

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fifth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, May 9, 1951

The Senate was called to order by the President.

Prayer by the Reverend Rodney W. Roundy of Portland.

Journal of yesterday read and approved.

## From the House

House Reports from the Committee on Sea and Shore Fisheries,—Majority Report "Ought Not to Pass",—Minority report "Ought to Pass" on Bill "An Act Regulating the Taking of Marine Worms." (H. P. 1131) (L. D. 698)

(In Senate, on May 7th, the Minority Report was read and accepted, and the bill passed to be engrossed in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the Majority Report "Ought Not to Pass" was read and accepted, and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Crosby of Franklin, the Senate voted to insist on its former action and join with the House in a Committee of Conference.

Bill "An Act to Provide Fire Protection for Connor Township." (H. P. 394) (L. D. 230)

(In Senate on May 4th, report read and accepted, and the bill passed to be engrossed in non-concurrence.)

Comes from the House, that Body having receded from its former action whereby the bill was indefinitely postponed, and having read and accepted the "Ought to Pass" report of the committee, and passed the bill to be engrossed as amended by House Amendment "A" in non-concurrence. (Amendment Filing No. 371)

In the Senate, on motion by Mr. Collins of Aroostook, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, House Amendment A was adopted without reading and the bill as so amended was passed to be engrossed in concurrence.

The Committee on Highways on Bill "An Act to Authorize the Construction of a Bridge Across the Penobscot River Between the Cities of Bangor and Brewer," (H. P. 1081) (L. D. 684) reported that the same in a new draft (H. P. 1795) (L. D. 1363) under a new title, Bill "An Act to Authorize the construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer," and that it ought to pass.

Comes from the House, the report read and accepted, and the bill in new draft and under new title passed to be engrossed as amended by House Amendment "B". (Amendment Filing No. 375)

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

"Resolve Proposing an Amendment to the Constitution Providing for Additional Signers for Direct Initiative of Legislation." (H. P. 1114) (L. D. 694)

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

Comes from the House, enactment and engrossing having been reconsidered, Committee Amendment "A" indefinitely postponed, and the bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

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

The Committee on Appropriations and Financial Affairs on bill "An Act Liberalizing Certain Limitations on Old Age Assistance," (H. P. 1245) (L. D. 799) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of the Town of Bethel," (H. P. 807) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Strong," (H. P. 37) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of North Waterford

Fire Association," (H. P. 811) reported that the same ought not to pass.

The same Committee on "Resolve, to Reimburse the Town of Sanford for Fire Equipment Used During the Emergency Fires of 1947," (H. P. 112) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Elmer W. Lawrence, of Pittsfield," (H. P. 1638) (L. D. 1197) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Levite Bellefleur, of Madison," (H. P. 1601) reported that the same ought not to pass.

The same Committee on "Resolve, to Reimburse the Town of Chelsea," (H. P. 449) reported that the same ought not to pass.

The Committee on Highways on Bill "An Act to Facilitate Extension of the Maine Turnpike," (H. P. 686) (L. D. 416) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Undischarged Real Estate Mortgages," (H. P. 1346) (L. D. 921) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

Mr. BOYKER of Oxford: Mr. president and members of the Senate, I would like to move that H. P. 807, Resolve in Favor of the Town of Bethel, lie on the table and in explanation I will say this. The unorganized township of Albany borders the town of Bethel, and in 1949, Bethel was called upon to extinguish a building fire in Albany. Bethel went there with their apparatus at an expense of \$150. Last fall another building fire happened in Albany and Bethel was called on to extinguish that fire. They went there with their apparatus at an expense of \$100. We pay our firemen \$1.00 per hour. Now today we have a bill presented against the State for \$250. Up to this time the claim has been denied. I am going to ask the members of this Senate, "What do you think Bethel should do this afternoon if a fire started in Albany? Do you think the town of Bethel should go there with an expense of

a hundred or a hundred and fifty dollars, or should the State pay us for that?"

Thereupon, the Senate voted to reconsider its former action whereby the Ought not to pass report was accepted, and on motion by Mr. Boyker "Resolve in Favor of the Town of Bethel" (H. P. 807) was laid upon the table pending acceptance of the report in concurrence.

The Committee on Judiciary on Bill "An Act Relating to East Limington Improvement Society," (H. P. 740) (L. D. 437) reported that the same ought to pass.

The same Committee on Bill "An Act to Include World War I Veterans in Maine State Retirement System," (H. P. 783) (L. D. 464) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Powers and Duties of Recorder of the Municipal Court of the City of Biddeford," (H. P. 240) (L. D. 137) reported that the same ought to pass.

