

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

**OF THE**

***Ninety-Fifth Legislature***

**OF THE**

**STATE OF MAINE**

**VOLUME II**

**1951**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## SENATE

Tuesday, May 8, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Royal Brown of Gardiner.

Journal of yesterday read and approved.

### From the House

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in the Fish River Chain of Lakes (H. P. 1380) (L. D. 1087) reported the same in a new draft, (H. P. 1690) (L. D. 1267) under the same title, and that it ought to pass.

(In the Senate, on April 16 passed to be engrossed.)

Comes from the House, the report read and accepted, and the resolve in new draft passed to be engrossed as amended by House Amendment B. (Amendment Filing No. 364)

In the Senate, the rules were suspended and the Senate voted to reconsider its former action where-by the resolve was passed to be engrossed; House Amendment B was read and adopted in concurrence, and the resolve as so amended was passed to be engrossed in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Crop and Orchard Damage by Deer," (H. P. 1308) (L. D. 861) reported the same in a new draft (H. P. 1788) (L. D. 1355) under the same title, and that it ought to pass.

Comes from the House, report read and accepted, and the bill in new draft passed to be engrossed as amended by House Amendment A. (Amendment Filing No. 347)

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

The Committee on Inland Fisheries and Game on "Resolve, Regulating Fishing in Red River and Birch River," (H. P. 1540) (L. D. 1133) reported the same in a new

draft (H. P. 1755) (L. D. 1299) under a new title, "Resolve, Regulating Fishing in Birch River," and that it ought to pass.

Comes from the House, the resolve substituted for the report, and the bill in original draft passed to be engrossed.

In the Senate, the report was read, and on motion by Mr. Ela of Somerset, the resolve was substituted for the report, the bill in original draft was given its first reading and tomorrow assigned for second reading.

The Committee on Highways on Bill "An Act Relating to Method of Issuance of State Highway and Bridge Bonds," (H. P. 1197) (L. D. 761) 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 Claims on "Resolve in Favor of Peter J. Beaulier, of Ashland," (H. P. 808) (L. D. 1367) reported that the same ought to pass as amended by Committee Amendment "A." (Amendment Filing No. 363)

Which report was read and accepted in concurrence, and the resolve read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

Mr. HASKELL of Cumberland: Mr. President and members of the Senate, at the conclusion of a few very brief remarks, it is my purpose to introduce an order and hope that it may receive a favorable passage. As you are all aware, the last general revision of the Statutes of Maine was made in 1944. Very shortly now, it will be necessary to be considering a further revision. In the normal course of procedure, it can be anticipated that the 96th Legislature will be asked to make an appropriation for that purpose.

The 1944 revision for the first time necessitated the publication of the Revised Statutes in two volumes. Without question, there are some serious matters regarding the

necessity and the plan of publication that should be considered in an unhurried manner.

The order which I shall present, in substance proposes that there be appointed a Recess Committee of two members on the part of the Senate and three members on the part of the House for the purpose of considering certain matters of publication and issuance of the session's laws and matters of the revision of the statutes.

The order further provides that they are to consult with and seek the advice of an advisory committee consisting of a Justice of the Supreme Judicial Court, a Justice of the Superior Court and three members of the State Bar Association.

The only expense in connection with this order would be to provide that the five legislative members be paid their actual expenses in connection with the performance of their duties.

In this connection, this matter of a serious consideration for the next revision has already been discussed with the Maine State Bar Association and they have given a complete assurance of their full cooperation in this matter.

Therefore, with this explanation, Mr. President and members of the Senate, present an order and move its passage.

The Secretary read the order:

"Ordered, the House concurring, that a recess committee, to be composed of 2 members of the Senate appointed by the President of the Senate and 3 members of the House appointed by the Speaker of the House, be appointed to consider matters of publication and issuance of the session laws and matters of the revision of the statutes; and be it further

"Ordered: That the recess committee be instructed to consult and advise with and seek the advice of an advisory committee to consist of 1 Justice of the Supreme Judicial Court, 1 Justice of the Superior Court and 3 members of the Maine State Bar Association, the 2 Justices to be appointed by the Chief Justice and the 3 members of the bar to be appointed by the President of the Bar Association; and be it further

"Ordered: That the recess committee report the result of its considerations and any recommendations to the 96th legislature; and be it further

"Ordered: That the recess committee be paid their actual expenses incurred in the performance of their duties from the regular legislative appropriation."

The order received a passage.  
Sent down for concurrence.

#### First Reading of Printed Bills

"Resolve in Favor of Julius Moskowitz, of Presque Isle." (S. P. 142) (L. D. 1371)

"Resolve in Favor of Howard P. Fairfield, of Skowhegan." (S. P. 144) (L. D. 1370)

"Resolve in Favor of Timothy J. Murphy, of Hallowell." (S. P. 298) (L. D. 1368)

"Resolve in Favor of Eathel F. Rowe, of Aurora." (S. P. 471) (L. D. 1369)

Which were severally read once, and tomorrow assigned for second reading.

#### Senate Committee Report

Mr. Haskell of Cumberland from the Committee on Judiciary on Bill "An Act to Allow State, City and Town Employees to Receive Social Security Benefits," (S. P. 238) (L. D. 515) reported the same in a new draft (S. P. 574) under a new title, Bill "An Act to Allow City and Town Employees to Receive Federal Social Security Benefits," and that it ought to pass.

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

#### Passed to be Engrossed

"Resolve in Favor of Indian Island for Construction and Repair of Roads." (H. P. 969) (L. D. 798)

Bill "An Act Relating to the Operation of Trucks During the Months of December, January and February." (H. P. 1473) (L. D. 1193)

"Resolve Regulating Fishing in Somerset County." (H. P. 1794) (L. D. 1362)

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

Bill "An Act to Increase the Salaries of Members of the State Highway Commission." (H. P. 1080) (L. D. 683)

Bill "An Act Relating to Temporary Loans for Highway Purposes." (H. P. 1258) (L. D. 832)

Bill "An Act Relating to Installations in Public Highways." (H. P. 1528) (L. D. 1121)

Bill "An Act Relating to Entrances to Highways." (H. P. 1529) (L. D. 1122)

"Resolve, Closing Certain Tributaries to Lake Moxie, Somerset County, to All Fishing." (H. P. 1612) (L. D. 1172)

Bill "An Act Relating to Bulldozing of Streams." (H. P. 1784) (L. D. 1341)

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

Bill "An Act Clarifying the Election Laws." (S. P. 101) (L. D. 156)

Bill "An Act Relating to Change of Purposes of Corporation Without Capital Stock." (S. P. 344) (L. D. 811)

Bill "An Act Relating to Time Sales on Motor Vehicles." (S. P. 509) (L. D. 1227)

"Resolve Expressing Appreciation for Codification of Constitution by Honorable Harold H. Murchie, Chief Justice of the Supreme Judicial Court." (S. P. 569) (L. D. 1366)

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

Sent down for concurrence.

