

# 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**

Thursday, May 3, 1951.

The Senate was called to order by the President.

Prayer by the Rev. R. E. Rundlett of Augusta.

Journal of yesterday read and approved.

**House Papers**

Bill "An Act Imposing a Personal Income Tax." (H. P. 1133) (L. D. 666)

(In Senate on May 2nd passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, that body having adhered to its former action whereby the Majority Report of the Committee on Taxation, "Ought Not to Pass" was accepted.

In the Senate, on motion by Mr. Haskell of Penobscot, tabled pending consideration.

Bill "An Act Relating to Rental of Western Somerset Municipal Court." (S. P. 312) (L. D. 663)

(In Senate, on April 19th, report accepted and bill passed to be engrossed.)

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

In the Senate, on motion by Mr. Savage of Somerset, the Senate voted to adhere.

The Committee on Inland Fisheries and Game on "Resolve Opening Rocky Lake in Whiting to Ice Fishing." (H. P. 1268) (L. D. 837) reported that the same ought to pass.

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

In the Senate, on motion by Mr. Christensen of Washington, tabled pending acceptance of the report.

The Committee on Taxation on Bill "An Act Relating to Taxation of Domestic Fowl." (H. P. 1443) (L. D. 1043) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and subsequently indefinitely postponed.

In the Senate, on motion by Mr. Noyes of Hancock, tabled pending acceptance of the report.

The Committee on Claims on "Resolve to Reimburse the Richmond Packing Company for Loss of Meat." (H. P. 1077) reported that the same ought not to pass.

The Committee on Judiciary on "Resolve, in Favor of Alice Knight Spinney, of Elliot." (H. P. 1624) (L. D. 1183) reported that the same ought not to pass.

The Committee on Public Health on Bill "An Act Providing for the Study, Treatment and Care of Alcoholics." (H. P. 1487) (L. D. 1094) 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 Power of Private Vocational Schools to Hold Property." (H. P. 1257) (L. D. 831) 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 Inland Fisheries and Game on Bill "An Act Relating to Use and Possession of Gill Nets in the Fish River Chain of Lakes," (H. P. 732) (L. D. 434) reported the same in a new draft (H. P. 1792) (L. D. 1359) under the same title and that it ought to pass.

The same Committee on Bill "An Act Relating to Rules and Regulations Issued by the Commissioner of Inland Fisheries and Game," (H. P. 1001) (L. D. 589) reported the same in a new draft (H. P. 1791) (L. D. 1360) under the same title, and that it ought to pass.

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

Report "A" of the Committee on Transportation on Bill "An Act Relating to Weight of Commercial Vehicles," (H. P. 1646) (L. D. 1209)

reported that the same ought to pass.

(signed)

Senators:

ALLEN of Cumberland  
BOYKER of Oxford

Representatives:

KELLY of Rumford  
TRAVIS of Westbrook  
TURNER of Auburn

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

(signed)

Senator:

CHRISTENSEN  
of Washington

Representatives:

JONES of Bowdoinham  
PERRY of Chelsea  
NOWELL of Hermon  
MAGUIRE of Auburn

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

On motion by Mr. Christensen of Washington, tabled pending acceptance of either report.

The Majority of the Committee on Towns and Counties on Bill "An Act Authorizing Cities and Towns to Collect Garbage and Rubbish and Make Service Charge Therefor," (H. P. 942) (L. D. 538) reported that the same ought not to pass.

(signed)

Senators: COLLINS of Aroostook

HASKELL

of Cumberland

SAVAGE of Somerset

Representatives:

PETERSON

of Bar Harbor

DeBECK of Holden

EDWARDS of Raymond

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

Representatives:

BURGESS of Limestone

TAYLOR of Lyman

MARTIN

of Eagle Lake

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

In the Senate on motion by Mr. Haskell of Cumberland the majority report was accepted in non-concurrence.

Sent down for concurrence.