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

The Committee on Judiciary on Bill "An Act Relating to Appointment of Administrators With the Will Annexed," (H. P. 925) (L. D. 527) reported that the same ought to pass as amended by Committee Amendment "A." (Amendment Filing No. 361)

The same Committee on Bill "An Act Relating to Liens for Payment of Assessments on Real Estate," (H. P. 1619) (L. D. 1179) reported that the same ought to pass as amended by Committee Amendment "A." (Amendment Filing No. 368)

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

Mr. Brewer of Aroostook from the Committee on Appropriations and Financial Affairs presented Bill "An Act Relating to Officers

and Employees of the Legislature." (S. P. 573)

Under suspension of the rules, the bill was given its first reading without reference to a committee and on motion by Mr. Wight of Penobscot, was laid upon the table for printing.

#### Order

On motion by Mr. Haskell of Cumberland, it was

ORDERED, the House concurring, that H. P. 926, L. D. 528, bill, An Act Relating to Definition of Teacher under the Maine State Retirement Law" be recalled from the Governor to the Senate.

#### Senate Committee Reports

Mr. Reid from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of the University of Maine for General Purposes of the University," (S. P. 93) (L. D. 146) reported that the same ought not to pass as it is covered by other legislation.

Mr. Ela from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Motor Vehicle Damage by Protected Wild Animals and Deer," (S. P. 391) (L. D. 939) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Ela from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Open Season on White Perch," (S. P. 304) (L. D. 655) reported the same in a new draft, (S. P. 576) under a new title, "Resolve Regulating Fishing for White Perch in Penobscot County," 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.

Mr. Reid from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to a State Police Barrack in the County of Somerset," (S. P. 294) (L. D. 653) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve Ap-

propriating Moneys for Wing at State Police Building in Augusta," (S. P. 220) (L. D. 495) reported that the same ought to pass.

Mr. Allen from the Committee on Taxation on Bill "An Act Relating to Use Fuel Tax," (S. P. 244) (L. D. 513) reported that the same ought to pass.

(On motion by Mr. Ward of Penobscot, tabled pending acceptance of the report.)

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

Mr. Collins from the Committee on Towns and Counties on Bill "An Act Relating to Salaries of Members of Boards of Registration," (S. P. 262) (L. D. 560) reported that the same ought to pass as amended by Committee Amendment "A".

(On motion by Mr. Boucher of Androscoggin, tabled pending acceptance of the report.)

The Majority of the Committee on Judiciary on Bill "An Act Relating to Sale of Real Estate for Taxes," (S. P. 375) (L. D. 901) reported that the same ought not to pass.

(signed)

Senators: HASKELL

of Cumberland

BARNES of Aroostook

WARD of Penobscot

Representatives:

McGLAUFLIN

of Portland

FAY of Portland

HAYES

of Dover-Foxcroft

WOODWORTH

of Fairfield

FULLER of Bangor

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

(signed)

Representatives:

HARDING of Rockland

DELAHANTY

of Lewiston

On motion by Mr. Weeks of Cumberland, the bill and accompanying papers were laid upon the table pending acceptance of either report.

**Passed to be Engrossed**

Bill "An Act Relating to Method of Issuance of State Highway and Bridge Bonds." (H. P. 1197) (L. D. 761)

"Resolve Regulating Fishing in Red River and Birch River." (H. P. 1540) (L. D. 1133)

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

"Resolve in Favor of Peter J. Beaulier, of Ashland." (H. P. 808) (L. D. 1367)

Bill "An Act Relating to Crop and Orchard Damage by Deer." (H. P. 1788) (L. D. 1355)

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

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

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

Sent down for concurrence.

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

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

Sent down for concurrence.

**Enactors**

Bill "An Act to Authorize the Building of a Private Road Across Massacre Pond, in Scarborough." (H. P. 61) (L. D. 27)

Bill "An Act Relating to Motor Vehicles Following Fire Apparatus and Crossing Fire Hose." (H. P. 1038) (L. D. 603)

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

Bill "An Act Relating to Taxation of Bottled Gas Equipment." (H. P. 1331) (L. D. 894)

Bill "An Act Relating to Designation of Through Ways by Highway Commission." (H. P. 1341) (L. D. 916)

Bill "An Act Relating to Dealers in Livestock." (H. P. 1398) (L. D. 1011)

Bill "An Act Relating to Duties and Powers of Aroostook County Fire Marshal." (H. P. 1678) (L. D. 1246)

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

Bill "An Act Relating to Fines for Overloaded Trucks." (H. P. 1779) (L. D. 1317)

Bill "An Act to Confer the Right of Eminent Domain upon Wiscasset Water Company." (H. P. 1781) (L. D. 1319)

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

Bill "An Act Relating to Guides' Qualifications, License and License Revocation." (H. P. 1783) (L. D. 1340)

Bill "An Act Relating to the Liquor Commission." (H. P. 1786) (L. D. 1346)

(On motion by Mr. Tabb of Kennebec, tabled pending passage to be enacted.)

