I believe, in the departments. It can be abused. The heads of departments should be well enough informed to put these savings into effect. It will cause increases in pay which in my opinion will be far, far beyond

the \$10,000 a year mentioned, if it becomes available.

We do really need this \$10,000, and I feel that by the time we get through the list of bills which require current revenue that this \$10,000 will be desperately needed.

Mr. SLOCUM of Cumberland: Mr. President, I do not know how many members of the Senate have been in the position of being in charge of a department of the State of Maine, or how many members who have had a similar experience that I have had being in charge of a department of the federal government. It has been said that one works for only one of two purposes, fear of punishment or hope of reward. I know you can catch more flies with molasses than you can with vinegar. I know that if there is some slight appreciation of service or of recommendation of efficiency, that you will get more back than the amount of any reward the state might give in this particular item.

I know from personal experience. I believe that there are many who view this word "economy" with a different interpretation than your humble servant. Economy is the wise disbursement of money. The lack of spending money is parsimony if one does not get at least a reasonable return on his investment. I believe that the investment of a small number of dollars in such a case as this would bring back many dollars in return over and above the original investment. I hope that the motion of the Senator from Penobscot, Senator Ward, will prevail.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, as the signer of the ought to pass report on this bill, I feel that I should say a word or two on it at this time. I got in here a bit late on the debate, but if I heard correctly, the Senator from Somerset said he was for this bill before we were in our present financial difficulty. I am glad to hear him say that, and I recognize that we are in financial difficulty. I think

this bill would be of great benefit to the State of Maine.

Employees working on a wage scale such as they are now, and such as they may find they have to work under if we can't find something to make up the money on this three, four, five proposition, they certainly should have some incentive laid before them. You will have not only the advantage of any employee who does so well in his work that he actually wins an award, but the advantage of all of those who attempt to win the award as well.

This measure, it seems to me, will be a wise investment of the amount that it calls for. I certainly hope that the bill will pass and that the motion to indefinitely postpone will be defeated.

Mr. BOWKER of Cumberland: Mr. President and members of the Senate, since the action was taken by the Senate this morning on the revenue that was anticipated by the night racing bill, I would simply say that with the forestry bills calling for \$138,993 the first year and \$136,893 the second year, the claims and pensions bill calling for \$54,703 the first year and \$35,000 the second year and \$193,696 the first year and \$171,893 the second year, leaving a balance in the General Fund operations from anticipated revenue of \$31,400 the first year and \$59,810 the second year. Even if this bill passes calling for \$5,000. I do think it is a good bill, as I said before. It would still leave \$26,400 in the first year of the biennium and \$55,810 the second year.

At this time, I would like to withdraw my motion of indefinite postponement.

The PRESIDENT: The Chair will state that the motion cannot be withdrawn at this stage of debate unless by express permission of the Senate.

Mr. BOWKER of Cumberland: Mr. President, I will hope that my motion to indefinitely postpone will be defeated.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Bowker,

that the bill be indefinitely postponed.

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

Thereupon, on motion by Mr. Ward of Penobscot, the bill was passed to be enacted.

On motion by Mr. Baker of Kennebec, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs on Resolve Authorizing the Board of Registration of Medicine to Issue License to Stanley Beckerman of Bgrade, (S. P. 612) (L. D. 1302) reporting Majority report "Ought not to pass", Minority Report "Ought to Pass".

Mr. BAKER of Kennebec: Mr. President, I am going to move that the Senate accept the ought not to pass report and the reason for that is that I have been assured by the Governor's Secretary and also the Board of Registration in Medicine that Mr. Beckerman is being granted a license. I therefore 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. Hopkins of Kennebec, the Senate voted to take from the table, bill, An Act Relating to Attachment of Wages, L. D. 1613, tabled by that Senator earlier in today's session, and that Senator presented Senate Amendment "A" and moved its adoption.

"Senate Amendment 'A' to H. P. 2119, L. D. 1613, Bill 'An Act Relating to Attachment of Wages.'

Amend said Bill by striking out the underlined words "if a married man and not exceeding \$20 if a single person" in the 7th and 8th lines thereof."

Mr. HOPKINS of Kennebec: Mr. President, in support of the motion, I will simply explain that this amendment makes the bill uniform in regard to an unmarried man without dependents. That seemed to be the objectionable part of the bill. It seemed to me reasonable

that it should be uniform, and I submitted this amendment. Of course, I have no feelings in the bill one way or the other.

Mr. BARNES of Aroostook: Mr. President, it has been represented to this Senate that one of the reasons for the passage of the bill as it originally appeared in new draft was that Massachusetts had a law which made a distinction between married men and unmarried men.

Now, I simply repeat this, and I won't bore you or tire you, I hope, that under the present law eighty dollars of the personal wages earned by a man during the thirty days next preceding the date of the attachment is already exempt. Senator Ward pointed out to you this morning that when the law was originally put into effect back in 1883, the general custom was to pay by the month, and only twenty dollars was exempt under the law at that time, but now when concerns pay their help every week, it amounts to four times twenty dollars, or eighty dollars a month, which it seems to me is sufficient for an exemption.

I hope that those who saw it that way this morning and voted against this bill will rely on those of us who are in this business all of the time and know the story, and will go along with us and defeat this bill. Now, it doesn't even have any distinction between married and unmarried men.

Mr. HASKELL of Penobscot: Mr. President, I was reluctant to speak on a judiciary bill, as I am reluctant to appear before that august committee. But recognizing that the Senator from Aroostook, Senator Barnes, knows about this business, I will submit that as an employer, I, too, have had a little bit of experience of having met the sheriff at my door and having received from him certain documents which compelled the company that I work for to handle who ever has seen fit to employ counsel concerning the debt of certain moneys owed by our employees.

It seems to me that by withholding only twenty dollars a week for the employee and his family we are not being realistic with respect to modern times and modern conditions. Again admitting my reluctance to talk about judiciary matters, as I understand the bill as now amended would permit me as an employer to tell the employee that he might take home twenty-five dollars to support himself and his family before the clients of these respected lawyers would get their share of his weekly wages. It seems to me that is entirely reasonable and consistent with the conditions under which we are living.

I hope that the motion does prevail, and that the bill as finally passed does give to the employees that meager twenty-five dollars upon which they and their children may live in the succeeding week.

Mr. BOUCHER of Androscooggin: Mr. President, coming from a small town and being a small employer of small people, I have had the same experience of the Senator from Penobscot, Senator Haskell, of having a sheriff or a deputy sheriff, serve papers on my small people to withhold their pay, and having to do the job of the lawyer to collect that money for them from my employee, and not getting any return from it except the thanks of the attorneys for collecting those fees and turning them back to the lawyers.

Being serious, I do really feel that the times having changed, a man should have at least twenty-five dollars weekly that he can call his own, and which nobody can take away from him, in order to buy bread and butter and pay lodging.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, the Senator from Penobscot expressed my views in the matter. I didn't mean when I said I had no feeling in it that I had no views in it. I believe twenty-five dollars is little enough to allow a man to take home.