#### Order

Mr. Wight of Penobscot presented the following Order and moved its passage.

The Secretary read the Order:

"To the Honorable Justices of the Supreme Judicial Court:

**Whereas**, Article IV, Part First, Section 2 of the Constitution requires that within every period of at most ten years, and at least five, the legislature shall cause the number of inhabitants of the State to be ascertained and shall apportion 151 representatives among the several counties according to the number of inhabitants, which requirement becomes mandatory upon the 95th Legislature; and

**Whereas**, the 95th Legislature has created a committee on apportionment, which committee, having been unable to agree, has made a divided report in the form of alternative recommendations, namely Plan A, which recommends that apportionment among the several counties remain as it has been during the past twenty years but without regard for any evidence with respect to the actual number of inhabitants, and Plan B, which recommends an apportionment among the several counties according to the first sentence of Section 3 of the same Article and Part of the Constitution, based on the federal census of 1950; and

**Whereas**, the Senate and House by majority vote in each body has accepted Plan A as the basis of apportionment of Representatives among the several counties; and

**Whereas**, the legislative committee on apportionment is by afore-said legislative approval in effect directed to present a resolve allocating the number of representatives to each county and to the cities, towns and plantations within each county deemed to be contrary to the terms of the Constitution; and

**Whereas**, these facts in the opinion of the Senate create a solemn occasion and raise an important question of law within the meaning

of Article VI, Section 3 of the Constitution,

**Ordered**, that the Justices of the Supreme Judicial Court be requested to give their opinion upon the following questions:

**Question 1.**

Has the Legislature any constitutional alternative which would justify its failure to apportion Representatives among the several counties according to the mathematical proportion provision which is contained in the first sentence of Section 3 of Article IV, Part First?

**Question 2.**

Can the Legislature constitutionally avoid the duty of making an enumeration of the number of inhabitants the basis of apportionment of Representatives and at the same time refuse to accept the best available reliable evidence, such as the federal census of 1950, and proceed to apportion among the several counties as a majority of both branches of the Legislature may deem expedient?

**Question 3.**

If it can be proved that the apportionment of Representatives under Plan A is not in accordance with the provisions of the Constitution with respect to proportionate county representation, and if the Legislature nevertheless does enact such an erroneous apportionment, what procedure for remedy is open to the inhabitants of a county whose constitutional rights are impaired?

**Question 4.**

If the 95th Legislature apportions Representatives unconstitutionally, does it become the constitutional duty of the next legislature to correct the error by making an apportionment according to the terms of the Constitution?"

Thereupon, on motion by Mr. Sleeper of Knox, the Order was laid upon the table pending motion by Senator Wight that it receive passage; and on motion by Mr. Barnes of Aroostook, the Order was ordered printed.

**First Reading of a Printed Bill**

Bill "An Act Relating to Registration of Dentists and Dental Hygienists." (S. P. 567) (L. D. 1367).

Which bill was read once and

tomorrow assigned for second reading.

**Senate Committee Reports**

Mr. Christensen from the Committee on Highways on Bill "An Act Relating to Location and Alteration of State and State Aid Highways," (S. P. 333) (L. D. 749) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Haskell of Cumberland, from the Committee on Judiciary on "Resolve Expressing Appreciation for Codification of Constitution by Honorable Harold H. Murchie, Chief Justice of the Supreme Judicial Court," (S. P. 569) reported that the same ought to pass.

Which report was read and accepted, and the resolve was laid upon the table pending printing under Joint Rule No. 10.

The Majority of the Committee on Judiciary to which was recommended, Bill "An Act Relating to Trespassing on Commercial or Residential Property," (S. P. 411) (L. D. 971) reported that the same ought to pass.

