

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 25, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Robert Brackley of Hallowell.

Journal of yesterday read and approved.

From the House

Joint Resolution Making Application to the Congress of the United States for the Calling of a Convention to Propose an Amendment to the Constitution of the United States." (H. P. 1775) (L. D. 1315)

Which was referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Vital Statistics." (S. P. 401) (L. D. 949)

(In Senate on April 6, 1951, passed to be engrossed)

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

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

The Committee on Transportation to which was recommitted Bill "An Act Relating to Signals for Stopping and Turning Motor Vehicles" (H. P. 93) (L. D. 38) reported that the same ought to pass as amended by Committee Amendment "A."

Comes from the House, report read and accepted, Committee Amendment "A" (Amendment Filing No. 69) indefinitely postponed, and the bill passed to be engrossed as amended by House Amendment "A." (Amendment Filing No. 258)

In the Senate, on motion by Mr. Allen of Cumberland, voted to recede and concur with the House.

The Committee on Public Utilities on Bill "An Act Relating to Inspectors of Public Utilities Commission." (H. P. 1433) (L. D. 1039) reported that the same ought to pass.

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

In the Senate:

Mr. COLLINS of Aroostook: Mr. President, I move that the Senate indefinitely postpone the bill in concurrence.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table pending motion by the Senator from Aroostook, Senator Collins to indefinitely postpone.

The Committee on Towns and Counties on Bill "An Act to Provide Fire Protection for Connor Township," (H. P. 394) (L. D. 230) reported that the same ought to pass.

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

In the Senate, on motion by Mr. Collins of Aroostook, the bill was laid upon the table pending acceptance of the report.

The Committee on Public Utilities on Bill "An Act Relating to Smoking in Buses," (H. P. 1553) (L. D. 1114) reported that the same ought to pass.

Comes from the House, report read and accepted and the bill passed to be engrossed as amended by House Amendment "A." (Amendment Filing No. 260)

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

The Committee on Towns and Counties on Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs," (H. P. 658) (L. D. 367) reported that the same ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A." (Amendment Filing No. 284)

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

The Committee on Agriculture on Bill "An Act to Clarify Laws of

Division of Animal Husbandry," (H. P. 1462) (L. D. 1078) reported that the same ought to pass.

Comes from the House, report read and accepted and the bill passed to be engrossed as amended by House Amendment "A." (Amendment Filing No. 273)

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

The Committee on Appropriations and Financial Affairs on "Resolve Appropriating Moneys for State Military Defense Commission," (H. P. 872) (L. D. 520) reported that the same ought not to pass.

(On motion by Mr. Reid of Kennebec, tabled pending acceptance of the report.)

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Complimentary Fishing Licenses for Members of Canadian Immigration Customs Forces," (H. P. 726) (L. D. 417) reported that leave be granted to withdraw the same as subject matter is covered by other legislation.

The Committee on Claims on "Resolve, in Favor of the Town of Litchfield," (H. P. 374) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Clyde H. Getchell, of Augusta," (H. P. 875) (L. D. 523) reported that the same ought not to pass.

The same Committee on "Resolve, to Reimburse the Town of Crystal for the Support of Charles Williams and Family," (H. P. 1563) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of George Parks of Woodland for Damages to His Automobile through a Highway Defect," (H. P. 775) reported that the same ought not to pass.

The same Committee on "Resolve, to Reimburse the Town of Millinocket for Support and Medical Care of Warren Dorr and Family," (H. P. 115) reported that the same ought not to pass.

The same Committee on "Resolve, Reimbursing Ira B. Hagen, of Ellsworth Falls, for Storage of State Highway Equipment," (H. P. 1517) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Term of Office of Mayor of City of Lewiston," (H. P. 1234) (L. D. 787) reported that the same ought not to pass.

The same Committee on Bill "An Act Permitting the Consolidation of Positions in the City Government of Lewiston" (H. P. 536) (L. D. 305) reported that the same ought not to pass.

The Committee on Towns and Counties on Bill "An Act Relating to Special Deputy Sheriffs in Cumberland County," (H. P. 1357) (L. D. 932) reported that the same ought not to pass.

The Committee on Transportation on Bill "An Act Relating to Exhaust Pipes on Trucks and Buses," (H. P. 1284) (L. D. 322) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Labor on Bill "An Act Relating to Elevator Inspection Fees," (H. P. 1017) (L. D. 577) reported that the same ought to pass.

The Committee on Towns and Counties on Bill "An Act Relating to Salary to the Deputy Treasurer of the County of Cumberland," (H. P. 1440) (L. D. 1051) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Expenses of the Brunswick Municipal Court," (H. P. 1069) (L. D. 649) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire in the Office of the Recorder of the Portland Municipal Court," (H. P. 166) (L. D. 97) reported that the same ought to pass.

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

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Sale of Lobster Meat," (H.

P. 1029) (L. D. 601) reported the same in a new draft, (H. P. 1665) (L. D. 1235) under the same title, and that it ought to pass.

(On motion by Mr. Larrabee of Sagadahoc, the bill was laid upon the table pending acceptance of the report.)

The Committee on Towns and Counties on Bill "An Act Relating to Salary of the Judge of the Ellsworth Municipal Court," (H. P. 554) (L. D. 312) reported the same in a new draft, (H. P. 1763) (L. D. 1307) under a new title, Bill "An Act Relating to Salaries of the Judge and Recorder of the Ellsworth Municipal Court," and that it ought to pass.

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

The Committee on Legal Affairs on Bill "An Act to Amend the Charter of the City of Bath," (H. P. 1119) (L. D. 706) reported that the same ought to pass as amended by Committee Amendment "A." (Amendment Filing No. 287)

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 tomorrow assigned for second reading.

The Majority of the Committee on Towns and Counties on Bill "An Act Relating to Special Deputies in Cumberland County," (H. P. 1241) (L. D. 793) reported that the same ought not to pass.

(signed)

Senators:

COLLINS of Aroostook
HASKELL of Cumberland
SAVAGE of Somerset

Representatives:

DeBECK of Holden
PETERSON of Bar Harbor
TAYLOR of Lyman
BURGESS of Limestone

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

(signed)

Representatives:

EDWARDS of Raymond
MARTIN of Eagle Lake

Comes from the House, the Minority Report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Haskell of Cumberland, the bill and accompanying papers were laid upon the table pending acceptance of either report.

The Majority of the Committee on Judiciary on Bill "An Act to Revise the State Civil Defense Law," (H. P. 152) (L. D. 84) reported that the same ought to pass.

(signed)

Senators:

HASKELL of Cumberland
BARNES of Aroostook

Representatives:

WOODWORTH of Fairfield
HAYES of Dover-Foxcroft
FULLER of Bangor
DELAHANTY of Lewiston
FAY of Portland

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

(signed)

Representatives:

McGLAUFILIN of Portland
HARDING of Rockland

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Haskell of Cumberland, the Majority report "Ought to Pass" was accepted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

Joint Orders

On motion by Mr. Haskell of Cumberland, it was

ORDERED, the House concurring, that the following bill be recalled from the Engrossing Department to the Senate:

(H. P. 1543) (L. D. 1136) "An Act Relative to Revision and Publication of Municipal Ordinances." (S. P. 558)

Sent down for concurrence.

On motion by Mr. Crosby of Franklin, it was

ORDERED, the House concurring, that the following Resolve

be recalled from the Governor to the Senate:

(H. P. 1589) (L. D. 1161) "Resolve, Authorizing the Forest Commissioner to Convey Certain Interest of the State in the Island in Cumberland County to H. Norman Cole, of Gray." (S. P. 559)

Sent down for concurrence.

First Reading of a Printed Bill

"Resolve, Permitting the Building of a Wharf in Maranacook Lake." (S. P. 556) (L. D. 1314)

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Smart from the Committee on Claims on "Resolve in Favor of Russell E. Foster, of Augusta," (S. P. 473) reported that the same ought not to pass.

(On motion by Mr. Reid of Kennebec, tabled pending acceptance of the report.)

Mr. Christensen from the Committee on Highways on Bill "An Act Relating to Regulation of Posts and Wires," (S. P. 407) (L. D. 967) reported the same in a new draft, (S. P. 560) under the same title, and that it ought to pass.

Which report was read and accepted, and the bill in new draft laid upon the table for printing under Joint Rule No. 10.

Mr. Smart from the Committee on Claims on "Resolve in Favor of Peter Spanos of Portland," (S. P. 485) reported that the same ought to pass.

The Senator from the same Committee on "Resolve in Favor of George Panages of Portland," (S. P. 486) reported that the same ought to pass.

The Senator from the same Committee on "Resolve in Favor of Merle Libby of Caribou," (S. P. 211) reported that the same ought to pass.

The Senator from the same Committee on "Resolve in Favor of Robert George Llewellyn, of South Portland," (S. P. 143) reported that the same ought to pass.

Mr. Christensen from the Committee on Highways on "Resolve in Favor of the Town of Nobleboro," (S. P. 525) reported that the same ought to pass.

Which reports were severally read and accepted, and the resolves read once, and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Smart from the Committee on Claims on "Resolve Appropriating Moneys to Reimburse Town of Phippsburg for Snow Removal," (S. P. 296) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the resolve read once. The Secretary read Committee Amendment A.

Committee Amendment A to S. P. 296: "Amend said resolve by striking out the figures \$585.73 in the second line thereof and inserting in place thereof the figures '\$773.65.'"

Which amendment was adopted and the resolve as so amended was given its second reading under suspension of the rules, and passed to be engrossed.

Sent down for concurrence.

Mr. Crosby from the Committee on Highways on Bill, "An Act Relating to Use of Joint Fund for State Aid Road Construction," (S. P. 320) (L. D. 726) reported that the same ought to pass as amended.

On motion by Mr. Palmer of Lincoln, the bill was laid upon the table pending acceptance of the report.

