

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, May 2, 1951

The Senate was called to order by the President.

Prayer by the Reverend Arthur B. Squires of Hallowell.

Journal of yesterday read and approved.

From the House

The Committee on Legal Affairs on Bill "An Act to Repeal the Charter of the Bay Point Village Corporation," (H. P. 1183) (L. D. 738) reported that the same ought not to pass.

(In Senate, on April 16th, report was accepted in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the bill was recommitted to the Committee on Legal Affairs, and now asks for a Committee of Conference.

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

Bill "An Act to Control and Eradicate Bang's Disease," (S. P. 467) (L. D. 1100)

(In the Senate on April 13th, passed to be engrossed, as amended by Committee Amendment "A".)

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

In the Senate, on motion by Mr. Greeley of Waldo, the Senate voted to recede and concur.

The Committee on Inland Fisheries and Game on Bill "An Act to Repeal Bounty on Bear," (H. P. 1263) (L. D. 833) reported that the same ought not to pass.

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

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

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting from Automobiles," (H. P. 1478) (L. D. 1085) reported that the same ought to

pass as amended by Committee Amendment "A".

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

In the Senate, the report was read and accepted in concurrence and the bill read once; Committee Amendment A and House Amendment A were severally 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 Abolishing the Polling Place in Rockwood in Somerset County," (H. P. 168) (L. D. 99) reported the same in a new draft, (H. P. 1762) (L. D. 1306) under a new title, Bill "An Act Relating to the Polling Place in Rockwood in Somerset County," and that it ought to pass.

Comes from the House, recommended to the Committee on Towns and Counties.

In the Senate, on motion by Mr. Collins of Aroostook, the bill was recommitted to the Committee on Towns and Counties in concurrence.

The Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Providing for Annual Sessions of the Legislature," (H. P. 1113) (L. D. 693) reported that the same ought not to pass.

Comes from the House, the resolve indefinitely postponed.

In the Senate, the ought not to pass report was accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Elderly Teachers Pensions," (H. P. 738) (L. D. 425) reported that the same ought to pass as amended by Committee Amendment "A".

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

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

House Committee Reports:

The Committee on Claims on "Resolve in Favor of Cora and

George Reynolds, of Bath," (H. P. 1570) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Establishing a State-wide Probation System," (H. P. 1319) (L. D. 884) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Relating to Tax on Telegraph Companies," (H. P. 1447) (L. D. 1065) reported that the same ought not to pass.

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

The Committee on Towns and Counties on Bill "An Act Relating to Continuous Credit for Excise Tax on Motor Vehicles," (H. P. 1137) (L. D. 669) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve Opening Orange Lake in Whiting to Ice Fishing," (H. P. 1267) (L. D. 836) reported that leave be granted to withdraw the same.

The Committee on Judiciary on Bill "An Act Relating to Taking of Land by Municipalities for Dumping Sites," (H. P. 1230) (L. D. 783) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Increasing Bounty on Bear," (H. P. 1576) (L. D. 1148) reported that the same ought not to pass.

The same Committee on Bill "An Act Increasing Bounty on Bears," (H. P. 1002) (L. D. 590) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Hunting of Bull Moose," (H. P. 1406) (L. D. 1014) reported that the same ought not to pass.

The Committee on Claims on Resolve in Favor of Dexter Bottling Company, Inc., of Dexter," (H. P. 1609) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Education on Bill "An Act Relating to Equal Pay for Women Teachers," (H. P. 457) (L. D. 279) reported the same in a new draft, (H. P. 1506) (L. D. 1059) under the same title and that it ought to pass.

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

The Committee on Judiciary on Bill "An Act to Incorporate the Trustees of La Hennais College," (H. P. 318) (L. D. 183) reported that the same ought to pass.

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

The Committee on Towns and Counties on Bill "An Act Relating to Salaries of County Commissioners and County Treasurer of York County," (H. P. 1375) (L. D. 965) reported that the same ought to pass as amended by Committee amendment "A".

The same Committee on Bill "An Act relating to Salary of Judge of Probate of York County," (H. P. 1437) (L. D. 1048) reported that the same ought to pass as amended by Committee Amendment "A".

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

The Majority of the Committee on Labor on Bill "An Act to Create an Industrial Safety Code Commission," (H. P. 321) (L. D. 179) reported that the same ought not to pass.

(signed)

Senators: MARSHALL of York
REID of Kennebec
COLLINS of Aroostook

Representatives:

WEST

of Stockton Springs

CASWELL

of New Sharon

LARRABEE

of Westbrook

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

(signed)

Representatives:

BROWN of Baileyville

CASTONGUAY

of Waterville

WALLS of Millinocket
LETOURNEAU

of Sanford

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

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

The Majority of the Committee on Natural Resources on Bill "An Act Relating to Permits for Outdoor Advertising," (H. P. 1278) (L. D. 847) reported that the same ought not to pass.

(signed)

Senators: LARRABEE

of Sagadahoc

WARD of Penobscot

Representatives:

BROWN of Wayne

PHILBROOK of Greene

WILLIAMS of Hodgdon

TAYLOR

of Norridgewock

BRADEEN of Waterboro

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

(signed)

Senator: CROSBY of Franklin

Representatives:

HANCOCK of Casco

MOULTON of Sweden

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

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

The Majority of the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Conservation of Clams in Washington County," (H. P. 1329) (L. D. 892) reported that the same ought to pass as amended by Committee Amendment "A".

(signed)

Senator:

BROWN of Washington

Representatives:

BUCKNAM of Whiting

HANSCOM of Machiasport

BARTON of Vinalhaven

KNAPP of Yarmouth

CLAPP of Brooklin

STEVENS of Boothbay
LITTLEFIELD

of Kennebunk

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

(signed)

Senators:

SLEEPER of Knox

LARRABEE of Sagadahoc

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

In the Senate.

Mr. BROWN of Washington: Mr. President, I move the acceptance of the Majority "Ought to Pass" report.

Thereupon, on motion by Mr. Sleeper of Knox, the bill and accompanying papers were laid upon the table pending motion by Senator Brown to accept the Majority Ought to Pass report.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys for Municipal Airport Construction," (H. P. 956) (L. D. 568) reported that the same ought not to pass.

(signed)

Senator:

BREWER of Aroostook

Representatives:

JALBERT of Lewiston

CAMPBELL of Guilford

JACOBS of Auburn

COLE of Liberty

PHILLIPS

of Southwest Harbor

FINNEGAN of Bangor

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

(signed)

Senators:

LEAVITT of Cumberland

REID of Kennebec

Representative:

JAMIESON of Presque Isle

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

In the House, on motion by Mr. Reid of Kennebec, the bill and accompanying papers were laid up-

on the table pending acceptance of either report.

Senate Committee Reports Leave to Withdraw

Mr. Tabb from the Committee on Liquor Control, to which was recommitted Bill "An Act Relating to Retail Store Liquor License in Unincorporated Places," (S. P. 84) (L. D. 111) reported that leave be granted to withdraw as it is covered by other legislation.

Which report was read and accepted.

Sent down for concurrence.

Mr. Christensen from the Committee on Highways on Bill "An Act Relating to Construction of State Aid Highways," (S. P. 354) (L. D. 869) reported that the same ought to pass as amended by Committee Amendment "A".

(On motion by Mr. Palmer of Lincoln, tabled pending acceptance of the report.)

Mr. Dennett from the Committee on Liquor Control to which was recommitted Bill "An Act to Clarify Provisions of the Liquor Law," (S. P. 118) (L. D. 209) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted, and the bill read once; Committee Amendment "A" was adopted without reading and the bill as amended tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Relative to Health Certificates in the Sale of Cattle." (H. P. 1464) (L. D. 1080)

Bill "An Act to Create the Bangor Water District." (H. P. 1787) (L. D. 1347)

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

Bill "An Act Relating to Private Carriers in Operating Trucks for Hire." (S. P. 566) (L. D. 1356)

Which was read a second time.

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

Senate Amendment A to L. D. 1356: "Amend said bill by striking

out in the 6th, 7th, 8th and 9th lines thereof the underlined words 'unless such ownership is for the purpose of avoiding regulations as a carrier for highways which shall be construed to be the purpose unless' and inserting in place thereof the underlined word, 'if'"

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

Sent down for concurrence.

Enactors

Bill "An Act Relating to Tuition High School Pupils in Mechanic Falls." (H. P. 458) (L. D. 280)

Bill "An Act Relative to Excise Tax on Aircraft." (H. P. 553) (L. D. 324)

Bill "An Act to Increase the Salaries of the Judge and Recorder of the Town of Lincoln Municipal Court." (H. P. 556) (L. D. 314)

Bill "An Act Relating to Salary of the Judge of the Pittsfield Municipal Court." (H. P. 1140) (L. D. 672)

Bill "An Act Regulating the Digging of Marine Worms in the Town of Stockton Springs, Waldo County." (H. P. 1187) (L. D. 741)

Bill "An Act Designating a Certain Road as Moosehead Trail." (H. P. 1222) (L. D. 776)

Bill "An Act Relating to the Financial Responsibility Law." (H. P. 1345) (L. D. 920)

Bill "An Act Relating to Liens on Electric Motors." (H. P. 1419) (L. D. 1027)

Bill "An Act Relating to Investigations by County Attorneys and Sheriffs of Shooting of Humans While Hunting." (H. P. 1481) (L. D. 1088)

Bill "An Act Relating to Merger, Consolidation and Conversion of National Banks and Trust Companies." (H. P. 1482) (L. D. 1089)

Bill "An Act Relating to Motor Vehicle Excise Taxes of Persons in Unorganized Territory." (H. P. 1671) (L. D. 1242)

Bill "An Act Relating to Fees and Duties of State Sealer of Weights and Measures." (H. P. 1730) (L. D. 1289)

Bill "An Act Relating to Barbers, Hairdressing and Beauty Culture." (H. P. 1731) (L. D. 1290)

Bill "An Act Relating to Cooperative Agricultural Extension Work." (H. P. 442) (L. D. 295)

Bill "An Act Designating Silicosis as an Occupational Disease." (H. P. 676) (L. D. 408)

Bill "An Act Relating to the Hire of Qualified Appraisers by Cities and Towns." (H. P. 1214) (L. D. 771)

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)

Bill "An Act to Provide Partial Cutting Adjacent to Roadsides." (H. P. 1642) (L. D. 1206)

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

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

Bill "An Act Relating to Kindling of Fires on Land." (H. P. 1751) (L. D. 1295)

"Resolve Providing for a Fish Screen at Outlet of Highland Lake in the Town of Bridgton." (H. P. 317) (L. D. 175)

"Resolve Regulating Fishing in Certain Waters in Franklin County." (H. P. 1535) (L. D. 1128)

"Resolve Providing for a Fish Screen at the Outlet of Gardner's Lake at Chase's Mill, in East Machias, Washington County." (H. P. 1537) (L. D. 1130)

"Resolve Providing for a Fish Screen at Worthley Pond, in the Town of Peru, Oxford County." (H. P. 1578) (L. D. 1150)

"Resolve in Favor of the Town of Stockholm." (H. P. 1593) (L. D. 1165)

"Resolve in Favor of Westmanland Plantation." (H. P. 1697) (L. D. 1277)

"Resolve Limiting Certain Ponds in Aroostook County to Fly Fishing." (H. P. 1726) (L. D. 1281)

(On motion by Mr. Barnes of Aroostook, tabled pending final passage.)