That was not the reason I attempted to amend the bill, but I think it would have been a mistake

to allow the bill to go along and not have it uniform, because the bill as it was written is not extensive enough to cover all situations. I can assure you there is not any unanimity as to what the law should be, and even with the high regard I have for the members of the Judiciary Committee, I have talked with other attorneys. They have all cited experiences, and there is no agreement among them. One would say yes on a point, and the next would say no on the same point. So, I think if we are going to be realistic about it, it must be admitted that all attorneys do not agree with the Senator from Aroostook.

Mr. WARD of Penobscot: Mr. President, just for the record, it has been intimated here that when a trustee writ has been served upon the employer that immediately the employer deducts twenty dollars and pays over whatever the balance may be to the attorney. Of course, such is not the case. A trustee writ is the beginning of an action. When it is served on an employer, if the employee has wages in excess of twenty dollars, the employer becomes the trustee of that amount of money. And when the writ is returnable into court, the employer is obligated to go into court and file a disclosure, and if the judgment is finally rendered in favor of the creditor, then the court issues an order, or an execution, against the employer, and it is then that he pays over the funds.

So far as the lawyers are concerned in these matters, they have no legal right to collect any money from the employer until the court so orders, and the employer has no right to pay any funds over to the lawyer until the court so orders. So far as any one of these employees is concerned who may have their wages trusted, if they are so inclined, they can file an indemnity bond which will immediately release all of their wages, and the matter can then go into court for a final determination. If the judgment is then rendered in favor of the debtor, then there is nothing further done. If the judgment is against him, then either he

or the men on the bond are obligated to pay it.

The whole question comes down to whether or not you feel you should increase this amount of money from twenty to twenty-five dollars for the benefit of these people whom the creditors feel that it is necessary to bring action against in order to collect their just debts.

Mr. BAKER of Kennebec: Mr. President, I have no particular interest in this matter one way or the other, but I have found from my experience in serving trustee processes, and I believe I am correct in that statement, that I never have had occasion to enter a trustee writ in any municipal court or superior court.

The usual result of these trustee proceedings is that the writ is served upon the employer, and nine time out of ten the employee, or the person whose wages are trusted will come to your office and make some arrangements to take care of the account, or he will go to the employer and an arrangement is made with him to make some type of arrangement to withhold some of his wages and pay the debt.

It is my feeling that this really makes no difference one way or the other. I believe whether the exemption is twenty dollars, or whether the exemption is twenty-five dollars, the same results will be obtained. I concur with the Senator from Aroostook, Senator Barnes in hoping that this bill will not be passed.

Mr. BARNES of Aroostook: I think I noted a little note of irritation on the part of my good friend, the Senator from Androscoggin, and my good friend from Penobscot, Senator Haskell because they had been served upon. That isn't the question at all before us now.

We poor lawyers who try to take care of our clients have a lot of small clients that we have to take care of that aren't laboring men. They are small storekeepers and shopkeepers, and they have to pay the suppliers when they get their grocery orders, and they have to

pay them promptly. When those who come in and buy on credit don't pay their bills, they often go into bankruptcy. That happens a great many times when times are fairly hard.

I believe, and you can believe it or not, that no lawyer in the State of Maine could subsist on the small commission he gets out of these small claims, but I want you to consider this question that we are deciding now not only from the viewpoint of the laboring man, but some poor storekeeper somewhere that is going to be forced to go through bankruptcy by this proposition. This statute has been on our books since 1883, as has been pointed out to you before, and it has been said to be a wise statute in the world of commerce. Of course, I suppose the Bangor Hydro could subsist whether it lost a few small claims or not. The point I am talking to you about now is the small storekeeper and small shopkeepers who have to be subjected to the wiles of bill dodgers, and believe you me there are plenty of bill dodgers. This statute is made for these storekeepers and shopkeepers.

It is not going to make a great deal of difference to the laboring man whether it is twenty-five dollars or twenty. As the Senator from Kennebec has told you, there is not one of these cases out of at least one hundred that ever comes to a final disposition through trustee process. Every small town has these debtors who are trying to dodge their bills, and usually they are well known. We have to give them a poke once in a while with the trustee process, and I believe if you amend this, you would be doing a disservice to the State of Maine.

Mr. ELA of Somerset: Mr. President, all the people who are affected by this legislation aren't dead beats and debt dodgers. There are some people who get into trouble. There is sickness. There are any number of things that can happen to a family. Some of the families are large. Some of them are small. You can't draw this law for every type of condition in the

family. But somewhere you should set a limit which is right and reasonable. Back through the years, at least for the last thirty or forty, we have been paying employees, by and large, weekly. Twenty dollars has been deemed a reasonable exemption through those years. Certainly if twenty dollars was reasonable back through the early part of the century, with the conditions as they exist today, I believe that twenty-five dollars would be little enough.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, I have been one of those small storekeepers who have had numerous accounts, as we all do in that business. I don't know of any storekeeper that ever trusted a man's wages as long as that man was making a conscientious effort to pay an honest bill. But when we found that he did not want to pay, or was trying to avoid paying, we had to obtain the services of a lawyer and sue through a trustee writ. For that type of a man, twenty dollars certainly is enough exemption for him to have.

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

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

A division of the Senate was had.

Twelve having voted in the affirmative and eighteen opposed, Senate Amendment A was not adopted.

Thereupon, on motion by Mr. Barnes of Aroostook, the bill was indefinitely postponed.

On motion by Mr. McKusick of Piscataquis the Senate voted to take from the table bill, An Act Relating to Secondary School Tuition (H. P. 1951) (L. D. 1324) tabled by that Senator earlier in today's session pending consideration.

Mr. VARNEY of Washington: Mr. President, I ask permission to withdraw my motion to indefinitely postpone Committee Amendment A.

The PRESIDENT: The Senator is granted permission to withdraw his motion.

Thereupon, Mr. Varney of Washington presented Senate Amendment A to Committee Amendment A and moved its adoption:

"Senate Amendment A to Committee Amendment A to L. D. 1324. Amend said amendment by striking out all after the first paragraph thereof."

Thereupon, the Senate voted to reconsider its former action whereby it adopted Committee Amendment A; Senate Amendment A to Committee Amendment A was adopted; Committee Amendment A as amended by Senate Amendment A was adopted.

Mr. ELA of Somerset: Mr. President, I now move the indefinite postponement of House Amendment A.

Mr. McKUSICK of Piscataquis: Mr. President, this may perhaps be a little confusing. I will try an explain it somewhat. As you know, the expenses of schools have been going up rather rapidly lately and our present law, if I recall it correctly, provides that a school where more than ten per cent of the pupils are tuition pupils may charge tuition at an amount not to exceed \$150 provided that amount is not in excess of actual costs. The state department has drawn up a list of all the things that may be included, that is, wages to teachers, fuel, janitor service, text books, supplies, minor repairs, expense of insurance, and depreciation, to the amount of three per cent of the insured value, and that amount is taken and from that is deducted the state subsidy and the remainder is divided by the number of pupils which gives the cost per pupil.

Adding that formula, especially in towns with a school building of considerable value, and 3% of the insured value as depreciation brings the cost of tuition up to a considerable sum, in many cases far above our present \$150. This present law in its original form provided that such a school, where more than ten

per cent are tuition pupils, may charge an amount not to exceed 120 per cent of the average for all high schools in the state and a school which has less than ten per cent of tuition pupils may charge an amount not to exceed one hundred per cent of the average cost.

