

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fifth Legislature*

OF THE

STATE OF MAINE

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DAILY KENNEBEC JOURNAL  
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## SENATE

Thursday, May 17, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Hazen F. Rigby of Gardiner.

Journal of yesterday read and approved.

### From the House

Bill "An Act Providing for General Purpose Educational Aid to Cities, Towns, Plantations and Community School Districts." (S. P. 263) (L. D. 551)

(In Senate on May 8th, passed to be engrossed as amended by Committee Amendment "A" and as amended by Senate Amendment "A".)

Comes from the House, report "Ought to Pass as amended by Committee Amendment 'A,'" read and accepted, and the bill passed to be engrossed as amended by Committee Amendment "A", and by Senate Amendment "A" as amended by House Amendment "A" (Amendment Filing No. 424) thereto, and as amended by House Amendment "B" (Amendment Filing No. 436) in non-concurrence.

On motion by Mr. McKusick of Piscataquis, under suspension of the rules, the Senate voted to reconsider its action taken on May 8th whereby the bill as amended by Committee Amendment A and as amended by Senate Amendment A was passed to be engrossed; and further voted to reconsider its action whereby Senate Amendment A was adopted.

House Amendment to Senate Amendment A: "Amend said amendment by striking out the first paragraph thereof. Further amend said amendment by adding at the end thereof the following 'Further amend said bill by adding in the fifth paragraph of that part designated Section 201 after the underlined words 'School District' the underlined words and figures 'with a valuation of \$200,000 or less'."

Mrs. KAVANAGH: of Androscoggin: Mr. President and members of the Senate, this House Amendment A I do not think is a good amendment. It guarantees to the towns for two years the same

amount they received under the old plan whereas in the cities that have a valuation of \$200,000 receive only a small amount. The larger cities are penalized according to this plan and they are doubly penalized by House Amendment A, and I move that House Amendment A be indefinitely postponed.

Mr. McKUSICK of Piscataquis, Mr. President, it is true that this amendment provides for some of the little towns for the next two years. Those are the very small towns and the only thing I can say is that it does take somewhat from the cities, but I call your attention to the school tax rate in the cities. There are four that I have in mind. Biddeford had a school tax rate in 1950 of six and a fraction mills. Lewiston in 1950 had a tax rate of eight and a fraction mills. Bangor and Portland, I believe, had a tax rate of fifteen and sixteen and a fraction mills respectively. And when compared with the tax rates of those towns under \$200,000 valuation that is very low. So I hope the motion of the Senator from Androscoggin, Senator Kavanagh, will not prevail.

Mr. HASKELL of Cumberland: Mr. President and members of the Senate, I rise in opposition to the motion of the Senator from Piscataquis, Senator McKusick. I don't think my reasoning is comparable to that of the Senator from Androscoggin because I don't feel too badly about the larger cities. They can probably take care of themselves all right. But I think it is unfair in other ways. My objection is more basic than that.

When this bill was first introduced—it is my honest opinion in order to get votes—they provided that this ladder approach would prevail but they hitched the whole thing in by providing that no city or town would receive any money from that for four years. I think even the sponsors of the measure themselves recognized the fallacy of the proposition that if this new allocation is good why not allow the money the first year it goes into effect, so they provided an amendment which changed that to provide that the new allocation would prevail for only the next subsidization. I think that is reasonable and I think they are right and

sound in carrying that through for the next year. Now, when it appears that some 159 communities in the state are going to be penalized by the operation of this new subsidy law they go back to their first, and what I think is an erroneous concept and they say, "We don't want to hurt the small towns so we will carry them forward a couple of years."

Now let's visualize what happens two years from now. The sponsor says, "These small towns will have an opportunity to get their finances in order so we can again take it away from them." Personally, I think there may be an effort to get that up to three or four hundred thousand so let's face the thing. If this is right, why offer as a sop the continuation of the existing subsidy beyond this one year and why, if it is good, should you compound a felony, if the existing statutes are wrong, by continuing for another year?

I agree with everything said in the original debate and these laws are difficult but instead of having one point to create inequities, now you have eight. You are offering an incentive to do these things to get more money from the state. Let us take a community that is raising \$75,000 for educational purposes. Let us say that town has a valuation of a million dollars and let us say it falls in the 45% bracket. By doing some of these things that can be done they can get a thousand or two thousand dollars taken off their state valuation and they pick up another \$7,500.

They have pointed out the inequities accruing to Chelsea under the equalization law. I submit that inequities can be presented to a hundred communities where each of them will be within one student or within a thousand dollars of valuation of stepping up to the next bracket, and that will be a catastrophe to the education people who say there is something wrong with this. Just think, if the town of Orrington had two more students they would get another \$7,500.

I am speaking to the amendment and my argument basically is that I don't like the idea of handing out this incentive to a few

towns. I think it is wrong. As a means of getting votes I can commend it but as far as the principle of doing the right thing, I don't think they are on the right track.

Mrs. KAVANAGH of Androscoggin: Mr. President and members of the Senate, I believe that some of the members of the House talked with Mr. Hoyt who is chairman of the Education Committee and he said he had no idea such an amendment was to be put on this bill.

Mr. McKUSICK of Piscataquis: Mr. President and members of the Senate, I think you may remember that this amendment was not the amendment I offered. It is the amendment offered in the House and while I might not be entirely in sympathy with it I feel we must concede something to the thinking of other people and that is my only reason for supporting it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Kavanagh, that House Amendment A to Senate Amendment A be indefinitely postponed.

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

Thereupon, House Amendment B to the bill was read and indefinitely postponed, and Senate Amendment A was adopted.

Mr. McKUSICK: Mr. President and members of the Senate, I offer Senate Amendment B and call attention that this does not change in any way the content of the bill. It does change the wording in order to make it more clear.

The Secretary Read Senate Amendment A to L. D. 551: "Amend said bill by striking out the second paragraph from the end of that part designated 'Section 201 thereof' and inserting in place thereof the underlined paragraph 'It is the intent of the legislature that the formula contained in this section shall serve as a guide for the allocation of such appropriations as may be made by successive legislatures with respect to this school subsidy payment and it is not the intent of the legislature to guarantee to the several cities and towns any more or any less

than the sum total so appropriated'. Further amend said bill by striking out the underlined 'inadequate or' which precede the last words of the 8th paragraph thereof."

Senate Amendment B was adopted and the bill was adopted to be engrossed as amended by Committee Amendment A, Senate Amendment A and Senate Amendment B in non-concurrence.

Sent down for concurrence.

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

(In Senate, on May 18th, passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.)

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

On motion by Mr. Allen of Cumberland the bill and accompanying papers were laid upon the table until later in today's session consideration.

"Resolve in Favor of George S. Bradbury, of West Franklin." (H. P. 1433) (L. D. 1090)

(Senate, on May 15th, the Ought Not to Pass report was accepted in non-concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "A" (Amendment Filing No. 446) read and adopted, and the bill as so amended was passed to be engrossed in non-concurrence.

Mr. NOYES of Hancock: Mr. President, I move the Senate recede and concur with the House.

The Secretary read House Amendment A.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I do not think we need this amendment. It is merely an addition or an amendment to the bill as to where the funds come from and whatever debate we had the other day would, I suppose, still hold true.

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

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Hancock, Senator Noyes, that the Senate recede and concur with the House in the adoption of House Amendment A and that Senator has requested a division.

A division of the Senate was had. Fourteen having voted in the affirmative and fourteen opposed the motion to recede and concur did not prevail.