(signed)

Senators: HASKELL

of Cumberland  
BARNES of Aroostook  
WARD of Penobscot

Representatives:

McGLAUFNIN

of Portland  
HARDING of Rockland  
FAY of Portland  
HAYES of Dover-Foxcroft  
FULLER of Bangor  
DELAHANTY

of Lewiston

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

(signed)

Representative:

WOODWORTH

of Fairfield

On motion by Mr. Barnes of Aroostook, the majority report was accepted, the bill was given its first reading and tomorrow assigned for second reading.

**Passed to be Engrossed**

Bill "An Act to Incorporate the Trustees of La Mennais College." (H. P. 318) (L. D. 183)

Bill "An Act Relating to Taxation of Boats." (H. P. 1356) (L. D. 931)

"Resolve in Favor of Winifred Malloy, of Hallowell." (H. P. 846) (L. D. 484)

Bill "An Act Relating to Equal Pay for Women Teachers." (H. P. 1506) (L. D. 1059)

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

Bill "An Act Relating to Salaries of County Commissioners and County Treasurer of York County." (H. P. 1375) (L. D. 965)

Bill "An Act Relating to Salary of Judge of Probate of York County." (H. P. 1437) (L. D. 1048)

Bill "An Act Relating to Hunting from Automobiles." (H. P. 1478) (L. D. 1085)

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

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. 564) (L. D. 1357)

Which was read a second time.

Thereupon, on motion by Mr. Crosby of Franklin, the bill was tabled pending passage to be engrossed.

Bill "An Act to Clarify Provisions of the Liquor Law." (S. P. 118) (L. D. 209)

Bill "An Act Relating to Use of Joint Fund for State Aid Road Construction." (S. P. 320) (L. D. 726)

Bill "An Act Relating to Construction of State Aid Highways." (S. P. 354) (L. D. 869)

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

Sent down for concurrence.

Bill "An Act Relating to Open Season on Muskrats." (H. P. 1752) (L. D. 1296)

Which was read a second time.

Thereupon, on motion by Mr. Wight of Penobscot the bill was

tabled pending passage to be engrossed.

Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs." (H. P. 658) (L. D. 367)

Bill "An Act Relating to Emergency Lights on Police and Fire Department Motor Vehicles." (H. P. 1491) (L. D. 1098)

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

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following Bills:

Bill "An Act Relating to Clerk Hire in the Office of the Recorder of the Portland Municipal Court." (H. P. 166) (L. D. 97)

Bill "An Act Relative to Use Fuel Tax." (H. P. 332) (L. D. 191)

Bill "An Act Relating to Definition of 'Teacher' Under Maine State Retirement Law." (H. P. 926) (L. D. 528)

Bill "An Act Relating to Hours of Sale of Liquor." (H. P. 932) (L. D. 542)

Bill "An Act Relating to Expenses of the Brunswick Municipal Court." (H. P. 1069) (L. D. 649)

Bill "An Act to Amend the Charter of the City of Bath." (H. P. 1119) (L. D. 706)

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

Bill "An Act Providing for Safety Equipment for Large Trucks." (H. P. 1373) (L. D. 963)

Bill "An Act Relating to Salary of the Deputy Treasurer of the County of Cumberland." (H. P. 1440) (L. D. 1051)

Bill "An Act to Clarify Laws of Division of Animal Husbandry." (H. P. 1462) (L. D. 1078)

Bill "An Act Amending the Auburn Sewerage District." (H. P. 1505) (L. D. 1058)

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

Bill "An Act Relating to Smoking in Buses." (H. P. 1553) (L. D. 1114)

Bill "An Act Relating to the County Law Library at Rumford,

Oxford County." (H. P. 1639) (L. D. 1203)

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

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

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

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

Bill "An Act Relating to Salaries of the Judge and Recorder of the Ellsworth Municipal Court." (H. P. 1763) (L. D. 1307)

Bill "An Act Repealing Industrial Homework." (S. P. 241) (L. D. 511)

Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program." (S. P. 274) (L. D. 613)

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

Bill "An Act Authorizing Clerk Hire for the Westbrook Municipal Court." (S. P. 285) (L. D. 624)