Now the amendment which the Senator from Somerset seeks to indefinitely postpone cuts that percentage from 120 per cent for the schools with ten per cent tuition pupils to 100 per cent, and the small schools to eighty per cent. The committee amendment changed the old law which provided that the state would pay two-third of the tuition until its share was up to a thousand dollars. It changed that so it would pay one-fourth of the tuition until its share was a thousand dollars. The remainder then, of course, would be paid by the town. That provision, Senator Varney desired to strike out. The part we desired to leave in that amendment simply provided that a community school might charge the maximum tuition even though the number of pupils was less than ten per cent, and as you can readily see, in the community school we tried to take in all the territory which would naturally be served by that school so the probability would be that any tuition pupils would be scattered pupils coming from some considerable distance. I don't know whether I have made that entirely clear and I will be glad to answer any questions.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, that House Amendment A be indefinitely postponed.

A viva voce vote being had, the motion prevailed.

Thereupon, on motion by Mr. Ela of Somerset, the rules were suspended, the bill was given its second reading and passed to be engrossed as amended by Committee Amendment A with Senate Amendment A thereto in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Resolve in Favor of the University of Maine for Law School (S. P. 337) (L. D. 568) tabled by that Senator on May 5 pending motion by Senator Haskell of Penobscot to indefinitely postpone.

Mr. HASKELL of Penobscot: Mr. President, before the resolve is amended I would like to note my reluctance in participating in the eventual disposal of the bill. As the members who were present in the last session know, the bill went down with flying colors in a very close vote in the dying hours of the legislature. I am still convinced that the University of Maine Law School may possibly be provided for some time in the future, but obviously the lack of general income for the next biennium does not permit that. So, without making the motion for indefinite postponement I will take this means of expressing my regret that I am unable to support the bill.

The PRESIDENT: The Chair will state for the information of the Senate, that the bill was tabled pending the Senator's motion to indefinitely postpone.

Mr. SLOCUM of Cumberland: Mr. President, I am very sorry that we find it impossible to revive the law school at the University of Maine. There is held in trust by the University of Maine a certain number of law books which are now in boxes and are not being used at all, and some of the other books which are not boxed up and not used, are in the law library of the Bangor Library and are being used by the Law Court when it sits in Bangor.

These books which are not being used are held in trust by the University of Maine until such time as there might be a revival of the law school there. I am reliably informed that if the trustees of the University were given the authority they might loan these books to some other institution. We have at this legislature incorporated the Portland University Law School and it is hoped that if this suggested

amendment to this present resolve is acceptable to the legislature that the trustees of the University of Maine will at their discretion transfer such library facilities that are now at the University of Maine, to any incorporated law school in the state, in trust on a loan basis subject to recall on reasonable demand and notice.

Therefore, Mr. President, I hope that this motion to indefinitely postpone will not prevail for the purpose of introducing this amendment which will change the title from the Resolve in Favor of the University of Maine for Law School, to Resolve Relating to Law Library Facilities of the State of Maine, and allow the transfer temporarily of the use of these law books to the Portland University or any other incorporated law school in the state until they are needed by the University of Maine law school if and when it is revived.

This, I believe, is in the interest of using a talent which is now being buried. I have been informed by the friends of the University of Maine and friends of Portland University Law School that President Hauck of the University of Maine says, that it will be necessary to pass such a resolve to give the trustees of the University the authority if in their discretion, they think such a transfer of these law books is advisable.

Therefore, Mr. President, with the intent of introducing this amendment, I hope the motion to indefinitely postpone will not prevail.

Mr. COLLINS of Aroostook: Mr. President, I shall have to concur with the Senator from Penobscot in the indefinite postponement of this bill because that seems to be the only solution at the present time. Regarding this law library, I don't know the nature of it but where the Senator from Cumberland has remarked that it is in a trust, I think perhaps we should find out the conditions of that trust before passing any amendment to this particular bill. I know that some member of this legislature contacted Dr. Hauck and got the in-

formation which has been relayed to the Senate by Senator Slocum. I tried to get Dr. Hauck myself on the phone tonight, but he was in Bangor and I was unable to reach him so at the present moment I would prefer not to see the amendment pass, that Senator Slocum is proposing and for that reason I believe that the matter should be tabled and I will try to get the information later this evening. I so move.

Thereupon, on motion by Mr. Collins of Aroostook, the bill was laid upon the table pending motion of Senator Haskell to indefinitely postpone.

The PRESIDENT: At this time, the Chair will designate the Senator from Aroostook, Senator Barnes, as President pro tem of the Senate and will request the Sergeant-at-Arms to escort that Senator to the Chair.

This was done amidst the applause of the Senate.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying for the Issue of Paid-up Insurance Policies to Maine Members of the Military and Naval Forces of World War II (H. P. 2109) (L. D. 1599) tabled by that Senator earlier in today's session pending consideration.

Mr. LEAVITT of Cumberland: Mr. President, a little over two years ago, I stood with a few of the Members of the Senate opposing a bonus to the veterans of World War II. I did not oppose that bonus then because of any lack of appreciation of what the veterans of World War II have done for this country and for the democracies of the world, but because I did not believe the bonus plan then was practical. I did not think it did enough for those persons to make it worthwhile to go through with it, and I think that this plan here is even worse. It

provides that we give an insurance policy from the General Fund. By reading further, I see that it is hoped perhaps part of the horse racing revenue, as there will be certain parts of the horse racing revenues which will not be earmarked, can go for this bonus.

This insurance policy will give the veteran fifty dollars paid-up value immediately. I feel that if this bill passed, that a very large portion of the veterans would take the fifty dollars. That is a pretty meager, paltry sum to give to a man or woman who has spent three, four and five years in the armed service, fighting all over the world as they did. If they want to wait five years, they get ten dollars for each year they wait, and then they can have one hundred dollars. That is still a pretty paltry sum to pay for a bonus nine years after the war is over. And the best of all, when the veteran dies, then he will receive \$250. It doesn't seem to me he is going to appreciate that very much. His heirs may appreciate it, and I think that they will think that they didn't think an awful lot of John or Jim or whoever it was, that thirty years, or twenty years, or forty years after the war is over, they are going to receive \$250 because of the fact he was in the armed service. Nothing in this bonus makes any distinction for the man who fought one day or fought five years. I think it is a very poorly thought out plan. I think that the State of Maine would be ashamed of putting any such proposition up to the veterans. I therefore move indefinite postponement of this bill.

Mr. SLOCUM of Cumberland: May I ask through the Chair of the Senator from Cumberland, Senator Leavitt, what he would propose as a bonus.

The PRESIDENT: The Senator from Cumberland, Senator Leavitt, has heard the question and may answer if he wishes.

Mr. LEAVITT of Cumberland: I probably can not answer the question, but I will at least say one or two things. Had I spent and given

five years of my life, I wouldn't consider the State of Maine could afford to come anywhere near paying me for what I had given to them. I don't believe that a bonus of five thousand dollars would pay me for it. If I can't be paid something worthwhile, I had much rather do it for nothing than to have somebody give me a paltry few pennies. I think it is absolutely outside of the financial ability of the State of Maine to ever thank or reward these veterans for what they have done. Therefore, I think you better do nothing than to do something like this.