Mr. BARNES of Aroostook: Mr. President, I move we adhere.

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

A division of the Senate was had.

Ten having voted in the affirmative and eighteen opposed

The motion to adhere did not prevail.

Thereupon, on motion of Mr. Ela of Somerset the Senate voted to insist and ask for a committee of conference.

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

(In Senate, on May 8th, passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House Amendment A (Amendment Filing No. 451) in non-concurrence.

In the Senate, under suspension of the rules, engrossing was reconsidered, House Amendment A was read and adopted in concurrence and on motion of Mr. Ward of Penobscot the bill was passed to be engrossed as amended by House Amendment A.

Resolve, Providing for the Payment of Certain Pauper Claims (S. P. 581) (L. D. 1388)

In Senate, on May 15th, passed to be engrossed.)

Comes from the House the report read and accepted and the resolve passed to be engrossed as amended by House Amendment A (Amendment Filing No. 447) in non-concurrence.

In the Senate, under suspension of the rules, engrossing was reconsidered, House Amendment A was read and adopted in concurrence and on motion by Mr. Weeks of Cumberland the bill was passed to be engrossed as amended by House Amendment A.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide Partial Cutting Adjacent to Roadsides," (H. P. 1642) (L. D. 1206) reported that they are unable to agree.

Which report was read and accepted in concurrence.

The Committee on Natural Resources on Bill "An Act Relating to Water Pollution," (H. P. 937) (L. D. 535) reported the same in a new draft (H. P. 1817) (L. D. 1397) under the same title and that it ought to pass.

Which report was read and accepted, the bill in new draft read once, and under suspension of the rules, read a second time and passed to be engaged in concurrence.

The Committee on Claims on House Resolves included in Consolidated Resolve (S. P. 580) (L. D. 1387)

"Resolve Providing for the Payment of Certain Damages caused by Protected Wild Animals,":

H. P. 13, Resolve in Favor of Ralph Cooper, of Buckfield.

H. P. 111, Resolve in Favor of Clyde E. Gould, of East Livermore.

H. P. 182, Resolve in Favor of Lyle T. Fernald, of Troy.

H. P. 220, Resolve in Favor of Clinton J. Abbott, of Kingfield.

H. P. 258, Resolve in Favor of Cecil Packard, of Unity.

H. P. 259, Resolve in Favor of Kendall Hodgdon, of Blue Hill.

H. P. 260, Resolve in Favor of Elwood N. Grant, of Brewer.

H. P. 261, Resolve in Favor of Don C. Herrick, of Harmony.

H. P. 266, Resolve in Favor of Roy Stanley, of Salisbury Cove.

H. P. 267, Resolve in Favor of Benjamin H. Gowen, of South Portland.

H. P. 375, Resolve in Favor of Waldo F. Weston of Dexter.

H. P. 452, Resolve in Favor of Albion E. Rowe, of Brewer.

H. P. 454, Resolve in Favor of Oscar Hadley, of Bristol.

H. P. 680, Resolve in Favor of Eugene Dumont, of Berwick.

H. P. 681, Resolve in Favor of Mrs. Gertrude Durgin, of Skowhegan.

H. P. 682, Resolve in Favor of Fern P. Corson, of Skowhegan.

H. P. 877, Resolve in Favor of Peter P. Testa, of Waterville.

H. P. 1075, Resolve in Favor of Raymond Jackson, of Waldoboro.

H. P. 1196, Resolve in Favor of Mrs. Henry Peterson, of Norridgewock.

H. P. 1301, Resolve in Favor of Charles (Lucien) Levesque, of Auburn.

H. P. 1302, Resolve in Favor of Elwood N. (James) Grant, of Brewer.

H. P. 1362, Resolve in Favor of Dr. Arnold W. Moore, of Augusta.

H. P. 1468, Resolve in Favor of Lyle E. Smith, of Salisbury Cove.

H. P. 1516, Resolve in Favor of Claude Boyington, of Prentiss Plt.

H. P. 1566, Resolve in Favor of Verne Kimball, of Berwick.

H. P. 1600, Resolve in Favor of Harlan Witham, of Lewiston.

reported that the same ought to pass.

Which report was read and accepted, and ordered filed together with (S. P. 580) (L. D. 1387) with the Secretary of State, in concurrence.

The Committee on Claims on House Resolves included in Consolidated Resolve (S. P. 581) (L. D. 1388) "Resolve Providing for the Payment of Certain Pauper Claims,":

H. P. 70 Resolve to Reimburse the Town of Oakland for Support of George Bush.

H. P. 110, Resolve in Favor of Donald Currie of South Portland.

H. P. 113, Resolve in Favor of Harold E. Cash, of Scarboro.

H. P. 114, Resolve to Reimburse the Town of Westport for hospitalization of Maryon Boothby.

H. P. 181, Resolve in Favor of the Town of Whiting.

H. P. 263, Resolve to Reimburse the Town of North Yarmouth for support of Marion Edna Polk.

H. P. 264, Resolve to Reimburse the Town of Columbia for hospitalization and support of Albert B. Reynolds.

H. P. 265, Resolve in Favor of Edith J. Patten, of Augusta.

H. P. 268, Resolve in Favor of Knowlton & Hewins, of Hallowell.

H. P. 451, Resolve in Favor of the Town of Sherman Mills.

H. P. 455, Resolve in Favor of the Town of West Gardiner.

H. P. 575, Resolve to Reimburse the Town of Harpswell.

H. P. 576, Resolve to Reimburse the Town of Pittston for Support and Medical Aid Extended to Certain Families.

H. P. 576, Resolve to Reimburse the Town of Roxbury for Support and Medical Care of Certain Families.

H. P. 809, Resolve Reimbursing the Town of South Berwick for Transportation of School Children.

H. P. 812, Resolve in Favor of Dr. J. H. Smyth, of Edmundston, N. B.

H. P. 813, Resolve to Reimburse the Town of St. Agatha for Support of Francis Cyr, of St. Agatha.

H. P. 878, Resolve to Reimburse the Town of Pittston for Support and Care of Robert Calnan, otherwise known as Robert Callman.