Bill "An Act Authorizing Clerk Hire for the South Portland Municipal Court." (S. P. 286) (L. D. 625)

Bill "An Act Authorizing Clerk Hire for the Brunswick Municipal Court." (S. P. 287) (L. D. 626)

Bill "An Act Relating to the Building Inspector of the City of Lewiston." (S. P. 307) (L. D. 658)

Bill "An Act Relating to Board of Education of City of Lewiston." (S. P. 308) (L. D. 659)

Bill "An Act Relating to Payments to Towns by State in Lieu of Taxes." (S. P. 549) (L. D. 1305)

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

Bill "An Act Concerning the Qualifications of Fire and Casualty Insurance Agents and Brokers." (S. P. 551) (L. D. 1310)

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

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

Which bills were severally passed to be enacted, and having been signed by the President were by the

Secretary presented to the Governor for his approval.

### Emergency Measure

Bill "An Act to Authorize the Withdrawal of Southport from the Boothbay Region Community School District." (H. P. 27) (L. D. 10)

Which bill being an emergency measure and having received the affirmative vote of 30 members of the Senate, and none opposed, was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Orders of the Day

On motion by Mr. Christensen of Washington, the Senate voted to take from the table House Reports from the Committee on Transportation, Report A "Ought to Pass", Report B "Ought Not to Pass" on bill, An Act Relating to Weight of Commercial Vehicles (H. P. 1646) (L. D. 1209) tabled by that Senator earlier in today's session pending acceptance of either report; and on further motion by the same Senator Report A "Ought to Pass" was accepted in concurrence and the bill read once.

Mr. CHRISTENSEN of Washington: Mr. President, I move that House Amendment A be adopted.

House Amendment A was read and on motion by Mr. Noyes of Hancock, the bill and accompanying papers were laid upon the table pending motion by Senator Christensen to adopt House Amendment A.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table bill, An Act to Appropriate Moneys for the Expenditures of the State Government for the Fiscal Year Ending June 30 1951 (S. P. 557) tabled by that Senator on May 2 pending passage to be enacted.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, when I tabled this supplemental appropriations bill yesterday, I did think that we had in the kitty enough money to pay this weeks salaries and traveling expenses but upon checking I found that other bills had come in and

reduced this legislative account to four thousand dollars. For your information I will say that in 1949 you appropriated \$385,630 and of that we spent \$378,917.84. I told you the other day that in this \$125,000 which is in this bill, \$30,000 of that was for cost of a special session and the other was in increased costs. Your salaries for a week here run about \$20,000 and mileage runs about \$3,000 a week. In the overall picture the legislative session costs at the rate of about \$4,000 a day. You have heard that we have five to seven million dollars cash in the bank. I would like to say that this is money that is involved in special accounts and is earmarked and should not even be considered in your general appropriations. But I do want to stress the fact that we have a one hundred million dollar business. We now have available for spending—and I don't think it is enough—\$400,000. This bill is taking \$125,000 of that and when I tell you we need money, I am not fooling.

The reason I am taking this bill off the table at this time is so that I, or those that are for the sales tax, cannot be accused of a squeeze play or political maneuvering. I do want to call to your attention that we are running very close to what money is available, without our going into the red. You have been told that we spend at the rate of a half million, or \$500,000 a year over and above anticipated revenues and with this information I move that the bill be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I can not let the words of the Senator from Aroostook go unchallenged. I notice that they have been trying to build up a story that we are facing a crisis, that we must pass the sales tax or else! That we are bankrupt.

I want to call the attention of the members of the Senate that it is not a true statement and not a true fact. The facts are that we have still got two million dollars revolving somewhere around in the accounts of the State that was taken out two years ago—against my wishes.

The fact is that we have got \$4,000,000, of liquor bought and paid for that we can sell and will have some money on, I hope, some time, somewhere.

The fact is that the State of Maine, as far as I know, outside of its bond issue, has got no borrowed money in any banks.