Mr. Greeley from the same Committee on bill "An Act Clarifying Certain Highway Laws," (S. P. 478) (L. D. 1142) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once; on motion by Mr. Greeley of Waldo, Committee Amendment A was adopted without reading and the bill as so amended was tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act to Amend the Charter of the Western Somerset Municipal Court." (H. P. 1177) (L. D. 733)

Bill "An Act to Remove Employees' Trusts from the Operation of the Rule Against Perpetuities and

Against Accumulations." (H. P. 1544) (L. D. 1137)

Bill "An Act Relative to the Dismissal of Conservators." (H. P. 1545) (L. D. 1138)

"Resolve in Favor of Florence Goodwin, of Clinton." (H. P. 1625) (L. D. 1184)

Bill "An Act Relating to Transportation of Fish, Game or Fur-Bearing Animals by Aircraft." (H. P. 1728) (L. D. 1283)

Bill "An Act Relating to Change of Purposes of Domestic Mutual Insurance Companies." (H. P. 1754) (L. D. 1298)

Bill "An Act Relating to Non-Resident Dealers in Furs." (H. P. 1756) (L. D. 1300)

Bill "An Act Relating to Definition of, and Setting Traps Near Beaver Dams." (H. P. 1757) (L. D. 1301)

Bill "An Act Relating to Dealers in Bait." (H. P. 1760) (L. D. 1304)

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

Bill "An Act Relating to Dumping of Rubbish in Highways." (H. P. 1175) (L. D. 731)

Bill "An Act Relating to the County Law Library at Rumford, Oxford County." (H. P. 1639) (L. D. 1203)

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

Bill "An Act Creating a Zoning Board for the City of Lewiston." (S. P. 554) (L. D. 1313)

Bill "An Act Relating to Aid to Dependent Children." (S. P. 555) (L. D. 1311)

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

Sent down for concurrence.

Enactors

Bill "An Act to Increase the Salary of the Judge and Recorder of the Yorkshire Municipal Court." (H. P. 660) (L. D. 368)

Bill "An Act Relating to Open Season on Otter." (H. P. 729) (L. D. 419)

Bill "An Act Relating to Adulterated Meat or Meat Products." (H. P. 954) (L. D. 566)

Bill "An Act to Authorize the Treasurer and County Commissioners of Knox County to Procure a Loan to Remodel the Court House." (H. P. 1215) (L. D. 772)

Bill "An Act Permitting Closing of Banks on Saturday." (H. P. 1255) (L. D. 829)

Bill "An Act Relating to the Recorder of the Brewer Municipal Court." (H. P. 1348) (L. D. 923)

Bill "An Act Relating to the County Law Library of Franklin County." (H. P. 1366) (L. D. 957)

Bill "An Act Relating to Stamping of Meat for Human Consumption." (H. P. 1400) (L. D. 1061)

Bill "An Act Relating to Fees of Sheriffs and Their Deputies." (H. P. 1435) (L. D. 1046)

Bill "An Act Relating to Closed Season on Pheasants." (H. P. 1479) (L. D. 1086)

Bill "An Act Relating to Junior Guides." (H. P. 1533) (L. D. 1126)

Bill "An Act Relating to Fees for Boiler Inspection and Certificates." (H. P. 1679) (L. D. 1247)

"Resolve to Make Lawful the Fishing for Cusk in Long Lake and Sebago Lake, Cumberland County." (H. P. 1689) (L. D. 1200)

Bill "An Act Relating to Definition of Private Road in Right of Way at Entrances Thereof." (S. P. 431) (L. D. 994)

Bill "An Act Amending the Gasoline Road Tax." (S. P. 534) (L. D. 1265)

Bill "An Act Relating to Transportation of Poultry." (H. P. 1399) (L. D. 1012)

Bill "An Act Relating to Clerical Assistance for Justices of the Supreme Judicial Court." (S. P. 154) (L. D. 329)

Bill "An Act Relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement." (S. P. 155) (L. D. 328)

(On motion by Mr. Brewer of Aroostook, tabled pending enactment.)

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

Orders of the Day

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table House Report from the Committee on Taxation on bill

from Taxation (H. P. 336) (L. D. An Act Relating to Exemptions 194) Majority Report "Ought to Pass"; Minority Report "Ought Not to Pass" tabled by that Senator on April 20 pending acceptance of either report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, this is an important piece of legislation which has had hearing in recent legislatures and in this one. It concerns the exemptions of veterans from taxation. I was one of three members of the Committee on Taxation, who signed the "Ought Not to Pass" report on L. D. 194.

At this time I would like as briefly and concisely as I can, to present some of the reasons why I am against this Perry bill. It changes exemption of \$3500 from "estates" to "residence" so far as veterans of World War I and World War II are concerned. It takes exemption away from veterans of World War I who have reached the age of 62 years and may now be receiving the exemption. It takes the exemption away from widows of World War I whose husbands died after reaching the age of 62, and who may now be receiving the exemption. The law as originally drawn provided for tax exemption on the homes of eligible veterans to the value of \$5,000. This was found to be inequitable for the reason that an aged or disabled veteran might be paying rent on the quarters in which he lived but might own a small shop or other building in which he was trying to earn a living, such as a shoe repair shop, small retail establishment, barber shop or similar building. It was felt that if he did not qualify for exemption on his home because he was renting, that he should be allowed the exemption on any other building he might own. The law was accordingly changed to read "estates" instead of "homes" and the amount of the exemption was reduced from \$5,000 to \$3,500. L. D. 194 would now change the law back to a set-up which was tried for years and found to be impracticable.

With respect to the veteran reaching the age of 62 years, experience has shown that there are as yet very few veterans in Maine

claiming exemption under this clause. Total exemption from all causes under the law as it now stands is estimated not to exceed $\frac{1}{2}$ of 1% of our total property tax commitments. The average age of World War I veterans is now 59 years. It is estimated that there are approximately sixteen thousand veterans of World War I now living in Maine. Nobody knows how many of these will live to be 62 years of age. Nobody knows how many of those who do reach that age will be owners of real estate and nobody knows how many of those who become 62 years old and own property will ask for tax exemption. We do know that many veterans today who could claim exemption have failed to do so, preferring to pay their taxes as long as they are able to do so.

Both the American Legion and the Veterans of Foreign Wars have proven by their constant sponsorship of community activities that their members are citizens first and veterans second. Both of these organizations have assured the people of Maine that if a problem exists in our cities and towns with respect to tax exemptions when the average of World War I veterans reaches 62, they will sponsor corrective legislation which will be satisfactory to everyone. We have no reason whatever to doubt that this will be done. As of today, these veterans feel that the sponsors of changes in our tax exemption laws have failed to show that a statewide problem exists, and that there is as yet any need for corrective legislation. We should not legislate on a statewide basis in order to solve the problem of one single town, such as the town of Chelsea where unusual circumstances make exemptions much higher than elsewhere.

The provision in the present law which grants exemptions to the widow of a veteran who died after reaching the age of 62 is intended to take care of those widows whose husbands, although 62 years of age, had preferred to pay their taxes as long as possible. With the husband dead, the widow might easily find herself unable to pay the tax. Some few widows are not receiving ex-

emption under this clause. L. D. 194 proposes to take away this exemption. I repeat, gentleman, L. D. 194 would take away this exemption.

Much more could be said on this bill. It will probably receive full debate here this morning in the Senate. Briefly these are the facts on the Perry bill. I know that some of our cities and towns have a problem, but I do say that the Perry bill is not the answer, in my opinion, and I have never seen anything any closer to Indian giving than this would be. The situation can be handled in some way, but to my way of thinking, the Perry bill is not the way. I realize that I am on the poor end of the report but I do not think the report is fair. It is not fair to the veteran for us to be Indian givers. And remember the figures which I stressed. One half of one percent shows that it is not the terrible problem that the sponsors of the legislation would have you believe. I therefore move the acceptance of the Minority Report "Ought Not to Pass" and I further move that when the vote is taken it be by the Yeas and Nays.

Mr. NOYES of Hancock: Mr. President, I find myself in the position this morning where I feel that I am again taking away something from the poor people, something which they deserve. However, I disagree with the statement of the Senator from Cumberland, Senator Allen, when he says the state has given these veterans the promise of these exemptions and now proposes to take it away. The state never has given an exemption. State legislatures have proposed to the towns that they give the exemptions, and thereby pay the cost, and that is the crux of the whole problem, the problem now before the legislature. If this legislature had the courage to raise the dollars to provide the money for these exemptions stated in the current law there would be no objection on my part.

In considering an exemption, first of all we should consider what it means. An exemption of a property tax does not diminish the cost of government one penny. The costs of the town and city governments are not reduced by veterans' exemptions or any other exemptions. What

we are doing by exemption is telling a man's neighbor that he should pay the costs of his more fortunate neighbors' exemptions from property. When an exemption is applied to a few people or a small amount of property it will work. The Senator from Cumberland, Senator Allen, has given figures which would indicate that state-wide exemptions total less than one half of one percent. I question the accuracy of that statement as applied to homes that this particular bill applies to. I want you people to take notice that those who are opposing this bill would still retain veterans' exemptions. Almost without exception they are people who live in our larger towns and cities, and they are not familiar with the problems of the smaller cities and towns in the State of Maine, of which we have a considerable number.

They are also failing to take into consideration the rate of taxation in the State of Maine on property both real and personal. And I again call to your attention that we in the State of Maine maintain an average property tax of seventy-five dollars per thousand dollars of valuation and in those small towns, ladies and gentlemen, all the tax payers, or very nearly all, are small property owners. We have very few industries, very few large estates, our tax payers in that group are mostly those who own a thousand to two thousand dollars worth of property.

In applying an exemption to any group as numerous as your veterans now are and as numerous as they are apparently going to be, will eventually destroy your basis of taxation in those small towns. If you want to take an example of a town whose valuation is, say, \$300,000, if it so happens they they have one exemption of \$3,000, their rate of taxation is a hundred mills, and there are few towns in Maine that have over that property valuation, you have increased the property tax by one mill over that of other tax payers in that town.

As to being fair, I can't see how the present law is fair. It seems to me that the present law operates to the benefit of the well-to-do veterans and not to the poor veterans. If the poor veteran does not own a home and is paying rent and the

tax rates in his town are increased because of veterans' exemptions he must pay increased rent to take care of the cost of increased local government. It is unfair to to the widow. I cannot see any justification for a widow whose husband happens to reach the age of sixty-two being exempt and another widow whose husband died at the age of 61 continuing to pay taxes to the support of veterans over sixty-two who are far better able to pay taxes than she is. And there are innumerable examples of that situation in the State of Maine. I am thinking now of a woman I know who takes in washing. She is 72 years of age. She refuses old age assistance and is struggling to pay her taxes. On the other hand, veterans of sixty-three and sixty-four years of age who are exempt from taxation are far better able to pay than that poor old lady yet she has to pay taxes to take care of the exemptions this legislature has enacted.

At the time this bill was originally enacted following world war one, had it not been for our world war two I think the towns and cities probably could have absorbed that cost, but with world war two, and three times as many veterans as world war one, realizing the effect it had on those small towns, I can see what would happen with the increased number of exemptions that will come. If the state wishes to raise the dollars to provide the money for these exemptions I would have no objection to the current law but I can't see how you will exempt, as will in your smaller towns in many instances result in as much as 25% being lost, and those particular towns where one veteran takes an exemption, his neighbor who might be able to pay and is eligible for exemption is so inclined and does take that exemption. It happens in my town. And if he takes the exemption, and probably justly so, I would again point out to you that those small towns with high taxes that are unable to carry on local government at the present level as they should, if we in this legislature take away from them the source of revenue, 90% of which is their taxes, we are going to throw a burden on those towns they cannot follow.