Mr. SLOCUM of Cumberland: Mr. President, I rise in opposition to the statement of my colleague from Cumberland County. I am going to try to restrain myself and use only parliamentary words. It is quite evident that Senator Leavitt is in favor of no bonus. That is his privilege. I am sure that he is doing what he believes is right. However, I fear that Senator Leavitt and those who might stand with him don't appreciate what the situation is.

The history of the bonus in the State of Maine is this. The first war that our country was involved in subsequent to the State of Maine becoming a state, was the war between the states. The men of Maine who served in that war were given a bonus, or as it was called technically at that time a bounty of one hundred dollars.

The State of Maine was a very small state at that time and had a small population. The state gave this gratuity, this symbol of appreciation to the men who served their country—\$100. The next war we got into was the war with Spain. They promised every man who served in the armed forces honorably in the war with Spain one hundred dollars. Incidentally there were paid only twenty two dollars of the hundred that they were promised and we still owe a debt to every veteran who served in the war with Spain, \$78. It is a moral debt. There is a bill before this legisla-

ture which will come up later, to settle that debt.

The next unpleasantness was the so-called World War I. The State of Maine, in its appreciation of services rendered to our country, gave every honorably discharged veteran who served ninety days or more, \$100 and they paid it with a bond issue.

Now we come down to World War II.

It has become the policy of the State of Maine, that we wish to show our appreciation for the patriotic services to our country of the men and women from the State of Maine, those men and women who served in the armed forces and were honorably discharged. We wish to give them a bonus, a gratuity, a tip if you wish to be a little bit nasty and call it a tip such as you slip under your plate after having had a meal.

Now we have got down to World War II and if we are going to discriminate against the men and women who served our State and our Nation in World War II, by saying "No, we do not appreciate the services you gave," then we will go along with Senator Leavitt and indefinitely postpone this measure. This measure, as has been explained is a little bit different.

The other measures were so phrased that the service men paid a substantial portion of their bonus in taxes. The Committee on Military Affairs had a number of bonus bills brought before it. Six, I believe was the number, and several other suggestions besides the formal bills. They sat down together and they agreed unanimously that they would bring in the most favorable bill to the Legislature, the one that they felt would show the appreciation of the people of the State of Maine, the one that would be passed by the Legislature and that in their judgment would be acceptable to the people in referendum.

This will not please all the veterans. It will not please all the members of the Legislature. It will

not please all the people who vote on it at referendum. In a democracy we do not all agree. However, this bill which passed unanimously in the Military Affairs Committee is the best suggestion that was brought forth. Admitted they cannot cash their bonus right off and get \$100 like the other fellows could, and blow it all in. As one opponent said, give it to them and they will go on a grand drunk. It won't please some of them, those who plan to pay off part of the debt on their homes or maybe their debt to the doctor for the birth of the last baby. It won't please all the veterans who would like to have a hundred dollars quickly to pay off some debts or to help buy a home.

We cannot please everyone but it is a small "Thank you" for their services. It will give fifty dollars if they want to blow it in and that is their privilege. We give it to them to use as they see fit. Those men who have been in uniform are no different than the rest of the population of our glorious United States of America. Putting a man in uniform doesn't change his character. The bums will still be bums, but ninety percent of our population are not bums and ninety percent of those who have been in uniform are good American citizens and they are just as practical as those who have not been in uniform. The question isn't how they spend it, the question is whether we wish to show our appreciation of their services.

We have had suggested that it should be a graduated bonus for the number of months they have been in service whether they served on this side or across in the battle zones.

There are arguments in favor of giving added benefits to men that have served overseas. I happened to have been one of those who served outside the continental borders of the United States. And incidentally, may I interject at this time that my service in World War II was so minor that I would not be a beneficiary under the provi-

sions of this bill, so I have no pecuniary interest whether this passes or not. It is a matter of principle that I am arguing here. I believe that every man served where he was ordered to serve. He did his duty wherever he was ordered to serve. That man, whether he was under shell fire at the front, or an instructor of student pilots where the casualty list was four times what it was for pilots who served in combat. He served where he was ordered to serve. It doesn't matter whether he was in the infantry, the field artillery, the air force, the navy, whether he was on a flat top, or in a submarine where they died like rats if they were so unfortunate as to get too close to depth bombs.

Where they served didn't matter, it was the fact that they served, that we want to show our appreciation. Now, gentlemen of this Senate we compensate for the loss of six years out of a man's life. This is not a compensation bill, this is a "thank you", a bonus, a gratuity. This is just our appreciation of the fact that they bore the brunt of battle. Many who served out of uniform did an equal amount of work, but the difficulty is that we cannot, although I think we should, show our appreciation to them also.

If we are going to pass any bonus bill at this session, this is the only one that the committee on Military Affairs feels is capable of passage at the referendum, capable of being acceptable to the people in the State of Maine. It has the endorsement of the members of the collateral branches in the Legislature who served in the armed forces, who were veterans of World War II, World War I and the Spanish American War. I believe in both houses there were forty-one members who were in uniform and those forty-one members of the two houses of the Legislature feel that this is the best bill that could be introduced. If you figure eighty thousand members were in the armed forces ninety days or more and you give them a

hundred dollars each, that is eight million dollars.

This bill with its companion bill which is for a bond issue calls for an issue of not to exceed 14½ million dollars. However, it is figures that at no time would it be necessary to issue over six million dollars worth of bonds and I can assure you gentlemen that if the running horse race bill revenue figures what the most conservative proponents expect it will, it will take care of the entire amount of these bonds. It can be done without so-called added revenue from our regular set-up of the expenditures and revenues under such a provision.

That is what we figure could handle the finances of this matter. If every one of the eighty thousand should elect to cash their certificate—they get a certificate first for two years, for fifty dollars, it would cost approximately four million dollars. After the two years are up, and during that period, the insurance companies with whom the Board would make contract could find out those who are non insurable; we have to look into these various factors and those who are non-insurable would be given a certificate which at the end of another three years could be cashed for a hundred dollars. Those who are insurable at any time could cash theirs in for the original fifty dollars plus an added ten dollars up to five years which would mean a hundred dollars. After that they receive a paid up insurance policy which would increase in value at the rate of somewhere, I believe, three per cent per year until, according to the actuaries, it might come to the total amount of \$130. All of this time their families are protected or their estate will receive \$250 if they die before they cash in their policy.

This will also provide a cash in value as in all life insurance companies, a borrowing value, depending on the equity in the policy at the time the veteran might wish to cash it in.

I have given you briefly some of the details and I can assure you that

it is the best system of paying a gratuity or bonus to show our appreciation that the committee was able to bring before the legislature.

It has already been approved by the veterans. I will state however, that if there is any other better way of showing our appreciation, the veterans of Maine in the legislature are anxious that we show we appreciate the service rendered by all those who served in uniform during the so-called World War II. We don't know of any better system. We believe this is workable. We certainly want to show our appreciation. We wish we could give them five thousand dollars. It would be very much too small for the service given by some, as suggested by my colleague from Cumberland County.