Bill "An Act Relating to Conditional Sales Agreements." (S. P. 240) (L. D. 510)

Bill "An Act Relating to the Establishment and Use of Common Trust Funds." (S. P. 317) (L. D. 756)

Bill "An Act Relating to the Greater Portland Public Development Commission." (S. P. 527) (L. D. 1252)

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

Sent down for concurrence.

#### Orders of the Day

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

Mr. BROWN—Mr. President and members of the Senate, you will notice on your desks this morning a little booklet here which was prepared by the Development Commission regarding this Quoddy Project. The facts are practically in the book, the things that we want to bring forward and we hope when you go home this week or next week you will take them with you and kind of study them a little bit and perhaps some day when we ask the State of Maine for some other help, you will know something about it. I can talk here for hours on this thing, as I have talked many hours at different places but I don't think perhaps at this time when we have got so many things to get off the table I will make very extended remarks. I will only say why I believe in this project very quickly.

About twenty-five years ago, the engineer Cooper who was a prominent engineer, had been trained in this country and in Germany, went down in that area and how he happened to be down there, his wife was a summer resident of that area and got acquainted and she knew the tides down there and he went away. He was a young engineer then about thirty years old and he went away and worked for all of these big companies all over the world for many years, perhaps fifteen, having in mind coming back there sometime and trying to work out the problem of those tides.

He was an eminent engineer. That is what I want to explain to you. He wasn't a fly-by-night or a theorist as many of our opponents say he was. He was an operating engineer. He wasn't a fellow that thought of politics or anything like that. He was an operating fellow that knew the job. He built Muscle Shoals after the last war and he built a big job on the Mississippi which they said couldn't be done. He built a part of Niagara, one of the jobs at Niagara, and finally, he built that big job in Russia that was blown up during the first war. He was the fellow that bossed the job all of that time.

We had great faith in his ability as an engineer and that is why many of us have kept at this thing for twenty-five years. He came

down there and seeing those tides, as I say, he was very much interested and after he got money saved and he had worked with large companies, he came back and with the help of General Electric and Westinghouse and Edison of Boston, they backed him for about two years to make a survey, the first survey of that whole project. He had a corps of engineers, perhaps fifty, and they worked about two years trying to find out what there was in the tides, whether it was feasible to work them or anything at that time.

Now, the tides can be worked. Perhaps most fellows really don't know that haven't been down there but it is told in this little book. There is a map there that shows you that from Lubec, Maine to Canada is fifteen miles and you only have to build two and a half miles of construction to change the rate and stop the ocean.

As you will see in that book in the upper pool there is about 100 square miles and in the lower pool about forty square miles, I guess, according to these figures. It is no different than any other hydro project if you dammed the river up here and built up a pool and run it through a power house. It happens that our tides, as you will see in this booklet, drops from eighteen to twenty-eight feet every day and returns and fills these bays in the same way. The way those bays are shut off there in the lower area, the entrance, they open these gates for six hours and that whole area drains out. St. Andres to Fundy fills up and then the other gates are opened and the tide runs out and the power is built up.

The power house is on Eastport Island. If you have never been down there, it shows in that booklet, a narrow place, approximately, I will say, perhaps 500 yards wide. It is sandy, and so forth. What I want to place with you is that we have had plenty of troubles. You know we came over here in 1926 in this same room and fought this thing through to get a charter for that company. I believe thoroughly some day that we are going to use that power. There is a million horse power down there. The

side, when it was visualized by Mr. Cooper, he wanted it to be international which is the real problem but to get started during the depression the President gave some money to go down and work on the American side and then he sent the army engineers down there and our side of the project has been thoroughly explored and gone over by many engineers. We say it has been engineered to death on the American side.

Mr. Cooper only had a year's permit on the Canadian side to do that job over there. That particular part of the project involves deep water and it has never been thoroughly surveyed and that is the purpose of this last asking when we went to Washington two years ago and this year to get some money through the International Joint Commission to make this so-called survey that is coming up, we hope, some day soon. In fact, they are asking for about three million dollars or a little better to make this thorough survey to find out the cost of this job. Now, all of the engineers in the old days said it would cost about two mills per horsepower—there is a million horse power—but with the increasing cost, they say three mills, which we believe is cheap power.

We have no purpose in it or have never had to interfere with the present companies in this state. If this thing is developed and they can buy the power cheaper than they can make it which I think they and a good many of them also think, they would buy it from that job and it wouldn't interfere with anybody.

Now, the type of industry that Mr. Cooper had in mind was stainless steel, fertilizer, chemicals and all of those things, heavy industry, that would come there.

We have probably, without fear of contradiction, one of the best harbors on the Atlantic coast, deep water, plenty of space in there for all kinds of vessels. You wouldn't have to go off any distance in the harbor to build wharves and things necessary to bring freight in and out of the harbor. And water transportation is worth as much as the power in his mind and in the minds of many engineers.

The type of industry that would come there would be the heavy industries such as bauxite for making aluminum. It could come in by water and probably go out by water.

In the olden days they used to bring coal to Eastport, Maine from Norfolk by water for two dollars a ton and today it costs four dollars a ton by water and it costs about seven and a half by freight. And that feature is very prominent in the cost of this job and the expense of running it because we know that the types of industry you have perhaps in these areas here would be suitable for it. You have to add the cost of the freight, service and freight, down and back, it is true, but the type of industry that this man worked on and has been working on for years is heavy industry and since the Labrador Ore has been found, we expect that some day we will have that power developed and they will have that proposition down in that area.

I could go on for an hour and bother you but I will not go very far. We are not asking the State of Maine for anything at this moment. Perhaps we may not for two or three years. I don't know as we will ever need funds from the state since we have the charter and the right to go ahead that the legislature gave us. Recently, since this last trip to Washington, the engineers have found some method of examining that deep water. There is some new electronic device that we don't know much about. They feel that they can, instead of costing \$3,900,000 to do this job thoroughly, that they can do it for less than half of that and they say they are going to start on that this summer, we hope.

Now with those few brief remarks, Senators, I hope you will take those booklets with you and when a fellow says this Quoddy stuff is crazy, you will tell them they don't know what they are talking about.

On motion by Mr. Brewer of Aroostook the Senate voted to take from the table bill, An Act Relating to Examination of Certain School Bus Operators (H. P. 1243) (L. D. 795) tabled by that Senator on April 25th pending motion by Mr. Boyker of Oxford for the

adoption of Senate Amendment A; and that Senator was granted permission to withdraw the same.