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, I have got to take sides with Senator Allen. I am a World War Two veteran, sixty-four years old. I don't need any exemption, at any rate I haven't needed any as yet, and I pay my taxes every year and have never asked for an exemption. But the day might come, if I live too long, that I would run out of money and I might need exemption so I would like to have it there if I want it. Another thing, I agree with Senator Allen that we shouldn't take away an exemption like this that a former legislature enacted. Senator Allen and I, we both sat in the House when this legislation was passed and we both voted for it and believed in it, and I think there are quite a few in the Senate now who were in the House at that time. I can see some from Aroostook County. Of course I can't remember how everybody voted but I remember Senator Allen did, because I always keep an eye on him.

Mr. DENNETT of York: Mr. President and members of the Senate, I find myself this morning in a rather strange position, I would call it almost an unholy position, of being on the same side with the Senator from Hancock, Senator Noyes. I, too, come from a town that has a preponderance of veterans residing therein. I, too, am a veteran of world war two. My main objection to the law as it now stands is that we have a great number of retired colonels, admirals, captains, and men of high rank in the Service who come into our towns, they like it where they are and settle there and they buy perhaps the choicest pieces of property—and as we all know, our property valuations in Maine are very low—and they don't reside there very long before they put in their claim for exemption from taxation, and of course under the law as it is now it is granted. Our town loses considerable, perhaps as much, if not more, in proportion than any town in the State of Maine.

I, too, will go along with the Senator from Hancock, Senator Noyes, in his reasoning that the veteran who hasn't accumulated much bears the burden of the vet-

eran who has reached the point where he owns property and is better able to pay than he is.

I do think that the law as it is today is very unfair. Every reason the Senator from Hancock, Senator Noyes, has given I will go along with and I wish to go on the record as being opposed to the motion of the Senator from Cumberland, Senator Allen.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I have heard the other speakers here today who talk about fairness and I too want everything to be as fair as possible but like the Senator from York, Senator Dennett, I am somewhat acquainted with the problem, but from a municipal point of view. I recognize the fact that where we had a comparatively small number of claims for this exemption two or three years ago, we have a much larger number now claiming exemption. However, this act was passed almost forty years ago, or possibly thirty-five, and was amended in 1921, and it may not be exactly as we would have it now and possibly some adjustment to the exemptions should be made. For instance, one of the proposed exemptions provides for removing the word "estate" and replaces it with the word "residence". I think I would go along with that. I think it was the purpose of the act to provide assistance to the veteran when he reached the age of sixty-two and has provided himself with a little home.

I won't quibble about the fact that the tax does, in its working, hit the small towns harder than it does the larger towns and cities, and I will agree with Senator Noyes that possibly something could be done to relieve that burden by acting at the state level. I would be perfectly willing to have that burden spread over the entire state and I will go along with the "residence" provision, but I do not agree with other provisions of the amendment. So I will say that I hope the motion of the Senator from Cumberland, Senator Allen, prevails.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, this bill to me is a simple bill.

It is a bill of gratitude to the soldiers of Maine. And I recall the famous words, "Lest we forget". Christ died on the Cross at Calvary that others might live. One hundred years ago money would buy a human being but through our great Civil War and the sacrifice of thousands of lives freedom was bought for all men in our America and more recently through two great world wars that freedom, that happiness, that security, have been secured by the blood of the citizens of Maine who today lie buried in the fields and pastures of Europe, in the valleys and jungles of Asia, beneath the waves of the Pacific and Atlantic.

Today, again sons of Maine are on the firing line in a foreign country facing a degenerate, uncivilized enemy, and thousands of our men are being slaughtered, buried while life still remains, thrown alive into the flaming fire. For what? That we at home may have security and happiness. Did those soldiers of Maine bid farewell to their fathers and mothers, to their families, their friends and loved ones, and cross the ocean, of their own free will? No. We sent them there that we at home might have freedom.

Let us say that we are poor and that today we are spending billions of dollars for the soldiers of foreign countries, but never let it be said that Maine has forgotten her own fighting men.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I hesitate to rise again on the matter of statistics in this matter, which I think are very important, especially in view of the arguments of the Senator from Hancock, Senator Noyes. I would therefore like to recite just two or three figures which to me are quite important in your decision this morning as to whether to vote for or against this bill.

The total figures reported by the State Tax Assessor as to property of veterans, blind persons and others exempted by law was \$4,127,495 and the proportion to the total tax valuation was .56 percent. Now, the veterans over 62 in the State of Maine in 1950, the percentage was .67 percent of population but the

veterans over 50 years of age in 1950 was 2.98 percent of population. Therefore, without considering the mortality or any other fact, the total exemption under the veterans exemptions cannot be over about two percent.

I just can't agree with the statements of the Senator from Hancock, and I certainly hope my motion prevails.

Mr. NOYES of Hancock: Mr. President, Senator Dennett brought out a very important point when he referred to an exemption of \$3,500. That exemption of \$3,500 is the highest of any state in the Union that has a similar law. New York gives an exemption of \$5,000 to veterans who by property through money derived from veterans' bonus or compensation. Therefore there would only be a small number of veterans who would buy property with that money and only a very few who would buy \$5,000 worth of property.

It is of interest to note that under your valuation in the State of Maine a \$3,500 piece of property, valued as such is not often an actual value of \$10,000 or more. And when these retired officers select a place in which to retire if it is small wonder they choose the State of Maine when such is the exemption. With a life expectancy of thirteen years the tax rate of \$75 a thousand with \$3,500 exempt, that man is eligible for considerably more money in dollars and cents. It is of interest to note that in the State of Maine we have no limitation of how much property a man may own and receive an exemption. Few of the states in the Union give any exemption whatever, not even to disabled veterans, and this bill before you would give exemption to disabled veterans and I think it is sound. But of those states that do give exemptions they set limits on the type of property that can be owned by veterans and still receive exemption running from five to eight thousand dollars.

It is also of interest to note that five of those states that do give exemptions reimburse the cities and towns for all of the cost. It is also of interest to note that in those same states the property tax will run twenty to twenty-five mills as

against our \$75.00 and in dollars and cents when this is applied to our tax structure we in this legislature are indeed optimistic if we feel that that sort of exemption will be good. I don't think it is. The figure Senator Allen has given coming from local assessors and too many times they fail to list tax exempt property.

I don't want any Senator to stand up here and tell me that I don't know how it applies to the small towns. I do know. And I know it is more than one half of one percent. And I can count on the fingers of my two hands veterans in my town who within the next four years will receive \$25,000 exemption. And it will be applied for. Don't forget that.

Mr. McKUSICK of Piscataquis: Mr. President and members of the Senate, I want again to stress the point that Senator Noyes has made of the impact of this exemption on our small towns. The fact that in many of our small towns an exemption of one single veteran will raise an increase of one mill in the tax rate, is a serious matter. No towns have tax rates above 10 cents or a hundred mills.

One other point that has not been touched upon here is that we have in the State of Maine 90,000 or more veterans of world war two. In a population of a little over 900,000 that means that in the next generation those boys and girls of world war two will pay a large proportion of our taxes, and it seems to me that an exemption of the veterans of world war one means we are putting an added burden at a time when they are rearing their families and building up their resources on the veterans of world war two. I think that is one thing that should be considered.

Mr. BREWER of Aroostook: I too will go along with the Senator from Cumberland, Senator Allen, with the thought in mind that has been passed along to me that if this bill is kept alive amendments will be offered so that the towns will be reimbursed for these exemptions that they have to make. I realize many towns are penalized, small places, by this action and I do not feel it is necessarily their business alone but I think it is

everybody's business in the state. And with the thought in mind that if this bill is kept alive amendments will be offered to take care of some of the more serious objections, I hope the motion of the Senator from Cumberland prevails.

Mr. NOYES of Hancock: Mr. President, just one word. As I understand it, Senator Brewer, if the present motion prevails the bill will be killed.

Mr. BREWER: Mr. President, I think the Senator is right and I will therefore withdraw my hope that the motion will prevail.

Mr. SAVAGE of Somerset: Mr. President, I rise to support the motion of the Senator from Cumberland, Senator Allen and if you will bear with me a few minutes, I would like to reminisce just a little bit. I would like to go back to 1917 when a young, vigorous, American army went over to Europe to save our allies. The Russians who were then our allies under the Czar had been knocked out of the war. England and France were fighting but were on their knees. They were mortally wounded and we came to their assistance, and came quickly to save this world.

Then I want to go a little further ahead to an April day such as this in 1919 when the victorious Yankee Division marched down the streets of Boston Town just before they were being discharged. Their step was quick. Their backs were straight. Their heads were high. There was the song of victory on their lips. The world was their apple. They had licked the greatest army in the world, the army of Imperial Germany.

Now, let us come back thirty-two years later to this day and time. We see those same veterans. Their ranks have been considerably depleted. Their step is no longer quick. Their backs are a little drooped. The snow of ages has fallen upon their temples. Their step is not firm. Some of them walk with a cane or a crutch as I do. The only glimmer of youth that you can see is in their bright, shining eyes and I like to think of them as Longfellow thought of the village smithy—"He looks the whole world in the face, for he owes not any man."

And now these veterans with their wrinkled faces as they face toward the west, can watch that last sinking sun go down. Are you members of this Senate going to impose this bill upon them? This is the last time that I will sit in this Senate. I am through after this time and I hate to go home and think that the members of this Senate will pass such a bill.

I sincerely hope that the motion of the Senator from Cumberland, Senator Allen, prevails.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I, too, would like to state my position on this bill. I am in favor, believe it or not, of the motion of the Senator from Cumberland, Senator Allen. He and I very seldom go along together on the same bill but this time we are going to ride together.

My main reason for being in favor of this motion is that I am not going to deprive the veterans of what little the State of Maine has given in the past.

I can recollect that for the last three or four sessions, I introduced and re-introduced bills for a bonus for our veterans and invariably I was defeated. First, I introduced a bill to raise the funds through lotteries and a lot of the members of the Legislature told me their consciences wouldn't permit them to vote for such a bill, even for a good cause. Then I introduced a bill, so that their consciences would be quieted, for an income tax attached to it with the sole purpose of passing a bonus to the veterans. On the roll call in this Senate at that time, nine voted for it. The others were against it.

This morning, I certainly will not vote to take away what little bonus we have been giving our veterans and I think that is one form of bonus, regardless of what you call it, this exemption from taxation. It is still a bonus to some of our veterans and I wish it could affect all of them.

I certainly will not vote to deprive them of that bonus. I shall go along with Senator Allen for his motion that this bill Ought Not to Pass.