H. P. 879, Resolve to Reimburse the Town of Dexter for Support Furnished to Henry Edward Hamilton.

H. P. 960, Resolve to Reimburse the Town of Caribou for Burial Expenses of Old Age Recipients.

H. P. 961, Resolve to Reimburse the Cary Memorial Hospital for Hospitalization of State Paupers.

H. P. 962, Resolve in Favor of Sister's Hospital.

H. P. 964, Resolve to Reimburse Wallagrass Plantation for Burial Expenses of Patrick Lamare.

H. P. 1195, Resolve in Favor of Saco Hospital Inc., for Hospitalization, Support and Care of Miss Anne Lesso.

H. P. 1404, Resolve Reimbursing the Town of Camden for Burial Expenses for Harriet May Fish.

H. P. 1467, Resolve Reimbursing City of Ellsworth for Pauper Supplies.

H. P. 1469, Resolve Reimbursing the City of Bangor for Burial Expenses for Certain Old Age Recipients.

H. P. 1518, Resolve Reimbursing the Town of Solon for Certain Hospital Expenses.

H. P. 1520, Resolve Reimbursing the Town of Clinton for Support of the family of Frank S. Smith.

H. P. 1522, Resolve Reimbursing the Town of Litchfield for Burial Expenses of Herbert Thurston.

H. P. 1561, Resolve Reimbursing Dean E. Wheeler & Son, Undertakers, of Oakland, for Burial Expenses for Elmer E. Ellis.

H. P. 1562, Resolve to Reimburse the Town of Crystal for Pauper Supplies.

H. P. 1568, Resolve Reimbursing the Town of Madrid for Burial Expenses of Dave Bussiel.

H. P. 1605, Resolve Reimbursing the Town of Albion for Burial Expenses for Charles B. Denanco, of Unity.

H. P. 1606, Resolve Reimbursing Stanley Bros. of Kezar Falls for Burial Expenses for George Day of Porter.

H. P. 1607, Resolve Reimbursing Stanley Bros. of Kezar Falls for Burial Expenses for Herman J. Pike of Parsonsfield.

H. P. 1608, Resolve Reimbursing Town of Roxbury for Aid Granted to Certain Persons.

On motion by Mr. Crosby of Franklin, it was

**ORDERED**, the House concurring, that there be prepared under the direction of the Clerk of the House, a register of bills and resolves considered by both branches of the Legislature showing the history and final disposition of each bill and resolve, and that there be printed 500 copies of the same; that the Clerk of the House is hereby authorized to employ the necessary clerical assistance to prepare such a register; that one copy of the register shall be mailed to each member of the legislature and each officer of the House and Senate; that each officer and member shall be supplied with a copy and 25 copies shall be delivered to the state library.

#### Senate Committee Reports

Mr. Crosby from the Committee on Highways on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1952, and June 30, 1953," (S. P. 47) (L. D. 57) reported the same in a new draft (S. P. 594) under the same title, and that it ought to pass.

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

Mr. Leavitt from the Committee on Appropriations and Financial Affairs on "Resolve Providing for Indexing and Filing Old Probate Records," (S. P. 513) (L. D. 1232) reported that the same ought to pass.

Which report was read and accepted and the resolve read once; under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

### Enactors

Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports." (H. P. 206) (L. D. 128)

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)

Bill "An Act Relating to East Limington Improvement Society." (H. P. 740) (L. D. 437)

Bill "An Act to Include World War I Veterans in Maine State Retirement System." (H. P. 783) (L. D. 464)

Bill "An Act Relating to Appointment of Administrators With the Will Annexed." (H. P. 925) (L. D. 527)

Bill "An Act Relating to the Salary of the Register of Probate in Penobscot County." (H. P. 940) (L. D. 545)

Bill "An Act Relating to Liens for Payment of Assessments on Real Estate." (H. P. 1619) (L. D. 1179)

Bill "An Act Relating to Weight of Commercial Vehicles." (H. P. 1646) (L. D. 1209)

"Resolve Designating New Bridge in Augusta as Augusta Memorial Bridge." (H. P. 1801)

"Resolve Authorizing a Reclassification of Highways." (H. P. 1780) (L. D. 1318)

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

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

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 Use of Joint Fund for State Aid Road Construction." (S. P. 320) (L. D. 726)

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

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

Bill "An Act Relating to Open Season for Hunting Deer with Bow and Arrow." (S. P. 561) (L. D. 1348)

"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)

Bill "An Act Relating to Automobile Travel by State Employees." (H. P. 791) (L. D. 471)

Bill "An Act Establishing a Tri-State Authority to Enable the Collective Construction of Operation of Institutions in Maine, New Hampshire and Vermont." (H. P. 928) (L. D. 541)

(On motion by Mr. Brewer of Aroostook, tabled pending passage to be enacted until later in today's session.)

Bill "An Act Relating to Salary of Justices of the Supreme Judicial and Superior Courts." (H. P. 1657) (L. D. 1229)

"Resolve, in Favor of Christian M. Jensen of Westbrook." (H. P. 11) (L. D. 1321)

"Resolve, in Favor of Oscar Pinette, of Portland." (H. P. 12) (L. D. 1322)

"Resolve, in Favor of Jackman Plantation." (H. P. 38) (L. D. 1323)

"Resolve, in Favor of the Town of Warren," (H. P. 810) (L. D. 1326)

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

"Resolve, in Favor of Carrie M. Longfellow, of Machias." (H. P. 1015) (L. D. 1344)

"Resolve, Providing for State Pension for Mrs. Minnie Fenderson, of Saco." (H. P. 1455) (L. D. 1343)

"Resolve, to Compensate Edwin Blanche of Augusta for Personal Injuries." (H. P. 1521) (L. D. 1330)



"Resolve, in Favor of Helen G. McShea, of Fort Fairfield." (H. P. 1585) (L. D. 1157)

"Resolve, Granting a Pension to James E. Harvey of Readfield." (H. P. 1785) (L. D. 1342)

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

#### Bond Authorization Measure

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Twenty-Seven Million Dollars on Behalf of the State of Maine for the purpose of Building State Highways." (S. P. 564) (L. D. 1357)

Mr. ELA of Somerset: Mr. President, I would like to make a few remarks on this measure. It seems ridiculous to me to think that a matter involving \$27,000,000.00 should pass this Senate without thorough consideration. Roads which we build in the State of Maine must be finally paid for. You can put off the day but sooner or later you do pay for the road. If you pay for them as you go, you don't pay interest. We have built roads in the past and then have paid for them again in interest. In many, many cases, before we finally paid for the road, the bonds were still in existence.

It is an extremely bad time in a period of high prices and a period of boom to make extra capital investments. We will build, if we pass this bond issue, many roads on the top of the market. It is very probable that we will pay for them when dollars are dear. I think probably some of you senators in this room have had experience in the past of borrowing money when things looked rosy and then having to liquidate your loan during periods of depression. I am telling you it comes hard. It is just as true for the state as it is for a person.

I was very pleased to notice that a long-range program is suggested and I have read it. I agree with a great deal of what is in that long-range program. But a great proportion of the long-range program could probably be used under a pay-as-you-go system. Some of the long-range program is not quite fair to all of the mileage in the state. If we had reclassified our

roads as we proposed to do with legislation we passed today and then brought out a program based on the reclassified roads, I would be more thoroughly in agreement with it but we do have now many miles of state-aid roads which are bearing huge tonnages far in excess of that of some of the state roads. In the long-range program, as I remember it, there is no provision for a construction out of bond issue money for that type of road. The statement has been made that we will save enough in maintenance to carry the bond load. I can't agree with that.

We have seen millions and millions of dollars spent for roads and the maintenance goes on and on. You can pick out particular sections and prove on that section that maintenance costs are low for a period after it is built. But note, too, that if you build now with bonds, at the period of time when you are to pay off your bonds in the period when you won't have much of any money for new construction, that will be exactly the period when this present construction will be calling for its heaviest maintenance. You will compound your troubles many times. It looks to me instead of a long-range affair—I am not speaking of the department's program, but I am speaking of the bond issue method—it doesn't look to me really fair. It looks to me like a pretty selfish plan. We get ours now at the expense of the citizens of the state. We are going to scrape the barrel bare of money, taxed and borrowed, and let the next decade fumble around with their troubles.

Now I am one that believes that while our roads certainly leave much to be desired, I am one to believe that the roads are getting better. You certainly aren't fair with yourself if you travel around winter, spring, summer and fall if you don't admit that we are on the gain. Bond money is easy money. That has been proven over and over and over again. The same care and prudence is never used when you are spending borrowed money as it is when you are spending earned money.

Times change. Traffic changes. We have engineering changes. We

see many, many instances of where we built roads which we thought were proper and adequate out of the last bond issue that we bypass today. We see bridges, relics of lack of foresight in engineering, probably, that are abandoned.