"Resolve, in Favor of C. Curvin Hovis, of Gorham." (H. P. 71) (L. D. 1324)

"Resolve, in Favor of Leo Smith, of Pittsfield." (H. P. 579) (L. D. 1325)

"Resolve, Opening Meduxnekeag Lake to Ice Fishing for Certain Fish." (H. P. 1010) (L. D. 597)

"Resolve, in Favor of Allagash Plantation." (H. P. 1560) (L. D. 1337)

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

"Resolve, Designating Bridge at Burnham as Burnham Memorial Bridge." (H. P. 1611) (L. D. 1171)

Bill "An Act Relating to Initiative and Referendum in the City of South Portland." (S. P. 70) (L. D. 76)

Bill "An Act to Increase the Salary of the Judge of the Van Buren Municipal Court." (S. P. 280) (L. D. 619)

Bill "An Act Relating to Attorney's Fee for Foreclosure of a Mortgage." (S. P. 302) (L. D. 870)

Bill "An Act Revising the Laws Relating to Outdoor Advertising Signs." (S. P. 326) (L. D. 728)

Bill "An Act Relating to Salaries of County Officers of Androscoggin County." (S. P. 422) (L. D. 982)

(On motion by Mr. Leavitt of Cumberland, tabled pending enactment.)

Bill "An Act Relating to Retirement of Firemen Under Maine State Retirement Law." (S. P. 526) (L. D. 1253)

(On motion by Mr. Crosby of Franklin, tabled pending enactment.)

Bill "An Act Relating to the Salary of the Judge of the Northern Aroostook Municipal Court." (S. P. 545) (L. D. 1286)

Bill "An Act Relating to Prospecting for Minerals and Metals." (S. P. 548) (L. D. 1312)

"Resolve, in Favor of Robert George Llewellyn, of South Portland." (S. P. 143) (L. D. 1349)

"Resolve, in Favor of Merle Libby of Caribou." (S. P. 211) (L. D. 1350)

"Resolve, Appropriating Moneys to Reimburse Town of Phippsburg for Snow Removal." (S. P. 296) (L. D. 1354)

"Resolve, in Favor of Peter Spanos, of Portland." (S. P. 485) (L. D. 1351)

"Resolve, in Favor of George Panages, of Portland." (S. P. 486) (L. D. 1352)

"Resolve, in Favor of the Town of Nobleboro." (S. P. 525) (L. D. 1353)

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

#### Emergency Measure

"Resolve, Providing Funds to Augment Institutional Appropriations." (S. P. 292) (L. D. 651)

Which resolve being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed, was finally passed.

#### Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution to Remove the Provision That the Treasurer Shall Not Be Eligible More Than Six Years Successively." (H. P. 1073) (L. D. 686)

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, with great reluctance, I stand to oppose this Constitutional Amendment. The reason for my reluctance is to speak on the matter is because of the fact that there is a great deal of personality in this particular amendment. I have a great deal of respect for the present Treasurer of State and I don't want to say anything against him. Nevertheless I will have to make one or two remarks which will perhaps seem to be unkind. This bill came out of Appropriations Committee "Ought Not to Pass." Since that time this bill has been lobbied until they have had most everybody on the Appropriations Committee personally change their minds, at least in the House. Two of us here are still convinced that this is poor legislation.

When a man gets into an office such as this he has a lever. What this man has been able to do about this bill, any treasurer can do in the future. What we are really doing is saying that instead of allowing the treasurer to hold office for two years, we are saying he can hold it for life, if he is able to lobby himself into the position. I believe six years is long enough, and I think this is a bad amendment to the Constitution. I think the original thought of the Appropriations Committee when they reported this "Ought Not to Pass" was a well considered vote. I hope that we will not adopt this amendment.

This being a Constitutional Amendment,

A division of the Senate was had.

Twenty-two having voted in the affirmative and six opposed, the Resolve was finally passed.

#### Orders of the Day

On motion by Mr. Crosby of Franklin, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed, Resolve in Favor of Timothy J. Murphy of Hallowell (S. P. 298) (L. D. 1368).

The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 1368: "Amend said resolve by strik-

ing out the figure \$6,500 in the second line thereof, and inserting in place thereof the figure \$4,000."

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

Sent down for concurrence.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Judiciary on bill An Act Relating to Sale of Real Estate for Taxes (S. P. 375) (L. D. 901), Majority Report "Ought Not to Pass," Minority Report "Ought to Pass"; tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, this subject deals with that problem which faces every community regarding what to do about real estate which has been sold for the non-payment of taxes and it is a problem which is a problem for every community in the State of Maine. I say that without fear of contradiction because I know it to be so.