Mr. BREWER of Aroostook: Mr. President, I present Senate Amendment B and move its adoption. In explanation I will say that I have cleared through the Transportation Committee and I feel that the undesirable features that were in this bill have now been taken care of by this amendment.

The Secretary read the amendment:

"Senate Amendment B to H. P. 1243, L. D. 795, bill, An Act Relating to Examination of Certain School Bus Operators. Amend said bill by striking out sub-sections one and three of that part designated Section 53-A thereof. Further amend said bill by striking out in said section five of that part designated Section 53-A thereof the underlined words 'at least thirty days before' and inserting in place thereof the underlined words 'within thirty days after'. Further amend said bill by remembering in that part designated Section 53-A thereof sub-section two to be sub-section one, sub-section four to be sub-section two, sub-section five to be sub-section three, sub-section six to be sub-section four. Further amend said bill by adding at the end thereof the following underlined paragraph; 'The operator of a school bus under the provisions of this section, on returning the children to their homes from the public schools shall discharge such children at the place where they first entered the bus to be transported to the public school.'"

Senate Amendment B was adopted and under suspension of the rules the bill as so amended was given its second reading and 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 divided report from the Committee on Inland Fisheries and Game, Majority Report "Ought to Pass in New Draft, Same Title" (S. P. 561); Minority Report "Ought Not to Pass" on bill, An Act Relating to Open Season for Hunting

Deer with Bow and Arrow (S. P. 357) (L. D. 872) tabled by that Senator on May 4th pending consideration.

Mr. ELA of Somerset: Mr. President, the Committee on Inland Fisheries and Game considered this bill and felt that the Senator from Penobscot, Senator Wight, had a sound, fair and reasonable proposition but apparently the Committee took in too much territory. For that reason I offer Senate Amendment A and move its adoption.

The Secretary read Senate Amendment A: "Amend said bill by striking out the underlined punctuation and words 'comma, Penobscot, comma, Piscataquis,' in that part designated Section 96-A thereof."

Thereupon, under suspension of the rules the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Crosby of Franklin the Senate voted to take from the table bill, An Act to appropriate monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30th, 1952, and June 30th, 1953 (H. P. 1694) (L. D. 1272) tabled by that Senator on April 12th pending assignment for second reading.

Mr. CROSBY: Mr. President, I move the pending question.

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

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 Judiciary on Resolve in Favor of George S. Bradbury of West Franklin (H. P. 1483) (L. D. 1090) tabled by that Senator on May 4th pending acceptance of the report.

Mr. NOYES of Hancock: Mr. President and members of the Senate, this comes to us with the resolve substituted for the Ought Not to Pass report and I wish to apolo-

gize to the Committee on Judiciary for not appearing at the hearing on this bill. I understand that nobody appeared for the resolve.

This man, George S. Bradbury, was a member of the Fish and Game Department, or rather a warden, and had been since 1933. In 1943, or thereabouts, Mr. Bradbury fell while helping an old man hang up his deer in a woodshed and broke his knee. He was in the hospital for six or eight months and since he came out of the hospital he has had a stiff leg. He can't bend over to tie his shoe or put on his stocking on that leg. In other words, he is permanently disabled. He received a gratuity while working as warden and carrying on his duties as a warden because the old man he was helping to hang up his deer had no way of transporting that deer to a tagging station and he went there to tag the deer. I could tell you of many things that happened to Mr. Bradbury and certainly he faithfully carried on his duties. This resolve would increase his pension from the present \$57 a month to \$100 a month and I feel that had the Judiciary Committee known all the facts they would have brought out a different report. I move that we substitute the resolve for the report.

Mr. BREWER of Aroostook: Mr. President, I am neither a proponent nor an opponent of this resolve but as a member of the Appropriations Committee I will merely put the price tag on this, which is \$513 for each of the two succeeding years. With that thought in mind I just wish to call it to the attention of the Senate.

Mr. BARNES of Aroostook: Mr. President, it is true, as the Senator from Hancock has stated, that no one appeared before the committee on this resolve, and for further investigation I move that the matter be laid upon the table.

Thereupon the resolve and accompanying papers were laid upon the table pending the motion of the Senator from Hancock, Senator Noyes that the resolve be substituted for the Ought Not to Pass report in concurrence with the House.



Mr. BREWER of Aroostook: Mr. President, I move that the Appropriations Bill be sent forthwith to the engrossing department.

Mr. REID of Kennebec: Mr. President, may I ask for a two minute recess?

The PRESIDENT: The Senator from Kennebec, Senator Reid, requests a short recess. Is this the pleasure of the Senate?

The motion to recess prevailed.

#### After Recess

The PRESIDENT: The Senator from Aroostook, Senator Brewer, moves that Bill Appropriating Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30th, 1952, and June 30th, 1953 (H. P. 1694) (L. D. 1272) be sent forthwith to the Engrossing Department. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mr. Crosby of Franklin the Senate voted to take from the table 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) tabled by that Senator on May 4th pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Thereupon Senate Amendment A was adopted without reading and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Noyes of Hancock the Senate voted to take from the table bill, An Act Prohibiting the Printing of Pauper Assistance in Town Reports (H. P. 206) (L. D. 128) tabled by that Senator on April 6th pending consideration.

Mr. NOYES of Hancock: Mr. President, as I remember it this bill has been on the table for more than a month and as I remember it the Senate put an amendment on the bill allowing the towns to vote in town meetings or otherwise, authorizing the town officials to put these names in the town reports or leave them out, as they desire. In

other words, the bill itself was mandatory that the town officials could not include the names in the town reports, and the Senate amendment provided that they could use their own judgment as to whether or not they would print these names.

I think the bill has come back to us with the House voting to insist. I don't remember whether they asked for a committee of conference or not but in the event that they did, I suggest we join in the committee of conference, and in the event that they did not ask for a committee of conference I suggest that we ask for a committee of conference.

The PRESIDENT: The Secretary will read the parliamentary history of the bill.

The SECRETARY: In the Senate on April 4th, 1951, the bill was read a second time and passed to be engrossed as amended by Senate Amendment A and as further amended by House Amendment B in non-concurrence. In the House on April 5th on motion by Mr. Rollins of Greenville, the House voted to insist, the House action on March 15th having been that the bill was passed to be engrossed as amended by House Amendment B.

The PRESIDENT: The Senator from Hancock, Senator Noyes, now moves that the Senate insist and ask for a committee of conference.

Mrs. KAVANAGH of Andros-coggin: Mr. President, may we have the amendments read again?

The Secretary read House Amendment B and Senate Amendment A.

Mr. BROGGI of York: Mr. President, I understand that the House is not in concurrence with the Senate amendment and the House amendment was offered in lieu of the Senate amendment.