We would like to give them five thousand dollars. We would like to give more. We can't afford it. This is the best we feel we can afford. If we know of something better it would be before you and I hope, members of the Senate, that the motion of the Senator from Cumberland, Senator Leavitt, will not prevail.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I think the matter before us is the bond issue. In the remarks of both of the Senators from Cumberland there has been frequent reference to the companion act. So I take the liberty of reading from the companion act the one short sentence which indicates the source from which these funds will come, and I quote, "All funds not otherwise encumbered which are derived from running horse racing, harness horse racing shall be used first for the redemption of such bonds or notes."

With reference to that one sentence which determines the source from which these bonds will be paid, I would make these comments. The running horse racing bill which has been passed, and which may be subject to a referendum, has not been tested as to its earning capacity in General Fund. So far as I know, there is no firm indication that run-

ning races will exist in the State of Maine. With reference to harness horse racing, all of the income normally projected from harness horse racing has been accounted for in the General Fund budget, and by our action this morning I think we earmarked substantially all of the income which might come from night harness horse racing. I make these comments only to indicate that the provisions for the retirement of these bonds does not seem to be based on any sound and firm revenue.

Mr. LEAVITT of Cumberland: Mr. President, I have, as perhaps you know, both the bond issue and the bill, 1600 on the table. If we defeat one of these, actually both of them will follow suit. I didn't think it made much difference which one we talked about in the debate.

It has been stated that putting on a uniform didn't change the character of these men and women who fought in the armed forces, and I agree. Just because they put on a uniform during the war didn't make them servants of the people. They were still free-born people doing their duty to this country and to this state, we then want to tip them—and that is what it is, just a tip. They say it is the best thing they can think up to do. It is not good enough.

Mr. BATCHELDER of York: Mr. President and Members of the Senate, I might say that the bill which we have before us under discussion at the present time is the bond issue. We also have a companion bill that is now on the table.

We have had before this Legislature on previous occasions a bonus bill. We were in special session here and spent several weeks trying to arrive at some bill to pass in the Legislature. I believe at that time our Governor recommended a cash bonus and also an insurance policy. He didn't make any recommendation as to the particular amount of the policy, as I remember it but I believe he felt when the question of a \$100 policy was considered that possibly they should be issued in a larger amount.

At that time, we came out with a bonus compromise bill of \$100. At that time, I believe when the question of payment arose, the cigarette tax was considered, along with certain other charges such as admission to theatres.

I don't think that the people on the whole, though the matter has gone to referendum, have actually given an interpretation as to how they might vote on a straight bonus bill. Many of them probably voted against that particular measure, due to the fact that it called for a tax on cigarettes and on admission taxes to theatres and other luxury taxes.

Now, this bill that we have before us at the present time calls for a cash bonus of fifty dollars, or for an insurance policy in the amount of \$250. This policy increases yearly in the sum of ten dollars, and if a person holds them for a period of twenty years, it would actually be worth \$250. Taking into consideration the boys that went into the service, it was thought possible that those who served only a short period of time shouldn't be compensated, and that falls in line with federal procedure which doesn't provide for payment of various benefits where a boy might serve for a short period of time such as three months. This takes into consideration those that served in the service during a period between hostilities started and the time that the hostilities ended. Now, this particular bill as has already been stated, provides for the payment from running horse races, and possibly any funds that might be derived from other races.

As I understand from action which we have taken previously, we have voted some of the funds that we may have from pari mutuels for the payment of some other bills that we have passed this afternoon. But it still leaves the income from any running races that might be derived for the payment of these policies as they may mature.

This bill calls for a large item. It calls for the issuance of fourteen and a half million dollars of bonds.

That would be the entire cost over the whole period of twenty years, both as to the payment of any pensions and for the payment of the benefit of these insurance policies, and for the interest and carrying charges, as I understand it.

Possibly during the first year or two these policies are paid for yearly. It is in a type of group insurance policy which is bought for all of these veterans, who would be entitled to receive a benefit. During the first year or two, actual cost would be very small due to the fact that this is based on the age of the boys in the service. Under the actuary table and the time that the boys might live, it would cost possibly in the vicinity of a couple of thousand dollars to put this plan into effect.

Therefore, it would be necessary at this particular time to call for the issuance of fourteen and a half million dollars worth of bonds.

It has been estimated from running races — no one knows as to what amount might be available from that source — but taking into consideration other places that do operate the running horse races, they receive a very large income. I think that a safe estimate would easily be that running horse races might produce anywhere from a quarter of a million dollars to half a million dollars, provided that the track was located where it might be able to draw from some of the large centers possibly in other state centers.

As time goes along, it would require the issuance of bonds for each year, we will say, for the payment of these policies. Now, no one can definitely say as to how many of these policies might be cashed by the boys and what amount would actually be required at any one particular time. But it is estimated that if running horse races actually are held, and we have income from that particular source that that would amortize any bonds that might be issued. Therefore, the actual cost to the state would only

be an item of approximately four million and a half.

Now, I think that the question we have before us at the present time is whether or not we actually want to recognize the fact that these boys that have served in the service, whether we are going to be faced each two years when the Legislature is in session, with a bonus bill to take some action on.

I believe at this time that we should give some consideration to the service people for their services, and especially when we recognize the fact that Maine is the only state in the New England states that hasn't given any consideration to the people in the service. Many other states have followed suit and granted a bonus, and I hope the motion that the Senator has made is not accepted.

Mr. SLOCUM of Cumberland: Mr. President, I believe this is the first time that every veterans' organization has unanimously been in agreement to leave the matter of this item of a bonus in the hands of the ten men in a Legislature. They have agreed to try and resolve their differences of opinion and accept anything that we felt would show the appreciation of the people through the vote of the Legislature.

I can assure you, also, not only by the expression in his inaugural address, but from later information from the Chief Executive, that he is favorable to this type of legislation. I am going to ask, Mr. President, that when the vote is taken that it be taken by the yeas and nays.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the resolve be indefinitely postponed and the Senator from Cumberland, Senator Slocum, has asked that the vote be taken by the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of more than one-fifth of the members present.

A division of the Senate was had.

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

Mr. SLEEPER of Knox: Mr. President, since we are about to be put on record in this matter and since I will apparently, as far as I know, be the only Senator who might qualify to receive this, I would like to say why I will vote Yea. I will not vote Yea because I wish to pay myself a bonus, but because I have attended some veterans meetings. I don't know just how much of a veteran I really am but I know that way down deep in their hearts, veterans feel they have not been used quite right by the State of Maine. They laugh about it and pretend not to mind but any time they start talking much about it they always start getting just a little resentful about it. They seem to feel they have been overlooked and the war is over and all that sort of thing. Now I personally don't know as there is any sense in paying a bonus because this small amount won't settle any great amount of the gratitude we owe them. In fact there are some of them we don't owe too much gratitude too. I think two or three of the best years I ever had in my life were in the service. I had better food than ever before, better clothes and perhaps a better time than ever before in my life. And I never was in any danger.

I do feel that if this is the way we are going to have to pay a bonus, we should pay it. It is painless and undoubtedly this running horse race bill will pass and I can't think of a more painless way to pay it. Since this will not cost the average tax payer a penny and will be paid largely by the summer people who like to attend those functions, I would say this is our chance to pay this debt, if it is a debt, to these men and remove that small trace of resentment which they have.