Mr. DENNETT of York: Mr. President and Members of the Senate, I think there is a lot of merit

and substance to the suggestion by the Senator from Aroostook, Senator Brewer, but I would remind the members of this Senate that if they vote along with Senator Allen, that they will effectively kill this bill and I see no way that any amendment can be offered.

I should think if they do wish to keep it alive and offer amendments whereby the towns would be helped, they would certainly vote to keep this bill alive.

Mr. BREWER of Aroostook: Mr. President, in order to clarify a point, I want to concur with Senator Dennett that if you do that which I started to do, vote with Senator Allen, it kills the bill, but if you do vote with Senator Noyes, you keep the bill alive so that we may be able to amend it. That is my understanding.

Mr. WEEKS of Cumberland: Mr. President, we have heard a lot of statistics here this morning about what the facts and figures show, and I want to say to Senator Noyes that I do appreciate his problem very much. I am very keenly aware of his problem. It does present something of a serious nature but I do think it is rather late in the day to stand here now and say we should do something else or that we should have the state take it over. Why didn't someone think of that before.

I also want to mention the fact to Senator Dennett, the senator from York, that perhaps we haven't any figures to indicate the contribution which these admirals and generals and others make to the community. We have, I believe, quite a substantial number of veterans in my city who didn't originate there but for one reason or another, they have come there to pass their last days and there they are. And those who have the larger incomes, and I suppose that these admirals and generals, as well as some of the others with lesser incomes, are going to make something of a contribution of a real, beneficial nature to the entire community, especially if you have a sales tax.

I don't feel that should be ignored. I don't know to what extent they contribute in Senator Noyes' community but certainly they must

contribute something to the merchants and to the public and business life of the entire section and those are things which should be considered. I still stick by Senator Allen and hope his motion prevails.

Mr. BARNES of Aroostook: Mr. President, I wish to make my position clear on this measure. I was—as was probably every other member of the Senate — contacted on this matter before the opening of the Legislature and I stated my position on it. I entirely agree with the Senator from Oxford, Senator Boyker and the Senator from Somerset, Senator Savage in everything that they have said. And if this bill proceeds along through the course of this Legislature and comes up for enactment in its present form, I shall vote against it.

I am extremely conscious, however, of the problem that exists in the small towns in the State of Maine. I talked with the first selectman and assessor of a small plantation near Houlton about this matter within a week. He is wholly conversant with the situation in his own town and he told me that if this legislation stays in force on the books — and it was passed or amended back at the time when my father was Speaker of the House. I think they made a mistake because they should have put it on the State level instead of the town level — but this selectman told me that if this legislation continues in force, the effect of it will be to double the taxation on those who are not entitled to the exemption in that small town.

I have talked with the sponsor of this bill and I understand that legislation or amendments will be offered so that the small towns will be reimbursed by the state for the money that they lose by this exemption. With that amendment, I will go along and vote for the bill. If that amendment isn't offered, I will vote with the Senator from Somerset, Senator Savage, and the Senator from Oxford, Senator Boyker. But I believe that the bill ought to be kept alive at the present time and I shall, therefore, vote against the motion of the Senator from Cumberland, Senator Allen.

The PRESIDENT: The Senator from Cumberland, Senator Allen,

has requested the "yeas" and "nays." In order to entertain a request for the "yeas" and "nays," it must be at the request of at least one-fifth of the members present.

A division of the Senate was had.

Obviously a sufficient number having risen, the Yeas and Nays were ordered.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the Senate accept the Minority Report "Ought Not to Pass."

The Secretary called the roll:

YEA: Senators Allen, Boucher, Boyker, Brown, Christensen, Collins, Fuller, Greeley, Haskell of Penobscot, Kavanagh, Savage, Sleeper, Turgeon, Ward, Weeks — 15

NAY: Senators Barnes, Brewer, Crosby, Dennett, Ela, Haskell of Cumberland, Larrabee, Leavitt, Marshall, McKusick, Noyes, Palmer, Reid, Tabb, Wight — 15.

The PRESIDENT: The Secretary will call the name of the President.

The Secretary called the President's name.

The PRESIDENT: The President votes "No."

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

Mr. NOYES of Hancock: Mr. President, I move that the majority report be accepted and I will state that if this report is accepted, I will have an amendment prepared which will reimburse the towns and cities for the exemptions given to the veterans.

The motion prevailed and the majority ought to pass report was accepted in concurrence and the bill was read once; House Amendments B and C were read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

Mr. Tabb of Kennebec was granted unanimous consent to address the Senate.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I, perhaps, feel in a little better humor than I did yesterday.

A few weeks ago I asked the unanimous consent to address this Senate to inform you that the

President of our Senate had had a granddaughter, making three girls of his own and two grandchildren, therefore entering the Cantor class.

I stand here, knowing that nobody will be able to offer any good word for me to be a grandfather. However, we have among us today a Senator I admire and think a great deal of and on Sunday last he became the grandfather of a bouncing boy. I think it is a great thing for us here to recognize those things as they come along and I think, Mr. President, it is no more than right that this Senate should rise and congratulate our Senator from Aroostook, Senator Collins.

Mr. Collins of Aroostook was granted unanimous consent to address the Senate.

Mr. COLLINS of Aroostook: Mr. President, I rise to acknowledge the sentiments that the Senator from Kennebec has expressed and I wonder whether or not this is another exemption.

I think it might be of interest to the Senate to know that the grandson who just came into the world was named for my father, Herschel Douglas Collins and he in 1933 served as a member of the Legislature as a Representative in the House. I think it also might be of interest to know that in 1896 a gentleman called Samuel W. Collins was a member of the House of Representatives and again in 1860 and at that time he was a member of that party of which the illustrious Senator from Androscoggin, Senator Boucher is a member. Succeeding generations found the folly of that position and became members of the majority party.

It was somewhat of an accomplishment for a member of the House of Representatives from Aroostook County to be elected at that time as a Democrat. But he did come to the House on two different occasions, in 1856 and again in 1860 and was a member of the Senate in 1870. So that the tradition of the Collins family to some extent has been carried out three times in the Maine Legislature. What the fourth occasion will be

remains to be seen. I thank the members of the Senate.

The PRESIDENT: As the grandfather Senator from Kennebec, the Chair congratulates the grandfather Senator from Aroostook, particularly where it is a boy, and hopes to be able at some future date to see the boy seated in the row of Aroostook Senators.

Mr. Boucher of Androscoggin was granted unanimous consent to address the Senate.

Mr. BOUCHER of Androscoggin: Mr. President, as long as my good friend Senator Collins has referred to his ancestors and said that they were good Democrats that degenerated into Republicans, I want to make a confession that at that time my ancestors were conservatives from the Province of Quebec, which I understand is equivalent to the Republicans in the State of Maine, and that their descendants have degenerated into Democrats.

I am perfectly willing and agree to go along with him when he says it is a folly to be a member of the minority party. But I am just one of the stubborn Brittany type whose ancestors came from Normandy and Brittany and France who enjoy butting their heads against a stone wall.

I prefer to be in the minority party and still think that I am right than to be in a majority party feeling that I am wrong. So, therefore, I want to add my congratulations to Senator Collins and hope that this grandson of his will see the light of day and convert back to the party of his ancestors, the good old Democratic Party.

On motion by Mr. Crosby of Franklin, it was

ORDERED that the Secretary of the Senate shall report to the Senate as soon as may be the total number of printed bills that remain unreported in each committee.

On motion by Mr. Crosby of Franklin

Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

On motion by Mr. Allen of Cumberland the Senate voted to take from the table divided report of the Committee on Transportation, on Bill, An Act Relating to Examination of Certain School Bus Operators (H. P. 1243) (L. D. 795) tabled by that Senator on April 18th pending acceptance of either report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I shall move to accept the Majority Ought to Pass Report of the Committee on Transportation on this bill. This is L. D. 795 and I will, with your indulgence, read the bill to you. It is a short bill. It is a safety bill introduced by a gentleman in the other branch who was concerned with the increasing number of accidents involving school buses.

"Bus operators; requirements. No person shall operate a school bus with a seating capacity of ten or more persons in the actual conveyance of school children until he shall have complied with the following requirements:

"I Must be at least 21 years of age;

"II Must have held a Maine operator's license for at least one year;

"III Must file annually with the secretary of state on forms provided by him, a certificate of physical and mental competence signed by a qualified physician;

"IV Must pass such examination as the secretary shall prescribe to determine his ability to operate the specific vehicle which will be driven while transporting school children or any comparable type vehicle;

"V Application for such examination must be filed with the secretary at least thirty days before the commencement of such operation;

"VI A fee of one dollar shall be paid to the secretary for such examination."

Now, this bill, as I said, is purely and simply a public safety measure because of the increasing number of school bus accidents. When Mr. brought it before our Committee, he presented it with that thought and I just picked up yesterday at the State Police yesterday the fact that in 1949 we had nineteen

school bus accidents and in 1950 we had twenty-seven school bus accidents. The number has been increasing proportionately.

Mr. President, I rise to a point or order.

The PRESIDENT: The Senator may state his point.

Mr. ALLEN of Cumberland: Mr. President, is it permissible to mention any action from the other branch which has transpired?

The PRESIDENT: It is permissible to mention any matter which is of general knowledge but the Senator must not pre-suppose any action in the future.

Mr. ALLEN of Cumberland: Thank you, Mr. President. Without in any way indicating what I think will happen in the other Branch, I would state as is commonly known, that the other Branch voted against this bill fifty-nine to fifty-six. But the opposition was primarily in relation to Roman One which says that the operator "Must be at least 21 years of age."

Now if you go along with this bill and accept the majority report, Senator Boyker will offer an amendment which changes one or two features of this bill which I think will take away some of the objections and I think protect our school children and the fact that they will know that the person operating that bus will be qualified.

One of the provisions in the amendment will be to the effect that any person with one year's experience with a Maine license would qualify. In other words, he could logically, therefore, be sixteen and drive as long as he had at least one year's experience in driving before he applied for the school bus license. I say that because I hope you will permit us to accept the Majority Report of the Committee so that we may present this amendment.

Mr. President, I move the acceptance of the Majority Report of the Committee on Transportation.

The PRESIDENT: The Senator from Cumberland, Senator Allen, moves the acceptance of the Majority Ought to Pass Report of the

Committee. Is this the pleasure of the Senate?

The motion prevailed, the majority report was accepted, and the bill read once.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, I signed the Minority Ought Not to Pass Report in regard to this bill for this reason and that is the hardship that it would put on our high schools, academies and colleges, in that those schools own their own buses and depend upon a student of their school to drive that bus.