The PRESIDENT: To clear the situation, the Chair understands that the House passed the bill to be engrossed with a House amendment which the Senate accepted. The Senate then put on Senate Amendment A to the bill which was adopted in the Senate and apparently refused in the House and the House insisted on its former action whereby the bill was amended by House Amendment A only and the motion now is for the Senate to

insist on its former action of the passage of the bill as amended by both House Amendment B and Senate Amendment A, and to ask for a committee of conference. Is that clear to the Senate?

Is it the pleasure of the Senate that the motion of the Senator from Hancock, Senator Noyes, to insist and ask for a committee of conference be accepted?

Thereupon the Senate voted to insist on its former action whereby the bill was passed to be engrossed as amended by House Amendment B and as further amended by Senate Amendment A, and ask for a Committee of Conference.

Sent down for concurrence.

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table bill, An Act Relating to Composite Certificates of Organization of Corporations (H. P. 1796) (L. D. 1365) tabled by that Senator on May 7 pending the granting of unanimous consent for its reception.

Mr. ELA of Somerset: Mr. President would a request be unreasonable to have the floor leader explain the bill?

Mr. CROSBY of Franklin: Mr. President, the request might be reasonable but, as the Senator knows, it is impossible.

The PRESIDENT: The Chair will state that the bill comes from the other Body having been received by unanimous consent, given its two several readings and passed to be engrossed without reference to a committee.

Mr. HASKELL of Cumberland: Mr. President, I hesitate to say that I know much more about this bill than does the floor leader. But I have inquired this morning of the sponsor of the measure in the other Body. He tells me that there have been no changes in the bill which was reported by the Committee and signed by the Governor earlier in the session but the Secretary of State says that there should be a mechanical correction regarding the section of the statutes that it should be applied to, and this measure merely corrects that error. I hope that explains the situation a bit.

Thereupon, the bill was received by unanimous consent and on motion by Mr. Haskell of Cumber-

land, the rules were suspended, the bill was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Christensen of Washington, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Inland Fisheries and Game on Resolve Opening Rocky Lane in Whiting to Ice Fishing (H. P. 1268) (L. D. 837) tabled by that Senator on May 3 pending acceptance of the report; and on further motion by the same Senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act to Provide Partial Cutting Adjacent to Roadside (H. P. 1642) (L. D. 1206) tabled by that Senator on May 2 pending enactment.

Mr. ELA: Mr. President and members of the Senate, if you will turn to L. D. 1206, I would like to comment on it briefly. What this bill does is to prohibit a land owner from cutting more than 50% of all trees or not more than 50% of trees eight inches in diameter in any ten year period within fifty feet of a black top road.

Now, when people buy land and pay taxes for long periods of years, they assume they have certain property rights. This, in my opinion takes away some of those property rights and simply for the purpose of roadside beautification. In almost every other instance, the owner of property is permitted and has been permitted over the years to do those things which he deems proper and essential in the management of his property. This denies him that privilege. The farmer has control over his land adjacent to roadsides. He plants any crops he wishes. He manages his land in that manner which he deems correct. This bill would deny to the farmer the right to go down the road a piece and if he needed ten to fifteen cords of wood, to cut that wood where he wanted to, and such trees as he might desire to cut.

If you own two trees on your front lawn and a black top road goes by your land, you could not

cut more than one of them without getting permission from the Forest Commissioner. That is not laughable. It is in the bill. And when you speak about a ten year period, you would have to tag the stumps just as you tag ducks. After nine years a stump is pretty well mossed over sometimes.

This is not a fire prevention matter. If it were you would not let them cut any trees. You have a slash law now.

This is not a conservation matter because if it were you would have it apply to all lands. The type of people whom this bill would hit do not take kindly to this sort of legislation. The average farmer and wood lot owner that I know, if he has paid taxes on his property over the years, feels that he has certain rights to manage that land in the way in which he sees fit. I dread to think of what would happen in the office of the Forest Commissioner if he had to administer such a law as this. It couldn't be administered.

There comes a time in everybody's management of his own affairs when in his judgment there is a proper time to sell a product which has been raised. If a farmer raises potatoes and thinks the potatoes should be sold in December, he would not take kindly to a law which said he could not sell more than fifty percent of them in December but would have to wait until May. In the growing of timber there are favorable times to sell and unfavorable times to sell and there are many periods when you cannot sell certain species at all. I will say that probably the average tree marketed in the State of Maine has been growing for 75 years. You can argue that one way or the other but by and large, it has been growing a long, long time. The average owner has been paying from ten cents to a dollar an acre each and every year to own that land and when you tell him he cannot sell the tree which he wishes to sell, and when he wishes to sell it, you are denying him some of the rights which he feels are inherent to him as belonging to a democracy.

There are many elements in the bill which in my opinion show an extreme lack of care in preparing

the bill, but I won't bore you by going into that unless I have to. I move that the bill be indefinitely postponed.

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

Sent down for concurrence.

On motion by Mr. Wight of Penobscot, 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 Non-Resident and Alien Trapping Licenses (H. P. 730) (L. D. 420) tabled by that Senator on March 22 pending acceptance of the report; and on further motion by the same Senator, the "Ought Not to Pass" report was accepted in concurrence.

On motion by Mr. Haskell 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 Judiciary on Re-committed Bill, An Act Amending the Maine Housing Authorities Act (H. P. 159) (L. D. 90) tabled by that Senator on May 7 pending acceptance of the report.

Thereupon on motion by Mr. Barnes of Aroostook, the Ought to Pass report of the Committee was accepted and the bill read once.

The same Senator, Mr. Barnes of Aroostook presented Senate Amendment A to Committee Amendment A and moved its adoption. The Secretary read the amendment:

Senate Amendment A to Committee Amendment A to L. D. 90. "Amend said amendment by striking out the underlined word 'January' in the 3rd line from the end thereof and inserting in place thereof the underlined word 'April'."

Mr. BARNES of Aroostook: Mr. President and members of the Senate, in explanation of this amendment, Committee Amendment A restricted the use of the Housing Authority plan to those towns or cities that had not made application prior to January 1, 1951. This simply changes that to April 1, 1951. We discovered that there was a town, the town of Fort

Fairfield, which at its annual town meeting, voted to come in under the Housing Act and we wanted to include that town.

Thereupon, the Secretary read Committee Amendment A.

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

Sent down for concurrence.

The PRESIDENT: The Chair might make a brief announcement relative to suspending of the rules, and some of the mechanics in the passage of a bill. The other branch is, at the moment, waiting our will and pleasure for the first time this session. They have very little before them unless we send it to them, so if some of these bills that appear to have no particular amount of debate in this branch may be sent to the House under suspension of the rules, it does facilitate quicker action.