"Resolve in Favor of Piscataquis County Fish and Game Association." (H. P. 1727) (L. D. 1282)

"Resolve in Favor of the Waterford Fish and Game Association." (H. P. 1729) (L. D. 1284)

Bill "An Act to Amend the Char-

ter of the Kennebec Water District." (S. P. 276) (L. D. 615)

Bill "An Act to Increase the Salary of the Judge of the Norway Municipal Court." (S. P. 281) (L. D. 620)

Bill "An Act Relating to the Salaries of the Judge and Recorder of the Millinocket Municipal Court." (S. P. 283) (L. D. 622)

Bill "An Act Relating to the Salaries of the Judge and the Recorder of the Old Town Municipal Court." (S. P. 284) (L. D. 623)

Bill "An Act Relating to Schooling in Unorganized Territory." (S. P. 353) (L. D. 881)

Bill "An Act Relating to Insurance Agents and Brokers" (S. P. 370) (L. D. 898)

Bill "An Act Relating to Support of Paupers by Kindred." (S. P. 412) (L. D. 972)

Bill "An Act Relating to Legitimacy of Children." (S. P. 413) (L. D. 973)

Bill "An Act Relating to Qualifications for Lobster Licenses for Veterans." (S. P. 443) (L. D. 1006)

Bill "An Act Increasing Salaries of Oxford County Officers and Clerk Hire." (S. P. 445) (L. D. 1008)

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

Bill "An Act to Authorize Cities and Towns to Accept Grants from Federal Government." (S. P. 461) (L. D. 1075)

Bill "An Act Relating to the Alumni Trustee of the University of Maine." (S. P. 536) (L. D. 1263)

Bill "An Act Relating to Aid to Dependent Children." (S. P. 76) (L. D. 79)

Bill "An Act Relating to Old Age Assistance." (S. P. 77) (L. D. 80)

Bill "An Act Relating to Salary of the Forest Commissioner." (S. P. 223) (L. D. 498)

Bill "An Act Relating to Suspension of Hunting and Fishing Licenses." (S. P. 374) (L. D. 900)

Bill "An Act to Increase the Salary of the County Commissioners of Kennebec County." (S. P. 396) (L. D. 943)

Bill "An Act Increasing Salary of Treasurer of Somerset County." (S. P. 421) (L. D. 981)

Bill "An Act Relating to Fees of Registers of Probate." (S. P. 438) (L. D. 1001)

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

Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945, 1947, and 1949." (S. P. 500)

Bill "An Act to Provide Special Number Plates for Certain Officials." (S. P. 504) (L. D. 1215)

Bill "An Act Relating to Location of Public Utility Structures." (S. P. 542) (L. D. 1285)

"Resolve Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution." (S. P. 550)

"Resolve Providing for a Fish Screen at outlet of Coffee Pond in the Town of Casco." (S. P. 544) (L. D. 1287)

Bill "An Act Relating to Sale and Lease of Lands in Indian Township." (S. P. 328) (L. D. 815)

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

Emergency Measures

Bill "An Act to Appropriate Moneys for the Expenditures of the State Government for the Fiscal Year Ending June 30, 1951." (S. P. 557)

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I move that this bill lie on the table and in explanation I will give you my word that this is not a squeeze play or a political maneuver on my part. My reason for asking to table it is that we are so perilously close to a deficit that until we evaluate our financial standing to the end of this year, we do not know whether we will or will not have the money to cover this. For that reason I ask that the bill lie on the table.

The motion prevailed and the bill as laid upon the table pending passage to be enacted.

Bill "An Act Relating to Powers of Attorney General." (S. P. 565)

Which bill being an emergency measure and having received the affirmative vote of 32 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

The PRESIDENT: Under Orders of the Day, the Chair lays before the Senate the first tabled and specially assigned matter being bill, An Act to Impose a Sales and Use Tax (H. P. 1695) (L. D. 1273) tabled on May 1st by the Senator from Franklin, Senator Crosby pending that Senator's motion to reconsider.

Mr. CROSBY of Franklin: Mr. President, and members of the Senate, I hope that my motion to reconsider will have your support and if it does, I shall then ask for the privilege of retabling the bill for a short time.

The motion prevailed and the Senate voted to reconsider its former action whereby the bill failed of enactment as an emergency; and on further motion by the same Senator, the bill was laid upon the table pending passage to be enacted.

The PRESIDENT: Under Orders of the Day, the Chair will appoint two Committees of Conference. On the disagreeing action of the two branches relative to bill, An Act Repealing the Bay Point Village Corporation, the Chair will appoint the Senator from Cumberland, Senator Weeks, the Senator from Penobscot, Senator Haskell, and the Senator from Somerset, Senator Ela.

On the disagreeing action of the two branches with relation to the repeal of the merit award board, the Chair will appoint the Senator from Penobscot, Senator Ward, the Senator from Penobscot, Senator Haskell and the Senator from Aroostook, Senator Barnes.

On motion by Mr. Christensen of Washington, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game on bill, An Act Relative to Complimentary Hunting Licenses for Members of Canadian Immigration and Customs Forces (H. P. 733) (L. D. 422) reporting "Ought to Pass in New Draft, under New Title of 'An Act Relative to Complimentary Fishing and Hunting Licenses for Members of Canadian Immigration and Customs Forces'" (H. P. 1776) (L. D. 1308) tabled by that Senator on April 24

pending acceptance of the report, the bill having been indefinitely postponed in the House.

Mr. CHRISTENSEN of Washington: Mr. President, I now move that the Senate recede and concur with the House in the indefinite postponement of the bill. I would like to say a few words in explanation of it. This is for courtesy fishing licenses that we have been giving the Canadian Customs and Immigration officers for years. Some people think we shouldn't give it to them any more but I have lived on the border there for a good many years and good will is necessary there. The cost to the state will be no more than the paper for the printing. And as far as fishing is concerned, they have better fishing there than we have but they do get together twice a year, have a party over on this side and once in a while they have a party on the other side and vice versa. They have a good time. That's all. It doesn't amount to anything and it doesn't cost much and it creates a lot of good will down on the border. I hope my motion will prevail.

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

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 Resolve in Favor of Winifred Malloy of Hallowell, (H. P. 846) (L. D. 484) tabled by that Senator on March 22 pending acceptance of the report; and on further motion by the same Senator, the Ought to Pass report was accepted in concurrence and the resolve read once and tomorrow assigned for second reading.

On motion by Mr. Palmer of Lincoln, the Senate voted to take from the table Senate Report Ought to Pass in New Draft (S. P. 564) (L. D. 1357) same title, from Committee on Highways on bill, An Act to Authorize the Issuance of Bonds on Behalf of the State of Maine for the Purpose of Building State Highways (S. P. 270) (L. D. 609) tabled by that Senator on April 27 pending acceptance of the report.

Mr. PALMER of Lincoln: Mr. President and members of the Senate, thus far in our proceedings in the 95th Legislature, most of our consideration has been of the General Fund with little emphasis on our Highway Fund. So, this morning in taking this from the table and two other items which I have tabled which I shall take off following this, I think we should begin consideration of Maine's highway problem in this Senate, that we might expedite matters and these programs move on their way through the House.

In considering the highway program of Maine, I think we have to recognize at the outset that two considerations must be made, that two things have happened in recent years which have made this a very complex problem for our state and a problem which needs a solution and which needs proper planning. The first consideration, I think, is the fact that little did people realize years ago how much traffic of motor vehicles would increase over a span of a few short years and with this increase, both in passenger vehicles and trucks, we have seen our problem of highways, not only in Maine, but throughout the nation, increase to the point where it presents a tremendous problem to the Legislatures.

The second consideration which makes this problem all the more impressive is the fact that we have experienced a moratorium on building and maintenance work during World War II and with this increase in travel which we experienced over the years, coupled with this moratorium on building caused by the Second World War, we have been presented with a problem which needs solution and which needs proper planning, because we certainly as a state could not go through another war such as we would have to suffer with the same difficulties which we experienced in that period and come out of it with any kind of a highway program at all.

You will recall that during the last year a great deal of criticism has arisen about our highway systems. Certain people living on certain routes in the state complain about our roads not being fixed.

not having proper maintenance and that new construction had not taken place. As plainly as that thought would show, the problem to me would be a very serious one and you will recall that at that time the Legislative Research Committee made a study of the highway program of Maine with the idea in mind that as a result of that study we might be able to embark upon some kind of program which would have in it a plan, a very definite plan for Maine to follow over the next few years.

That study revealed many things. Some were matters of common knowledge and others were not. I shall mention just a few of them here this morning in which I want to try to tie this thing all up into one package if I can to demonstrate the needs of the highways of Maine and the best way we might have in finding a solution to those needs.

The study revealed, first of all, that our highway program in Maine is definitely out of balance at the present time. For example, the study showed that 3,100 miles, or the 3,100 miles of our state highway system are at the present time fifty-three per cent deficient. That is, through some method where sight, distance or the width of the road or whatever it might be, the 3,100 miles for the highway system is fifty-three per cent deficient. Whereas, the 6,000-mile state-aid system in our state is only twenty-four per cent deficient. And yet eighty per cent of the travel on our highways in Maine is done on the roads which are fifty-three per cent deficient, not on the ones which are twenty-four per cent deficient.

The study also showed that according to the U. S. Bureau on Public Roads, the State of Maine controls forty-eight per cent of all its highways as opposed to an average of eighteen per cent of all of the remaining states in the Union. The study, moreover, went on to say or to point out the fact that many of our criticisms as legislators which we point at the Highway Commission are not just to this extent; that over the period of the past decade, especially, the legislatures have, in an attempt to help solve the problems of towns' fi-

nances turned over and over again to the highway fund for relief and as a result of that looking to the Highway Fund for relief to help, over and over again, town problems, we have seen in the last ten years passage of certain laws which have been detrimental to our highway program which at the time, perhaps, did not seem to be bad but when taking the whole picture into consideration, proved we have not been planning properly if we want some kind of a good highway system in Maine over the period of the next ten years.

We saw, for example, in the passage of the gas tax an increase in the number of state-aid units from one-and-a-half to two which, of course, indicates the financial responsibility of the state in the highway program. We saw, also, that the state took over the maintenance costs which increased tremendously the responsibility of the state and the control which the state has over our highway system. A responsibility, which to be sure, relieved the towns of many of their financial troubles but at the same time heaped upon our highway department and upon our highway structure certain problems which must be overcome if we are to plan some kind of an adequate program for the next ten years.

We also note that road resolves represent another part of this program which is questionable as to its judgment. Little insignificant bills which at the time didn't seem troublesome at all have proven in the long run to be detrimental to our highway program. For example, the bush cutting act which passed five or six years ago, which simply placed on the state the responsibility of all bush cutting is an example. Prior to that time, it cost the State of Maine about \$3,000.00 and after its passage it has jumped now to nearly \$400,000.00. It has placed upon the state an additional burden of approximately three to four hundred thousand dollars yearly.