It comes to my attention because I see it practically every day in the week in some form or another except when I am in legislative session.

This bill amends by statute Chapter 81, Section 155. Now, that statute says that if you do not pay your taxes, the tax collector must sell on the first Monday in February after due notice under the statute and if two years pass without any attempt by you to redeem from the sale then you have lost your property. That is the way the statute is now.

Now Section 155 provides that in any proceeding subsequent to that in which a tax sale deed, a collector's deed, becomes part of the evidence, that deed is prima facie considered valid. It gives that presumption of validity to the deed so that anyone resting upon the deed establishes a prima facie case at least for the time being so far as that deed may be in issue, or the elements of the deed in issue.

That means, of course, that the contesting party can come in and bring in evidence to show that the

deed is as a matter of fact defective one way or another.

There are five fatal defects in proceedings and of course there are a great number of clerical defects which would not invalidate the deed. But evidence of those five fatal defects can be introduced to offset the presumption. Now, once that presumption is upset, the one resting upon the deed can still establish his case, establish the validity of the deed if he can bring in evidence to show as a matter of fact that the defect was not existing.

This amendment provides that once fifteen years has gone by during which time the city or the town has held the deed without any attempt by anyone — I say that. It doesn't say that in the deed, but it presumes the fact — that the former land owner has made no effort to pay any taxes or do anything with the property so far as the city or town is concerned, that he shall not be permitted the privilege of coming in to upset the presumption. But now what is the effect of that?

I think it will have the effect of freeing up thousands of square feet and acres of land for sale in the open market. Now some people have become concerned about this and I think unjustifiably concerned. For instance, in my city we have and I say it with surety, thousands of square feet which are undeveloped in the outlying sections which the city can do nothing with. There is no income from it. It can't sell it. It can't dispose of it. There is no one to talk to about it. After fifteen years, there has been an accumulation of taxes in a good many cases where the amount of the tax which would be paid by anyone to redeem or buy the property and free it up from the encumbrance now upon it is in excess of the value of the property and this prevents some people from coming in and paying good money on it. And in ninety per cent of the cases, there is no one that a person can find or talk to about doing something about it at all.

I say that because in the 1945 session, an act was passed whereby a municipality could bring an action under what the statute says ratifying and confirming which theo-



retically makes the property a consideration in the hands of the city which it could pass on to some purchases who might be interested but where you have an action predicted upon forced service of notice, most all, and I say that quite surely ninety per cent of your title examiners will say you haven't served notice on anyone, personal service.

Therefore, we don't like the proceeding and your action so far as we are concerned is ineffectual. By passing this act, I think that a lot of property in all kinds of communities by this language ninety-nine per cent of the time will be freed up so that the town can use it.

I, frankly, confess that I can't see where it is any hodgepodge if you will just realize, in the first instance, that theoretically the tax sale proceeding in its original steps is presumed to be good. Fifteen years has gone by, a two-year period of exemption first and then subsequently fifteen years has gone by. No one has shown any interest in it and after all of that time the city is still unable to dispose of it in ninety-nine per cent of the time.

I really feel that there is merit to the matter, that it will be of assistance and I ask your sincere consideration of it. I, therefore, move that the Minority Ought to Pass Report be accepted.

Mr. HASKELL: of Cumberland: Mr. President, as a member of the Committee which heard this bill at public hearing, about all I can say to the Senate is that although there have been bills before the Judiciary Committee which in my opinion did not particularly concern the members of the legal profession, this is one bill which lawyers clearly understand the implications of.

My good colleague and friend from Cumberland presented his case just as eloquently before the Committee as he has done before the Senate today.

As you all know, this committee is composed exclusively of lawyers. I can tell you members of the Senate, as you can see from the nature of the report made, it being an eight to two Ought Not to Pass Report from the Committee, that a number of those who signed the

Ought Not to Pass Report, in spite of the compelling argument of the sponsor of the bill, seriously felt that there were doubts as to whether or not this should be established as legal policy in the State of Maine. And feeling as they did, eight of them were of the opinion that this bill should be reported Ought Not to Pass.

For that reason, I find myself compelled to oppose the motion made by my colleague that the Senate accept the Ought to Pass Report.

Mr. WEEKS of Cumberland: Mr. President, I have listened with great interest and quite earnestly to the remarks of the Chairman of the Committee but I feel kind of handicapped. He says it is the opinion of eight individuals that it Ought Not to Pass. I haven't yet heard an argument to combat what I feel is a very legitimate argument in favor of this measure. I haven't heard anything against it except they say it shouldn't pass.

I would like to have somebody tell me where I am wrong. If I am wrong, that is all right.