A student who has had one year's experience in driving and has passed an examination for health, mentality and character. Since that report came out, I have thought perhaps we ought to protect the young children of our common schools and public schools and I have prepared this amendment which will exempt the high schools, academies and colleges and continue the bill as it was originally drawn, outside of this paragraph which will exempt the high schools and academies and colleges.

At the present time, the drivers of our public school buses have the permission, or do many times employ young men from sixteen to eighteen years of age. It is thought that they should be required to have drivers of more responsibility and more experience and I think that is provided for in this amendment which I now present, which is Senate Amendment A to L. D. 795.

The Secretary read the amendment:

Senate Amendment "A" to H. P. 1243, L. D. 795, Bill "An Act Relating to Examination of Certain School Bus Operators."

"Amend said Bill by striking out the 1st paragraph after the enacting clause and inserting in place thereof the following paragraph:

"R. S., c. 19, Sections 53-A, 53-B, additional. Chapter 19 of the revised statutes, as amended, is hereby further amended by adding thereto two new sections to be numbered 53-A and 53-B, to read as follows:"

"Further amend said Bill by striking out the headnote of that part designated 'Sec. 53-A' and inserting in place thereof the following underlined words: 'Public

school bus operators: requirements.'

"Further amend said Bill in the 7th line thereof by striking out the underlined word 'school' and by inserting after the underlined word 'children' the underlined words 'to public schools'

"Further amend said Bill by inserting, after the underlined word 'transporting' in the third line of that part designated 'IV', the underlined word 'such'

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

'Sec. 53-B. Other school bus operators. No person shall operate a school bus with a seating capacity of ten or more persons in the actual conveyance of children to any schools, except public schools, until he shall have complied with the following requirements:

"I. Must have held a Maine operator's license for at least one year;

II. Must file annually with the secretary of state on forms provided by him, a certificate of physical and mental competence signed by a qualified physician;

III. Must pass such examination as the secretary shall prescribe to determine his ability to operate the specific vehicle which will be driven while transporting such school children or any comparable type vehicle;

IV. Application for such examination must be filed with the secretary at least 30 days before the commencement of such operation;

V. A fee of \$1 shall be paid to the secretary for such examination.' "

Mr. BREWER of Aroostook: Mr. President, if I understood the amendment correctly, there would be objection which I would have to it and that is that the operator must file his application thirty days in advance with the Secretary of State. I can visualize many times that this could create a hardship and I would object to that part of the amendment.

I move that the measure lie on the table temporarily until I can possibly overcome that objection.

The PRESIDENT: The Senator from Aroostook, Senator Brewer, moves that the bill and the amendment lie on the table pending the motion of the Senator from Ox-

ford, Senator Boyker, to adopt Senate Amendment A. Is this the pleasure of the Senate?

The motion prevailed, and the bill was laid upon the table pending the motion to adopt Senate Amendment A.

On motion by Mr. Reid of Kennebec the Senate voted to take from the table Bill, An Act Relating to Gambling (S. P. 324) (L. D. 723) tabled by that Senator on March 29th pending passage to be enacted.

Mr. REID of Kennebec: Mr. President, before moving that this bill passed to be enacted, I shall speak as briefly as possible, although my remarks may have to be extended generally on the subject of gambling, particularly insofar as the State of Maine is concerned and the County of Kennebec.

A few weeks ago the Kefauver Committee held extended hearings and they were widely publicized. It is probably one of the finest things that has come out of Washington for a long time as it served to impress upon the people in this country at large the terrible extent to which organized gambling has made inroads into the political life of the country from the lowest form of political life, stretching up to the highest.

As a result of the Kefauver Committee hearings and the publicity which attended them over the air and over television and through the newspapers, it becomes necessary to see what the impact of organized gambling is upon the State of Maine and what has been done about it and what should be done about it.

The bill now before the Senate was introduced by me at an early stage in the session and it is a bill which in effect makes it a felony punishable up to two years in the State's Prison by a fine of a thousand dollars to participate in book-making or numbers games rackets. The existing law is not sufficient to cope with the problem. Under existing law, it is only a misdemeanor brought ordinarily before the municipal court and resulting in small fines.

Gamblers do not object to paying fines. They have a horror, how-

ever, of being incarcerated. And in my humble judgment, the only way to stop organized gambling would be some stiff jail sentences. The publicity is excellent. It is all to the good. It serves to get the public behind the prosecutors and judges who are desirous of meting out stiff sentences.

However, I would like to review this for a few brief moments and read a few letters into the record because not too long ago a statement was made in a Portland newspaper that the County of Kennebec was wide open. The term "wide open" has been used especially recently and carries with it an implication that there are dishonest and corrupt officials who are protecting the organized gamblers.

To my knowledge, that is not true and never has been true in Kennebec County. Sheriff Harry Pinkham is a very fine man and he is a truly great sheriff. I know not what the intent was of the use of the words "wide open," but if it were in any way to convey the impression he was corrupt, I will deny it because I know it wasn't true.

Since I retired at the end of last year after four years as County Attorney, I also feel that my position has been challenged. If there is organized gambling on a wide scale or any corruption existing today in Kennebec County, or at least which existed at the end of last year, it existed six months ago and a year ago and beyond that and I take the full responsibility for anything that was done or for anything that wasn't done.

I became County Attorney in January of 1947. Prior to that time, the Supreme Court of this State handed down a decision that a conspiracy to violate a misdemeanor was in itself a felony. That case involved some people from Waterville, Maine. I conferred with the Sheriff and we both came to the conclusion after examining the existing law, that the existing law was not sufficient for us alone in the County of Kennebec or any other county to do anything which would really stamp out organized gambling. At that time, so far as I know, the gambling in Kennebec County was not widely prevalent but I did know that there were some persons

in Waterville, Maine, who were connected with persons in other parts of the State in what might be construed a conspiracy and if that could have been proven, they could have been given a State's Prison sentence and in that way we might do something about that.

I asked the Sheriff if he had any objection to my taking it up with the State Police. I thought since they could cross county lines, that they would be the best organization to do something about the gambling situation in the State of Maine.

On January 14th, 1947, or prior to that time, I telephoned a high member of the State Police and asked if he would be interested. He said, "Most certainly but please write an official letter to the Chief of the State Police."

Accordingly, on January 14, 1947, I wrote, "Lawrence C. Upton, Chief State Police, State Police Headquarters, Augusta, Maine. Confidential. Dear Mr. Upton:

"Several years ago a lottery racket was discovered with headquarters in Waterville, Maine. Due largely to the efficient investigation of the State Police, the principals behind the operation, namely," and I named three names, "were arrested and convicted of conspiring to operate a lottery. Other lesser lights paid fines.

"I have now learned on reliable authority that this racket is operating again with one or more of the same principals involved.

"May I call upon your good services to initiate an investigation of this matter?"

"Should you wish to discuss this with me before taking any action, I will make myself available at your request."

Sometime after that, a police officer came over in response to that letter and discussed the whole situation over with me and I gave him what information I had and I explained to him what the law was and what was necessary in order to accomplish something.

I want to say right here and now that I think the State Police are a fine body of men and that they are very efficient. They are, of course, understaffed to do anything on a statewide basis. That, of

course, has recently been proven by the fact that after this Kefauver Committee brought these things to public attention, public prosecution was ordered.

Nevertheless, the police officer who was sent to me had some knowledge of his own as to the personalities involved and the extent to which the operation had crossed county lines into two or more other counties.

The thing went along and there wasn't much public agitation. There wasn't too much of this gambling in Kennebec at that time, according to my information, but I was interested in stopping it and if not stop it, prevent it from getting any worse. I conferred with him from time to time and he felt he had certain leads but he never came up with anything that could be proved in Court. Then Chief Upton resigned and Francis J. McCabe succeeded him. On November 24, 1948, I wrote to him as follows:

"Confidential
Francis J. McCabe,, Chief
Maine State Police
66 Hospital Street
Augusta, Maine

Dear Mr. McCabe:

"I believe that organized gambling has reached a point in this county where something should be done about it as quickly as possible, especially in the northern section. I know that your Department has done some preliminary work and is possessed of much information. I would appreciate it if at this time a representative of your department and myself could get together to formulate some active plans."

As a result of that he sent two of his men over, both capable men, efficient men and they agreed to spend what time they could on it. They did what they could but never came up with anything that could be proved to be a conspiracy. Eventually, they did come over to my office and tell me that they thought they had something really hot, really good, but it would require them to take ten days at some considerable expense and reside at a certain hotel in northern Kennebec County and they thought they could really come up with something.

At that time there still wasn't gambling in any organized way except in this one connection. I am not saying that there weren't pools on baseball, the kind of thing that has been going on all over the state. I am talking now about organized racketeers who did exist in the State of Maine and one or more was in Waterville. I agreed that the County of Kennebec would pay those expenses and they went to work. I am not certain of the exact time, but I think they worked for ten days and I am very sure they did the best they could. They came back and in some way the things that they hoped would transpire did not, and at that time, they could not give me the evidence I said was necessary.

Then came the legislative enactment of two years ago on running horse races and I was of the opinion at that time and still am that an operation of that kind would serve to encourage organized gambling and I felt that people from out of the state would move into the state and accordingly I went to Portland and saw the United States District Attorney, explained my situation to him and told him I thought that gambling was on the increase in Kennebec County and asked if he would have the F.B.I. check into the situation and see if they could find out what out of state principals were involved, and with his help perhaps we could get the evidence we needed. He agreed to help and to some extent he did promote the activity. However, that was shunted off in favor of an FBI investigation not so much into the principals concerned as into the use of the Western Union. I was getting a little impatient, not at these gentlemen because I am sure they were cooperating. You must bear in mind that at that time there was no public agitation.

Accordingly, on February 1, 1950 I wrote a confidential letter to Attorney General Ralph Farris. I will read the letter:

"Ralph Farris, Esq.
Attorney General
State House
Augusta, Maine
Dear Ralph:

"I have noticed, and it has also been brought several times to my

attention that the sale of lottery tickets and also the racket of book-making has very much increased in Kennebec County. I have had a number of officers working for me in an effort to get a strong enough case to discourage these practices but have not been too successful for the primary reason that the headquarters of the activities are not located in Kennebec County. Several discussions have been had with the U. S. District Attorney but it seems to be doubtful whether or not he is in a position to take any immediate steps to materially assist me.

"The thought occurred to me, especially since we have just formed an Association of County Attorneys, that we might all get together soon and take joint statewide action in the matter. My own thought is that we could do it with publicity and a mandate from County Attorneys to all officers to arrest purchasers as well as sellers. I believe that such a step might be effective.

"On the other hand, it might be considered by others that this would be unwise. I do wish you would let me have your thoughts on it because if it is not to be a statewide operation, I shall want to do what I can in Kennebec County."

He replied on February 7, 1950. This is his letter:

"Dear Jim:

"I have your letter of February 1st.