I wouldn't call the condition of the State of Maine a bankrupt condition or say that it was in a dire position. I wish my own business was in the same condition that the State of Maine's is. I wish I could call on John Q. Public and say, "You give me more money, because I need more money to have a good time with.

I want to go on record as resenting any attempt to try and tell this Legislature that the State of Maine is bankrupt and that we must pass a sales tax and only a sales tax, nothing else but. In the last two days, I have had a great amount of pressure put onto me by telegrams, by telephone calls and other attempts because the people have been sold the idea that a sales tax is the only salvation for the State of Maine. I don't believe that the State of Maine is in its death bed financially. I will even go further than that. I will state that if we did go out of this session without any kind of tax—and I hope we do not—that we still would survive for a few more months and the Governor would call us back into session and we would have to find ways and means of raising that money.

I respect the opinion of the Senators who have on different occasions stated that they are for a sales tax. That is their privilege. But I resent the fact that they say the State is bankrupt and that this is the last chance to save the good old State of Maine by saddling a sales tax on the people of Maine against their wishes.

Mr. BREWEER of Aroostook: Mr. President, in answer to the Senator from Androscoggin, if he construed my statement as meaning that a sales tax must be passed, I am sorry. I did not mean to convey that impression. I merely made a statement of facts as to how close we had not only drained the barrel but sopped the bottom. As I have stated—and I reiterate—to me,



whether or not they pass a sales tax is immaterial. I will grit my teeth and cut back to the 1949 level of spending and go home.

And I am sure that when, as I have also said previously, the teachers don't get their checks; the Old Age Assistance recipients don't get their checks, the Aid to Dependent Children don't get their checks and State employees don't get theirs, why I think maybe we can convince the Senator from Androscoggin that we are broke and I think anybody, even though he says we have the \$2,000,000.00 of working capital, when you take into consideration that the State's business involves about one hundred million, I think that there isn't anybody here but what would feel that \$2,000,000.00 in that amount of money was a small enough cushion to have. But as I have said, that was no intent to say that we must have a sales tax.

I am ready to go along with the majority in their opinion if they feel we don't need it. But I am merely pointing out to the Senator that we have cleaned the barrel.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Brewer that the bill pass as an emergency. The passage of a bill as an emergency requires the affirmative vote of two-thirds of the elected membership of the Senate.

A division of the Senate was had.

Thirty having voted in the affirmative and none opposed, the bill was passed to be enacted as an emergency measure.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Senate Report "Ought to Pass" from the Committee on Towns and Counties on ball, An Act Relating to the Salary of the Sheriff of Aroostook County (S. P. 420) (L. D. 980) tabled by that Senator on April 10 pending acceptance of the report; and on further motion by the same Senator, the Ought to Pass report was accepted, the bill read once and tomorrow assigned for second reading.

The PRESIDENT: The Senator from Franklin, Senator Crosby has

called to the attention of the Chair that we have with us a class in Problems in Democracy from Jay High School, together with their instructor, Mr. Norman Smith. On behalf of the Senate, the Chair bids them welcome.

The PRESIDENT: At this time the Chair will appoint on the Committee of Conference on the disagreeing action of the two branches on Resolve Permitting Building of a Wharf in Maranacook Lake: the Senator from Sagadahoc, Senator Larrabee; the Senator from Aroostook, Senator Brewer; the Senator from Cumberland, Senator Allen.

The Senate is proceeding under Orders of the Day.

Mr. ALLEN of Cumberland: Mr. President, I would inquire if H. P. 93, L. D. 38 An Act Relating to Signals for Stopping and Turning Motor Vehicles is now in the possession of the Senate?

The PRESIDENT: The Chair will state that the document is in the possession of the Senate, having been recalled from the engrossing department.