Now, it is probably true that some of the roads that we are building now will be in that category. The last word hasn't been spoken on engineering research or highway research—the effect of loads on roads, the effect of frost, the use of different materials.

If you are spending current income, you take advantage of those changes as they occur and you are using them. If you build your roads in a hurry-up program, during the pay-up period when you could use that research, your money is gone.

Those are some of the reasons why I shall not vote for the passage of this bill.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, I want to rise in opposition to this bond issue because I do not want the State of Maine to be found in the same position as some other states in our union where their children and their children's children will be paying not only on this principal but on the interest of these bonds for years and years to come.

Mr. PALMER of Lincoln: Mr. President and members of the Senate, the Senator from Somerset, Senator Ela in opening his remarks in opposition to this bill mentioned that he thought some things should be sent and that this should be thoroughly considered before the Senate votes.

I will say this morning that I believe this program of bonding and the remainder of the program which goes with it has been thoroughly considered many, many times, by the legislature, by the Research Committee and by the citizens of the State of Maine. I think it can be said that today we must more than ever before plan for the future in our highway program.

I am not going to take the time this morning to reiterate the things which I mentioned when these bills came back from committee. But suffice it to say that we have reached a point where we cannot

face these issues squarely with the present program. The pay-as-you-go program has failed utterly to give Maine the roads which it needs. We have seen over and over again in other states throughout the union and we have heard over and over again from those who really know in matters concerning highway planning that now is the time when all states must plan four, eight, six and even ten years ahead.

Contrary to the argument of the Senator from Somerset, I would say that this is just the time when Maine must consider such a program. Our interest rates are much lower than they were in the other bond issues which he mentioned and with the defense issue facing each one of us squarely as it does today, it behoves us all to consider our highway network throughout the United States. The argument that we get ours now and let the other fellows worry about the future is not to me a sound argument. Those who come ten and twenty years from now won't have any roads to worry about for we are consistently going behind. Year after year, more and more miles of road are becoming deficient throughout our state.

I think an adequate program was needed this year. For years the legislature has been trying for some kind of a program that would project itself into the future. Now, we have such a program and we have enacted this morning two or three other measures which go along with this bond issue to make it a desirable program and to my way of thinking the most constructive program which we have had in our highway system in Maine for years. To me, this legislature can do a great service to the citizens of Maine by passing this bond issue, along with the other enactors on this morning's calendar to assure us of some kind of highway planning which we have never had before for the future.

This is not a bad time to consider such a program and I think we have to take into consideration the fact that we are not going to take this twenty-seven million, along with what the department has and suddenly in one or two years

build all of these highways. It is a program designed to carry itself over a period of years and certainly as changing conditions come, this program can be changed to meet those needs. It is a carefully thought out, well designed program to give Maine an adequate highway system.

I shall not extend my remarks further than that because I think we did thoroughly consider this measure and the other measures with it at the time these reports came back from the committee on highways. To me, it is a step in the right direction, a beneficial step, and one which Maine should have taken years before.

I will in closing reiterate one thing which I think is very important and that is that we did pass through not so many years ago a World War period during which we could have no construction whatsoever and during that period we suffered in our road building program. In addition to that our traffic has increased tremendously and those factors alone dictate to us the possibility and the essentialness of a program of this type. And so, Mr. President and members of the Senate, I hope that this bill passes this morning providing this program for Maine.

Mr. ELA of Somerset: Mr. President, I would like to mention one or two things to sum up. In the first place, I think a long-range program is thoroughly commendable. I think there is a great deal of merit in the other two bills which you passed to be enacted this morning and I have no complaint whatsoever about a long-range program. I think it is proper and I think it is right. I do object to the bond issue approach.

Now, we have had these bond issues before the last three legislatures. Consequently, the legislatures of the past have believed in pay-as-you go. I would not say that in the present year our indicated receipts will reach twenty million dollars. In the program as set up, the indicated receipts, if I read the budget correctly, only showed a little over \$18,000,000.00. In other words, there is nearly \$2,000,000.00 more than

the long-range program indicated we would get.

I am not going to bring up the point that the federal government wishes states not now to go into debt because I realize that this program extends over a long period of time. But still, you should consider that work done now in a boom period when labor is scarce, and when materials are scarce can be frightfully expensive. A road program, a normal road program, from year to year is of considerable help to the economy of Maine.

People need and depend upon work. That is a major source of work for many of our citizens. Now in this boom-bust program — and that is what it is—you are expanding the department. You are putting in a lot of new engineers. You will rush this thing along. And then during the depression period, if there ever is another one — I hope there never is—but if there is one, your dollars will be gone. You will be on a strictly maintenance basis until you pay up or until you follow the dizzy cycle of higher and higher debt.

Debt has its faults and I think they are serious faults. If we had no income from our highway system from gas taxes and registrations as was the case in the early days, there would be justification for this. But we have a highway system. We are gradually making it better. We can normally increase that under a long-range program and under pay-as-you-go.

It is fallacious to believe that if we can't conduct a highway system now under a period of prosperity, how under the sun are you ever going to conduct it during a period of poor business. In view of the many considerations which indicate to me that bonds in a period such as this are not the way to handle the program, I hope this resolve won't pass.

I might mention that I think possibly some of the desired results of the long-range program was to put in front of every senator and every representative the bait of a little road project in his own town which looked mighty attractive. I hope that wasn't the purpose of it. But when I see in there roads built only a few years ago to be reconstruct-

ed, it appals me to think what would happen if we now spend all of the money which might be available for the next twenty years during an accelerated period of seven or eight years. What then would be our predicament fifteen years from now?

Mr. PALMER of Lincoln: Mr. President, if we are going to project our ideas in the future to here this morning try to decide what the economic conditions of this country are going to be, I would like to say just a few more words regarding this program.

I think it is fallacious to say that we are going to be building in a boom period when we actually do not know we are going to be building in a boom period.

In the first instance, this program can not go into effect this year nor probably next. And the best estimates which I have been able to read in my papers and magazines is that the defense program that we are building for could quite conceivably reach its height in 1952 and begin to wane in 1953 provided we have no third World War. That is one thing on which we, as Senators, will have to use our own individual judgment. But the best estimates which I have seen say that in 1952 we reach the height and in 1953 we begin to wane. That is precisely when this program would begin to go into effect and if we are to follow the Senator's reasoning that a road program will give good employment in the State of Maine and help us out in that respect, this program would begin at exactly the period when it should begin when the defense orders have been filled and when we have reached our quotas as asked for by the federal government.

So I think that we can dispel that argument because such a program as this could not begin until that time had arrived.

The Senator did not want to mention the fact that the government was discouraging borrowing but since he did mention it, I would say this: Since the statement made by mobilizer Wilson came to the forefront some days ago, I have checked with those who seemingly should know and the recollection which I have is that they did not

in any way mean by that that they wanted to discourage road building throughout the United States. Certainly that is not foreseeable. We are asked to expand our airports, especially here in Maine, and throughout the country. And we know that in time of war one of the greatest advantages a country can have is a suitable network of highways.

It is inconceivable that our federal government is trying to discourage that very thing while building up the defenses of this country.

And the third thing I would take issue with is the fact that the roads are getting better. It doesn't seem to me that the roads are getting better today when fifty-three per cent of the highly traveled roads of Maine, the roads which bear eighty per cent of all the travel we have, that fifty-three per cent of those roads are deficient and that each year those roads are becoming more deficient. It doesn't seem to me that the pay-as-you-go program is taking care of the highway needs.