In other words, we have during the period of the past ten years closely tied the problems of Maine's General Fund to our Highway Fund. We have, over and over again as legislatures sought to aid the towns in their financial trou-

bles by going to the Highway Fund and dipping in there to aid them. But at the same time, we have lost sight of the fact that we if we do these things, if we look at the highway program objectively, and if we are trying to solve it so that it will do something for the economy of Maine, it seems to me those moves have not proven to be too wise. To be sure, they have helped the towns and cities but they have done a great deal to deter the State of Maine from adopting an adequate highway program.

I recall that last summer at one time I was shown a booklet — I can't remember the exact date but I think it was written around 1915 — written by a man who at that time knew a great deal about the highway problem of Maine and I submit to you that that book, if you read it today and didn't look at the cover or the date when it was written, you would agree, as I told the Highway Committee, that that book might have been written this past summer because it indicated that the problems that Maine faced then were approximately the same problems which we face now.

In other words, that indicated that since the year 1915, for example, Maine has done very little in a constructive way to make its highway program adequate.

I think in view of the fact that we have seen this increased travel and that we have seen our troubles increase because of World War II, troubles over which we had no control, that they do indicate to us the fact that we must come to some kind of an agreement here in this legislature that we adopt a program for our highways in Maine. We have arrived in this state, as have all other states, at the point where highway planning now must take in a scope of five to seven to ten years, and that those programs, even then, must be carefully reviewed year by year to see that we are placing our monies in the proper places and that our program is progressing as rapidly as it should.

Certainly Maine, as a vacation state, has a great deal to think about when we consider our highway problems because as they are tied in with our potato industry in the north and our fishing industry in our state, it is certainly dic-

tated that we must have an adequate program for highways if we are to keep the economy of Maine stable at all in these years of transition.

So we need, as I say, a program, I think that anyone who is fair, if they look at the highway system of Maine today, be it on the local level with the state-aid roads, the town road improvement fund, the road resolves or whether it is our state highways, if they look at it objectively and fairly, they will agree that we have been traveling on a rather hit-or-miss program and that now is the hour of decision, that we must definitely consider some plan in this Legislature which, to be sure, may not be perfect in all respects, but which will be a start toward rebuilding our highways and make them an integral part of our economy.

So, in connection with that, I think the Highway Commission has for the very first time introduced a program of planning. For years, I remember the Legislature has been crying for the Highway Commission to give us some sort of a plan to project their ideas into the future as to what they should do with the money they have allotted to them, where the roads should be built, what priority should be given to certain roads, and consider that progress in an orderly fashion on some kind of a road construction program. And so the Highway Commission did exactly that and they presented this booklet which everyone has a copy of, "An Accelerated Highway Program," which takes into consideration this bond issue which we are discussing this morning.

I said at the meeting of the Committee on Highways that a bond issue alone would not solve the road problem of Maine and I don't believe now that it will and I believe that the passage of this legislation here without the passage of additional legislation to go with it to make up a balanced program would be rather futile for Maine and so as I discuss this, and I assure you I shall be very brief, I want to point out what I thought would be the fallacies in this program and then to tie into it the remainder of the program which seems to me to be a logical ap-

proach to Maine's highway program in the next five to ten years. In the very first two pages of this report, the Highway Commission put in one or two very significant sentences and I think those sentences more than anything else point out to us the fact that we must have a program and that this alone won't do it, but that tied in with the remainder of the legislation, it will do it.

The sentences are these: "Beginning about 1960 maintenance costs start to increase, not due to increased costs assignable to the sections built as a result of this program, but to those sections not included in the program. Such sections are, at present adequate but are expected to become inadequate before the total bond issue is retired. However, there is no doubt that the maintenance saving will exceed the interest charges, provided present mileages are not increased."

Now it is very difficult for a Legislature in speaking of state-aid roads or funds which the state kicks back to the towns, to say that this is wrong or that is wrong, that the town should get along as they can best get along. It seems to me the only solution we have is to try to curtail as much as possible further extension of our state-aid system until such time as we have brought our state highway system up to the point where it is not as deficient as it is at the present time, recognizing at the same time, as we must, that in many sections of Maine we have mud roads and we must do the best we can to get the people of Maine out of the mud as soon as possible with good farm to market roads, that these people might have a road during the four seasons of the year in which they can travel.

Taking these things into consideration, therefore, it seems only logical that at this time Maine should embark upon a program of construction on its state highways, at the same trying as best it can to reduce the terrific maintenance costs which are overburdening our highway program. We may ask at this juncture why these maintenance costs are increasing as rapidly as they are. The answer, it

seems to me very obviously might fall into two or three categories. Number one, of course, is that our roads get progressively worse. It costs more for maintenance. Secondly, as we are now giving two units of state-aid to the towns, naturally we are increasing the state-aid mileage in Maine and we all recognize that once a mile of state-aid road is built, the state forever after has the maintenance cost.

Now therefore, as we increase the mileage in state-aid system, we, therefore, are increasing our maintenance costs and thus the words here, "Provided present mileages are not increased." We are also presented with the problem under our state-aid system that we have many miles of state-aid road which are called improved state-aid which for years and years have not been reconstructed and because they have not been reconstructed, they will cost Maine many, many maintenance dollars, whereas reconstruction would lessen that maintenance cost.

I think we all recognize, too, in the construction of state-aid roads that there are rather rigid specifications set up by the Highway Department and I am sure that if we travel at all through the rural areas of Maine that we come to the realization that in many, many places, state-aid highways are built according to state specifications which result in roads which are perhaps too good for that particular section. Take a road which would have a good sound base which might not have quite the width but would be passable four seasons of the year would be what those people are asking for. They are not asking for boulevards. They are not asking for Macadam roads. They are asking for roads which are passable four seasons of the year and that is where the town road improvement fund comes into play, because the specifications there are not so great and the towns would thereby be enabled to build more miles of road each year which would be passable four seasons of the year which would get them out of the mud that much sooner than they would if they depended upon state-aid. Now that

seems to be the problem of our highways today.

Now if we take that into consideration, it would mean that it is useless for us to consider these things and to talk about them and to realize the problem unless we are willing to do something about them. And so to do something about them, we have these bills before us this session, one which I have taken off the table and two others which I shall remove this morning and I want to make this brief explanation of these bills to show how they tie in to this program which we hope Maine will be able to pursue during the next decade.

First, this bond issue allows the State of Maine in the next seven to ten years to go on with construction as best it can and with a total amount or fullest amount it can without hampering tourist traffic, it would require two bond issues of \$27,000,000.00. At the same time, monies would come out of the General Highway Fund to supplement it to allow us to build an adequate number of miles of road each year and certainly we can not deny the soundness of the program because we do have before us in this program maps of each county, the roads which are deficient are listed and the priority of those roads listed show this program and this program alone would aid in the construction of our state highway system, our main arteries of traffic which we know have been neglected due to this increased traffic and due to the deferred maintenance and construction caused by World War II, but that alone will not do it.

We must, at the same time, be realistic about our town problems. Thus, we have before us, or will have before us, another bill on state-aid construction, a bill which would simply state that from now on the State of Maine, or from 1952 on the State of Maine would still say to the towns, "You may appropriate two units of state-aid but all over one unit must be used for reconstruction of your existing state highways. Now this is only fair because if the State of Maine is going to be responsible for the maintenance costs of these highways, they certainly should have

some consideration from the towns in saying that those roads are fairly constructed and will not cost too much per mile for maintenance.

So, a town would still have one unit for construction but it would expend one unit for reconstruction to help lessen the maintenance cost and at the same time help lessen the number of miles which we are increasing on our state-aid system. However, in order to help the towns to make up this slack, there is a third bill which we shall have for consideration this morning, a bill which calls for the fact that if a town so desires, it may take its state-aid money and spend it under the provisions of the town road improvement money, which would simply mean that according to the experience which many have had, that the towns would be able to take that money and build probably twice as much road with the same amount of money as they would if it were continued under the present state-aid system.

The third part of the program which is not before us, but which I believe is before the House is a reclassification of our highway system and that will come before us in due time and be considered for debate at that time. But I am saying here this morning that this is the first opportunity which we have had in this Senate to discuss the highway problems of Maine. These are very real problems which we must grapple with now, because if we put off two more years, we are simply putting off that day and we are making the job even greater. The time has come when we must face that situation and I don't think anyone will disagree with the fact that Maine has been staggering along too long on its highway program without a definite program for the future.

It is time that we plan for the future a well-integrated program which we consider to Maine's well-being. Our highways have a large role to play in the economy of Maine and only as we consider the state highways, the state-aid highways and the town ways in one picture, then we possibly come out with a program which will be satisfactory to the entire State of Maine.

This program will be beneficial to our towns. At the same time, it is going to be tremendously beneficial to our state because it is going to bring our program into balance and it is going to make the State of Maine a little bit near the other states in the amount of control which they have over the highways which means the amount of dollars expended.

And so after this bill has been disposed of, this No. 78, I shall take from the table the other two bills which tie closely into this program. I hope we will consider this objectively and consider as I think we must the fact as I said at the outset that two very great problems have brought us to a point where we must grapple the highway picture today, the increased traffic and the harm which was caused by the deferred maintenance and building during World War II.

So, Mr. President and members of the Senate, I move that the Senate at this time accept the Ought to Pass Report of the Highway Committee on Senate Paper 270, L. D. 609.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I rise this morning principally to commend the tremendous amount of work which the Senator from Lincoln, Senator Palmer, has put into this highway program. As a member of our legislative research committee I know how hard he has worked as chairman of our sub committee in studying to bring before us the facts pertaining to our state highways. He has presented here this morning one of the most able dissertations on any problem that I have ever heard in this legislature and I would like to commend him very highly for this brilliant report on our highway needs.

As a member of the research committee and one who opposed a bond issue two years ago I rise this morning in support of the motion of the Senator from Lincoln, Senator Palmer, because the question which I had in my mind two years ago, and which I think was also in the minds of other Senators, namely, "Are we getting our dollars' worth; is a six cent tax on gasoline up in the north-eastern part of the state

all that we could expect or should we add more monies to this," I think that question has been answered fully by this report.

I was concerned two years ago because I felt that we had a very high tax rate on gasoline. I felt that a bond issue, the way the money was being expended, might not be for the best interests of our people. I was also concerned about maintainance, and I think other Senators agreed. In the two years that have passed since then I have run into several situations that I think this program answers. For example, in Cumberland County we had Route 302 and the public along that highway, the fourth or fifth busiest in the state, was very much concerned at its complete deterioration. We had several discussions, the Senator from Cumberland, Senator Haskell, and myself met with the townspeople in an effort to find out what the facts were and we came upon the startling discovery, which the highway department readily admitted, that in twenty-five years no major money had been put into Route 302. I have always felt that highways in the State of Maine should be built on the basis primarily of traffic flow, and there was a road with a traffic flowage of anywhere from 4400 for the first section of the road down to 2800, with an average of 3600 and yet another highway was built not far away, which I will admit was definitely needed, which had a traffic flowage of eleven hundred cars or vehicles per day.