Mr. WARD of Penobscot: Mr. President, as I understand it, there are to procedures whereby the city or town may attempt to enforce the collection of taxes on real estate. One is by the tax lien procedure. The other is by the tax deed procedure.

In either of these cases, if the town proceeds exactly as outlined in the statutes, there is a good title. If they fail to give the proper notice or fail in any of the other essential elements, the title is not good. A good many towns using, we will say, the tax deed form may one year proceed against a property owner. The town will bid in at the tax sale the property. The collector will make a tax deed out in favor of the town and the town treasurer will take the deed and file it away.

The next year perhaps the property owner will pay his tax and it will see-saw back and forth and during this period of time the town takes no action, whatsoever to take possession of the property. Eventually, maybe, the property owner works out his tax bill. If you should pass this particular measure, the town could take a tax deed, file it

away, do nothing to take possession of the property, wait fifteen years and perhaps during that fifteen years collect from the property owner taxes over twelve or thirteen years' time and then step in with the tax deed and take over a piece of property that might be worth several thousand dollars for \$100.00 or \$125.00.

I think it is a very poor piece of legislation to say that a city or town can take a tax deed, file it away and automatically at the end of fifteen years, whether they have complied with the statute or not, that they obtain a good title to the property and for that reason, I voted against the bill.

Mr. WEEKS of Cumberland: Mr. President, in answer to my good friend the Senator from Penobscot, Senator Ward, I wish to again call your attention to the fact that fifteen years has passed after your two-year period of redemption has gone before the former taxpayer will be precluded from establishing something of a title. Now during that time, I can appreciate what Brother Ward says that there is, especially in outlying sections, a little looseness of procedure regarding taxes of those who are temporarily or periodically handicapped in paying their taxes.

I still say if the taxpayer watches what he is doing, nothing of the kind can happen. I can't believe that after fifteen years, a piece of property is not going to have accumulated taxes and interests and costs in excess of \$125.00 and you want, also, to appreciate the position of the city or town which is sitting there trying to get this money in to pay those expenses of operation and is utterly helpless in the process. We have situations where people pay their taxes in dribbles and I know my city plays along with them. It doesn't put anybody out of property which is developed. But there isn't one case in the City of South Portland, but there are thousands of feet of land—I will say acres—where there is no building upon it at all where there is anybody to talk to to buy it to get a quit-claim release deed, or to release their interest to them upon the payment of some stipend and a good many

times we are willing to compromise, because with the passage of time as I have said before, there has been accumulated costs, interests, and so forth which may very well exceed the fair value of the land, itself.

The city is in the position where it is going to lose money in every-one of these cases. I am really distressed about this situation where the city or town is absolutely helpless to dispose of wild land, and that is what it amounts to, even in the environs of the city. I really can't see any merit in the argument of opposing this measure.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the Senate accept the Minority "Ought to Pass" report.

A viva voce vote being doubted by the Chair,

A division of the Senate was had.

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

Mr. WARD of Penobscot: Mr. President, I move the acceptance of the Majority "Ought Not to Pass" report of the Committee.

Mr. WEEKS of Cumberland: Mr. President, I request a division.

A division of the Senate was had.

Sixteen having voted in the affirmative and fifteen opposed, the Majority "Ought Not to Pass" report was accepted.

Sent down for concurrence.

The PRESIDENT: At this time the Chair will appoint Senate members on the Committee of Conference on the disagreeing action of the two branches on bill, An Act Relating to the Taking of Marine Worms, the Senator from Sagadahoc, Senator Larrabee, the Senator from Knox, Senator Sleeper and the Senator from Lincoln, Senator Palmer.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill, An Act Relating to Weight of Commercial Vehicles (H. P. 1646) (L. D. 1209) tabled by that Senator on May 3 pending motion by Senator Christensen that House Amendment A be adopted.

Mr. NOYES of Hancock: Mr. President and members of the Sen-

ate, the pending question is on the adoption of the amendment, House Amendment A to this bill, which would change your present law from 48 thousand pounds for a 25 foot wheel base truck to 48 thousand pounds for a 16 foot wheel base truck. I did not attend the hearing. I understand that the Highway Department opposed the original bill which in it had an 18 foot wheel base and limited the truck to forest products. The House amendment strikes out that limitation and applied the law to all vehicles. I can see the point of the committee in passing this bill giving this increase with an 18 foot wheel base to forest products because in most instances those trucks do operate out of woods roads that are soft in the spring and for that reason not used. In other words those forest products would be carried on the highway at a time when the highways were in a harder condition.