"Following up my conversation with you yesterday I will say that I will look into this matter with a view to making some organized effort on a statewide basis and see what we can do with the help of the United States District Attorney's office.

In the meantime you get what evidence you can in Kennebec County, and if we cannot work out a statewide course of procedure, I will ask the County Attorney in each county to proceed through the county authorities and take some action whereby violations may be reported and evidence secured to convict in the courts.

I will see you after I return from Washington next week."

His trip to Washington was in connection with the activities of the Department of Justice in or-

ganized gambling. When he returned, I checked with him and the state police officers to see if we could find anything definite white involved Northern Kennebec County or elsewhere and the result was negative.

Time went on and I know that my last term of Court was in 1950, October, and I made another trip to talk with the U.S. District Attorney and I have a letter from him dated in March—well that was an earlier trip, but I do have a letter dated March 1950 which will be available to the press if they want to see it. That simply said they were working on the matter. Later in the fall I decided that having nothing to present to the Grand Jury that could result in proof, that I would start a publicity campaign and I called in a member of the press and told him confidentially what I had in mind.

I again checked with the Attorney General's office and was informed that it would be better not to proceed in that manner at that time. So my term of office expired without any tangible results.

However, one of the first things I did after this session convened was to draft this bill to make it a felony to participate in numbers games or bookmaking. In that way it would not be necessary to have a statewide activity, any sheriff or county attorney who could prove his case could get a conviction and a term at the state prison if the judge would support it and the public would support it. That bill came out of the office of the Legislative Director of Research and in the Senate on February 15 of this year, considerably ahead of the widespread publicity that attended the Kefauver committee hearing. It went to the Legal Affairs Committee and at their hearing in favor of the bill were myself and Paul Stewart. There was no opposition and no one else spoke on it. It came out of Committee with an unanimous ought to pass report and started on its routine way in the legislature.

Then the Kefauver Committee hearing began to attract publicity and some few days at least, after

it came out of the committee I was talking with a representative and Mr. Talberth and the subject of gambling was brought up. I said, "Have you read my bill?" Incidentally there was no publicity which attended the hearing at Legal Affairs, in spite of the fact that the whole situation was gone into. I only use that to show that at that time the public was not particularly interested so far as I know, neither was the press. When I asked if he had seen my bill he said, "No, which one is that?"

I went into it all again and he asked if I would be in favor of the Governor calling in various county attorneys and other persons and have a statewide investigation or look-see into the situation. I told him, "Emphatically yes" and I dictated to him a statement of my position on the matter which was publicized.

Later the Kefauver committee blasted forth in full bloom with a lot of publicity, the papers in the State of Maine, especially the Gannett newspapers began to beat the drums against gambling, and they should have. It was a fine thing for them to do. It tended to bring out into the open a situation which I claimed at least to have tried to do something about and my only reason for boring you with this is to show you that in Kennebec County we made an effort over a period of time which finally has been consummated along the lines we suggested in 1947.

I make these remarks also in support of my position that the sheriff in Kennebec County has no responsibility at all; it is all on my shoulders, whatever it is because he agreed with the way I was working from start to finish and neither one of us ever deviated from our position that it required statewide operation. The thing began to get hot and my bill came in here and there was consultation in the Attorney General's office and the newspapers agreed to stop beating the drums and I agreed to table my bill, probably put an emergency on it feeling that perhaps that an emergency might be helpful. I said nothing further and the press said nothing further about it to any extent and Mr. Niehoff, a very fine lawyer who

will undoubtedly do a good job in his new office, began to work on this situation. Over last week-end the whole thing broke. 25 subpoenas were served and I understand the whole thing is proceeding in a satisfactory way.

The newspapers have taken it up and they deserve a large share of credit and I am not up here to complain in any way about what they have done in the matter of publicity. Mr. Talberth is entitled to credit and I give him all he asks for and also the other newspapers.

I did want to bring this out because I think it is true that whatever Mr. Talberth may have done prior to the Kefauver committee was possibly along the lines that I had been attempting to follow for some time. I think that is all I have to say on this measure except to once more reiterate that I have the greatest confidence in the honesty and integrity of Harry Pinkham and will stand behind him at any time. I do not know what the gambling situation is in Kennebec County right now because I left office on December 31st of last year. Mr. Pinkham has said that it is not considered to be particularly prevalent. He is a good investigator. Whether he is right or wrong makes no difference to me and at the present time. We all have been wrong on many occasions. What I am saying is that the man is as honest as the day is long and I know he is and no one will ever be able to prove otherwise.

With that, Mr. President, I move that this bill be passed to be enacted.

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

On motion by Mr. Collins of Aroostook, out of order and under suspension of the rules it was

ORDERED, that there be printed and distributed to the members of the Senate and the House of Representatives five hundred copies of the remarks of Senator Brooks Savage made in the Senate on April 2th in regard to H. P. 336, L. D. 194, bill, An Act Relating to Exemptions from Taxation.

On motion by Mr. Haskell of Cumberland the Senate voted to

take from the table House Report "Ought to Pass" from the Committee on Judiciary on bill, An Act Relating to Definition of "Teacher" under Maine State Retirement Law (H. P. 926) (L. D. 528) tabled by that Senator on March 15th pending acceptance of the report; and on further motion by the same Senator the report was accepted, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Christensen of Washington the Senate voted to take from the table House Reports from the Committee on Transportation on bill, An Act Providing for Safety Equipment for Large Trucks (H. P. 1373) (L. D. 963), Majority Report "Ought to Pass", Minority Report, "Ought Not to Pass," tabled by that Senator on April 19th pending acceptance of either report.

Mr. CHRISTENSEN of Washington: Mr. President, I move that we accept the Minority Report "Ought Not to Pass." In connection with placing safety equipment on heavy trucks I have had some experience and these big trucks don't break down very often these days, and they buy flares or bombs to use if they do break down. Years ago we didn't have flares but we did have bombs. We placed them on the side of our cabs and by and by they would go out in the ditch and we wouldn't have any bombs to put out if the truck did break down.

Now, this is going to be a big expense to the truck owners of the State of Maine. Trucks might run four or five years with no breakdown and the equipment wears out, and if a truck does break down today it is always within reach of equipment that can haul it off the road, and there is no need of leaving a truck on the road. Therefore, I claim that this bill is not necessary and I hope my motion prevails.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, in defense of the majority report of the committee and in opposition to my friend and colleague, the Senator from Washington, Senator Christensen, I would say that this bill came into the Senate

with one amendment raising the limit from nine thousand pounds to fifteen thousand pounds. At our hearing the trucking industry was well represented, both organized and unorganized, and they were in agreement, as I recall, on the measure.

We were told at the public hearing that a kit such as required by this bill would cost between three and a half and four dollars. I believe the president of one of the big organizations of the state who was in favor of the bill said it was \$3.50 for the kit.

This is another public safety measure and the fact remains that people in the state have run into stopped trucks on dark highways. I think this is only in keeping with safety and doesn't put too great a burden, or an unreasonable burden, on the truck owners, and I think you will agree that if a truck stops on the road in a dark night, rain or shine, it does cause damage.

I personally cannot see the objection to this bill. I think it was promoted by Representative Carter in answer to a problem which is a real one on our highways. I certainly hope that the Senate will accept the majority report and I oppose the motion of the Senator from Washington, Senator Christensen.

Mr. CHRISTENSEN: I am sorry, Senator Allen, but I have to differ with you on this bill. A truck that goes out with a set of flares doesn't need them for three or four years and they wear out and are no good after that if the truck does break down. These flares are no good and that is why I am against them.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, some of the safety bills that the Senator from Cumberland, Senator Allen, has been enthused about have appeared to me to be unnecessary but I do not believe that in good conscience I could allow any of the fleet of vehicles we operate on the highways without a couple of red flags and three red lanterns or three flares. In the operating instructions under which all of our truck operators work we are quite insistent that that type of equipment be used, realizing that in that insistence we are not only

protecting the innocent driver who may run into a broken down truck of ours but that also we are doing something of a safety service to the operator of the truck and any crew that might be in it. I do not believe that, of all the safety bills, this one deserves to be killed. It seems to me it is such a modest thing to ask the owner and operator of one of these vehicles to do and I cannot believe, knowing that these people are pretty highgrade people and want to have safety equipment to save not only others but also themselves, that they seriously object to the modest requirements of this bill. For that reason I shall vote against the motion.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Washington, Senator Christensen, that the Senate accept the minority "Ought Not to Pass" report of the committee.

A viva voce vote being had

The motion to accept the "Ought Not to Pass" report did not prevail.

Thereupon, on motion by Mr. Allen of Cumberland, the majority report of the Committee "Ought to Pass" was accepted in concurrence, the bill was given its first reading, House Amendment A was read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table bill, An Act Relating to Display of Unauthorized Signs Upon or in View of Highways (H. P. 1691) (L. D. 1271) tabled by that Senator on April 20 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table Senate Report Ought to Pass as amended by Committee Amendment A from the Committee on Towns and Counties on bill, An Act to Increase the Salary of the Judge of the Van Buren Municipal Court (S. P. 280) (L. D. 619) tabled by that Senator on April 16 pending acceptance of the report.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I realize probably the timing of taking this bill off the table is very bad. It comes from the committee of which my Colleague, Senator Collins, happens to be chairman and I notice he has passed the cigars around for the advent of his new grandson and while people are smoking these with more or less pleasure, I would imagine that they would have kind feelings towards the Senator when he defends this bill.

Nevertheless, I will attempt in my meager way to show you why I feel that this increase is not justified. The bill as presented to the Committee, increased the salary of this particular judge from eighteen hundred to twenty-five hundred dollars. It was later amended and cut down from twenty-five to twenty-one hundred dollars. I do want to say to you that there are not personalities involved. I hold no animosity towards anybody but I do want to say that in view of the fact if we are to consider what the judges in the bigger courts in the County receive in compensation for their work and the cases which they hear is any criteria to go by, then this judge, especially, is getting all he is worth.

The judge of the Van Buren Municipal Court had last year 355 cases in his court. Let's compare him for a few moments to the Houlton Municipal Court which had 1,432 cases and you can see that the Van Buren judge does about a third of the work and gets approximately three-quarters of the pay of the judges in the bigger courts.

I oppose this bill for the reason that the County Commissioners asked that no increases be allowed. I would cite to you that these are costs that are projected for the next two years and due to the fact that the next two years do not look too bright to Aroostook County, there could be some question of collecting these taxes. I also want to cite to you that this is one case that is getting so near the border line that if this salary is increased, this court could easily show a deficit instead of a profit.