I felt at that time, and I still feel, that our highway program was not properly planned and carried out. My questions have been answered by this report. I think it shows, as the Senator from Lincoln, Senator Palmer, has said, that the state and the highway department are ready to go ahead in an orderly fashion, considering the needs of all of our sixteen counties, with a program which will give us the answer to our devaluated dollar and to our state highway program difficulties in the past and I sincerely hope that the motion of the Senator from Lincoln, Senator Palmer, will prevail.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Lincoln, Senator Palmer, that the Senate accept the Ought to Pass report of the committee. Is this the pleasure of the Senate?

Thereupon the Ought to Pass report of the Committee was accepted and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Palmer of Lincoln the Senate voted to take from the table Senate Report "Ought to Pass as amended by Committee Amendment A" from the Committee on Highways on bill, An Act Relating to Use of Joint Funds for State Aid Road Construction (S. P. 320) (L. D. 726) tabled by that Senator on April 25th pending acceptance of the report.

Mr. PALMER of Lincoln: Mr. President and members of the Senate, I will say just a few words in explanation of this bill which is the second part of the program which I mentioned previously. This bill merely makes it possible for the towns, if they so desire, to take state aid allotment and expend it under the general improvement fund. The advantages to be gained by it I have already mentioned so I will not say anything more in that regard now. Mr. President, I move acceptance of the Ought to Pass report of the committee.

Thereupon the Ought to Pass report of the committee was accepted and the bill read once, Committee Amendment A was adopted without reading, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Palmer of Lincoln the Senate voted to take from the table Senate Report "Ought to Pass as Amended by Committee Amendment A" on bill, An Act Relating to Construction of State Aid Highways (S. P. 354) (L. D. 869) tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. PALMER of Lincoln: Mr. President and members of the Sen-

ate, this bill refers to the third part of the program which I outlined earlier this morning and I think it needs no further explanation at this time. Mr. President, I move the acceptance of the Ought to Pass as amended by Committee Amendment A report of the committee.

Thereupon the Ought to Pass as Amended by Committee Amendment A report of the committee was accepted and the bill was read once.

Committee Amendment A was read: "Amend said bill by inserting at the beginning of the first line thereof the underlined abbreviation and figure 'Sec. 1.' Further amend said bill by striking out the underlined words 'joint fund' in the 12th line thereof and inserting in place thereof the underlined word 'proportion.' Further amend said bill by inserting a comma after the underlined figure '25' in the 13th line thereof. Further amend said bill by adding at the end thereof the following section: 'Sec. 2. Limitation. The provisions of the amendment in Section One hereof shall not apply to towns which have already anticipated future state aid apportionments until such towns shall have been reimbursed in accordance with the provisions of Section 109, Chapter 20, of the Revised Statutes as amended. This act shall become effective July 1st, 1952.'"

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

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table Resolve, Proposing an Amendment to the Constitution Providing for Additional Signers for Direct Initiative of Legislation (H. P. 1114) (L. D. 694) tabled by that Senator on April 13th pending final passage.

Mr. HASKELL: Mr. President and members of the Senate, this resolve being up for final passage requires, I think, amendment and after explaining what the amendment is I will move reconsideration of engrossing to permit a motion that the bill be amended.

The reason that I tabled it was that as written, and properly written, it tied in with the Constitution

as then in effect. Since that time there has been amendment to the Constitution so that a technical amendment to the resolve is necessary to tie it into that document, and the first part of the amendment does that. The second section of the amendment deals with the percentage required to initiate a bill. In 1908 when the initiative and referendum amendment went into the Constitution, it provided that 10,000 signatures were required to invoke a referendum and 12,000 to initiate a bill. At the last session of the legislature a Constitutional resolve had its passage and was accepted by the people whereby that 10,000 requirement for referenda was increased to ten percent of the gubernatorial vote in the last previous gubernatorial election. When this resolve was presented it proposed to change from 12,000 electors to ten percent of those voting in the last previous gubernatorial election, the number required for initiating a bill. The Judiciary Committee by Committee Amendment A stepped that ten percent up to twelve percent, thinking that the original 10,000 and 12,000 ought to be maintained by the same comparison of ten percent and twelve percent.

I have talked with two members of the Judiciary Committee and have their approval. The third one by a nod of his head indicates that he does not disapprove, so the Judiciary Committee have now indicated they think if we make it ten percent for both initiative and referendum bills it will be reasonably fair.

The third part of the amendment is a change that all of you may not approve. The question that would come before the people in the resolve is this: "Shall the Constitution be amended as proposed by a resolution of the legislature providing for additional signers for direct initiative legislation?" I don't think that is a bad question. I don't think that is misleading. I think it is well written. On the other hand, I know all of us have had criticism for putting these things out so that they were confusing and maybe this question I have in the amendment is even more confusing, but at least it does take the words out of the resolve and put this question

in: "Shall the Constitution be amended as proposed by resolution of the legislature provided that direct initiative of legislation shall require not less than ten percent of the total vote for governor as cast in the next previous gubernatorial election?" It seems to me that that is telling the voters when it comes to them, if it does, for final passage that that is exactly what it means. So with that explanation, which is altogether too long, I move that we reconsider our action whereby the resolve was passed to be engrossed and I offer Senate Amendment A.

Thereupon, under suspension of the rules the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed, Senate Amendment A was adopted without reading, and the resolve as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Emergency Measure

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

Bill "An Act to Revise the State Civil Defense Law." (H. P. 152) (L. D. 84)

Which bill being an emergency matter, and having received the affirmative vote of 31 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table House Reports, Report A Ought to Pass; Report B Ought Not to Pass, from the Committee on Legal Affairs on bill, An Act Relating to Running Horse Racing in the Daytime (H. P. 1021) (L. D. 580) tabled by that Senator on April 26 pending acceptance of either report.

Mr. WEEKS of Cumberland: Mr. President, I now move to accept Report B "Ought Not to Pass". I will make a few remarks in support of that motion and when the vote is taken I request a division. This matter of horse racing has been before this Senate a good many times and I doubt if anything I have to say today is going to change the mind of any of you gentlemen one way or another.

At the risk of being a bit boring I will review quickly what has happened. In 1935, I believe it was, the Legislature saw fit to pass pari mutuel law and up to 1949 that law was strictly for the benefit as I understand it, of the Maine Fairs. I believe it can be safely said that it served a very desirable purpose. However, it did put the State of Maine in the gambling business and it has been in the gambling business ever since, and has been receiving some profit from it.

In 1945 a bill was introduced to permit running races. It passed the House and Senate. In 1947 it was introduced again. Each time I believe the act was vetoed. However, it did receive major support in the House and the Senate.

In 1949 an act was passed which was signed permitting the running horse races in the State of Maine to operate under our pari-mutuel system. They operated one season, 1950. During that season it was not operated profitably, they did suffer losses and there has been much said about their failure to keep their financial house in order. The group who was originally in this running horse organization which operated Scarborough Downs were all Maine men, I believe. As a result of their financial difficulties, the original group more or less lost control and now a new group of Maine men, responsible Maine men, are undertaking to operate it again for another season.

In anticipation of the 1951 season they have invested substantial amounts of money, they have made commitments and they are looking forward to the time when possibly they can work out their investments. This investment by the way calls for an expenditure of over a million and a half dollars. The present night harness racing bill was introduced by a dear friend of mine and I know he believes in the justice of his cause one hundred percent. His viewpoint may be directed particularly to his own community where there is a harness racing track. People in his community have made it known to him that the failure on the part of the track to operate hurts his community and I dare say it does,

in the loss of money in various ways.

However, I don't want anyone to ignore the fact that this million and a half dollar plant is now in Scarborough Downs in Scarborough and is very much concerned as to what happens to this track. The track at Gorham is not a track where there is a fair conducting harness race meets and I believe it is operated by one individual. In considering this bill it does not profess to put running horse races out of business. It is going to restrict its activities to day time only. Everyone recognizes the fact who knows anything about it, I don't, but I have been told that it will make it unprofitable for the track to operate. That is sure.

The Lewiston Journal on March 13 stated, "We do not approve anything that opens a door to legalized gambling." It doesn't look like playing it square to knock down a project that two years ago was considered good enough to get legislative sanction and the governor's approval. I might say so far as I know there have been no scandals connected with Scarborough Downs. I also mention the fact that operation of this particular plant can not be said to have stimulated this gambling investigation that has been going on. As everyone knows, long before pari-mutuel was here, gamblers were in the State of Maine and obviously the pari-mutuel started sometime after 1935 and tended to invite that type of personality into the state. It is possible that because of increased activity in the running horse races it may have accentuated the problem somewhat but it still did not bring gamblers to the State of Maine.

The committee as you know, reported five for and five against. That report was made after there was a very serious hearing lasting several hours. Among the proponents were some members of the clergy. Someone spoke on behalf of the Fair Association. Representatives of one individual who owns a track were also present, but if I remember correctly, no one appeared from Portland or Scarborough, Old Orchard or any other neighboring town regarding it. I really anticipated that someone would come

from Old Orchard, because I have heard it claimed that Old Orchard cut into their activities when night racing was in order.

I don't believe it is the time for this legislature, after one trial, one season, to say that this track cannot operate at night time when a neighboring track can operate night or day as it sees fit. It is operated by Maine men. They have undertaken to rehabilitate this track financially. I believe you should not do anything at this time which is going to handicap their efforts to the point of possible complete frustration. I do not know of any reason why night harness racing should have a monopoly. It would in my opinion be unfair, arbitrary discrimination.

I will say right now I am as much opposed to widespread gambling as anyone here. You have heard Senator Reid talk about the gambling situation. I would like to state right here now that if you want to introduce a bill I will vote to throw out pari mutuel right now. I am not going to vote to permit unfair arbitrary discrimination for one track in favor of another.

It is now quarter past twelve and I believe a good many of you have things to say, and I know that I am not going to convert anyone by my few remarks.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate, past legislatures have always favored harness horse racing. It is a sport that is older than anyone within the hearing of my voice can remember. Two years ago we passed in this legislature a night racing bill for harness horse racing, describing the conditions under which such a meet could be held and I felt strongly then, and still feel, that that was for the benefit of harness racing in the State of Maine, because it would draw a larger crowd and larger purses paid for the harness horses, and I thought it benefited harness horse racing. And then the coat-tails of this bill permitting runners floated through this legislature. I was opposed to it then and I am still opposed to it. I believe there is a vast difference between runners and harness horses. I have made as careful inquiry as I could and I am convinced that there isn't one

running horse owned within the borders of the State of Maine but there are hundreds and thousands of dollars invested in harness horses and hundreds of thousands of dollars invested in harness horse tracks.