Thereupon, on motion by Mr. Allen of Cumberland, the rules suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, in the introduction of this bill and the amendments which have been made to it, there was an error by which the signals were described, the Eastern Conference signals which are used in the Eastern part of the U. S. As we said before, 47 states do have a hand signal law. This is merely a mechanical procedure to the bill. Through an error the wrong section was left out. This amendment is in no conflict with the ideas of the persons who debated the bill here or in the other branch.

I present Senate Amendment A and move its adoption.

The Secretary read the amendment:

SENATE AMENDMENT A to L. D. 38. "Amend said bill by striking out the last three underlined lines thereof and inserting in

place the following underlined subsections: '1. Left turn: Hand and arm extended horizontally with the index finger pointed to the left. 2. Right turn. Hand and arm extended horizontally and rotated from the rear to the front. 3. Stopping or decreasing speed. Hand and arm extended horizontally in a steady position with the palm to the rear.'

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

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act Relating to Fire Protection Tax in Unorganized Territory (H. P. 1327) (L. D. 890) tabled by that Senator on April 18 pending passage to be enacted.

Mr. ELA of Somerset: Mr. President and members of the Senate, in order to be helpful and clear the table of some items, I will make a motion to indefinitely postpone this bill. The reasons are these. This applies to fire protection for buildings in unorganized territory. There is now a forestry district which takes care of nearly all of the fire control matters in unorganized territory.

There is no compulsion to take care of it on buildings. However, the forestry district in all cases during the fire season does take care of a certain measure of fire protection in unorganized territory. It does pay for companies who come on call in cases of those fires.

The needs in a large measure are being met by the Forestry district. The unorganized territory, because it is unorganized, is not entitled to too many of the services which people gain who are willing to organize themselves. The bulk of the property in an unorganized territory is owned by people who have no vote.

If there are a few cases, and there are a few, where the need can be demonstrated, those particular cases can and should be taken care of by special legislation. The impact of legislation which has recently been imposed upon unorganized territory is extreme and severe. It has known a percentage increase which is far beyond that

which organized territory has felt, as large as that has been.

Because the need is largely being taken care of by the Forestry District and because of these other reasons, I move the indefinite postponement of the bill.

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

Sent down for concurrence.

On motion by Mr. Ela of Somerset the Senate voted to take from the table bill, An Act Relating to Public Burying-grounds in Unincorporated Places (H. P. 1240) (L. D. 792) tabled by that Senator on March 22nd pending passage to be enacted.

Mr. ELA: Mr. President, for many of the same reasons I have just given you on the other bill I move the indefinite postponement of this bill.

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

Sent down for concurrence.

Mr. BARNES of Aroostook: Mr. President, earlier in today's session I was successful in a motion that the order asking for the opinion of the Justices on the reapportionment be printed. I now move, Mr. President, that the order be sent forthwith to the printer.

The motion prevailed.

On motion by Mr. Collins of Aroostook the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Towns and Counties on bill, An Act to Provide Fire Protection for Connor Township (H. P. 394) (L. D. 230) tabled by that Senator on April 25th pending acceptance of the report.

Mr. COLLINS: Mr. President, I had this bill on the table waiting for the outcome of the bill which was just indefinitely postponed on fire protection for unorganized townships. This was a bill relating to a single township, Connor Township, and I think the situation here justifies passage of this bill. Connor Township has been unorganized now for a period of about five or six years. It does have a great number of farms that are occupied within the township. It adjoins the

Town of Caribou, and the Town of Caribou provides fire protection for it. They have collected by individual subscription money for the payment of this service to some extent but they felt it would be far better if all of the taxpayers within the township helped to pay for it and this bill provides a means whereby that can be done. So I move, Mr. President, that the Ought to Pass report be accepted.

The Ought to Pass report was thereupon accepted, the bill was read once and tomorrow assigned for second reading.

On motion by Mr. Haskell of Cumberland the Senate voted to take from the table House Reports from the Committee on Towns and Counties on bill, An Act Relating to Special Deputies in Cumberland County (H. P. 1241) (L. D. 793), Majority Report "Ought Not to Pass", Minority Report "Ought to Pass", tabled by that Senator on April 25th pending acceptance of either report.