You have in the county one court today which is running at a loss

due to the fact that the judge was brought up to the salary of the bigger courts. The County Commissioners in their request that no increases be allowed, said not that they objected to the increases but the thing that they object to was increasing some of these members, rather than an increase straight across the board.

I also want to call to your attention that a short while ago you O. K.'d through an emergency the County estimates and when you allowed these increases, somebody or something has got to take less, while this fellow gets more. And I do say that on the basis of the work that this man—I want you to remember that this is part-time work—this particular judge is now getting \$1,800.00 a year. He is doing about a third of the work that the judge in the Houlton Municipal Court is doing who receives twenty-five hundred. And for this reason, I feel that this man is receiving all that the job is worth.

Now, the County Commissioners have told me that they have been thinking that in the event that these courts get to the point where they are not paying their way, they feel the thing to do is to set up two full-time courts and cut out the others.

So, as I say, you have already approved the county estimates and once you allow these increases—they may not look big to you—but nevertheless they do upset their particular budget. I feel, as I have stated, that this is a part-time job and this man is getting all that he should have for the work and I move indefinite postponement of this bill.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, I rise in opposition to the motion of my colleague from Aroostook County and in this friendly dispute that has arisen, I would like to point out a few facts. In the bills that were presented to the Committee on Towns and Counties on salary adjustments in Aroostook County, there were bills in regard to the six of the municipal courts. The three large towns and the City of Presque Isle had bills to increase the salaries of their judges

of municipal courts from twenty-five hundred to three thousand dollars a year. In the increases in these particular courts, the committees agreed that there should not be any increase and these bills came out Ought Not to Pass and have been accepted, I think, by one branch, at least, of the Legislature and probably by both at this time.

However, in regard to two courts, the Northern Municipal Court which is located in Fort Kent and the Van Buren Court which we are discussing now, the judges of these two courts did appear before our committee and give us their reasons why they felt there was some justification for an increase in salary. I think it should be stated that we felt that their reasons were valid. There were three members from Aroostook County on the Committee on Towns and Counties, one representative of the minority party and two from the majority party and it was the unanimous opinion of the committee that the increase with the committee amendment should be accepted.

It was a unanimous report. I would like to point out that in the case of the judge of the Van Buren Court, he has a recorder who gets four hundred dollars a year. But in this instance, the judge does practically all of the work. In the case of the other courts, in the larger towns, the recorders get a salary of \$1,250.00 a year. So that the work of the judge is greater in proportion to the number of cases handled than in the case of the other courts. I would point out, also, that while the County Commissioners did not recommend the increase, in talking with one member of the County Committee, he informed me that while their budget was pretty close, they had a leeway or overlay of approximately \$5,000.00 in their budget.

Of course, I think we all realize that courts are not run for profit. And while the income from the particular court that we are discussing, the Van Buren Court, takes in approximately \$5,000.00, it is to me not indicative that his salary should be on the basis of the income of that court.

The other court which is also on the table and under some question of dispute, the Court in Fort Kent, does bring in a larger revenue. Its revenue in 1949 was right in the same class as the income from the Court in the City of Presque Isle. So that, while that, as I say, is no criteria of what you should pay a judge, in that instance, at least, I think that there would be some justification for a raise in that particular court.

All I can say is that it was the best judgment of the Committee that we felt the increase should be granted. We didn't go all of the way. We had a \$300.00 increase and then two gentlemen were interested to the extent that they came down and explained their position and in the case of the Van Buren Court, there was also this one feature that I think was quite significant. He stated that while he did not handle as many cases, he did do considerable work with juveniles and he felt that his efforts with the young people of the community of Van Buren were really a help to that community. He did quite a lot that is not reflected in the number of cases that he heard.

I believe that this is the case and I feel that he should have consideration and I hope that the motion to indefinitely postpone does not prevail.

Mr. BARNES of Aroostook: Mr. President, I rise in support of the Unanimous Report of the Committee on Towns and Counties not only for that reason but this is my bill. I presented more than these two bills that have been discussed here before you by Senator Collins. As a matter of fact, I had bills in for raises for the judges and recorders of all six of the municipal courts in the County and as well the sheriff.

I knew that there were three Aroostook County men on the committee, including the able Chairman. And when they decided that they would sluce all of these bills except the two that have been discussed here, I was satisfied to take their judgment on it. But this I would like to point out to the Senate. There are three lawyers

in Van Buren and two in Fort Kent, and we have to keep the salaries of these courts up to a reasonable sum or we won't have any courts or any judges.

Due to a ruling of the Chief Justices of the Supreme Judicial Court of the State of Maine, anyone who is either a judge or recorder of a municipal court can not practice any criminal law in any courts in the state. It, therefore, is necessary to keep these salaries up to a point where we can keep judges in the positions. We had the experience in Senator Collins' home town of one of the ablest judges in Aroostook County resigning in the past year because the salary was not sufficient to attract him to the job. In that case, I had a bill in for an increase from twenty-five hundred dollars to three thousand. The Committee saw fit not to grant those increases and with their judgment, I am willing to go along but on this one in particular I believe the modest increase from eighteen hundred dollars to twenty-one hundred dollars a year is justified.

I point out this one thing in addition to what has been said by Senator Collins, that these courts aren't set up for the benefit of a judge or recorder. They are set up for the benefit of the people who may get into trouble in that locality. Aroostook County is a County that is large enough so that it is well over 200 miles from one end of it to the other and we feel it necessary to have these courts spotted around so that there won't be too much traveling by deputy sheriffs and witnesses and the parties so that the costs won't be too much on them.

We need this Van Buren Municipal Court and we need this modest salary increase if we are going to keep a competent judge in the court and I therefore strenuously oppose the motion of my good friend and colleague the Senator from Aroostook, Senator Brewer, and hope that it does not prevail.

Mr. BREWER of Aroostook: Mr. President, I would concur with much that both Senators say but I would point out to you that we haven't arrived to the point where we have lacked candidates for these positions. I have talked with many of the judges. They all said that

if nobody got a raise that they would be very happy but if one got it, why they would all like to have it and I feel in the spirit of fair play that the other judges are just as deserving of increases as thees two, and in fact more, because they have bigger courts and in some cases with the air bases in there, probably their claims for an increase are more justified. But I do want to point out to you what can happen in a town when you do get the salary too high.

I will take the Fort Fairfield Municipal Court in which the judge is paid the same salary as that of Presque Isle and Houlton. In the Fort Fairfield Court, his cases run about 500, I think, and he is showing a deficit of over \$600.00. I do want to show you that this particular one has got to the danger point where it isn't a paying proposition and I don't feel that we will lack for candidates. And as I have said, you have accepted their estimates and I feel it is only fair if one is increased that they all be increased. And since they didn't see fit to increase the others, why I hope the Senate will be consistent and not give this particular one and another one I have in mind later any either.

The PRESIDENT: The motion before the Senate is on the motion of the Senator from Aroostook, Senator Brewer, that the bill be indefinitely postponed.

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

A division of the Senate was had.

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

Thereupon, on motion by Mr. Collins of Aroostook, the Ought to Pass report was accepted and the bill read once. The Secretary read Committee Amendment A. "Amend said bill by striking out in the next to the last line thereof the underlined figures \$2500 and inserting in place thereof the underlined figures \$2100."

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

On motion by Mr. Brewer of Aroostook, the Senate voted to take

from the table bill, An Act Relating to the Salary of the Judge of the Northern Aroostook Municipal Court (S. P. 545) (L. D. 1286) tabled by that Senator on April 18 pending assignment for second reading.

Mr. BREWER of Aroostook: Mr. President, I move for indefinite postponement of this bill and I would say that although this fellow takes in a little more money, I would question the statement the Senator from Caribou made that they took in equivalent to what one of the bigger courts at Presque Isle took it. Presque Isle runs about ten thousand that they take in and this one runs seven thousand.

So, any arguments I have given you could well apply to this judge and I still think that this man is getting all it is worth and what goes for one goes for the other.

Mr. COLLINS of Aroostook: Mr. President, I would like to read to you from the County Treasurer's Report for the year 1949 two receipts for municipal courts—Northern Aroostook Court \$10,073.07 and the Presque Isle Court \$19,565.63.

The Caribou Court and the Houlton Court were in excess of that amount from the point of view of income and I still don't think that is any true reason for salary changes. The Fort Kent Court has a much better record than the Van Buren court.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, the only thing that I have to say on this particular bill in addition to what has already been said is that one of the County Commissioners, the County Commissioner from Fort Kent, has expressed himself to me and to others as in favor of this raise.

Mr. BREWER of Aroostook: Mr. President, somehow there seems to be conflicting estimates in what the Treasurer put out. I think they are a good deal like our appropriation figures that are given us. It depends on the source from which you get them.

But in the financial condition of Aroostook County for the year ending December 31, 1950, and I base my figures on the estimates that the courts would bring in, the Northern Municipal Court was set

as an estimate of \$7,050.00 and the Presque Isle Court was set up with estimates of revenue of \$10,050.00. So, possibly the Senator from Caribou, Senator Collins, and I are both right. I do have another set here that agrees with what the Senator has already given you.

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

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

Thereupon, on motion by Mr. Collins of Aroostook, the bill was tomorrow assigned for second reading.

On motion by Mr. Greeley of Waldo the Senate voted to take from the table House Report Ought not to pass from the Committee on Claims on Resolve in Favor of Cecil Packard of Unity (H. P. 258) tabled by that Senator on April 17 pending motion by Senator Weeks of Cumberland to accept the committee report.

Thereupon, Mr. Weeks of Cumberland was granted leave to withdraw his motion to accept the report; and on further motion by the same Senator, the resolve was re-committed to the Committee on Claims in concurrence.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table bill, An Act Relating to Prospecting for Minerals and Metals (S. P. 548) (L. D. 1312) tabled by that Senator on April 24 pending motion by Senator Boyker of Oxford to adopt Senate Amendment A.

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

On motion by Mr. Brewer of Aroostook the Senate voted to take from the table House Report "Ought to Pass in New Draft" from the Committee on Judiciary on bill, An Act Relating to Duties and Powers of Aroostook County Fire Marshal (H. P. 535) (L. D. 304) tabled by that Senator on April 4th pending acceptance of the report; and on further motion by the same Senator the report of the Committee was

accepted and the bill given its first reading.

Thereupon the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment: Senate Amendment A to L. D. 1246, bill An Act Relating to the Duties and Powers of Aroostook County Fire Marshal, new draft of L. D. 304. "Amend said bill by striking out the underlined comma at the end of the 7th line of said bill and by striking out the underlined words and punctuation 'not to exceed fifteen hundred dollars per year' in the 8th line of said bill."

Mr. BARNES of Aroostook: Mr. President and members of the Senate. Two years ago this legislature set up a new county office in Aroostook County. So far as I know, it is the only similar county office in the State of Maine. They set up the office of Fire Marshal.