If any Senator feels that there is any reasonable reason for holding any bill here under the regular processes, the Chair will be very glad to slow the procedure down. Otherwise, we will suspend the rules to facilitate final adjournment.

On motion by Mr. Haskell of Cumberland, the Senate voted to take from the table Bill, An Act Relating to Automobile Travel by State Fire Inspectors (H. P. 1194) (L. D. 759) tabled by that Senator on April 26 pending enactment; and that Senator moved the pending question.

Thereupon, on motion by Mr. Brewer of Aroostook, the bill was laid upon the table pending motion by Mr. Haskell of Cumberland that the bill pass to be enacted.

On motion by Mr. Wight of Penobscot, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed, H. P. 159, L. D. 90, bill, An Act Amending the Maine Housing Authorities Act; and on further motion by the same Sena-

tor, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Haskell of Cumberland, the rules were suspended and the Senate voted to reconsider its former action, whereby it passed to be engrossed bill, An Act to Incorporate the Public Loan Corporation of Portland (H. P. 742) (L. D. 428) which bill was recalled to the Senate by Joint Order.

The same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption. The Secretary read the amendment.

Senate Amendment A to Committee A amendment A to L. D. 428. "Amend said amendment by striking out the figure 6 in the next to the last line thereof and inserting in place thereof the figure 11."

Thereupon, under suspension of the rules, the Senate voted to reconsider its former action whereby Committee Amendment A was adopted; Senate Amendment A to Committee Amendment A was adopted; Committee Amendment A as amended by Senate Amendment A was adopted and the bill as amended by Committee Amendment A as amended by Senate Amendment A thereto was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action, whereby it passed to be engrossed bill, An Act to Incorporate the Public Loan Corporation of Bangor (H. P. 743) (L. D. 428) which bill was recalled to the Senate by Joint Order; and further voted to reconsider its former action whereby Committee Amendment A was adopted.

The same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption. The Secretary read the amendment.

Senate Amendment A to Committee Amendment A to L. D. 428: "Amend said amendment by strik-

ing out the figure 6 in the next to the last line thereof and inserting in place thereof the figure 11.’”

Which amendment was adopted; Committee Amendment A as amended by Senate Amendment A was adopted; and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action whereby it passed to be engrossed bill, An Act to Incorporate the Public Loan Corporation of Lewiston (H. P. 744) (L. D. 430) which bill was recalled to the Senate by Joint Order; and further voted to reconsider its former action whereby Committee Amendment A was adopted.

The same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption. The Secretary read the amendment.

Senate Amendment A to Committee Amendment A to L. D. 430. “Amend said amendment by striking out the figure 6 in next to the last line thereof and inserting in place thereof the figure 11.’”

Which amendment was adopted; Committee Amendment A as amended by Senate Amendment A was adopted; and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action whereby it passed to be engrossed bill, An Act to Incorporate Town Finance Corporation (H. P. 319) (L. D. 185) which bill was recalled to the Senate by Joint Order; and further voted to reconsider its former action whereby Committee Amendment A was adopted.

The same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption. The Secretary read the amendment.

Senate Amendment A to Committee Amendment A to L. D. 185. “Amend said amendment by strik-

ing out the figure 6 in next to the last line thereof and inserting in place thereof the figure 11.’”

Which amendment was adopted; Committee Amendment A as amended by Senate Amendment A was adopted; and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action whereby it passed to be engrossed bill, An Act to Incorporate the Exchange Finance Corporation (H. P. 1052) (L. D. 632) which bill was recalled to the Senate by Joint Order; and further voted to reconsider its former action whereby Committee Amendment A was adopted.

The same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption. The Secretary read the amendment.

Senate Amendment A to Committee Amendment A to L. D. 632: “Amend said amendment by striking out the figure 6 in next to the last line thereof and inserting in place thereof the figure 11.’”

Which amendment was adopted; Committee Amendment A as amended by Senate Amendment A was adopted; and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action whereby it passed to be engrossed bill, An Act to Incorporate the Rumford Finance Co., Inc. (H. P. 1111) (L. D. 691) which bill was recalled to the Senate by Joint Order; and to further reconsider its former action whereby Committee Amendment A was adopted.

The same Senator presented Senate Amendment to Committee Amendment A and moved its adoption. The Secretary read the amendment.

Senate Amendment A to Committee Amendment A to L. D. 691: “Amend said amendment by striking out the figure 6 in the next to

the last line thereof and inserting in place thereof the figure 11."

Which amendment was adopted; Committee Amendment A as amended by Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: At this time, Chair will appoint the Senate members of two conference committees. On the disagreeing action of the two branches with relation to an Act Relative to Greeley Institute, the Chair will appoint as Senate conferees, the Senator from Cumberland, Senator Weeks; the Senator from Somerset, Senator Ela; and the Senator from Penobscot, Senator Haskell.

On the disagreeing action of the two branches on Resolve in Favor of Emile Couillard, the Chair will appoint as Senate conferees, the Senator from Hancock, Senator Smart; the Senator from Cumberland, Senator Weeks and the Senator from Androscoggin, Senator Turgeon.

On motion by Mr. Crosby of Franklin,

Recessed until 3:30 o'clock this afternoon, Eastern Standard Time.

#### After Recess

The Senate was called to order by the President.

On motion by Mr. McKusick of Piscataquis, the Senate voted to take from the table bill, An Act Providing for General Purpose Educational Aid to Cities, Towns, Plantations and Community School Districts (S. P. 263) (L. D. 551) tabled by that Senator on May 4 pending adoption of Senate Amendment A; and that Senator moved the pending question.

Mr. BROGGI of York: Mr. President and members of the Senate, the document that the Senator from Piscataquis, Senator McKusick, has just taken from the table is known as Plan Eight, L. D. 551 which is a means of determining the educational subsidy to the towns and cities of the state. In the last session of the legislature, the 94th, the State Board of Edu-

cation was created. This board's function was to set up policies for the State Department of Education and was to consist of representative school superintendents, a state college representative, Dean Marriner of Colby being the present college representative, a representative of the Maine Teachers Association, a representative of the P. T. A., a representative of the Maine Municipal Association. That makes five, and five others appointed by the Governor.

This group which constitutes the State Board of Education serves without pay. Just recently they voted to continue to serve without pay.

One of the first functions that falls upon this group which seems to be one of the most necessary functions of policy of the State Education Department, was to try to find a means of distribution of state funds, in the form of subsidy that would be an improvement over the present McKinnon formula under which state funds are now distributed. The McKinnon formula has had amendments, and amendments to amendments and it is quite a complicated structure. As a matter of fact, I have before me a form which a school superintendent has to fill out in order to make application under the McKinnon form of aid. It starts in with a delicate little sixteen page document, and there's another with four pages and another with two. After these are filled out and sent to the State Department, under the involved McKinnon formula, the subsidy is figured out for the various towns. I might say that no superintendent at any time knows exactly what his subsidy is going to be.