I know when I attend veterans meetings they always start riding

me that Maine is the only state in the Union that has not paid any bonus and when I try to explain to them that there are a lot more pressing things than bonuses, they don't see it that way, but this is the painless way to pay it and I will pay my share and be glad to.

At this point President Cross resumed the Chair, Senator Barnes retiring amidst the applause of the Senate.

Mr. SLEEPER: Mr. President, I find I shall have to vote No on that bill, because the motion is to indefinitely postpone the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the resolve be indefinitely postponed. The Yeas and Nays having been ordered, is the Senate ready for the question.

The Secretary will call the roll:

YEAS: Barnes, Brewer, Collins, Crosby, Denny, Edwards, Ela, Haskell, Hopkins, Leavitt, McKusick, Noyes, Smart, Williams—14

NAYS: Allen, Baker, Batchelder, Boucher, Boutin, Bowker, Brown, Cobb, Knights, Savage, Sleeper, Slocum, Turgeon, Varney, Ward—15

ABSENT: Goodwin, Greeley, Larabee—3.

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

Thereupon, the bill was passed to be engrossed.

Mr. McKusick from the Committee on Indian Affairs submitted its Final Report.

Mr. Brown from the Committee on State Sanatoriums submitted its Final Report.

Mr. Greeley from the Committee on Counties submitted its Final Report.

Mr. Varney from the Committee on Library submitted its Final Report.

Mr. McKusick from the Committee on Towns submitted its Final Report.

Mr. Sleeper from the Committee on State Prison submitted its Final Report.

Mr. Leavitt from the Committee on Pownal State School submitted its Final Report.

Mr. Edwards from the Committee on University of Maine submitted its Final Report.

Mr. Noyes from the Committee on Public Buildings and Grounds submitted its Final Report.

Mr. Denny from the Committee on Commerce, which

“Having had no organization meeting,

Having had no bills referred to it,

Having held no hearings

Having had no executive sessions

— submitted its Final Report.

Mr. Leavitt from the Committee on State School for Boys, State School for Girls and State Reformatories, submitted its Final Report.

Mr. Denny from the Committee on Maine Publicity submitted its Final Report.

Mr. Hopkins from the Committee on Labor submitted its Final Report.

The same Senator from the Committee on State Hospitals submitted its Final Report.

The same Senator from the Committee on Aeronautics submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Bill “An Act Relating to Aid to Dependent Children.” (S. P. 156). (L. D. 206)

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

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

In the Senate, indefinitely postponed in concurrence.

Bill “An Act Relating to Taxation of Various Corporations.” (S. P. 446) (L. D. 828)

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

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

In the Senate, indefinitely postponed in concurrence.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Taking Clams in Town of Cushing," (H. P. 1668) (L. D. 976) reported the same in a new draft (H. P. 2055) (L. D. 1484) under a new title, Bill "An Act Relating to Taking of Clams, Quahogs, Mussels, Clam-worms and Blood-worms in the Towns of Cushing and Friendship," and that it ought to pass.

Comes from the House the report read and accepted and the bill read three times, and subsequently indefinitely postponed.

In the Senate, on motion by Mr. Brewer of Aroostook, tabled pending consideration of the report.

The Committee on Agriculture on Bill "An Act Limiting Milk Control to Producers," (H. P. 1906) (L. D. 1345) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of the City of Biddeford," (H. P. 894) (L. D. 365) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of George P. Duffy of Benedicta," (H. P. 1592) reported that the same ought not to pass.

The Committee on Appropriations and Financial affairs on Bill "An Act Creating Veteran Bonus Fund and to Provide Moneys Therefor," (H. P. 1715) (L. D. 1072) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the City of Calais," (H. P. 1677) (L. D. 1015) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of James P. Hathaway, of Saco," (H. P. 1125) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Creating a State Lottery Commission," (H. P. 1843) (L. D. 1164) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Relating to Aid to Dependent Children and Providing Revenue Therefor," (H. P. 675) (L. D. 221) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Joint Order re. study of Personnel Law by Legislative Research Committee. (H. P. 2122)

Which was read and passed in concurrence.

The Committee on Legal Affairs on "Resolve Authorizing Board of Examiners of Funeral Directors and Embalmers to Issue License to Arthur Andrews of Rockland," (S. P. 484) (L. D. 948) reported that the same ought not to pass.

(In Senate, on May 6th, the bill substituted for the report, and passed to be engrossed.)

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

In the Senate, on motion by Mr. Sleeper of Knox, the resolve was indefinitely postponed.

The Committee on Taxation on Bill "An Act Relating to Taxation of Organizations Holding Pari Mutuel Race Meets," (H. P. 1539) (L. D. 817) reported the same in a new draft (H. P. 2051) (L. D. 1477) under the same title, and that it ought to pass.

Which report was read and accepted in concurrence and under suspension of the rules, the bill was given its two readings.

Mr. SAVAGE of Somerset; Mr. President, I move the indefinite postponement of this bill. In support of my motion I will say I think we have already subjected the fairs to enough trials and tribulations in this legislature and we don't know how they are going to come out and I think this bill is not the right bill at this time.

Mr. BREWER of Aroostook: Mr. President, I want to concur with Senator Savage. This particular bill would make the pari mutuel grand stands and paddocks subject to tax and I, like the Senator, do not feel that this is the time to do it, so I concur with the Senator's motion.

Mr. HASKELL of Penobscot: Mr. President, I am not at all sure that the Senators are not correct in the motion. I do think that there is some justification for taxing that part of the park gainfully employed in pari mutuel races but I realize other things have happened that are not too pleasing to the fair associations and personally, I do not oppose the indefinite postponement.

Mr. BOWKER of Cumberland: Mr. President, I move that this lie on the table until tomorrow morning.

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

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Somerset, Senator Savage, that the bill be indefinitely postponed.

A viva voce vote being had, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The Committee on Labor on Bill "An Act Relating to Unfired Pressure Vessels," (H. P. 707) (L. D. 253) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House, the report indefinitely postponed.

In the Senate, on motion by Mr. Collins, indefinitely postponed in concurrence.

The Committee on Taxation on Bill "An Act Relating to Taxation of Personal Property," (H. P. 1007) (L. D. 438) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence, and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended

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

The Committee on Salaries and Fees on Bill "An Act Relating to Salary of Register of Probate in Cumberland County," (H. P. 719) (L. D. 261) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

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

In the Senate, the report was accepted in concurrence and the bill read once; Committee Amendment A was read, and on motion by Mr. Collins of Aroostook, the bill was laid upon the table pending consideration of Committee Amendment A.

The Majority of the Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Use of Trawls in Washington County," (H. P. 1852) (L. D. 1190) reported that the same ought not to pass.

(signed)

Senators:

SLEEPER of Knox
LARRABEE of Sagadahoc

Representatives:

AMES of Vinalhaven
STEVENS of Boothbay
PHILLIPS of Southwest Harbor
PRINCE of Harpswell

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

(signed)

Senator:

BROWN of Washington

Representatives:

BUCKNAM of Whiting
HANSON of Machiasport
LITTLEFIELD of Kennebunk

Comes from the House, the Minority Report accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Sleeper, the bill and accompanying

papers were laid upon the table pending consideration of the report.