It has always been my conception that there was no particular need of setting up this particular office because we have an Insurance Commissioner in the state and under his direction we have men who are able, and ready and willing, to come into the county or any county in the state and investigate any dangerous conditions that might exist or fire hazards, make recommendations and do all that is necessary. It is true that we have had a bad experience in Aroostook County on fire losses. When a potato house is burned down in Aroostook County that holds hundreds of thousands of barrels of potatoes it is a serious loss, and I am given to understand that because of that situation the fire companies and the association of fire insurance salesmen and the fire chiefs in the county decided that Aroostook County needed this particular officer.

I can see myself that it is not a county job at all. I think it is wholly a state job and in any county, whether Aroostook or Waldo or any other, if they have had a bad experience, I believe the Insurance Commissioner's office should send men in there to investigate and remedy the situation. But apparently that was not possible so we set up a special officer for Aroostook County and I have been somewhat

interested as this debate has gone on to note as we have made these modest raises from eighteen to twenty-one hundred dollars in the judges salaries that two years ago we set up this office with as high a salary as any county officer in the county, four thousand dollars for salary and twenty-five hundred for expenses, which is practically fifty dollars a week for expense money. And in the county report that my good friend Senator Brewer has he will note that last year this particular officer was paid, not twenty-five hundred dollars but \$2,505.63, which is pretty good expense money.

Now they come in this session with a bill to define the rights and powers of the Fire Marshal in Aroostook, and bear in mind there is only one such officer in Maine, so we can tell who has the top authority, whether it would be the Fire Warden in the town or the county, the fire marshal of the state or the Aroostook Fire Marshal, and, if there is any dispute between them, who shall have the authority. And so we in the Judiciary Committee came out on this bill with an unanimous report that we should limit the expense of this office.

The amendment of Senator Brewer would not only take that limit out but as I understand it would take all the limits out and place the limit with the Board of County Commissioners as to what expenses should be paid. Personalities do not enter into this at all as far as I am concerned. It wouldn't make any difference to me who held the job. But I do feel that a limit of \$1,500 for expense money for this office is right, just, proper, and I therefore oppose the adoption of this amendment.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I would like to call to the attention of the Senate that in years past we had such disastrous fires in Aroostook County that the insurance companies started pulling out of the county and refusing to insure property there so the business men and various fire departments conceived the idea of the fire marshal, for two reasons. Many of the fire chiefs were doing business with people and they had to bear down on their inspections and it was felt

that an outsider in there could accomplish much more, and he has. There are 24 fire companies in Aroostook averaging about twenty men to the company. This Fire Marshal's job is a twenty-four hour job. The boys wanted a fire marshal because of the fact that in many cases when they wanted the state department of insurance to send someone up there, many times it was two days, sometimes three days, before they got one and sometimes they didn't even get a man to look over the fires.

I have talked with the county commissioners and I will say that Senator Barnes raised no objection to the salary two years ago when we set the fire marshal job up. I will also say that our fire losses have gone down considerably, the insurance companies are very much interested in this man and his work, and over and above that you are saving taxable property. And the County Commissioners feel that where so many of these volunteer fire companies are putting in their time, in many cases without any pay whatsoever, that this is very cheap insurance. And as to the \$2,500 for expenses, the commissioners have told me that they do not see any reason in having a fire marshal and having his hands tied as to expenses and they feel they can control that, and I would say to the Senator from Aroostook, Senator Barnes, that I would not expect the expense account would run up to the \$2,500 another year, but it was a new project, the fire marshal, as I said, is doing a good job. I have contacted several members of the committee and they told me we could do as we wanted in the county, but I feel it is logical to have a man in doing the job and we shouldn't tie his hands on expense money so he can't do it as it should be done. Therefore, I hope my motion prevails.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, it seems to me that when we have a dispute in Aroostook County that I find myself right in the middle. When this matter was presented before the Judiciary Committee the bill itself in its original form I felt was much too stringent and in committee it was modified to the extent that now I believe it

is all right. I think that quite a few members of the Aroostook delegation were not entirely aware of what they had created in the 94th Legislature. I feel keenly that anything we can do to prevent fire losses is a step in the right direction but the first bill was much too stringent in my opinion and I appeared before the committee giving my views.

With the modified bill I am willing to go along. I have talked with some of the insurance people and they feel the fire marshal has done a very good job, particularly in the smaller towns that haven't very large departments, that he has created considerable enthusiasm among them for their work and has given them better organization procedures and such things. In the matter of expense charges, the immediate matter under consideration, I have felt that \$1,500 should do the job but at the same time I wouldn't want the county commissioners tied down to that exact sum if it was necessary in carrying out the job that they have more. So in this instance I am going to vote with Senator Brewer in his amendment.

Mr. HASKELL of Penobscot: Mr. President, far be it from me to volunteer in this war in Aroostook but would one of the Senators disclose what the legislative document number of this draft is? I can't find it in the 33rd tabled matter.

The PRESIDENT: The Chair will state for the information of the Senator that the number of the bill in new draft is L. D. 1246.

The question before the Senate is on the motion of the Senator from Aroostook, Senator Brewer, to adopt Senate Amendment A and the Senator has asked for a division when the vote is taken. Is the Senate ready for the question?

A division of the Senate was had. Twenty-three having voted in the affirmative and four opposed.

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

On motion by Mr. Weeks of Cumberland the Senate voted to take from the table Senate Report "Ought to Pass" from the Committee on Judiciary on bill, An Act

Relating to Attorney's Fee for Foreclosure of a Mortgage (S. P. 362) (L. D. 876) tabled by that Senator on April 4th pending acceptance of the report; and on further motion by the same Senator the report was accepted, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Ela of Somerset the Senate voted to take from the table House Reports from the Committee on Inland Fisheries and Game on bill, An Act Relative to Fishing Contests (H. P. 727) (L. D. 418), Majority Report "Ought to Pass in New Draft Under Same Title" (H. P. 1725) (L. D. 1280), Minority Report "Ought Not to Pass", tabled by that Senator on April 18th pending acceptance of either report.

Mr. ELA of Somerset: Mr. President and members of the Senate, I move the acceptance of the minority report "Ought Not to Pass." The bill as it originally came to the Fish and Game Committee was a bill to abolish all fishing contests. That bill was violently opposed by groups from Cumberland County, Kennebec County, York County, and the coastal counties, in fact, nearly everyone. But in the zeal to enact a new bill this one came out in a new draft exempting everybody practically, who has ever conducted a fishing contest or who might want to conduct one, and we now have the bill presented in L. D. 1280.

There are a great many advantages, in one form or another, to organized sports and fishing contests are one of those sports. People like to do things in groups and there is a tremendous advertising value to them too. We have the tuna contest on the coast and it has brought a tremendous amount of good publicity to the State of Maine. We have had numerous instances where fish and game clubs have had fishing contests which did no harm whatsoever and they have used their receipts to good advantage. We had numerous allusions to what might happen with fishing contests but when we attempted to run down each case of trouble we found it didn't occur.

I am opposed to the bill in its entirety but it would seem to me that if anybody expressly wished not to have fishing contests they certainly shouldn't vote for this bill because this permits everybody who wants to run a fishing contest to run it. I realize that I am under a slight disadvantage in taking this bill off the table today because the Senator from Hancock, Senator Smart, was on the minority report with me but inasmuch as our calendar isn't too heavy this afternoon I will forego that advantage in the hope of expediting the work of this session.

Mr. WIGHT of Penobscot: Mr. President and Members of the Senate, I think the Senator from Somerset has give us quite a good description of the situation regarding fishing contests. The only consideration from my viewpoint is that I am against all fishing contests because I believe they are detrimental to the fishing in the State of Maine. A fishing contest is started here. Usually the management sells entries and all entries must be closed before the start of the contest. People go there from all parts of the state, to that immediate area, and of course there are boats all over the particular lake concerned in the contest and of course tremendous pressure is brought on the state. If the fish are not biting no particular damage is done but if they happen to be biting of course the damage is large.

My Fish and Game Association in Penobscot County is against all fishing contests. This bill has been watered down to the extent that it prohibits only the commercialization of it by persons whose principle and usual activity is the conducting of sports. It seems to me that these contests are wholly gambles. You put in your dollar or whatever the amount is and you gamble with those various people who go into that area and fish, and therefore I am against all fishing contests and am for the bill.

Mr. ELA: Mr. President, I might point out to the Senator from Penobscot that if he is against all fishing contests I can't for the life of me see why he is for this bill

because this bill permits and encourages these contests to be conducted only under benevolent law and sponsorship.

Mr. WIGHT: I think it was the thought of the majority that this would at least stop the commercialization of this particular activity.

Mr. ELA: 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 Somerset, Senator Ela, that the minority report of the committee "Ought Not to Pass" be accepted and the Senator has requested a division.

A division of the Senate was had. Fifteen having voted in the affirmative and fourteen opposed.

The minority "Ought Not to Pass" report of the committee was accepted in non-concurrence.

Sent down for concurrence.

The PRESIDENT: Pursuant to Joint Order passed earlier in the session, the Secretary will read the list of committees and the bills still in possession of the committees.

The SECRETARY:

Agriculture—5
 Appropriations—16
 Business Legislation—none
 Claims—3
 Correctional Institutions—none
 Education—4
 Highways—26
 Inland Fisheries and Game—14
 Judiciary—55
 Labor—none
 Legal Affairs—no report
 Liquor Control—3
 Natural Resources—3
 Public Health—1
 Public Buildings and Parks—no report
 Public Utilities—3
 Sea and Shore Fisheries—4
 Taxation—6
 Towns and Counties—2
 Transportation—none
 Veterans and Military Affairs—none
 Welfare—13

Mr. SAVAGE of Somerset: Mr. President, I have lost track of my Committee Chairman. I would say that we have no cases in the Committee on Public Buildings and

Grounds. All our bills have been reported out.

The PRESIDENT: The Chair would say that this list does not include the various pension resolves and the so-called road resolves.

It might be interesting to mention the matter of adjournment at this time. I note with pleasure as you all do, the songs in the corridors. This, as you know, is always an encouraging symptom and a very good barometer but the capitulation at the moment, subject to the whims of the House and subject to what we may have tabled this morning, is that there are tabled in the House seventy-two matters which will result in more

or less debate. Here in the Senate there are approximately seventy. That, taken with those still in possession of the committees would indicate approximately three hundred bills still to have final action.

The Chair feels that we have done quite a bit to clear the table this afternoon but would point out to the Senate the fact that we still have a little time if anyone is interested, and if anyone desired to take a short recess, I am sure that would be possible.

On motion by Mr. Crosby of Franklin

Adjourned until ten o'clock tomorrow morning.