Mr. HASKELL: Mr. President and members of the Senate, on April 25th this item was tabled. There existed some confusion and misunderstanding among the members of the Cumberland delegation with regard to this particular item. Last night the delegation from Cumberland met and discussed the matter and are now in agreement that the bill ought not to pass. With that explanation, Mr. President, I move that the Senate accept the Majority "Ought Not to Pass" report of the committee.

Thereupon the Ought Not to Pass report of the committee was accepted in non-concurrence.

Sent down for concurrence.

Mr. COLLINS of Aroostook: Mr. President, at the conclusion of a few brief remarks, I am going to ask that we reconsider our action of yesterday whereby we accepted the Ought Not to Pass Report on bill An Act Relating to Running Horse Racing in the daytime. I make this request because yesterday when I voted the way I did, I was under a misapprehension that in the running race bill that was passed two years ago, there was a provision which allowed a stipend to be paid to the fairs from the

pari-mutuel receipts from running races.

I find this is not the case. I have found, also, that there are certain aspects of the situation that I wasn't aware of and I feel that the matter should be given a reconsideration and so for this purpose, I make that motion.

Mr. DENNETT of York: Mr. President, I rise in opposition to the motion made by the good Senator from Aroostook, Senator Collins, to reconsider this measure. Members of the Senate, I believe that the faith and integrity of the State of Maine is bound up in this measure. We debated this measure fully yesterday. I can really see no need for reconsideration. Every aspect was brought out and I think at the time fully considered by this Senate.

It was brought out in the course of debate that outside money, outside capital, had been brought in. Whether that is true or whether it is untrue, I don't know. It makes no difference. But I think one point was brought out and brought out rather strongly and I think that if that point was persisted in, and I think, according to the record that it would be well taken, that the State of Maine stands ready to deny the rights to outside capital that it would give to its own.

I think it places a very black mark on the State of Maine to think that because people come into the State of Maine and invest money and do everything they can to help the State, that by legislative act they can be driven out the next year. I stated before, I stated yesterday, that I am opposed to gambling at race tracks. I still am. It makes no difference whether they be runners or harness horses. If one is evil — and each one is evil — in the nighttime, so is the other. But I do think if we go down the line and take this vote this morning, that if you have in your heart a feeling for the honor and reputation of this state, you will certainly not vote to reconsider this measure.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I have nothing new to add to what my friend from York, Senator Dennett, has said. I know that this bill has received a tremendous amount of discussion entirely aside

from what was said in this Senate yesterday. What was said yesterday doesn't compare to what has been talked in the corridors and everywhere else around Augusta for a long time.

It seems incredible that someone couldn't have been fully aware of all of the factors involved here and at this late date have to ask for reconsideration. I fully believe that the subject was covered and has been covered thoroughly and I see no basis for asking for reconsideration at this time.

Mr. BARNES of Aroostook: Mr. President, there have been several things happen since yesterday. One item appeared in the Lewiston Evening Journal last night, a statement by a high official of the State of Maine, our Attorney General, that he had been offered \$25,000.00 by the interests of the Runners, and there are other considerations.

I don't intend to debate this matter at this time but I would call to the attention of the Senate that this is something that we shouldn't be too hasty about. This is the first question, the question on the acceptance of one or the other report and the bill will then have its regular course through the Legislature, if kept alive, and if it seems evil, it can be killed at the proper time. So I plead with the members of the Senate to go along with Senator Collins in his motion to reconsider at this time.

Mr. DENNETT of York: Mr. President, due to the fact that there seems to be some feeling that we are acting hastily at this time, I move that the bill be tabled.

The PRESIDENT: The Chair will inform the Senator that if he lays the motion on the table, he must assign a day.

Mr. DENNETT: Mr. President, I will assign it for later in today's session.

Thereupon, a viva voce vote being doubted,

A division of the Senate was had.