I have supposed that pari mutuel first was passed because of the benefit it was supposed to give to the agricultural fairs. The income of those fairs was low and in order to stimulate interest and draw crowds I believe this bill was passed. I don't know that it was for that specific reason but I do know from what I have heard others say that it gave them great impetus. I am talking now about pari mutuel as we have the law on our books. Two years ago a group of men got together and went into the idea of a track for runners and they didn't go into it from any motives of great good for the State of Maine, they went into it with the idea of making a profit. Now when the night racing bill was passed two years ago and the other bill was before this legislature I never heard—and I was here—I never heard of anyone suggesting that the runners should be allowed to run nights which is what gave the harness horse racing business that specific profit, but after the opening of the track at Scarborough Downs, I mean after they started night racing down there, in my opinion illegally, it resulted in the closing up of the best harness racing tracks in Maine, such as Gorham and Lewiston, so we have a record of experience as to what night running racing will do to harness horse racing. In my opinion it would mean the end of harness horse racing in Maine. And if we are talking about fairness, to permit a new outside group to come in here and put out of business an old and established sport that has been running in the State of Maine long before the memory of any of us, seems to me would be decidedly unfair.

In my county we have a good many stables of marvelous harness horses. It has been said that the best of them go out of Maine. Well, that is about true because harness horses are expensive and if you have good enough horses to make the grade and some of these bigger outside tracks where they have

larger crowds and can pay larger purses are available to you, it is natural that you would go out to them. We had Jack Coombs, a great baseball player, once but he didn't stay in Maine, but it doesn't improve the breed of harness horses we have here to permit Gorham and Lewiston tracks to operate at night and if you sanction the night racing of the running horses it takes outside capital and it would be decidedly unfair. I am thoroughly convinced that the track at Scarborough Downs can operate in the daytime alone. It is situated in an area near the cities of Portland, Biddeford and Saco and is fairly close to the border line of Maine so they get crowds from New Hampshire and Massachusetts and I am convinced they can continue to run at Scarborough, and I am further convinced that there would be no loss of income to the State of Maine because before there was any night racing at Scarborough there were good gates both at Lewiston and Gorham and people were there in attendance placing bets from which the State of Maine got a fairly good share.

I am therefore very much opposed to the motion of my good friend the Senator from Cumberland County, in which he asks you to accept the Ought Not to Pass report on this bill. This clarifies the law, I believe, exactly as was intended by the 94th legislature and I hope his motion fails, and if it does I will make a motion to accept the Ought to Pass report of the committee.

Mr. DENNETT of York: Mr. President and members of the Senate, I rise this morning in support of the motion by Senator from Cumberland, Senator Weeks, to accept the Minority Report on this bill. I wish this morning to speak particularly about the moral issue which I feel is involved. But before I go into that, I would like to stress one point that has been brought out by the Senator from Aroostook, Senator Barnes, in which he spoke of the new and outside capital that had been brought into the state to erect this track at Scarborough. Heretofore, I was under the opinion that the Chief Executive of this State and the state as a whole was working to bring in

outside capital as investments in this state and this morning the statement has been made, and apparently that it is deplorable, for this outside capital has been brought in. So on this point, I assure you I am slightly confused.

What I wish to bring out, mainly, is as I spoke before, the moral issue involved. We are told and it is insinuated that it is morally wrong to run these running horses at night because it interferes with the harness racing. . . In other words, they are betting down there on these running horses and are not betting on the harness racing. To my mind, both of these things are a thing of evil. It is gambling and I can't see, personally, where a two dollars wagered on a running horse at Scarborough in the night is any worse than betting two dollars on a harness horse over to Gorham.

I actually am opposed to gambling on horses whether they be running horses or whether they be harness horses and I assure you I practice what I preach. I have never been to Scarborough Downs in my life. I have no intention of going there. They run the Gorham harness racing at night. They claim, the proponents of this measure, that the horses running at Scarborough have seriously affected their business at Gorham. That may be the point. However, if they refuse to let the runners run at Scarborough, it will be literally putting the runners out of business. Now, I think it might be a pretty good idea if they each put each other out.

The thing isn't good. It wasn't good in the beginning but this is pure discrimination and this legislature has been treated to the awe-inspiring spectacle of seeing one group of gamblers coming in, and I say gamblers. It is gambling. It is not for the sport of racing. They wouldn't run the place fifteen minutes if they took the pari mutuel machines away from them. It is one group of gamblers coming into this legislature and asking that the other group be put out of business so this former group playing octopus can encircle the State of Maine with its tentacles and have gambling right in its whole hand.

I am opposed to gambling. I am opposed to pari mutuel machines, whether they be on harness horses or running horses. But it seems to be fair, if we are going to get rid of one, we should get rid of the other and I hope this Legislature which has been fair and has always respected the rights and privileges of both sides will turn down this measure and be fair and not discriminate against either. If you are to put one out, put them both out.

Mr. WEEKS of Cumberland: Mr. President, I don't wish to prolong this discussion one moment but I will bring up one or two points which the Senator from Aroostook, Senator Barnes, made mention of. One point brought out is the fact that the Gorham and Lewiston tracks were closing on account of the running races and the plant at Scarborough. As a matter of fact, the ones who control the Gorham plant and the Lewiston plant both are members of the Scarborough organization at the time when it was running and so far as that is concerned, became a part of what might be called a chain and in my opinion they voluntarily decided not to operate the plants. In fact, when night racing was started at Scarborough, he took the lights which were on the plant to place them at the Scarborough location.

I had no intention of mentioning revenue in this matter because I don't believe it is germane to the issue but the fact remains that the State of Maine received \$323,500, or thereabouts, on the running horse races and they did not receive as much at that from the harness races.

It might be interesting to know that in New Hampshire, if you are talking revenue, the amount received from the runners in 1950 was a million, nine hundred forty-one thousand, while from the harness races it was six thousand. In Massachusetts, it was three million as compared to four hundred fifteen thousand for the harness races. In New York, it was twenty million and some compared to seven million, four hundred thousand for the harness races. In Rhode Island, it was three million and a half with nothing for the harness races.

I don't believe those figures are germane to the argument here. It is a question of whether or not we are going to pass an act which says we will channel gamblers' money from one location to another and as I said before, if we are going to have gambling, let's leave it alone. As far as I am concerned, we can throw both pari mutuel systems right out of the State of Maine.

Mr. HASKELL of Penobscot: Mr. President, even though I am a member of the committee that heard this bill and even though I was on that report signed by the Senator from Cumberland, Senator Weeks, I certainly have had no intent to speak on the measure and would not have spoken on the measure had not the thought been injected into the debate that has little or no inference in this bill as relating to General Fund. I only want to read from page one of your budget and point out that in the summer of 1949 when there was no running races in Maine, we received from pari mutuel \$320,000.30. Last summer when the harness races had competition, our take from the harness operation dropped down to \$280,300 and we picked up \$324,650 from the runners, which in round figures is six hundred twenty-five thousand.

I would like to point out in this undedicated General Fund revenue that the Appropriations Committee is depending upon the support, whatever the budget is, they have included the sum of \$509,250, I think, in each year of the biennium, which gets down to the proposition of whether or not denying night racing will take that away from the State.

I, too, have never been a visitor of the Downs. I know as little about the race proposition as anyone in this Senate, but if there is at least a possibility that they will be not operated unless they can operate at night, I would call the attention to the Senate that we are still depending for a million dollars in this biennial General Fund revenue from licenses and commissions on running horse racing and it was that fact in that budget that was the substantial reason why I signed the bill to leave them alone.

Mr. BROGGI of York: Mr. President and members of the Senate, they say solidarity has its virtues and I don't think the Senate can properly deny that the York County delegation in this session has been quite solid in its thinking in many different matters. To prove consistency and solidarity, I would like to quote from the 94th Legislature. My colleague, Senator Dennett, voted against running races in the 93rd Legislature. My colleague, Senator Marshall and myself voted against running races.

The issue before the Senate today is whether or not we as a group want to discriminate against one group in favor of another group. I know that the delegation, and I speak for all three of us, does not feel that it is fair to allow one group to have privileges that another group does not have. When and if legislation is presented to throw out all of it, I am sure once again we will be solid in the support to treat all groups the same. I sincerely hope the motion of the Senator from Cumberland prevails.

Mr. BREWER of Aroostook: Mr. President, and members of the Senate, I am not interested in this bill from a moral standpoint but being connected with the fairs for years in the northern part of the state I am vitally interested. To begin with, I think any of the people that sponsored this running bill two years ago, if they were truthful would say that if they had in mind night racing they certainly did not mention the question. If they had, I am certain the bill would not have passed.

Over and above that, I am concerned because through pari-mutuel our fair takes in half of one percent, the stipend for premiums. To my way of thinking there is just so much money to be bet on any kind of racing whether it be running racing or not. I would estimate approximately ten million dollars or a little over a hundred thousand dollars a day to be bet. If that goes into pony racing as I call it, or the runners, the fairs do not participate in any revenue from that and by the same token the only way to keep the fellows that have the harness racing in business is to have more races. That is, the more races that they have, the

more money that is involved and offered for these races. And I feel and past experience has shown when your runners run, why that automatically cuts out racing at the other places that have it.

One of the members of the Racing Commission said to me last fall during our fair, "Brewer, I think you would be very pleased with the way that the races are set up now," and I said, "I am, for the simple reason that we had some people that wanted to hog the whole thing and we gave them everything they wanted and when they get all through and after they decide that it is not a paying proposition, the fairs will still be racing horses. And I still think they will." I said, "All you have got to do is protect the fairs a little bit."

I did vote against this bill two years ago and I see no reason to change my position at this time but I do say that it was not the intent when that bill went through for the runners to run nights and I also repeat that there is so much money to be bet and that if it goes to the runners, it is not going to the harness horses.

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

Mr. LEAVITT of Cumberland: Mr. President, I rise to support the motion of Senator Weeks of Cumberland. I am surprised, more or less, at some of the arguments that are put up here. In fact, I have visited a great many of the tracks. I have visited the tracks at Gorham, Lewiston, Scarboro Downs and I went down to Jamaica, Belmont and a lot of tracks. I think that it is an interesting place to go.

Some people like to go to New York and spend five hundred dollars at the Waldorf Astoria and have a New York party and do things of that sort. Other people like to take a trip to Europe and spend anywhere from seven to eight hundred dollars.

There are a lot of people who are looking for novelty and all of the tracks I have ever visited, I have never seen a track that was any better run or any more beautiful and the novelty of being able to sit there during a beautiful summer evening at Scarboro Downs and watch the horses at a track which

is lots better than any other track we have in the State of Maine attracts to this state a great many people who come here and spend their five or eight thousand dollars for the summer, rather than to go to Europe or going to New York or other places.

I think it would be a shame to close it up at Scarborough Downs and the purpose of this bill, out and out, is to see if they can not sabotage this plant by making them run and making it an ordinary track, running in the afternoon where they know they will have less people because of the fact that in competition to it in the evening they will still be running a track at either Lewiston or at Gorham.

Some people wanted to go against this track on moral grounds and the moral grounds were simply that it would take money away from the trotters. Now, if that is morality, or if that is morals, and that is what we are talking about here, we have got down to a pretty fine point, that a horse that runs by having a man sit on his back and because he happens to come from Maine and he happens to be owned up in some other county that needs to get money for their horses and therefore he brings them down to Cumberland County where they can get the money out of Portland, if that is the moral side of it, and the fact that a horse runs with a man on his back and he did not happen to be owned in Maine, if that is immoral, why we have got to the point where we are splitting a pretty fine hair.