I think a good case is Chelsea, Maine, who by virtue of being \$13 short in the amount of money raised for education in their town, lost \$5,000 in subsidy. One of the first functions of the State Board of Education was to decide one of the most important questions to be determined, and that was to find some formula in which state funds could be divided. They spent several months discussing nine plans. Of the nine plans it seemed to them by unanimous vote, that Plan Eight, L. D. 551, which is now on

your desks, was the most compatible and equitable means of distribution.

One of the first requisites of a good plan for distribution is simplicity, to take the place of the complicated McKinnon formula. They came out finally with L. D. 551. This is simply a matter of division. It takes the towns taxable valuation, it is taxed by the State Tax Assessor, divide into it the number of students attending school in the community at the secondary level, divide the number of students into the State Tax Assessor's valuation and you come out with a quotient. That quotient—if you will take the bill, you will see that there are categories on page two of the bill—that quotient comes up a figure not over \$1500. In other words if there is not over \$1500 taxable valuation behind each student in the municipality, that particular town receives 65% of its entire educational costs. By the same token, if the amount of taxable valuation behind each student is between \$1501 and \$2250, that particular town or city receives 55% of its entire educational costs and so on right down, and you have a variance of nine groups or classifications. Thus this particular document not only has simplicity, it is simply a matter of division but likewise has the equalization feature which, of course, we all realize is necessary.

Most wealthy towns are the towns who have the most assets in so far as tax valuation is concerned fall in category nine. In other words category nine means that each of the towns that are in that category have \$7,500 valuation behind each student or more. Consequently they receive approximately 15% of their educational costs, from classification one to nine of approximately 15 to 65 percent.

At the hearing when this bill was heard, there were a dozen or so school superintendents, all of whom favored the document. There were many town managers, the mayor of Waterville was there and the mayor of Augusta. There was absolutely no opposition. The State Board in explaining the document brought out six reasons which in their opinion made it necessary.

First they wanted a simplified method of distribution of funds. That is very easy to understand when you look at this tremendously complicated McKinnon formula. Second, to take out allocations more equitable and to continue the principle of equalization which is in the present subsidy laws. Third, to provide flexibility so that the amount of aid would change with changing conditions. If a big industry should move into a town and gave that town a larger valuation, obviously that town might drop from one of the categories. Fourth, to increase aid to cities and towns to assist them in meeting increased costs of public school education. That of course involved the amount of money the legislature wants to raise for subsidy and it has been brought out in the Senate before that nationally the other 47 states average about 46% to their towns and cities in the form of subsidy. In Maine, the present amount is twenty-two or twenty-three percent. Fifth, to have budget proposals based upon actual cost rather than on estimates. Obviously in the new form that is taken care of. Sixth, to provide an incentive for cities and towns to improve schools. The incentive is there. In each category is an incentive factor. The incentive is there for the towns and cities to raise more money for education and the state will participate in the form of subsidy for a portion of that amount to be raised.

It was the wish of the State Board of Education that this document be used irrespective of whether or not the legislature gave the towns and cities a hundred percent of costs. I believe under the present ways and means committee the figure for subsidy amounts to approximately ninety percent in the formula and according to the State Board any cut from the one hundred percent basis should be made across the board. They would like very much for the formula to be the means of distribution.

I feel that practically every educator in the state feels that this is a step in the right direction and it certainly does have simplicity and the other changes that have been mentioned and while there are some

changes in the form of subsidy attributed in every single case to inequities under the present method of distribution.

Mr. President, I sincerely hope that the motion of Senator McKusick prevails.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I rise to oppose the motion of the Senator from Piscataquis, Senator McKusick, and in opposing that motion I must talk to two subjects, it seems to me. I must talk to L. D. 551, on the basic philosophy back of that L. D., and I must also talk to the amendment which the Senator from York, Senator Broggi, did not mention.

I will first speak to my objections to the document itself. I agree thoroughly with the proponents that it would be desirable to have a more level form of subsidies to the cities and towns. No one can conscientiously and honestly argue against that. But I do have the feeling that Plan Eight as presented in L. D. 551 is an entirely different document than 551 as amended by Senate Amendment number one. Now all of these various plans — and I looked at each of them rather carefully — attempt to reach a balance of equity between the small towns with relatively modest resources and the larger communities with more fortunate resources, and they reached that balance in 551 by setting up the 14% to 65% tabulation but left in the subsidy law Section 202 of our present subsidy law. If you will turn to page 4 of L. D. 551 you will note that Section 2 of the bill repeals Section 203 and Section 204. Section 203 is school attendance and that has not been in effect for thirty years. Section 204 is the equalization and that probably should be repealed. Section 201 is replaced by this bill but the plan itself, that is, the document itself, weaves into our subsidies the school census whereby the City of Lewiston and City of Bangor receive a straight sum of, I think it is, three dollars per pupil.

Now the amendment offered by the Senator from Piscataquis, Senator McKusick strikes that from the bill and his reason for doing it is very clear and commendable and, I think, probably strengthens the bill,

from the position of those who see no justice nor equity in recognizing that we do want to leave in our subsidy laws for education, I think at least, some semblance of acknowledgment of the source of the dollars from which these subsidy payments come. I am sure the committee recognized that when they developed Plan Eight and left the school census in. But this is the difficulty: Page 2 of the bill costs — and I am sure this is an accurate figure — \$12,645,512. The bill itself, contemplating school censuses still to be paid — and that was done carefully, and justifiably so, from the viewpoint of the larger communities — costs \$1,121,560. Both of those are biennium figures. So that 551 as introduced into the legislature had a price tag on it of \$13,767,072.

Now, turn to L. D. 1272, the last appropriation bill, and you will find a sum total of \$11,775,769 in that bill for the purpose of financing school subsidies, which is another way of saying that the appropriation measure is short \$1,991,303, or in round figures the appropriation measure is \$2,000,000 short of what was called for in Plan Eight and what would be required if we passed 551.

The amendment—and it is upon the motion to adopt that amendment that I assume we will vote—the school census by virtue of the second section of the amendment which says “Further amend said bill by striking out Section 2”—from reading Section 2 repeals Sections 203 and 204, and by the simple inclusion of the figure “202” you are repealing school census, and I believe you are changing the whole concept of Plan Eight because you are taking from it that only semblance of equity to the larger communities. And if the appropriations bill is passed with only \$11,775,769 and if that entire sum of money is allocated in accordance with Page 2, instead of having a handful of communities receiving less money—and I am not disturbed about that—you have more than two hundred communities that will receive a reduction in subsidy.