Twenty-one having voted in the affirmative and nine opposed, the motion prevailed and the bill was laid upon the table pending motion by Mr. Collins of Aroostook that the Senate reconsider its former

action whereby the Ought Not to Pass Report was accepted.

On motion by Mr. Crosby of Franklin

Recessed until 3:30 this afternoon D.S.T.

#### After Recess

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table bill, An Act Imposing a Sales and Use Tax (H. P. 1695) (L. D. 1273) tabled by that Senator on May 2 pending passage to be enacted; and that Senator moved the enactment of the bill.

Mr. ELA of Somerset: Mr. President and members of the Senate, there are considerations which seem important to some members of the Senate whereby this bill could be acted upon tomorrow morning as well as it could tonight.

This isn't an idle delaying action. Please feel that the people who make the request which I am going to make are sincere. Please feel that those who make the request feel that their action will have no effect on the final result. Please feel, too, that the request from the few who wish to make it is not going to be made for the purpose of incrimination. Please feel sure that anything which might occur over night will not be done with the intent of damaging any person, any party, or the State of Maine.

Mr. President, I move that this item lay on the table and be especially assigned for tomorrow morning.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, that the bill be laid upon the table and be especially assigned for tomorrow morning. Is the Senate ready for the question?

A viva voce vote being doubted by the Chair

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

Mr. DENNETT of York: Mr. President, I move that when the vote is taken on the enactment of this bill, that it be taken by the Yeas and Nays.

The PRESIDENT: In order for the Chair to entertain such a request, it must be at the will of at

least one-fifth of the members present.

A division of the Senate was had.

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

The PRESIDENT: The Senator from Franklin, Senator Crosby has moved that this bill pass to be enacted as an emergency. The question before this Senate is on that motion. A vote of Yea is for the enactment of the bill. A vote of Nay is against enactment. This bill being an emergency measure requires for its passage the affirmative vote of two-thirds the elected membership of this Senate. The Secretary will call the roll.

The Secretary called the roll:

YEA: Senators Allen, Barnes, Brewer, Brown, Christensen, Collins, Crosby, Fuller, Haskell of Cumberland, Haskell of Penobscot, Kavanagh, Leavitt, McKusick, Noyes, Palmer, Reid, Savage, Sleeper, Tabb, Turgeon, Ward, Weeks, Wight.—23

NAY: Senators Boucher, Boyker, Broggis, Dennett, Ela, Greeley, Larrabee, Marshall, Smart.—9.

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

The Secretary called the name of the President.

The President voted YEA.

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

The President laid before the Senate bill, An Act Relating to Running Horse Racing in the Day-time, tabled earlier in today's session by Mr. Dennett of York pending motion of the Senator from

Aroostook, Senator Collins, that the Senate reconsider its action of yesterday whereby the Ought Not to Pass report of the committee was accepted, and this afternoon specially assigned.

Mr. DENNETT of York: Mr. President, if there be no further debate I move that when the vote is taken it be taken by division.

A division of the Senate was had.

Seventeen voted in the affirmative and thirteen opposed.

The PRESIDENT: The Chair will state that there is either confusion in the division or some Senators did not vote, as the total vote recorded was thirty. The Chair will take another division.

A division of the Senate was had.

Seventeen having voted in the affirmative and fifteen opposed

The motion to reconsider prevailed.

Mr. BARNES of Aroostook: Mr. President, I now move that the Senate accept the Ought to Pass report of the committee.

A viva voce vote being had,

The Ought to Pass report of the committee was accepted, the bill was given its first reading and tomorrow assigned for second reading.

Mr. CROSBY of Franklin: Mr. President I move that the bill just enacted, bill An Act Imposing a Sales and Use Tax, be sent forthwith to the Governor, as soon as signed by the President.

The motion prevailed.

On motion by Mr. Crosby of Franklin

Adjourned until tomorrow morning at ten o'clock. D. S. T.