As I said, I am in favor of the motion of my colleague from Cumberland.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, and the Senators from York County, I was one of the proponents of the running horse racing bill last session. I am not an ardent enthusiast of racing. I have never been to Scarborough Downs and have no intention of going there but I was under the impression that there was a desire on the part of the citizens of Maine to attend running horse races and I was very much concerned at the way citizens of Maine flocked to Rockingham and New Hampshire and even to Boston,

and I felt that if they had to attend running races and had to bet on them we should attract that same industry to the State of Maine. So I was very easily persuaded to help introduce it and eventually pass the running race bill.

Never at any time was any mention made of night running races. In fact, it is a mystery to me why they feel that they have to run nights. The only other place in the whole United States where they run nights is a small track somewhere in Oregon. They don't in Suffolk Downs or anywhere else except in that small track in Oregon, so I don't understand why they feel they have to run nights in order to make it pay.

I was also prevailed upon to help in this running race bill because I felt it would attract horses into Maine and I was also almost guaranteed that the track would be run by Maine people. Subsequent events have proven that that has not been the case. Every position over there except mowing the lawn and cleaning out behind the horses has been done by people brought in from outside the state. We don't want to penalize out-of-state capital, of course, and you are very right, Senator from York, that we need to attract outside capital but on the other hand we don't want outside capital to penalize our own capital. At the time this running bill was passed I think I said that if in any way it hurt us I might change my mind. Undoubtedly it is injuring the fairs and is injuring our harness racing associations, and for that reason I don't see why Scarborough Downs should be allowed to embark on something they didn't ask for in the first place, something which isn't done in any other place, and penalize our own trotting associations here in the State of Maine. Hundreds of harness horses are owned here in the state. In fact, I see several people here in this room who own harness horses. It has been a sport in Maine from time immemorial and I don't want to see it penalized for any outside organization. We don't need to be bitter about it or to penalize the outside organization but I don't think they should be given a preferential standing in this matter, so

I trust that the motion of the Senator from Cumberland does not prevail.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, I didn't intend to speak on this bill. I did, however, have my mind made up as to how I should vote and I want to say now that I shall vote, if the occasion arises, for the day racing at Scarborough Downs, but I am definitely opposed to this night racing, and I think I can speak for the majority of the citizens of the State of Maine, when I make that statement.

Mr. BROGGI of York: Mr. President, apparently everyone has spoken who wants to and as a Senator from York County outside the territorial limits of Maine, I move the previous question.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the Senate accept Report B "Ought Not to Pass" and the Senator has requested a division.

A division of the Senate was had, Seventeen having voted in the affirmative and fifteen opposed, the Ought Not to Pass report was accepted, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Crosby of Franklin

Recessed until this afternoon at three o'clock, E.S.T.

After Recess

The Senate was called to order by the President.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill, An Act Relating to the Salary of the Mayor of the City of Lewiston (S. P. 313) (L. D. 664) tabled by that Senator on April 27 pending consideration; and on motion by Mr. Boucher of Androscoggin, the Senate voted to insist on its previous action and ask for a committee of conference.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table House Report from the Committee on Taxation, Ma-

jority Report Ought to Pass; Minority Report Ought not to pass, on bill, An Act Relating to Taxations of Boats (H. P. 1356) (L. D. 931) tabled by that Senator on April 26 pending acceptance of either report; and on motion by Mr. Allen of Cumberland, the Senate voted to accept the Majority "Ought to Pass" report in concurrence. The bill was read once and tomorrow assigned for second reading.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table House Report Ought Not to Pass from the Committee on Claims on Resolve in Favor of Emile Couillard of Auburn (H. P. 1567) (L. D. 1333) tabled by that Senator on April 30 pending acceptance of the report; and on further motion by that same Senator, the Ought Not to Pass report was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Palmer, the Senate voted to take from the table bill, An Act Authorizing Mainente School of Music to Confer Degrees (S. P. 116) (L. D. 206) tabled by that Senator on May 1 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

Orders

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

ORDERED the House concurring that the following bill be recalled from the engrossing department to the Senate: Bill, An Act Relating to Signals for Stopping and Turning Motor Vehicles, H. P. 93, L. D. 38.

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

ORDERED the House concurring that the following bills be recalled from the engrossing department to the Senate: H. P. 72, L. D. 428, bill, An Act to Incorporate the Public Loan Corporation of Port-

land; H. P. 743, L. D. 429, bill, An Act to Incorporate the Public Loan Corporation of Bangor; H. P. 734, L. D. 430, An Act to Incorporate the Public Loan Corporation of Lewiston; H. P. 319, L. D. 185, An Act to Incorporate the Town Finance Corporation; H. P. 1052, L. D. 632, An Act to Incorporate the Exchange Corporation; H. P. 1111, L. D. 691, An Act to Incorporate the Rumford Falls Corporation, Inc.

Sent down for concurrence.

On motion by Mr. Haskell, of Penobscot, the Senate voted to take from the table bill, An Act Imposing a Personal Income Tax (H. P. 1133) (L. D. 666) tabled by that Senator on May 1, pending passage to be engrossed.

Mr. HASKELL of Penobscot: Mr. President, following our debate of yesterday and the kindness of the majority of the Senate in accepting a Minority Ought to Pass report on an income tax, I hope to be privileged to present Senate Amendment A and have it adopted and move that the rules be suspended and given its two several readings, and in presenting that amendment, I will comment very briefly on what I have tried to do.

I have tried to find the best of the personal income-tax bills that have been before this Legislature in the last few sessions and the best refinement of the corporate franchise tax, apply a straight-line rate of two per cent to each of those tax measures, provide exemption on dividends, the earnings of which have previously been taxed by virtue of the corporate franchise tax, to avoid what I have always believed is an inequity in the federal income-tax concept, whereby the income taxes of a corporation are subject to a federal income tax and then the recipient of dividends, as distinguished from bond interest, is likewise subject to a federal income tax.

Insofar as the amount that this tax will raise, I can not give you an accurate estimate, but tomorrow morning if the bill is still alive, I would hope to do that, but I think I am safe in saying that the personal income tax section of this will raise not less than five million dollars and the corporate section of

the bill will raise not less than two million dollars.

So that, expressing that in terms of General Fund need, we might use a figure of ten or eleven million dollars as that needed to pick up the loose L. D.'s and meet the basic deficiency in the appropriations bill and leave at least something for starting toward the property tax reduction, if that is what the majority of the Legislature want.

I don't offer this with any of the enthusiasm that it might be presented, were it earlier in the session. I offer it with the full acknowledgment that only a miracle could bring about the re-appearance of this bill at the enactment stage but we have seen a miracle happen before and it might happen to this one. I honestly believe that it is worth reconsideration in this body by virtue of your courtesy of yesterday and I believe that is deserving of good, serious, intelligent presentation in the other body. I don't do it, honestly, Senators, with any intent to confuse or make difficult the other bill. But it is a concept of solving this problem that at least a few of us think has some merit.

So, Mr. President, we not having passed the bill to be engrossed, I think, I offer Senate Amendment A and move its adoption.

The PRESIDENT: The Chair will state that the bill is pending passage to be engrossed. The Secretary will read the amendment.

Senate Amendment A to L. D. 666. "Amend said bill by striking out the title and inserting in place thereof the following: 'An Act Imposing a Personal Income Tax and an Additional Corporate Franchise Tax. —'"

Thereupon, on motion by Mr. Haskell of Penobscot, further reading of the amendment was dispensed with.

Mr. NOYES of Hancock: Mr. President, I do not rise to oppose the adoption of Senate Amendment A. I rise for the purpose of inquiring if it might be possible that this amendment, new draft, or whatever you call it, might be printed so that it may be in our hands and the hands of the other Body by tomorrow morning, and if it might be

possible to expedite matters for this to move on to the other Body for action.

The PRESIDENT: The Chair will state for the information of the Senator that the bill, if sent forthwith to the other branch would then be in their hands for printing if they saw fit.

Thereupon, Senate Amendment A was adopted.

The PRESIDENT. The Senator from Penobscot, Senator Haskell, moves that the bill be sent forthwith to the House.

Mr. HASKELL of Penobscot: Mr. President, the Senator from Penobscot is perfectly willing to have it sent forthwith to the House but remains very hopeful that it may have the dignity of printing. Mr. President, has the bill been passed to be engrossed?

The PRESIDENT: The Chair will apologize; the bill has not been passed to be engrossed.

Mr. ELA of Somerset: Mr. President, I don't know that it was a motion but I think there was a request to have the bill printed. If it needs a motion I would make it.

The PRESIDENT: The motion is out of order at this time, Senator.

Mr. ELA of Somerset: Mr. President, will you inform me what I should do to get it in order?

The PRESIDENT: The bill has to pass to be engrossed and then is subject to the motion to be sent forthwith to the House.

Mr. ELA of Somerset: Mr. President, could we go back somewhere and then move to have it printed?

Thereupon, on motion by Mr. Haskell of Penobscot, the bill was passed to be engrossed, and sent forthwith to the House, and ordered printed.

The PRESIDENT: At this time the Chair will appoint a Conference Committee on bill Relating to the Salary of the Mayor of Lewiston: Senators Boucher, Dennett and Tabb.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table Resolve Limiting Certain Ponds in Aroostook County to Fly Fishing (H. P. 1726) (L. D. 1281) tabled by that Senator earlier

in today's session pending final passage.

Thereupon, on motion by the same Senator, the Senate voted under suspension of the rules, to reconsider its former action whereby the resolve was passed to be engrossed, and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A:

Senate Amendment A to L. D. 1281: "Amend said resolve by inserting the words and punctuation 'Stink Pond,' where they appear in said resolve the following words and punctuation, 'the name of which is hereby changed to Fragrance Pond.'"

Mr. COLLINS of Aroostook: Mr. President, I rise in opposition to the amendment suggested by my colleague Senator Barnes. Stink Pond I think is a good adequate name. It describes the pond in fitting terms. It is kind of a homely phrase, used by common people and I would strenuously oppose changing that name to one that would suggest fragrance. I think the name should remain as it is, Stink Pond. I hope that the motion of the good Senator to adopt this amendment does not prevail.

Mr. ELA of Somerset: Mr. President, I too would oppose the change. That word "Stink" is so appropriate to many of the Fish and Game matters which come to us from Aroostook County that we really dislike to lose the word from at least one of the bills.

Mr. SAVAGE of Somerset: Mr. President, I did not intend to make any speech on this bill but I would like to state my position. I shall hold my nose and go along with the Senator.

Mr. BARNES of Aroostook: Mr. President, it almost appears as though I will lose another motion, but I don't believe these Senators have very much poetry in their souls. The Senator from Aroostook (Senator Collins) says he was never near the pond so he doesn't know anything about it. I don't like anything like that pertaining to Aroostook County. I hope this simple amendment is adopted.