Now a summary of my objections to the thing—and nobody should object until they are ready and



willing to stand up and offer something better—is that I believe, since the appropriation measure seems to have a top list of eleven and three-quarter million dollars, it would be far better to close the gap between the 14% and the 65%, if you are going to take school census out of the statute book, and to get Plan Eight back to where it was originally contemplated when this splendid committee designed it. They didn't offer a plan that went completely on the valuation theory.

Now I could argue against the measure itself. I think there are things in it that are fundamentally wrong. I do not believe in the basic theory of offering subsidy dollars from the tax payers of the next higher tax level of government and offering them in such a way that by the expenditure of more money in the subordinate level of government the subordinate level of government can get more dollars than the next government level above.

I have heard the Senator from Kennebec, Senator Reid, expound at great length, and far better than I can, on the proposition that such a theory of government can well lead us into disaster. I don't think this thing will lead us into disaster but I do not think the whole concept of the subsidy proposition that teases a community to spend 35c so as to get 65c from the next higher level of government is consistent with State of Maine policy. I honestly believe that.

I also question whether we have a single statute on our statute books—and I hesitate to use the word "Fascism" but you can judge for yourselves the impact of the middle paragraph on page three, and I challenge any member of this legislature to find any such provision. It says this: The State Board may adjust—and that means increase or decrease—the state subsidy of any city or town when in the opinion of the Board the local expenditures for education in the cities or towns shall gain an unfair advantage or are adjudged inadequate or excessive.

Now, Senators, do we want to set up a board and give them in a lump sum appropriation some \$12,-

000,000 and tell that Board that they, without appeal recourse, may tell that city or town that if they don't spend more money their subsidy can be cut. Harsh as some of you may believe our federal government is in its welfare provisions in our welfare department, I don't believe they have gone that far. Now I am not indicating that the intent of the thing is to misuse it but I don't believe a Maine legislature wants that kind of authority given to any group with ten or twelve millions of dollars power in its hands. It is not like Maine.

I could also pick the bill apart and point out that the last paragraph on the third page is entirely unnecessary. The code provides that the governor and counsel may allocate these dollars to meet existing statutes in accordance with the appropriation. And that brings the final point up. If the appropriation measure isn't sufficient to do this thing, why put it on the statute books? Many of us have said in this Senate and the governor has said in many of his messages, "Provide the dollars for the bills you write. If you haven't got the dollars to provide for bills that are already written, change the bills, amend the laws." Yet here we are standing up and telling a Class One town that it is entitled to 65%—we are putting that on the statute book—yet we are not appropriating the dollars to make it good and we are excusing ourselves by saying, entirely unnecessarily I believe, "We haven't got enough; you take a cut on it." Let's face it up and put in the percentages that will tie in with the dollars.

So what have I said in substance? I have said this, I think: That I do not believe Plan Eight ought to be so completely changed as to change its concept by the removal of school census. To me, that changes the proposition put up by the committee. I don't believe we ought to pass the bill itself until these percentages—I would like to say—squeeze together, or if they can't be squeezed together, reduced to tie in with the appropriation. But I am particularly firm in the conviction that we shouldn't change the whole concept of this bill by the adoption of

the Senator's amendment. I haven't spoken to any members with reference to the change in the effective date. I think that is a commendable change. The bill itself provided that the day of reckoning be put off for four years though those towns are going to suffer a loss. I commend him for cutting it down to one year. I think it is a much better proposition and the amendment provides that the dollars in the appropriations bill will be spent under existing law for the first year and only in the second year of the biennium are you going on to 551.

That is a jumble of conclusions on the amendment, thrown together with thoughts on the document itself, and I hope we do not take from the bill what merit it has by having at least a degree of school census theory in the thing and make it all valuation. That, I think is unfair and I doubt very much if the Board of Education would have even proposed a bill to take school census out of it, and the adoption of that amendment takes it out.

Mr. McKUSICK of Piscataquis: Mr. President and members of the Senate, we all recognize the ability of the Senator from Penobscot County to handle figures and he has presented his opposition to this bill and amendment in a very masterful manner. But in the beginning before I answer some of his objections, I would like to pay my respects to the monstrosity which we have in our present school subsidy law. I don't know how many of you Senate members have been members of the school boards of towns or cities. I have been a member of the school board of a small town for many years and I know what advantages can be taken of the present school subsidy law and I am willing to admit that we have taken every possible advantage to get money for our town that we could. We have had competent superintendents who took pains to protect our financial interests.

Our present subsidy formula is based on a patchwork of five items. One is the school census which the Senator from Penobscot has referred to which provides that the

towns shall be allotted three dollars for each school child resident in the town. The second is the matter of reimbursement on school tuition, high school tuition, which is a comparatively small item. The third is a little item in regard to conveyance of closed schools. That is in order to encourage the closing of small and not valuable schools. The state will pay \$100.00 a year toward the conveyance of those pupils and we have been doing that for years.

We are paying on schools that have been closed for several years. The last two items are the items at which most criticism may be levelled. That is the so-called McKinnon Formula which has been in operation for a few years and has done good service. That provides that the towns shall be rated in five classifications according to their school tax rating, beginning at fifteen mills and going by groups of three up to twenty-nine mills.

I believe the provision is made that the state will pay \$400.00 for each teaching position. It also provides if the money is available, that each step of three units on the tax rate of three mills on the tax rate there shall be allotted an additional ninety dollars so that a town which is in the highest bracket will draw nominally \$850.00 per teaching unit provided the money is available.

Now if you follow the trend of our tax rates, it has been consistently upward. I think in 1950 if I remember correctly, our school tax rate over the state was .02549, ten points below the low of fifteen mills. It has been continually increasing so that more and more towns are going into the upper brackets which means that the state is called upon to pay more and more money to carry out the provisions of this formula.

Also, our school population has been increasing, requiring more and more teachers and the prospects are that our school population will continue to rise and the number of our teachers will continue to rise so that the requirements to carry out the McKinnon formula in full increase. It will be necessary to pay on a smaller and smaller percentage.

Then the final thing, the final unit, is perhaps our equalization law and I think that is perhaps the prize package of them all. The equalization law provides that the Commissioner of Education may allot to a town, state funds, provided first that that town's school tax rate is above the average of the state which in 1950 was .02549. In computing the equalization, it is necessary to set up a rather complicated formula. Nearly every time that I have tried to figure it out, I need to learn it.