Taking these things all into consideration—the deficiencies of our highways, the importance of highways, especially to Maine's economy where we do have a terrific amount of farming in northern Maine which requires a lot of travel over the highways by heavy motor vehicles, and where we have such a terrific summer business as we do have and which means so much to our livelihood, how can we meet this problem which has confronted us for so long and which we have not been able to solve? And if our money is coming to such a great extent as the Senator says it is, why is it at the present time that we are behind and not even matching the amount of federal money which is allocated to us?

The argument that the opponents do not believe that the saving in maintenance will pay for the interest, I believe I took up when this bill came back from committee and made the statement that I, too, agreed that it wouldn't do it if present mileages were increased. And your report by the highway committee says the same thing and that is precisely why three other bills were drawn and were enacted this morning to try to hold those

things in line to prevent that terrific increase in mileage which together with the bond issue will reduce the maintenance costs.

Once again may I say that this increase in maintenance cost, too, rests in the lap of this legislature and other legislatures to come. Because those increases in maintenance over and over again have been caused by our own action in passing on town responsibilities to the state. I enumerated those things several weeks ago and all that we have to do is look at the highway appropriation bill over the past ten to fifteen years and we will find that is true that we, ourselves, have caused that.

We have here this morning enacted three bills which are going to do much to correct that situation. This rests in our laps and the laps of succeeding legislatures.

It seems to me that these arguments do not stand in view of the fact that our roads year by year are going back and becoming more deficient. Too, in two or three years, we may expect a period economically in this country when we shall be very pleased, indeed, that such a program as this has been put into effect and will provide employment to the citizens of Maine and I hope the bill receives enactment.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, I rise in support of the passage of this bond resolve. I think that the able remarks of the Senator from Lincoln, Senator Palmer, have presented the picture of the highway needs far better than I could do. But I think there are two things that we must consider. What are the needs of our highway system? What is its present condition and how can we best carry on with a program that will correct the condition and be for the best welfare of the State of Maine?

I believe that the passage of the bond resolve is a means to that end. In this day of modern transportation on, we must have an adequate highway system. And at the present time, I don't believe that we have that system. And I think that we must look forward to the future with some faith and some realization that the needs are going

to continue to be great and that the roads that we have must be kept in condition so as to meet the transportation needs of this state. It has been mentioned that the impact of the bond issues might have an inflationary effect. But as Senator Palmer pointed out, this program won't be effective for some years. If we don't pass this resolve now, we will have to consider the thing two years hence and the condition of our roads will be that much poorer at that time.

The impact of all of the bond issues will be carried out over a period of time and I feel that the inflationary effect in that respect would be negligible. We all realize that we haven't too much population to support the amount of mileage that we have in this state and I think that this bond issue provides a means through the accelerated program which has been so well presented by the highway department that we will have better roads in the future.

I certainly hope that the members of the Senate will feel that in the interests of the state, they are doing a worthwhile service if they pass this bond issue.

Mr. BOYKER of Oxford: Mr. President, in order to allay the fears of the Senator from Lincoln, Senator Palmer, as to the tourists coming into our state and being dissatisfied with our roads, I would like to say this. My hotel in Bethel is near the New Hampshire line where many of our tourists enter this state and in speaking with these tourists for several years back, and especially during 1950, as to the condition of our roads, more than ninety percent of all tourists that come to my hotel have said, "We are satisfied with your roads. You have good roads in the State of Maine."

Mr. PALMER of Lincoln: Mr. President, I just don't want to let that statement go unchallenged even though I hesitate to rise again. I would simply like to say that the assistant manager of the hotel in Senator Boyker's town has been very insistent over the period of the past two or three weeks in coming to me and recommending this program for the benefit of the State of Maine tourist trade. I

mention that because it is so closely related to his statement.

Mr. BOYKER: That relates to the Bethel Inn where they take only those tourists who are millionaires, and retired people. I have worked at that hotel for seven years as night clerk and watchman and they are not the ones who travel the roads of the State of Maine.

Thereupon, this being an emergency measure,

A division of the Senate was had.

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

Resolve Authorizing the Maine Public Utilities Commission to Set Out and Maintain Buoys on Sebago Lake (H. P. 1590) (L. D. 1162)

Which resolve being an emergency measure and having received the affirmative vote of 29 members of the Senate and none opposed was finally passed.

Mr. CHRISTENSEN of Washington: Mr. President, I would like to table L. D. 1209 until later in the day.

The PRESIDENT: The bill has passed to be enacted. Is it the Senator's wish to reconsider?

Mr. CHRISTENSEN: Mr. President I would like to reconsider our action on a bill Relating to the Weight of Commercial Vehicles.

The motion prevailed, and the Senate voted to reconsider its former action on bill, An Act Relating to Weight of Commercial Vehicles (H. P. 1646) (L. D. 1209) whereby the bill was passed to be enacted; and on further motion by the same Senator, the bill was laid upon the table pending passage to be enacted.

The PRESIDENT: At this time the Chair will appoint Senate members of the Committee of Conference on the disagreeing action of the two branches with relation to An Act Relating to Trespassing on Commercial or Residential Property: Senators Barnes of Aroostook, Haskell of Cumberland and Ward of Penobscot.

With relation to Resolve in Favor of George S. Bradbury of West Franklin, the Chair will appoint Senators Barnes of Aroostook, Has-

kell of Cumberland and Fuller of Oxford.

The Chair laid before the Senate the first tabled and especially assigned matter being Senate Reports from the Committee on Judiciary on recommitted bill An Act Relating to Liens on Insurance Policies for Hospitals (S. P. 33) (L. D. 18; Report A Ought to Pass in a Second New Draft (S. P. 584) Report B "Ought Not to Pass"; tabled on May 16 by the Senator from Penobscot, Senator Haskell pending motion by Senator Barnes of Aroostook to indefinitely postpone the bill.

Mr. Barnes of Aroostook was granted permission to withdraw his motion to indefinitely postpone the bill.

Mr. NOYES of Hancock: Mr. President, I move that the Senate reconsider its action of yesterday whereby it failed to accept the "Ought to Pass" report.

Thereupon, on motion by Mr. Ward of Penobscot, the bill was laid upon the table pending motion by Senator Noyes to reconsider former action whereby the Senate failed to accept the Ought to Pass report.

On motion by Mr. Allen of Cumberland, 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 earlier in today's session pending consideration; and on further motion by the same Senator, the Senate voted to recede from its former action and concur with the House in the engrossment of the bill as amended by Senate Amendment B with House Amendment A thereto.

On motion by Mr. Boyker of Oxford, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Claims on Resolve in Favor of the Town of Bethel (H. P. 807); tabled by that Senator on May 9 pending acceptance of the report.

Mr. BOYKER of Oxford: Mr. President, I now move to substitute the bill for the report, with this explanation. The Town of Bethel

is situated in the center of a group of towns, which include the unorganized towns of Albany and Mason. In Bethel we have the only fire apparatus in a radius of fifteen miles from the town of Bethel. We take care of the fire hazards in these several towns. In October of last year, we were called to come to the town of Albany and the call came from the home of the state agent. We went and helped to extinguish that fire which was a building fire at an expense of \$150 and this bill asks the state to reimburse the town for that amount. I have gone over this matter with some of the members of the attorney general's office and other departments and we went over very extensively the laws on our statute books concerning fire bills. The conclusion was that under these circumstances the state of Maine should be responsible for this bill. I hope that my motion will prevail.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, when Senator Boyker speaks of the moral responsibility I suppose he means just that. There obviously is no legal responsibility. As to the question of whether or not the taxpayers of his town shall be recompensed for the expenses they incurred in going to the assistance of the adjoining locality. There have been several similar bills presented to the Claims Committee involving small amounts, and after serious consideration, the Claims Committee decided that if the burden were left in each case where it was, certainly justice would be done by all. If this bill were passed, I think in all fairness a great number of other bills involving other communities should be reconsidered.