The Majority of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Portland re Election of Members to City Council," (H. P. 1642) (L. D. 995) reported that the same ought not to pass.

(signed)

Senators:

BATCHELDER of York
EDWARDS of Oxford
BAKER of Kennebec

Representatives:

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

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

(signed)

Representatives:

ATHERTON of Bangor
CHAPMAN of Portland

Comes from the House, both reports indefinitely postponed.

In the Senate, indefinitely postponed in concurrence.

The Majority of the Committee on Legal Affairs on Bill "An Act to Confer the Power to Issue Subpoenas to the City Council, the Municipal Officers and the Civil Service Commission of the City of Portland," (H. P. 1650) (L. D. 957) reported that the same ought not to pass.

(signed)

Senators:

BATCHELDER of York
EDWARDS of Oxford
BAKER of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject matter

reported that the same ought to pass.

(signed)

Representatives:

PAINE of Portland
CHAPMAN of Portland

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

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

Senate Committee Report

Mr. Smart from the Committee on Inland Fisheries and Game on Bill "An Act Relative to Open Season on Muskrats in the County of Aroostook," (S. P. 271) (L. D. 444) reported the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Enactor

Bill "An Act Relating to Trucks Transporting Pulp, Slabs and Logs." (S. P. 641) (L. D. 1415)

Which was passed to be enacted.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Joint Order tabled earlier in today's session, relating to Research Committee being directed to Study the Advisability of Annual Sessions of the Legislature.

Mr. HASKELL of Penobscot: Mr. President, I think the enabling legislation to support the legislative research committee is sufficiently broad so that the legislature may submit to that committee almost any suggestion, but putting up to that committee something that very obviously is a problem for legislative committee hearings and debate, something that is clearly outside the realms of research, seems to me to be just a little bit absurd. I don't believe the report at this session would amount to much more than it does on any other subject and that being so very small, I move the indefinite postponement of the order.

The motion prevailed and the Joint Order was indefinitely postponed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Resolve in Favor of the University of Maine for Law School L. D. 568, tabled by that Senator earlier in this evening's session.

Mr. COLLINS of Aroostook: Mr. President, since tabling this matter, I have been able to get in contact with Dr. Hauck of the University of Maine and it seems he was under a little misapprehension as to the nature of the request. He now feels that anything in regard to the law library that the University now has could be handled by the trustees without any legislative action and I therefore move the indefinite postponement of the bill.

Mr. SLOCUM: Mr. President, I am very glad to concur with Senator Collins in the indefinite postponement. The only reason I was holding this in abatement was that as I understood the matter, it would be necessary to have legislative authority to loan the law library books which are now being stored and not being used by the University to any incorporated law school and since it is unnecessary to have legislative authority and the trustees have the authority if it is advisable in their opinion, to loan these to any incorporated law schools in the State, Portland University Law School, or any law school. I hope the motion of Senator Collins will prevail.

The motion prevailed and the resolve was indefinitely postponed.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table bill, An Act Providing for the Issue of Paid up Life Insurance Policies to Maine Veterans of World War II (H. P. 2110) (L. D. 1600) tabled by that Senator earlier in today's session pending passage to be engrossed, and that Senator moved the pending question.

The motion prevailed and the bill was passed to be engrossed in concurrence.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table House Report "Leave to Withdraw" from the Committee on Taxation on bill An Act Reducing the Gasoline Tax (H. P. 1353) (L. D. 704) tabled by that Senator on March 3 pending consideration of the report.

Mr. SLEEPER of Knox: Mr. President, at the time I tabled this bill, it wasn't as foolish as it seemed. It happens that one business I am in is selling gasoline and oil, and so forth. I attended several meetings, and the industry was quite indignant at the way this Legislature jammed through that emergency tax measure giving the State of Maine the largest gasoline tax in the United States, making us the subject of ridicule throughout the length and breadth of the nation. These men and the attorneys for the various oil companies were quite unanimous in their belief that there was some way that they could find a loophole in the way this law was passed that would nullify it. So, when I placed this bill on the table, I placed it there for the same reason that two years ago I placed the cigarette and tobacco tax on the table, because I felt sometime we might need it, and we did. And I felt that perhaps we might reduce this five cents to what it had hitherto been, the four cent tax. So, I kept this bill on the table to protect the ways and bridges in the event they needed the five cents rather than the four cents to which they would have been reduced if the tax had been nullified. I also felt that in the event that the \$40,000,000 bond issue was passed that they would not need the six cent gasoline tax. But since that is now gone up in smoke, I think we will have to go on a pay-as-you-go basis, and not like they talked about at the session last night. So now much to my regret, because I still think a six-cent-a-gallon tax is much too much, I will move the acceptance of the report of the committee "leave granted to withdraw."

The motion prevailed and the "Leave to Withdraw" report of the committee was accepted.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table bill, An Act Relating to Compensation for Members of the Racing Commission (S. P. 409) (L. D. 746) tabled by that Senator on March 17 pending passage to be enacted.

Mr. HASKELL: Mr. President, in making this motion I acknowledge I have not talked with the other members of the Committee on Salaries and Fees, but this is one of the bills that asked for a salary increase for the Commissioner, an increase from \$1000 to \$1500 and I express only my own personal convictions in saying that of many salary increases requested, this was not one that appealed to me as being the most deserving and considering the lack of adequate general fund revenue and still acknowledging that the other members of the committee may have come to a different conclusion, I move that the bill be indefinitely postponed.

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

Sent down for concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Resolve in Favor of the Central Maine Sanatorium at Fairfield (S. P. 417) (L. D. 777) tabled by that Senator on March 18 pending final passage.

Mr. HASKELL: Mr. President, I am extremely reluctant to make this motion but in the discussions that I have been privileged to have with the Senate members of the Appropriations Committee I have been given a rather definite impression that this was one resolve — and it is a resolve amounting to \$70,000—that was less deserving than the resolve which the Senate has finally enacted, and if the members of the Appropriations Committee that are interested continue to have that opinion, I move the bill be indefinitely postponed.

Thereupon, on motion by Mr. Savage of Somerset, the resolve was laid upon the table pending motion by Senator Haskell of Penobscot to indefinitely postpone.

Mr. BOWKER of Cumberland: Mr. President and Members of the Senate, I rise to ask the Senate if they might not reconsider their vote on a bill relating to the taxation of organizations holding pari-mutuel race meets. This bill was reported unanimously by the committee on taxation as ought to pass. There is quite a lot of merit to the bill. What the bill does is take property that might be in some towns that are holding definitely not a fair, but a race meet. That town may maintain the roads to that track, and yet that town can not receive one nickel of taxation from permanent property at the track that might be operated as only purely a race meet.

I would ask the Senate that they might reconsider this bill at this time, give it a little study, to reconsider their action where they indefinitely postponed the bill, and that the bill lie on the table until tomorrow morning.

Mr. COBB of Oxford: Mr. President, I can well understand that the Senator from Cumberland, Senator Bowker, has a good point. I think it was a very gracious move of the members of this Senate to recognize the needs of our state fairs. As far as this particular bill goes, it would seem to me that perhaps an inopportune moment, possibly two years from now the policy will clarify a little more directly so that we can see the difference between state fairs and racing meets.