A certain standard is set up for elementary schools and for high school units. Then, in figuring it out, the amount of money that is necessary for the town, the number of elementary school units. The standard of secondary units is multiplied by the number of secondary school units and to that is added the amount paid for tuition and one-half the amount for conveyance. Then the valuation of the town is multiplied by twenty mills and the amount is subtracted from the result of our addition and the Commissioner of Education is authorized to make up the difference, provided he has money available. That is rather complicated and it is complicated.

Well now, here are some of the faults of the system that are found that I know by experience. That is based on appropriation. It is not based on expenditures. It is based on the amount that a town appropriates. It is entirely possible for a town to appropriate this year an amount sufficient to put them in the equalization and by so doing build up a surplus, the next year cut down their appropriation, use up the surplus and go out of equalization and the following year again raise their appropriation. That is, it is possible for a town whose average tax rate would not be sufficient to put them into equalization by juggling their appropriations to get into the equalization every other year. That is entirely possible. It is not a desirable situation.

In my own little town this year in making up our appropriations, we first decided what tax rate we would need to assure us of equalization money. Our equalization money is important. We are one of

the high school tax rate towns. We decided what the possible school tax rates over the state might increase. For many years they have increased as much on the average as three mills and figuring on a possible three mill increase, we decided in order to be safe we better plan on a thirty mill school tax. We decided on a thirty mill school tax rate and worked our appropriation back from that. It is not a desirable situation. Any town can do it.

Here is another thing that is entirely possible. You remember, as I said, that the state is encouraging the closing of inefficient schools by paying \$100.00 toward the cost of transportation. In our home town, we have a little school. It is way off in the northwest corner of the town. The roads are not good. It would not be too convenient to transport it but by hiring a certified teacher and taking advantage of the equalization money, we can maintain that school at practically no cost. It is not a good situation.

I have heard of other towns taking advantage of equalization by hiring an extra teacher and they could actually save money because they are graded with another teacher position. They get the subsidy for the teacher and that increases their equalization.

Those are just a few of the things with which we are dealing with our present subsidy law. This formula that we have here is not based on appropriations. It is based on actual expenditures and I might call your attention here that under our present system our school tax rates are corrected for state valuations. They are not dependent on local evaluations. That is, our present system of school tax rates are corrected for state valuations.

This formula that we have here is based on state valuations and it is based on actual expenditures. The only use that we make of local valuation is to determine the class in which a town is to be placed and that is the determination of the ability of that town to support local education. And if you stop to consider that all your local school money comes from the taxation on property, it would seem that that is a fair yardstick to

measure ability to support local schools.

The Senator from Penobscot suggests that this formula should be worked down to meet money available. The objection to that is that if you should come back here in two years and desire to change the appropriation for schools, increase or diminish it, it would be necessary to change your formula.

This formula as it is set up will work on a percentage basis. It will work on ninety-five per cent, ninety percent or 105 per cent. It is a permanent matter. It is very simple. It is very easy for a town to figure where they stand. Simply get your state valuation and your number of pupils and divide it out. You know your class and you know your percentage. You can figure very accurately the amount of money that is available and it is a permanent thing. It could go on from year to year with the allotments made on a percentage basis.

The Senator from Penobscot, Senator Haskell, also mentioned the matter of taxing some communities to support schools in other communities. If you are a believer in equalization of school privileges, I think you will have to go along with some such proposition. It must be agreed that the matter of dollars per pupil is not the proper yardstick. Anyone who has been connected with the schools knows that we can not furnish equal privileges or anything approaching equal privileges to the boy or girl in the little town for the same number of dollars per pupil that it can be done in the larger cities where larger groups can be handled and there is one thing that we should notice in regard to taxing larger communities to support the smaller communities. Not one dollar of this money under this formula will come next year from taxation on property.

We are not asking any town to hand over to us the money collected by the town but it is to be supported under our new tax measure by money which is collected by the state directly from the individual.

In that connection, the matter of the school census is rather a small item. It is only three dollars per pupil and it amounts in the total over the state to something over

\$500,000.00. It seemed desirable for simplification, if for no other reason, to put all of our money in one package and I will agree that the cities under this do lose money. Some of the larger towns do lose money.

In this connection, I would like to say that Senator Broggi's town is one of the larger towns that would lose an amount of something like \$12,000.00 but I think he is sold on this bill. My own little town is not a gainer. I think we lose several hundred dollars but we are gaining in the feeling of security. We are not running the risk of losing our equalization money. We know about what will happen to us. Senator Broggi spoke about the Town of Chelsea. I happened to be down in the Appropriation Committee room when this plan was first being voted. A representative from Bangor saw the first tabulation that was put out an as he looked on Bangor and Benton—BA and BE, they were arranged alphabetically—he immediately saw that Bangor was not receiving an increase in the same proportion that Benton was. Benton seemed to be receiving an unusually large increase. We took pains to look up Benton and found what had happened. In the case of the year in comparison, the state tax rate was .02549 and Benton authorized .02359. By failure to raise one-tenth of a mill which on their valuation, as I remember, was a little under seven hundred thousand that year, Benton lost \$5,000.00 That accounted for the unusual increase in that town.

One other point and I am done. I would call your attention that under the sales tax, we are returning to the City of Bangor \$231,527.00. We are returning to the City of Biddeford \$115,672.00 and we are returning to the City of Lewiston \$288,630.00 and to the City of Portland \$636,696.00.

The Bangor school tax rate in 1950 was sixteen and a fraction compared with the state average of twenty-five and a fraction. The Biddeford tax rate was six mills and a fraction compared with the average of twenty-five and a fraction. Lewiston was eight and a fraction and Portland was fifteen and a fraction.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, I have been a school teacher, a superintendent of schools and I have been on school boards in three different towns in our state. I think I can take the advice of a gentleman who has spent many years of his life studying the school system in towns and the school system of our state in preference to the advice of a technician with flowery words and theories. I am going to support Senator McKusick in accepting Senate Amendment A.

The PRESIDENT: The question is on the motion of the Senator from Piscataquis, Senator McKusick, to adopt Senate Amendment A. Is the Senate ready for the question?

A viva voce vote being doubted,

A division of the Senate was had.

Eighteen having voted in the affirmative and twelve opposed, Senate Amendment A was adopted.

Thereupon, on motion by Mr. McKusick of Piscataquis, the rules were suspended, the bill was given its second reading and passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

Mr. Wight of Penobscot presented Senate Amendment B to H. P. 159, L. D. 90 and moved its adoption. The Secretary read the amendment, Senate Amendment B to H. P. 159, L. D. 90. "Amend said bill by striking out subsection 5 in section 2 thereof."

Thereupon, on motion by Mr. Barnes of Aroostook, the bill and accompanying papers were laid upon the table pending motion by Senator Wight to adopt Senate Amendment B.

On motion by Mr. Crosby of Franklin,

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