Also the Claims Committee considered the fact of a precedent which would be established. I have sympathy for Senator Boyker's community and also I am sympathetic with many other communities, but under the circumstances, we felt that it was better for all concerned that each community bear its own burden. Therefore I hope that the motion to substitute will not prevail.

Mr. BOYKER: Mr. President, the town of Bethel is assured by the towns who called for their fire

apparatus that we will get our pay. We are very sure when these things happen to find out who did the calling and this call came from the home of the agent of the state. We certainly should be repaid.

The motion to substitute did not prevail, and on motion by Mr. Weeks of Cumberland, the Ought Not to Pass report was accepted in concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Claims on Resolve in Favor of the C. C. Smith Company, Inc. (S. P. 475) tabled by that Senator on May 4 pending acceptance of the report.

Mr. REID of Kennebec: Mr. President, some time ago the state built a new highway from Monmouth to Winthrop. The contractor was the C. C. Smith company. In order to build that highway he used some very heavy equipment. This resolve is that the State of Maine pay him back a use fuel tax which he paid inadvertently to the state. The money involved in this resolve is the money he paid the State of Maine on diesel oil used for heavy equipment on the job. It doesn't involve money he paid, for using the highways of the State of Maine. It has always been my opinion at least that the gas tax and use fuel tax is a special tax paid by people who are using or abusing the highways. This heavy equipment was used to build a road. He was not using the equipment over the highway, he was using it to bulldoze through the woods to build the road. It doesn't involve any taxes that he paid to use the highway. Two former attorney generals have ruled that inasmuch as the state had laid out the highway before he started to clear the way, that he was using the highway and therefore he should pay the tax. This, of course, was a technical position. He used the way, but there was no road, no highway there for him to use. I think it is unfair and that he should be repaid the tax he paid. I know that the committee went along with the rulings, which as I said, I believe were quite technical, just because the

highway was laid out, although not built. I don't think that is the purpose for which the law was passed. Therefore, I move that the resolve be substituted for the Ought Not to Pass report of the committee.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, Senator Reid has made a very clear explanation of this situation, leaving very little for me to say. The resolve was presented to the last legislature and not passed. As he says, and I too, believe that the last legislature's position was based upon the decisions of the former attorney generals. The position is somewhat of a tenuous one and there is considerable merit in what he says.

The ruling was that in spite of the fact that it was a new road under construction, it was nevertheless a public highway and when he used this vehicle, he was using a public highway, even though that highway was in the process of construction. I have considerable sympathy for the position of Senator Reid, but in view of the rulings which were made and the fact that the last legislature turned it down, the committee felt compelled to go along with an ought not to pass report.

Mr. REID: Mr. President, I had no intention whatever of criticizing the committee but I do not think that it takes a lawyer to understand my position in this matter, that the purpose for which the law was passed, was not to tax people who were building our highways. There was no highway. This man was building it and it is a matter of common sense, with no blame whatever on the committee for following those rulings, but it is a matter of common sense, I think, to say that a man should not be obliged to pay a tax for using the highway that he was in the process of building. He was cutting down trees and cutting through a forest and there was no highway there.

Mr. BROGGI of York: Mr. President, through the Chair, I would like to ask a question. How large a claim is this?

Mr. REID: Mr. President, it for two thousand dollars. However, I don't think the money involved is important. I do think there is a

principle involved and I think it is only right for the state to reimburse this man.

Mr. NOYES of Hancock: Mr. President, for the information of the Senate, we have passed in this legislature a bill introduced by Senator Christensen of Washington which would clarify the present law and in the future, all equipment used as has been explained by Senator Reid, will be exempt from the gas tax and use fuel tax. In view of the fact that, as I understand it, there are a great many cases where contractors have built highways and paid the tax, we should consider here today I think, the possibility of opening up the door for many other claims that might be presented in the future.

Mr. REID: Mr. President, in looking into this matter, it was my understanding that a great many contractors have not paid the tax and I would like to ask Senator Weeks if I am incorrect in making that statement. Did that come up at the committee hearing?

Mr. WEEKS: Mr. President, I think our information was that the contractors protected themselves in the first instance. I don't know if that answers the question. As far as this session is concerned, I don't know of any contractor who was given reimbursement for any tax he had paid.

Mr. REID: Mr. President, I believe there were some contractors who did not pay it in the first instance and were not required to pay it under similar circumstances.

The PRESIDENT: The question before the Senate is on the motion of Senator Reid to substitute the bill for the Ought Not to Pass report.

A viva voce vote being had

The motion did not prevail.

Thereupon, on motion by Mr. Weeks of Cumberland, the Ought Not to Pass report of the Committee was accepted.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Senate Report "Ought not to pass" from the Committee on Claims on Resolve in Favor of Russell E. Foster of Augusta (S. P. 473) tabled by that



Senator on April 25 pending acceptance of the report.

Mr. REID: Mr. President and members of the Senate, this resolve involves \$900. Some time ago four young boys, three of whom were on probation, went out at night to jack deer. They had no luck and they came to the farm of Russell Foster, a dairy farmer in Augusta, and they had been drinking beer and proceeded to perform an extremely brutal act. They shot at Mr. Foster's cows indiscriminately, herded them into a small corner and tried to kill them. Failing to shoot them, they finally tried to kill one with a sledge hammer. Eventually they knocked the cow down, cut it up, took the meat home and ate it. Actually the damage involved is in excess of the claim put in by Mr. Foster. Actually his cost was more than \$900. His was a very modest claim and it was with some hesitancy that he put it in at all.

However, he felt that since the boys were on probation from the state school, he should be reimbursed for at least a portion of the damage they did. The Claims Committee heard the bill and were very sympathetic with his request but decided however that they should not pay, on the grounds that there was no precedent.

Subsequent to the committee's decision I found in the laws of 1945 a resolve in favor of a person who was shot in the leg by a person on probation from the State School for Boys, and the legislature of 1945 awarded one thousand dollars to that gentleman. I think, based upon that precedent, that the claims committee would be willing to reverse their opinion. In addition, there have been over the years, many resolves favorably passed for persons whose property or person have been injured by escapees from various penal institutions.

In fact, bills have passed favorably in this session compensating persons for damage done by escapees. With the precedent in 1945 and due to the extreme cruelty of the circumstances of this act by these boys on probation, and with the other escapee precedents, I will move to substitute this resolve for the ought not to pass re-

port of the committee. If anyone is fearful that a precedent will be established, I believe that every legislature should take every particular case that comes up, should consider it with due care and pass or not pass it on its merit. To me, this resolve has merit.

Mr. WEEKS of Cumberland: Mr. President, I can assure everyone that the Claims Committee was extremely sympathetic to the claim presented by this man. The story as related to the committee was certainly unbelievable but it was certainly true. How four young men could have perpetrated the act they did was beyond comprehension but they did. Three of them were on probation.

We have given a lot of attention to our probation system in the last few years and extended it and unquestionably it will be given further extension. It is a very fine system but if every time we have someone convicted of an offense and put on probation, if he then becomes an obligation to the state, it will be very serious. We won't know from one day to the next where the multitude of claims will come from. Any day you want to go into the courts, you will hear different ones being placed on probation. As I said, it is a very fine system. It gives him another chance before he pays the full price for the offense he committed, but if we are going to pass out money for every act he commits thereafter, we are going to pay a lot of money.