Mr. LEAVITT of Cumberland: Mr. President, they say a rose by

any name is just as sweet. Why don't they call it Skunk Pond?

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A.

A viva voce vote being doubted

A division of the Senate was had.

Two having voted in the affirmative and thirty opposed, the motion did not prevail.

Thereupon, on motion by the Senator from Aroostook, Senator Collins the resolve was passed to be engrossed; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table House Report Ought not to Pass from the Committee on Inland Fisheries and Game on bill, An Act Relating to Hunting and Fishing by Certain Persons (H. P. 314) (L. D. 172) tabled by that Senator on April 30 pending motion by Senator Ela to accept the Ought Not to Pass report.

Mr. NOYES of Hancock: Mr. President, I rise to oppose the motion of the Senator from Somerset, Senator Ela. This bill that we have before us would do two things. First, it would grant a free hunting and fishing license to any citizen of Maine over seventy years of age and it would at the same time reduce the present age from eighteen to sixteen at which time a person must buy a license.

Earlier in this session, we had some discussion on a bill which would reduce the age from eighteen to sixteen years at that time, I voted with the Senator from Somerset, Senator Ela, against changing the present law. However, in this instance, we are doing or attempting to do two things. First, we would grant a free license to those persons who reach the age of seventy to hunt and fish, and according to the best information that I can obtain from our Fish and Game Department, there are some fourteen hundred hunting licenses granted to such persons over seventy, making a total of approximately seven thousand licenses which would be free licenses. In other words, your Department of Fish and Game would lose approximately fourteen thousand dollars by that part of the bill.

However, in the sixteen to seventeen age group which would be buying a license under this bill, they would pick up substantially more than the fourteen thousand dollars. It is my belief, and it is the belief of some others. To support that contention, there are in the State of Maine, according to the federal census, some twenty-six thousand persons sixteen and seventeen years of age. If they all bought hunting and fishing licenses at four dollars, we would have \$104,000.00, but they all won't buy licenses. If twenty-five per cent of them buy licenses, the Fish and Game Department would have twenty-six thousand dollars and it is possible that twenty-five per cent of those people will buy a license.

Furthermore, the last hunting season there were 1,300 deer tagged by hunters under eighteen years of age. So, there is ample evidence that would indicate that the revenue of the Fish and Game Department would not be reduced. It is more likely that they would gain some revenue and I believe that this is a sound measure.

There are in the State of Maine quite a number of people who reach the age of seventy and they don't all ask for Old Age Assistance. The figures, I believe, would indicate that over seventy years of age there are some 65,000 people, 10,000 of which are in the Old Age Assistance group and I know of a number of people who reach the age of seventy that have retired, and that this small token on our part to grant them a free license would be good and I hope that we will be able to substitute the bill for the Ought Not to Pass Report.

Mr. ELA of Somerset: Mr. President and members of the Senate, when anybody wants to give away anything in this Legislature, they land on the Fish and Game Department and this is another instance of it. We have previously had a bill and disposed of it which was a clear-cut issue of the sixteen to eighteen year old license. In other words, we voted to permit those under eighteen to continue to hunt and fish without a license. They may fish without a license at all times and if there are any who wish to hunt alone, they would then have

to procure a license, and many of them do that.

Now as I have said, we disposed of that item once and voted correctly, as I thought, to leave that part of the law alone. Now, this bill comes along with that part in it and also with a provision to give away free licenses to those over seventy. This was a Unanimous Ought Not to Pass Report of a Committee which carefully considered the matter. It was my contention when we debated the bill before that there is no loss of revenue, permanent loss to the Department by letting youth from sixteen to eighteen hunt and fish without buying a license for this reason. They are in that stage of life where they form habits, good or bad. I am one who thinks the fishing habit for a youth is a good habit and if they get into the habit—and they may not if they lack the money to buy the license—if they get into the habit when they are young, they will be permanent customers for licenses all of the time they live in the State of Maine.

Now, as to giving the seventy year olds free licenses, my figures are about the same as yours, Senator Noyes. It would be in the neighborhood, as far as our sampling would indicate of the licenses, that it would cost about fourteen or fifteen thousand dollars. Of course, if the licenses were free, we might expect more to be issued. But there would be at least a fourteen to fifteen thousand dollar direct loss. Many of those, a big percentage, are amply able to buy that license. There are a great many things which the Department of Fish and Game is trying to do and must do to provide hunting and fishing. There are tremendous problems of research. There are tremendous problems of stocking. The inflationary spiral has hit that department as it has hit others. They are living on their own income. We don't appropriate a nickel for them. Anything which starts in a small way can get bigger. We have seen that time and time again. If you start a project, you start a trend and soon it is liberalized. If you get seventy-year-olds a free license now, a couple of years from now it will be sixty-five. Then

the women will want it free and soon you are in a deficit position and you can't carry on. I sympathize with the seventy-year-old that hasn't any money. But there are many other things that I sympathize with him on, too, besides fishing licenses.

If you are going to go into this thing and give away revenue which that department now depends on, you must face the issue and replace it with other funds. If you are willing to do that and able to do it and you think it is good policy, go ahead. But frankly, I don't think it is sound. I think you have got to draw the line somewhere. It has been getting along well as it is. There was no demand for the bill amongst that age group that presented itself, except in a very, very meager number. I certainly hope that this part of the committee's endeavor will receive your support.

Mr. WEEKS of Cumberland: Mr. President, I wonder if Senator Ela has information which would indicate how much would be realized by the Department by having the license time reduced to sixteen, between the sixteen and eighteen year old bracket if they did, just that figure.

Mr. ELA of Somerset: Mr. President, I haven't a definite figure as to the immediate effect of it but I do contend that the permanent effect of making the sixteen-year-old buy a license, in my opinion, will result in a net loss over the years because you don't encourage the youth to buy the license in his formative period. And if he doesn't learn how to fish then, it is very possible that he may never want to. Furthermore, there are many, many youth of sixteen whose families just don't have the money. I am for those kids. I think that is one thing whereby we can help solve a problem which needs our every attention. A youngster out fishing isn't into any other mischief.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I do not wish to prolong this debate but I am for the kids too. I am also for these oldsters, and in answer to Senator Ela's contention that in the long run we would lose many because they don't learn to

fish and hunt over sixteen and seventeen years of age, most of these kids start to fish and hunt when they are nine or ten years old. I know I did and my boy did. So far as the future dollars are concerned, I believe that a good many of those kids, if they are too poor and haven't enough money to buy a license they can go out along the road and pick up enough empty beer bottles to buy themselves hunting and fishing licenses. I feel that the Department of Fish and Game would realize a saving from those sixteen to seventeen-year-old youngsters greater than they would by granting free licenses to men over seventy.

You will agree that the man over seventy in most cases has lived down through the years and paid his taxes and his bills and hasn't too much longer to live and I believe that if we give him a free license we would have more of those older men getting outdoors and enjoying themselves for an hour or two when the days are warm. I can think of a number of old people who like to hunt or to go and sit down on a stump or log and watch the deer come out and perhaps they take a gun along with them but I don't think they will do much damage to your deer in the State of Maine but I do believe some of them will feel a lot better and I sincerely hope we can substitute the bill for the report.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is one the motion of the Senator from Somerset, Senator Ela, that the Senate accept the Ought Not Pass report of the committee.

Mr. ELA: Mr. President, I ask for a division.

A division of the Senate was had. Twenty having voted in the affirmative and eleven opposed.

The Ought Not to Pass report of the Committee was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Wight of Penobscot, the Senate voted to take from the table divided House Report from the Committee on Inland Fisheries and Game on recommended bill, An Act Relating to Open Season on Muskrats (H. P. 1224) (L. D. 778)

Report C, "Ought Not to Pass"; Report D, "Ought to Pass in New Draft (H. P. 1752) (L. D. 1296) Under the Same Title," which report having come from the House, Report D read and accepted and the bill passed to be engrossed, was tabled by that Senator on April 30th pending acceptance of either report.

Mr. WIGHT of Penobscot: Mr. President and Members of the Senate, at the conclusion of my remarks I will move that Report C, "Ought Not to Pass" be accepted. First, I might make two points clear in the mind of each Senator here today. The first is that at this time of year the fur-bearing animals in Maine start to breed, at this time of year, and the second is that up to two years ago the laws of the State of Maine permitted trapping of muskrats in the spring, which is the breeding season. Two years ago that law was changed so that now there is a closed season in the spring on muskrats, as there is on other wild animals when they are breeding, and the open season is in the fall, in November.

This bill which we have under consideration would eliminate from that law the counties of York, Cumberland and Washington and would allow them to trap muskrat in the spring, in the breeding season. When I first came to Maine a good many years ago there seemed to be no shortage of furs of any kind. There were certainly plenty of muskrats—they are very prolific—and plenty of muskrat skins to buy. But as traps were improved upon and as trappers increased in number great pressure was brought to bear on that animal and there began to be a shortage of muskrats in the State of Maine. Between 1932 and 1940 the average catch reported by trappers was 40,000. Between 1940 and 1948 there was trapped about one-half that number or about 20,000 and a great many people believed that that decline in numbers was caused by the fact that this trapping took place in the spring, in the breeding season. A great many trappers like to trap in the spring because it is a time of year when they don't have anything else to do, when the days are long and warm, and they like to

get out in the early morning when it is daylight at four o'clock and they can trap in the morning, work through the day at some job, perhaps in a factory, and at four or five o'clock in the afternoon when they get out of the factory they can again tend their traps. So it is very convenient from those angles.

The controversy between the two factions, one of which believes the muskrats will be thinned out to a very low level in numbers by spring trapping, and the other faction which took the opposite view, became so hot that the then Commissioner of Inland Fisheries and Game, Mr. Stobie, asked the Wild Life Department of the University of Maine to make inquiry into the situation and find out the real facts and that was done under the supervision of Professor Jay S. Gashwiler. He investigated how the muskrats live, their breeding characteristics, prices of skins at various seasons of the year and other factors which have a bearing on the situation, and after that exhaustive research work the department came out with a report which has been printed and is entitled, "Maine Muskrat Investigations, by J. S. Gashwiler," and in this report he states both the advantages of spring trapping and what the disadvantages are. And in this report he also estimates that in 1947 in spring muskrat trapping there were caught 2600 duck. That is the season when duck frequent the same waters and grass hummocks and the same grass that the muskrats crawl up on and a good many of those ducks are caught in the traps in the spring. Mr. Gashwiler on page 24 estimates that there were caught in 1947 in the springtime in muskrat traps 369 mink, in the State of Maine.

These mink are practically valueless in the spring but if 369 mink were caught in the traps in 1947 and if half of them were females they would be responsible probably for about ten young ones during that season so that in the fall there would have been 1289 mink, and if they hadn't been caught in the traps those mink would have been worth practically \$30 apiece which means a loss of \$3,870.00 from mink caught in muskrat traps in the spring. Professor Gashwiler con-

cluded by saying on page 37 of this report, "It is recommended that the muskrat season be changed to the fall. The legislature two years ago followed this suggestion in that report and the law was changed so that trapping in the breeding season was eliminated and the trapping of muskrats took place last fall in November for the first time and we now have the first results from that law.