I would feel that that gracious motion of indefinite postponement at this moment was an excellent one. But if it should be reconsidered by the Senate, I hope the Senate would permit an amendment which would at least eliminate the agricultural fairs who receive a state stipend from being taxed. I would present an amendment later, because the fair in

which I am particularly interested lost money on the racing last year. They did make money on the gate receipts. They needed the racing to attract certain people who left money at the gate, but in the actual process of the racing at the fair, we went behind.

Mr. BOWKER of Cumberland: Mr. President and Members of the Senate, I hesitate to speak for a bill that in the opinion of the Senate should be indefinitely postponed. But I still say that a bill that has been passed out by the committee on taxation as a unanimous report that it ought to pass, should at least be given a fair show, and I only ask that the Senate might reconsider. I won't take the time if the Senate still feels tomorrow morning that they would like to indefinitely postpone a bill, I will not go against that motion. But I would like to at least have the privilege of hearing the story, and I only hope the bill might be reconsidered, and if it is still the wish of the Senate in the morning that the bill be killed, it is all right with me.

I would appreciate the chance in the morning, if the Senate doesn't prefer tonight, that the bill should be reconsidered, and in the motion to reconsider, I only ask for fair play on it. It is a unanimous report of the Committee on Taxation, and I think that the bill should at least be heard. I can assure the Senate that I will take very little time on the discussion of. If they want to kill the bill, it is all right, but we do have the situation at some of the tracks that are operating only as a race track, and that our towns are not receiving any taxation from the property that is in those towns. Yet they have to maintain the roads, and so forth to the track. It is entirely up to the Senate, but I would ask that the Senate reconsider its action whereby they indefinitely postponed, until tomorrow morning. If at that time they want to kill the bill, I will go along, naturally.

Mr. ELA of Somerset: Mr. President, at this late date, I think we have got to about the point where we have got to handle these bills as we go along. Fairs have had a pretty full session, I think, and I believe that the very few who need to be hit with this bill could be hit two years from now. I oppose the motion to table.

The President: The question before the Senate is on the motion of the Senator from Cumberland, Senator Bowker, that the Senate reconsider its action whereby the Bill was indefinitely postponed.

Mr. BOWKER: Mr. President, I think I realize now the sentiments of the Senate in this matter, and I withdraw my motion.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Resolve in Favor of the Central Maine Sanatorium (L. D. 777) tabled by the Senator from Somerset, Senator Savage earlier in today's session.

Mr. HASKELL: Mr. President, the resolve in favor of the Central Maine Sanatorium at Fairfield is not the \$70,000 item that I referred to in previous comments. It is a resolve which seeks to transfer certain monies from prior appropriation measures, but it is tied in with the 10th tabled and unassigned item.

I think the conclusions of the Appropriations Committee refer to both of those measures, and I think it is their conclusion that both of the resolves should be indefinitely postponed. I again move the indefinite postponement of Legislative Document 777.

The motion prevailed and the resolve was indefinitely postponed.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Resolve Providing for Certain Construction at the Central Maine Sanatorium (S. P. 336) (L. D. 567); and on further motion by the same Senator, the resolve was indefinitely postponed.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, An Act Relating to Elderly Teachers' Pensions (H. P. 2045) (L. D. 1471).

Mr. HASKELL of Penobscot: Mr. President, I have just received permission from Senator Savage to take the 31st tabled and unassigned matter from the table.

This, obviously, is one of the bills that can not be enacted for lack of General Fund revenue. I am sure that the Senator from Cumberland, Senator Leavitt, joins me in the regret that such is the truth. But General Fund revenues do not permit the increase this year. So I now move the indefinite postponement of the bill.

Mr. SLEEPER: Mr. President, through the Chair I would like to ask the Floor Leader if it is still too late to dig out some sort of a tax.

Mr. HASKELL: Mr. President, the Floor Leader will say that he is completely discouraged as to the possibility of any tax measure being passed by both branches of this legislature.

Mr. VARNEY of Washington: Mr. President, while I am willing to go along with the motion of the Senator from Penobscot, I do feel that this is a very serious matter. We are going to find these elderly teachers very much disappointed. As you know, these teachers have given almost a life's service to the cause of education. Probably some of these teachers started for a salary as low as five dollars a week, less board. I wouldn't feel quite fair to myself and to these teachers should I not pay my respect to these teachers and to the service that these teachers have rendered to the State of Maine. To me it is indeed a disappointment that we have to definitely postpone this which is going to mean so much to these teachers who have meant so much to those of us who are sitting here. Many of us who are probably assembled in this Senate chamber went to school to some of these so-called elderly teachers. It is indeed a grave disappointment to me that something can not be done

to increase their compensation, because I don't feel like calling it a pension. It is just compensation for services previously rendered. It is with sincere regret that I go along with the motion of the Senator from Penobscot, Senator Haskell.

Mr. LEAVITT of Cumberland: Mr. President, I, too, want to add my words to those of Senator Varney's that this is a very tragic thing we are doing. Yet, I believe that even these teachers who have already given so much of their lives and who are having so small a pension would be willing that this sacrifice would be made if they know that education would be carried on at the University of Maine. I do hope that in some small part this Senate will provide the three hundred and some odd thousand dollars which is being thrown into the discard here. I hope this Senate will make it possible for the \$300,000 a year to be given to the University of Maine so that they in turn can carry on their educational program as they want to do.

Mr. HOPKINS of Kennebec: Mr. President, this bill has been so close to my heart, and I know you do not care to hear me speak on it, I feel I must concur with the speeches made by the two Senators. For several months, I have wondered how we were going to handle this if we did not meet the tax problem which faced us at this session. I have to concur with the Senator from Penobscot in thinking probably there is no way. At the same time, it is rather an unfortunate thing, because this aid that we ought to give by this bill is not aid that we can give at some other time. Some of these things we have passed up are things which we can do later, but this is assistance we can give only at this time to these people who have given such a great service to the State of Maine. They have arrived at the declining years in their life, and the time will never come again when we can offer such aid. I am very sorry that we are not able to do it. I know I express the opinion

of all of the rest of you, but I feel I have to take your time by going on record to that effect.

Mr. SLOCUM of Cumberland: Mr. President, I merely want to go on record that I agree with Senator Varney.

The motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill, An Act Relating to Salary of Register of Probate in Cumberland County (H. P. 719) (L. D. 261), tabled by him earlier this evening.

Thereupon, on motion by Mr. Collins of Aroostook, Committee Amendment "A" was indefinitely postponed in concurrence, House Amendment "A" was read and adopted in concurrence, and under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Williams of Penobscot, the Senate voted to take

from the table bill, An Act Relating to Entertainment and Recreation on Sunday (H. P. 1506) (L. D. 813) and that Senator presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to H. P. 1506, L. D. 813, Bill 'An Act Relating to Entertainment and Recreation on Sunday.'

Amend said Bill by striking out 'Sec. 1.' at the beginning of section 1 of said Bill.

Further amend said Bill by striking out all of sections 2 and 3 thereof.

Thereupon, on motion by Mr. Bowker, the bill was laid upon the table pending motion by the Senator from Penobscot, Senator Williams, that the Senate adopt Senate Amendment A; and especially assigned for tomorrow morning.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at nine o'clock E.S.T.