We cannot separate the doings of those four boys from the doings of that individual who was not on probation. An effort was made to do just that. There is no question but what the individual suffered a great amount of harm. However, I have not changed my mind and cannot go along with the motion of Senator Reid.

Mr. REID: Mr. President, I would like to ask, through the Chair if it is true that when the committee made the decision they were unaware of the resolve passed in 1945?

Mr. WEEKS: Mr. President, I believe it was called to our attention some time after the matter was heard. I can only speak personally that I considered it mainly as a

matter of precedent. I believe some of the other members of the committee were influenced to some extent but I am not prepared to state to what extent.

The PRESIDENT: The question before the Senate is on the motion of Senator Reid that the resolve be substituted for the ought not to pass report.

A viva voce vote being had,

The chair was in doubt.

A division of the Senate was had, Fourteen having voted in the affirmative and sixteen opposed, the motion did not prevail.

On motion by Mr. Weeks of Cumberland, the ought not to pass report was accepted.

Sent down for concurrence.

Mr. HASKELL of Penobscot: Mr. President, I am about to present a resolve which I sincerely hope is the last action of the Committee on Reapportionment and I will ask the Secretary to read the report.

The Secretary read the report of Committee on Reapportionment on Resolve to Apportion 151 representatives Among the Several Cities, Towns, Plantations and Classes in the State of Maine (S. P. 596). Majority Report "Ought Not to Pass", Minority Report "Ought to Pass."

Mr. HASKELL of Penobscot: Mr. President, we have had an extensive debate in both branches on the question of whether or not this legislature should have reapportionment among the counties. The majority have voted against the proposition of reapportioning the House membership and in accordance with the vote this resolve is presented by the committee which leaves unchanged the number of House members apportioned from within the sixteen counties with a few relatively minor changes with respect to Aroostook, Cumberland, Somerset and Washington counties.

At the conclusion of my brief remarks I will move the acceptance of the majority report and these, I think, are the reasons for that report: We accepted with good grace the proposition that a majority vote of both branches of the legislature for what the majority thought were good reasons and the minority must admit had merit, that the popula-

tion data supporting the position of the minority, being based on the federal census, was not beyond criticism.

The majority, with respect to the proposition that we shouldn't reapportion, in their debate suggested that if the population could be correctly determined the correct determination would find a different result than that prevailing in the federal census.

Now it seems to the majority that the reasonable procedure is to leave the reapportionment of the House members exactly as they are in the statute from the laws of 1941. The Supreme Judicial Court has ruled, I think, in a prior case, that, the legislature failing to apportion brings up a condition where at the next election the old reapportionment will prevail. I have been told authoritatively on that and that there is no other position for the Court to take, and if this legislature doesn't reapportion, the 1940 apportionment will prevail. It seemd to us that it is more reasonable to leave that 1941 act as it is than to pass a reapportionment act that very likely every member of the legislature at least has his doubts about, because in so doing you are passing a resolve that must remain in effect for at least five years before the thing could be reconsidered.

I have explained this to the two members of the Senate who represent the minority plan and I hope that if there are those in the Senate who, although they have voted with Plan A adherence, may feel that the proposition is not entirely right and it would be better to allow it to go over to another session. And I will say that unless there is objection raised by those who prevailed in the other debate I will join them in introducing an order that would allow some legislative group to determine during the next two years a better population basis than we think we have to work on this year.

So I move, Mr. President and members of the Senate, the acceptance of the majority Ought Not to Pass report, and I think that is a fair and reasonable compromise to conclude what I assure you has been a difficult and completely thankless task.

Mr. SLEEPER of Knox: Mr. President and fellow Senators, I am a little bit taken aback with all this because I had understood that we had settled the entire quotation for the next ten years. Under this new scheme, and it is a scheme, apparently it is settled for only two years. I think we had very good and sufficient reasons for the adoption of Plan B and I had hoped we had argued this thing out sufficiently in this session and wouldn't carry it on to 1953. We have had enough ill-feeling and hurt each others' feelings and criss-crossed our purposes enough on this question, so I think we ought to settle the matter here now and I trust the motion of the Senator from Penobscot, Senator Haskell, does not prevail, and in that event I shall move for the adoption of Plan B, or the minority report as he so kindly calls it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the Senate accept the Ought Not to Pass report of the committee, and the Senator has requested a division.

A division of the Senate was had, Twenty-one having voted in the affirmative and eight opposed,

The Ought Not to Pass report was accepted.

Sent down for concurrence.

On motion by Mr. Crosby of Franklin

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

#### After Recess

The Senate was called to order by the President.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, we have been operating throughout the session under Joint Rule Eight, with the interpretation agreed upon at the early part of the session. I am going to introduce an order which spells out the interpretation of Joint Rule Eight so that in the future there will be no need of having an agreement as to that interpretation. I present an order and move its passage:

"Ordered, the House concurring, that the first sentence and the

first word of the second sentence of Joint Rule Eight be deleted and that there be inserted in place thereof the following: 'When a bill, resolve, order or memorial shall pass one assembly, if rejected in the other assembly it shall be returned to them by the Secretary or Clerk, as the case may be, for further consideration.'

The order received passage.

Sent down for concurrence.

On motion by Mrs. Kavanagh of Androscoggin it was

Ordered, that papers going to the House, to the printer, to the Governor or the Engrossing Department, may be sent forthwith during the remainder of the session.

On motion by Mr. Crosby of Franklin the order was sent forthwith to the House.

On motion by Mr. Christensen of Washington the Senate voted to take from the table bill, An Act Relating to the Weights of Commercial Vehicles (H. P. 1646) (L. D. 1209) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. CHRISTENSEN: Mr. President, I present Senate Amendment A and move its adoption, and I would like to explain what it does. It gives me and you the right to use the same wheel base and the same weights as the pulpwood industry. That is all it does. Otherwise it doesn't change the bill a bit. Thank you.

The PRESIDENT: Before any vote is taken on the amendment the question of necessity must be on reconsideration. Therefore the question now before the Senate is on the motion of the Senator from Washington, Senator Christensen, that the Senate reconsider its former action whereby the bill was passed to be engrossed.

Mr. ALLEN of Cumberland: Mr. President, I rise this afternoon to oppose the motion of Senator Christensen regarding Legislative Document 1209, a bill on which we had some debate the other day, a bill which came into this legislature as a measure to alleviate a situation which arose regarding the

industry of the forests, the forest production industry.

We passed this bill to be enacted this morning after having rejected amendments in this branch and in the other branch. My good friend the Senator from Washington now would like if his motion is successful, to amend this to include all vehicles, his contention being that as he says here this afternoon and said the other day, that it isn't fair to take care of one industry at the expense of the rest of us.

I violently disagree with that thinking. Obviously, every industry has its problem. The problem of the woods and the lumber and paper industry was brought out, I think, the other day when we discussed the fact that there are narrow woods roads and this bill without amendments would be of material aid to them. If we pass it, we are saying to the industry, in effect, "You can use modern equipment. We are not penalizing this good equipment."

I can't see, therefore, any reason why we should open it up to make a state-wide bill out of it. The bill as written is a good bill. If we open it up to take care of everybody, then you do run into a grave problem in my way of thinking. I certainly hope, Mr President, that the Senate will abide by its decision of this morning and send this bill along to the Governor for his signature.