This amendment, however, would apply to all trucks and I am thinking now especially of trucks used for highway construction and much highway construction is done in the spring when the roads are soft. I know of some instances where a piece of road was built in the early spring and I can prove that in the building of this piece of road and another piece two miles distant, that in the intervening section, more road was destroyed than was built, and the betterment money was used to repair the damage done to that section of the road.

In other words, if we are increasing the weight limit upon our highway, highways being constructed as they are in Maine of necessity mostly poorly constructed with poor bases, you will thereby increase your maintenance cost of the state highways. Furthermore, we have many bridges in the State of Maine which do not carry that kind of load with a sixteen foot wheel base. If we had a 48 thousand pound load and a 25 foot wheel base that would be one thing, but 48 thousand pounds with sixteen foot wheel base is different. If there is any doubt in the minds of the Senate as to what a heavy truck does to a highway, all you need to do is study the experiments

conducted in Maryland last year at which time it was definitely proved that the heavy trucks did such extensive damage that the truck used in the experiment had to be removed because it destroyed the highway to such an extent that it was not possible to drive the truck over it.

The proponents, some of them, approached me with the thought that it was a safety measure and with that I cannot agree. If you increase the weight from 40 thousand to 48 thousand pounds on a truck, how are you increasing the safety on that truck? I would say it was just the opposite and would tend to make that truck more dangerous. I would move that the amendment be indefinitely postponed.

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, four years ago the pulpwood fellows came into the Transportation Committee and asked for six inches over width. They had a bill in whereby they wanted to put the six inches on the outside of the right-hand side of the truck. I tabled the bill in the House. When I took it off the table, I had an amendment which told them to put it on each side. That is a special privilege that we gave those pulp wood fellows at that time.

Now, they come back after more special privileges this year. They want these wheelbases and I agree with them. I know they need it. They can't get around in the woods with the long wheel bases that they use on roads but I objected to the bill.

Why should we grant any special privilege to one group of people in the State of Maine? Why shouldn't everybody have that privilege? That is the reason this amendment was made up and put on there. This bill had rough going in the Committee, as you may see and it came out with five Ought to Pass and five Ought Not to Pass. I signed the five Ought Not to Pass just because I was against the granting of any more special privileges to anyone in the State of Maine and I hope my motion prevails.

Mr. BARNES of Aroostook: Mr. President, I may have missed this but we ought to have the amend-

ment read or have the filing number referred to.

The Secretary read the amendment.

Mr. NOYES of Hancock: Mr. President, before the vote is taken, I simply wish to state that I didn't appear for this bill at the Committee, either for or against it and that I have no special interest in forest products. I don't think the Senator meant to insinuate that I was trying to get the bill through for special interest. However, I wish to correct that impression if that impression was obtained.

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, I can assure you that that never entered my mind. Furthermore, these wheelbases that we were talking about, I think there would be very little use outside of the forestry business for them. The only conclusion I can come to is that they might use them for concrete mixers. They need a shorter wheelbase than they are allowed. Right now, that is the only business remaining, I think, where that short wheelbase would apply. But still, I insist that nobody needs it to use it just the same as the pulp wood fellows.

Mr. CROSBY of Franklin: Mr. President, I had a letter from one of the Highway Department stating that if this amendment was put on, cutting the wheelbase length down to sixteen feet that there would be fifty-seven per cent more damage to their bridges due to the fact they have a lot of small bridges that would have to take the full weight of the load with that sort of wheelbase. I am just passing that along as the information given to me.

Mr. CHRISTENSEN of Washington: During the hearing on this bill, the Highway Commission was represented and there was very little opposition. There was a slight opposition in connection with some bridges. There might be some that are not built strong enough. That is all the opposition that came from the Highway Committee at the hearing.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, probably my confusion is no greater than most of the Senate. Thus, I would pose a question to

the Chairman of the Highway Committee to answer if he wishes and the question is this. Does he see any merit in the motion to indefinitely postpone the bill?

Mr. CROSBY of Franklin: I haven't talked with the Department, personally, but I took it from that letter that they didn't oppose the eighteen-foot trucks, feeling, that they would carry their weight satisfactorily. But they did oppose the sixteen-foot axle length.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Noyes, to indefinitely postpone House Amendment A.

A viva voce vote being had House Amendment A was indefinitely postponed.

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

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary, on bill, An Act to Provide for the Approval of Degree-granting Institutions by the State Board of Education (S. P. 452) (L. D. 1146); tabled by that Senator on April 19 pending motion by Senator Palmer to substitute the bill for the Ought Not to Pass report.

Mr. HASKELL of Penobscot: Mr. President, I tabled the matter when earlier it might have been possible to find an area of compromise between the rather sound position of the Judiciary Committee and the thoroughly commendable objective of the Senator from Lincoln, Senator Palmer. Both positions are willing to yield but there does not seem to be any practical compromise that would accomplish any of the purposes set forth in the bill.