In the last spring trapping in April, 1949, according to records downstairs in the Fish and Game Department, the average trapper caught fourteen muskrat. This fall, according to the reports in that department the average trapper caught thirty-nine muskrat or practically three times as many as were caught the second previous spring which was the last spring trapping. That means that the income to the State of Maine this previous fall was about two and a half times as much as it was the last trapping during the spring.

It is true that the spring muskrat skins are worth about ten to fifteen percent more each skin than are fall-caught skins but the fact that the trappers caught three times as many muskrats overcomes that by far and it means an income of instead of \$63,000 which I figure was the total income in the spring of 1949, it figures out that the State of Maine took in last fall from this one animal \$210,000.

It seems as though this law has been a real success. I sent out questionnaires to trappers who had shipped us furs of muskrats this last fall, something like a hundred and ten questionnaires, and I had returns from seventy-one and out of those seventy-one returned — I asked them four questions, by the way, in this questionnaire. The first was, "Was the 1950 fall catch of muskrats larger or smaller than the previous spring?" Fifty reported it was larger, ten reported smaller and nine reported "don't know." My second question was, "What was the average price in the fall of 1950?" They reported an average price of \$1.79, and that included everything. The third question was, "Are there more muskrats left than there were a year ago?" That is very important of course. Fifty-

seven reported there were more left and fourteen reported less. The fourth question was "Are you in favor of fall trapping?" There were fifty in favor of fall trapping and twenty-one against.

I have a letter from the University of Maine which deals with the fact that only three counties are asking to be relieved from this law, which says in effect that it seems undesirable that the State of Maine should do this because it affects the whole state. If we allow three counties to secede from the State of Maine in this manner it means a good many trappers from other parts of the state will go into those three counties in the spring and trap, and then it means again that in the spring those trappers in those counties will go into the other counties to trap. Another thing is that it is very difficult to enforce the law, of course, if we have those two open seasons. So Mr. Mendall of the University of Maine in answer to my letter, says: "I do not feel that this would be desirable. If certain counties revert to the spring season this will almost certainly result in a concentration of trappers and further aggravate the situation. Some trappers from the spring-trapping counties would work other counties during the autumn, and many from the fall counties would shift to the spring counties at that season. Heavy seasonal concentrations of part of the trappers would result, as based upon the patterns we have seen in the past, in more overtrapping. Also, if the fall season is a desirable conservation measure from the standpoint of muskrats as well as other forms of wildlife, then it would be hard to justify any exception. What is best for one county, in this case, should be best for all sixteen."

I think we will all agree today that various people in the State of Maine have various diseases. One has the fishing disease and another has the hunting disease and each one looks forward to the time of year when he can go out and enjoy himself along the lines he prefers, and of course I know a great many of these spring trappers are that way. They have that disease. They can't help it. They must go out in the spring and trap these muskrats.

But biologically speaking it is very bad to trap anything in the breeding season if you want to have very many of them.

And so, Mr. President, I move that we accept the Ought Not to Pass report.

Mr. BROGGI of York: Mr. President, I rise in opposition to the motion of my good friend, Senator Wight relative to the continuation of the law of allowing muskrat trapping to continue in the fall only. The good Senator said it only involves three counties, Washington, Cumberland and the Commonwealth of York. To be serious, though, I am at a distinct disadvantage because I do not profess to be an expert on muskrat trapping. But from the best information I can obtain, I don't believe anybody will deny this statement in this Senate and that is that the pelts or furs for muskrats are not at the up-prime stage in the spring of the year. In other words, the pelt is worth more money, as Senator Wight has told us, because of the fact that the pelt is at its up-prime stage. It might well be described that a bad pelt which is not at its peak, when made into a coat has a tendency to flatten down and doesn't have the spring in it that any good prime pelt has or as a muskrat pelt trapped in the spring at its peak. It will retain its elasticity, or whatever you may call it, to be made into a better type garment.

As a matter of fact, in the fall trapping, the only beneficiary is the fur buyer. The trapper can get more money for his pelt, the spring pelt, and the consumer can get a better finished product. I take just a moment to read an article written by Mr. Ed Howe who is probably the largest fur buyer in the State of Maine, and I quote:

"This statement is based on over thirty years' experience in the raw fur business, and it is a definitely established fact that muskrats purchased in the fall usually show the dealer a greater profit compared to what he may get on spring caught muskrat.

"This may lead you or some of the readers of your article to wonder why we favor spring muskrat trapping. It is only for the fact

that the value of the pelt is at its best at that time of the year, and it is naturally of greater value to the trappers. They will receive more income from a less number of pelts. Intelligent conservation measures, I am sure, will result in a continued supply of muskrat when trapped in the spring of the year."

My good friend, Senator Wight, has brought up that ducks, many ducks are caught in muskrat traps. I am given to understand by expert trappers that seventy-five per cent of the ducks that are caught in muskrat traps are released alive and healthy because ducks are definitely out of season in spring trapping. However, under this fall trapping bill, any ducks that are caught in muskrat traps can be kept and killed and eaten by the trappers as at that time it is open season on ducks.

The good Senator brought out statistics that the fall produced an average catch of thirty-nine per trapper as against fourteen in the spring catch. I wonder if this is conservation. The female muskrats that are caught in the fall, and they are caught at the rate of about three to one, certainly will not be present to breed in the spring to propagate the species of itself. As a matter of fact, this was well illustrated to me by a trapper at home, Gashwiler's report to the contrary. This fellow has been a trapper for about forty years. He is a Franco-American. He doesn't speak good English but I got this out of him and I think it makes good sense.

He said in the fall, and that is the season now in which trapping is allowed, the tributaries and smaller bodies of water are frozen and as a consequence, muskrats are in the main bodies of water and that is why the fall catch has been so large and has outnumbered the spring catch three to one. He said trappers will go into the main body of water and there will be all of the muskrats in that locality. In the spring, the ice in the tributaries and streams melt and are open. In the spring trapping season, many of these muskrats follow along these tributaries and streams and as a consequence can not be trapped out. In the opinion of this man

who has been trapping for forty-odd years, if it is conservation you want, let's go back to spring trapping.

In my county, there are forty-two active trappers, forty-two trappers who do it practically as a business and spend a lot of their time trapping and I have signatures of thirty-nine of the forty-two asking me to support the return to spring trapping.

The ruling was made the other day that we can't anticipate action in the other body but we can report that about which action is known in the other body. I would like to say that the other body by a vote of eighty-nine to eighteen upheld this side of the argument which I am doing my best to uphold.

There are only three counties involved in this. If other counties had wanted to be included in this, they could have been. I believe Washington County asked for inclusion on amendment to be one of the Counties here.

In conclusion, I would like to say that under apportionment, York County was entitled to another representative which we probably will not get. Quite likely we are going to take home a sales tax to our citizens of York County and I would consider it a personal favor of the members of this Senate to be permitted to take home a spring trapping bill for forty-two individuals of York County.

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, I haven't got the figures my good friends have over there but I did a lot of inquiring. I inquired first of the Fish and Game Warden whose judgment I respect a whole lot and he told me where to find trappers.

I didn't find one that didn't want the spring trapping in Washington County. That is why I am on my feet right now to protect those fellows and as to Senator Wight's figures, those are not figures from Washington. Those are not figures from those three counties. Those are figures for the whole state. We are just asking for those three counties who want it. Why does Senator Wight who lives in Penobscot County oppose it? In Washing-

ton County, they certainly want fall trapping.

Mr. ELA of Somerset: Mr. President, I would report my reaction as Chairman of the Committee that heard this very, very controversial measure. It was extremely well attended by people who were ardent in their opinion on both sides and may I say there were many from Washington County who wanted fall trapping and expressed themselves forcibly and violently on the floor.

But the main point I wish to bring out is this. This law has been in effect two years. It is not a fair length of time to try it out. The preliminary reports indicate that it has worked out well up to now. There is no predominance of opinion as to which is best. I freely admit and grant that. There are two strenuous and violent opinions. But it would seem only right and reasonable and fair to give it the length of time sufficient to prove or disprove the merits of fall or spring trapping.

Mr. BROGGI of York: Mr. President, the last speaker, Senator Ela, has said that there is no predominance of opinion. Well, I agree with him. It hasn't been proven to any definite degree that fall trapping alone is a conservative measure. I sincerely hope that the members of this Senate will not sustain the motion of Senator Wight and when the vote is taken, I ask for a division.

Mr. WIGHT of Penobscot: Mr. President, I wonder if the Senator from York has heard from the ones I have right here in my hand on the questionnaires which are back here. I have twelve from York and Cumberland Counties. Eight in favor of fall trapping and four favor spring trapping.

They come from West Kennebunk, South Waterford, Sebago Lake, West Baldwin, North Fryeburg, Westbrook, West Kennebunk, Freeport, Limington, Saco and Sanford. Also, I have here a letter from the Sanford-Springvale Fish and Game Protective Association which says: "Just a line to inform you that we went on record Thursday night favoring fall trapping of muskrats instead of spring trapping. We had a nice meeting. About 250 present."

That is confirmed by another letter which I have in my hand and as to Washington County, I have here nine replies from Washington County. Eight favor fall trapping and one favors spring trapping. They come from Whiting, Dennysville, Harrington, Pembroke, Perry, Charlotte, Meddybemps, Whitneyville, West Pembroke and Whiting.

Also, I have letters from the Quoddy Rod and Gun Club, The Calais Rod and Gun Club and the Dennys River Sportsman's Club. So, there is no unanimity of opinion in those counties, York, Cumberland or Washington Counties.

I have served on the Fish and Game Committee for three sessions of this Legislature and I have always made decisions that I thought were in accordance with conservation and if there ever was a setup that required conservation, it is right here now.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Wight to accept the ought not to pass report of the committee.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Broggi of York, the Senate voted to accept Report D (Ought to Pass in New Draft as H. P. 1752, L. D. 1296) in concurrence; the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act Clarifying Certain Highway Laws (S. P. 478) (L. D. 1142) tabled by that Senator on April 26 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table House Report "Ought to Pass as amended by Committee Amendment A from the Committee on Transportation on

bill. "An Act Relating to Emergency Lights on Police and Fire Department Motor Vehicles (H. P. 1491) (L. D. 1098) tabled by that Senator on April 26 pending acceptance of the report; and on further motion by the same Senator, the ought to pass report was accepted and the bill read once, House Amendment A to Committee Amendment A was read and adopted in concurrence, Committee Amendment A as amended by 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. Haskell of Cumberland, the Senat voted to take from the table House Report

Ought to Pass from the Committee on Towns and Counties on bill, An Act to Authorize the County Commissioners of Cumberland to Issue Bonds for Bridge Repairs (H. P. 658) (L. D. 367) tabled by that Senator on April 25 pending acceptance of the report; and on further motion by the same Senator, the Ought to Pass report was accepted in concurrence, and the bill read once; House Amendment A was adopted without reading and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Broggi of York

Adjourned until tomorrow morning at nine o'clock E. S. T.