So, with the permission of the Senator from Lincoln, Senator Palmer, I now move that the bill be indefinitely postponed.

The motion prevailed.

Sent down for concurrence.

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

take from the table Resolve Proposing an Amendment to the Constitution Providing for Additional Signers for Direct Initiative of Legislation (H. P. 1114) (L. D. 694) tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its action of May 2nd whereby the bill as amended by Committee Amendment A and as further amended by Senate Amendment A was passed to be engrossed in non-concurrence; and on further motion by the same Senator the engrossing of Committee Amendment A was reconsidered and the amendment indefinitely postponed.

Thereupon the resolve was passed to be engrossed as amended by Senate Amendment A in concurrence.

Mr. BARNES of Aroostook: Mr. President, we are now getting into the hectic closing days of the session and in line with that I move to take from the table bill, An Act Amending the Maine Housing Authorities Act which according to the calendar was tabled on May 8th by Senator Brewer of Aroostook.

Thereupon, the Senate voted to take from the table Bill, An Act Amending the Maine Housing Authorities Act (H. P. 159) (L. D. 90), tabled by the Senator from Aroostook, Senator Barnes, on May 8th pending motion of the Senator from Penobscot, Senator Wight that Senate Amendment B be adopted, was taken from the table.

Mr. BARNES: Mr. President, I understand the pending question is on the adoption of Senate Amendment B proposed by the Senator from Penobscot, Senator Wight.

The PRESIDENT: The Senator is correct.

Mr. BARNES: Mr. President and members of the Senate, I oppose the amendment and I will state briefly the reasons for my opposition.

This amendment would strike out Section—I think it is Roman V on the bill—which permits a housing authority to enter into an agreement with a town or city where it

exists for the payment of certain sums in lieu of taxes. Now if the main act survives this is a very necessary amendment because it fits in with the federal bill that permits the federal government to advance money for the purpose of housing, and I won't burden the Senate with the arguments pro and con on federal housing. I simply remind the members of the Senate that the bill was passed two years ago and the bill that my friend the Senator from Penobscot, Senator Wight now seeks to amend was put into the legislature for the purpose of clarifying certain provisions of that bill to make it conform to the federal law.

If I understand him correctly—and I have to assume the reason why he put this amendment in—he believes the property of the housing authority should be taxed and he therefore seeks to strike out this particular paragraph that says the town or city may enter into an agreement with the housing authority to make certain payments in lieu of taxes, and to my mind that is a very proper provision. To illustrate, I will use the example of the Houlton Water Company which is owned by the town of Houlton and is a very good corporation. The last time the property of the Houlton Water Company was appraised it was appraised at around ten million dollars. Now if the town of Houlton should decide to tax the Houlton Water Company it would be taking money out of one pocket and putting it in the other. The Houlton Water Company pays dividends to the town of Houlton annually that range from ten to forty thousand dollars a year and if the town of Houlton decided to tax them they could probably get the same amount of money but wouldn't get any dividend.

Housing authorities, as I understand the law, and I had something to do with approving the bill two years ago, amounts practically to another department of the same town, and no town would want to levy a tax on its machinery and trucks and tractors or its highway department because it wouldn't make sense to take money out of one pocket and put it in another.

The rentals that accrue from this low cost housing go to pay back the federal government and eventually the town will own the property and therefore it is not proper to tax that property. It doesn't make sense and I therefore oppose the adoption of Senate Amendment B and hope the motion of my good friend the Senator from Penobscot, Senator Wight, does not prevail.

Mr. WIGHT of Penobscot: Mr. President and members of the Senate, two years ago when this bill was here I offered this amendment to delete this section which is now Section Five by this amendment and I understand the proponents of the bill agreed to it at that time.

My objection to this section is that it states that such property shall be exempt from all taxes. Someone must pay those taxes and it seems to me as though each one of these housing authorities, or any other organization that owns property in the town, should pay its share of the taxes. That is my only objection to the measure.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, we have a development of this nature in the City of Bangor. It was a development financed by the federal government to take care of the housing needs at Dow Field. I happen to have been one of the citizens' committee of three, as I remember it, who sat down with the federal authority and worked out that there would be a reasonable payment by the authority to the City of Bangor in lieu of taxes. The "in lieu" in this case came in because the land was owned by the federal government but frankly I was a little ashamed at the time at the amount of money they had readily agreed to pay the City of Bangor for services by the city, such as educating their youngsters and keeping their streets in repair, and other services. I don't mean to say that that is an indication of federal government policy. It is the only case I had direct experience with and that authority was certainly very reasonable in their attitude regarding payment for those services, and in that case they are still paying to the City of Bangor

an amount that is, I think, more than the taxes would be.

You may assume that that is only an isolated case but at least in that case they did recognize the need of the services and were willing to pay for them. Others may have had mad experience where they were not willing to pay but I believe on the whole they are very reasonable in working out such agreements and for that reason it seems to me that the opposition of the Senator from Aroostook, Senator Barnes, may be reasonable.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I haven't anything to add beyond what the Senator from Penobscot, Senator Haskell, has said except to say that in my community I have had a lot of experience with this very thing and the federal government has been more than liberal in so far as it applied to federal installations and of course if it reaches the point where the federal government goes out of the community the city will have control of the property, but as far as the federal government is concerned we haven't had any difficulty in getting from the federal government payment in lieu of taxes and I don't believe there is any danger of have property in the community which is not going to receive proper tax surveys, perhaps not under that name but by payment in lieu of taxes. I certainly felt that the amendment will be adopted.

Mr. KAVANAGH of Androscoggin: Mr. President and members of the Senate, I feel that if they do pay the same amount they would pay in taxes what is the opposition to putting in that they pay taxes? These communities have to furnish schools and other services and it seems to me that if they don't pay enough to pay for those services then the other tax payers of the city have to pay that much extra tax. I can't see any harm in putting in that amendment that they should pay taxes to these towns.

Mr. DENNETT of York: Mr. President and members of the Senate, I rather dislike to inject myself into this debate but I, too, have had considerable experience with the federal housing authority and I would remind the Senators that

this federal public housing authority is a superior body and I believe if they really wanted to press the point, they are exempt from taxation anyway and these payments, if they are not made in lieu of taxes are only a compromise. I do know that in the town of Kittery we assess the federal housing authority property on exactly the same basis that we assess the other property in the town and they pay their taxes on the same simply by making a payment in lieu of taxes. I can see no reason why the Senate shouldn't be willing to along with the Senator from Aroostook, Senator Barnes. I can see no need of adopting this amendment and I believe that if it comes down to a fine point you can't tax them anyway if they are federally owned.

Mr. BARNES: Mr. President, I certainly appreciate the help that has been offered here by members of the Senate who have had actual experience with these things. I have not had that experience but in answer to the question of the Senator from Androscoggin, Senator Kavanagh, I will say this: If this amendment is adopted it will have the effect of killing the housing authority bill in the State of Maine because this is a necessary clause in the law and it would not operate if this amendment were adopted so it is just an indirect way of killing the whole bill.

I was rather ashamed yesterday when I got up and went along with the amendment based on the belief that the amendment placed on the bill in the House restricted it to towns and cities that had made application—well, the amendment was January 1, 1951—and I went along with the amendment to change that to April 1, 1951.

So far as I know, there are three towns in the State of Maine which have sought to take advantage of this federal housing authority. One is Van Buren in my county and one is Norway in Oxford County and, recently the town of Fort Fairfield in Aroostook County voted to take this on. The effect of the amendment adopted yesterday limits the housing authority to those three towns. They want it, they have made application for it. This amendment will kill the whole bill

and I therefore strongly urge the members of the Senate to stand against the adoption of this Senate Amendment A.

Mrs. KAVANAGH of Lewiston: Mr. President, may I ask Senator Barnes how this would kill the bill if they had to pay taxes.

Mr. BARNES of Aroostook: Mr. President, I thought I had answered this question. This is one of the bills we passed here in the State of Maine to fit in with federal legislation and we have to conform to their thoughts in certain matters in order to be eligible for aid and if this Section 5, Roman numeral five, isn't in the bill, it will make it impossible for any town in the State of Maine to take advantage of the federal housing authority act.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, we have a housing authority in Presque Isle and all of these housing authorities seem to have their own standards of rules and regulations that they follow, but I do want to say that I concur whole heartedly with Senator Haskell of Penobscot and Senator Dennett of Kittery, that the payment in lieu of taxes has been very substantial and I would say that whenever we try to put through a housing bill or amend one already in existence, the first consideration we have to have is whether or not our laws conflict with the federal laws and in the event that they do, the federal laws supersedes the state law. I would be opposed to this amendment and I do feel it would have considerable bearing on different localities that now anticipate housing units.

A viva voce vote being had, Senate Amendment B was not adopted.

Thereupon, on motion by Mr. Barnes of Aroostook, the bill and accompanying papers were laid upon the table pending passage to be engrossed.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, we have a substantial calendar and quite a few controversial issues on it. It would seem that if any of these bills could come off the table this afternoon, it would be

well for us to recess until four o'clock. However, if there are none to come off the calendar this afternoon, we might as well adjourn until tomorrow. Before making my motion I would ask if anyone

has any matter to come off the table this afternoon?

On motion by Mr. Crosby of Franklin

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