I oppose the motion of Senator Christensen to reconsider at this time and I further move for a division when the vote is taken.

Mr. ELA of Somerset: Mr. President, I think it would be very helpful, to me at least, if I knew what the amendment was that the Senator from Washington, Christensen, proposes to offer. If I am not mistaken, the amendment would eliminate some of the objections which were presented the last time we considered it and that this is a different amendment than we acted on before.

The Secretary read the amendment:

Senate amendment A to L. D. 1209. "Amend said bill by striking out the underlined words, 'Hauling

forest products,' in the 6th line from the end of said bill."

Mr. CHRISTENSEN of Washington: Mr. President, this amendment doesn't change the bill one bit. You have got the bill right in front of you. It hasn't been changed. The other amendment would change the wheelbase on one weight. I had nothing to do with that. I didn't even know that the wheelbase had been changed because this bill was good enough for me. It come out of the committee five for and five against it. I had no intention of changing the bill. I agreed and I know that the pulpwood fellows need that bill. But why discriminate.

Discrimination is poor legislation, I think. Thank you.

Mr. ALLEN; Mr. President, Senator Christensen and I don't understand each other's point. This certainly does change the bill. The amendment violently changes the bill. This is a bill regarding trucks hauling forest products. If you accept his amendment, obviously it becomes a general bill affecting every truck in the state. It violently changes the bill.

Mr. CHRISTENSEN: Mr. President, I told the Senate what it did. It just changes it giving everybody the right to use it if he wants to. No weights are changed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Christensen that the rules be suspended and the Senate reconsider the passage of the bill to be engrossed.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Allen of Cumberland, the bill was passed to be enacted.

On motion by Senator Wight of Penobscot, the Senate voted to take from the table Senate Report, Ought Not to Pass from Committee on Agriculture on Bill "An Act Limiting Milk Control to Producers," (S. P. 388) (L. D. 937) tabled by that same Senator May 10, 1951 pending acceptance of the Ought Not to Pass Report of the Committee.

Mr. WIGHT of Penobscot: Mr. President and members of the Senate, anything I say in regard to this bill, I hope, will not be taken personally by any members of the Agricultural Committee. I think they are fine gentlemen. I have been in the legislature four terms and I am sure that this is even a better agricultural committee than we have ever had before. And also the members of the milk industry are friends of mine, a great many of them and I think a lot of those people who are high-class gentlemen. But what I want to take exception to today is the system which they operate under and that is a system which is the Milk Control Commission.

The law at present provides that the Commission shall establish minimum prices that shall be paid to producers, minimum prices that milk shall be sold at wholesale and to the consumer. This bill which we have under consideration would limit the milk control commission's authority to establishing minimum prices at the producer level only. That is, after the milk leaves the producer, it would be in the channels of free trade and there would be competition in the milk business just as there is in any other business in the state.

I think this might in certain instances result in lower retail prices and also lower wholesale prices but it would not injure the producer and I don't believe it would injure the dealer in milk because he certainly would increase the volume of milk used in this state and thereby do more business. I want to point out a few weaknesses in the present situation.

Milk apparently is slightly higher in Maine than it is in other sections of New England and the northeastern part of the country. In spite of the fact that here we are in Maine in a low-cost distribution area. In Boston, New York City, Rochester, Philadelphia and Baltimore, the average price of milk last September was nineteen and one-sixth cents a quart. Whereas, in Bangor it was twenty-cents a quart.

That is one thing which the average person can not understand and one thing which I think should be corrected by the Milk Control Commission. I think that the high price of milk in this area has increased the sales of powdered milk very much. I talked with one official of a big chain store and he tells me that powdered milk sales in the State of Maine have doubled in a year. These people are buying milk produced in Wisconsin and the western part of the country where it can be produced at much less in price. They are buying that milk here, instead of buying the milk produced by our own Maine farmers.

It seems as though that instead of establishing a high price on milk here, the Milk Control Commission should take some steps to compete with that western milk and therefore give our farmers the benefit of selling more milk. In other words, it seems as though the Maine farmer was losing business to our western competitors due to this situation which we have now in the State of Maine.

The point I wish to bring out is this: If milk could be sold at slightly lower prices, the consumption of milk would go up. That is proven by a comparison of areas in which milk is sold at a much lower price. It is produced at a lower price. That is no reflection on our own farmers in the State of Maine. Milk can be produced in the west at a much lower cost than it can be here in Maine. For instance, as the price decreases, the per capita consumption of milk goes up. We see that in the northeastern part of the country where milk prices are fairly high. In Boston, New York, Rochester, Philadelphia, Baltimore and the State of Maine, the per capita consumption of milk is about three-quarters of a pint a day and the average price of milk at the time in those areas was twenty cents.

Now farther west where the price of milk was about eighteen cents a quart, or two cents a quart less, in Chicago, Indianapolis, Salt Lake City and Portland, Oregon, the per capita consumption was one and a quarter pints.

That is, the lower price apparently produces a higher per capita consumption of milk. It seems as though we should be able to do that very thing here. That is, we should have a little lower price on milk and a higher per capita consumption of that fluid milk.

Now another illustration of higher prices and lower consumption of milk can be had from examination of the records of the Bangor State Hospital. In 1949, the Bangor State Hospital paid an average of seventeen and one-third cents a quart for its milk and it consumed an average of 23,992 quarts a month. In 1950, the average price had gone up to eighteen and a tenth cents and consumption had dropped from 23,992 quarts to 20,464 quarts a month. In 1951 with milk 19 cents a quart at the Bangor State Hospital, the consumption has dropped from 20,000 to 18,428 in January and 16,432 quarts in February.

It seems to indicate that as the price goes up, the consumption goes down. They buy other items for food and use less milk. Here is another illustration of how the price goes up and the consumption goes down. We have a game warden in Calais by the name of Lloyd Clark. He has five children. He has been buying his milk in Canada at fourteen cents a quart. He buys eight quarts of milk in Canada. In Canadian quarts, that means that Mr. Clark gets about nine American quarts at fourteen cents a quart. He is now obliged to buy his milk in Maine and instead of using nine quarts of milk, he buys five quarts. So, his children have less milk. That is not good for the Maine farmer.

There is one point I want to make here and that is this: I have mentioned this to a great many people around this Senate in the last few weeks. You will remember that we had a bill here that would change the name of a small pond a while ago and in mentioning this milk situation to some of these senators one said, "Well, I think that we ought to change the name. I think that that name applies to this milk situation that we have here in the State of Maine only I think I would add an 'S' after the word."

Now, America is the envy of the

world. There is no question about that. Millions of people would give everything they possess to come to this country because of the great material wealth that we have created here and which we have and which we enjoy. There is no other country in the world anywhere near like it and that wealth has been created through individual effort and through freedom to do as the individual sees fit and I see no reason why that freedom should not be in the milk industry just as it is in other industry in the State of Maine and in America.

The Senator from Kennebec yesterday connected me, or day before yesterday, I believe it was, excuse me, but he connected me with some of the milk dealers in Bangor if I remember correctly. Well, in going around this Senate and asking one or two members to keep an open mind on this milk situation, I find that this Senate has been pretty well lobbied by the milk industry and also the individual members at their homes and in their home towns have been approached by the dealers and they don't want any change in this milk setup. We can not blame them any at all for this. It is a fine business when a group of men can sit down together and decide between them exactly what they are going to pay for the product they sell and exactly what they are going to pay for it and exactly what their competitors are going to pay and exactly what they are going to sell the product for.

And all of these rules have the force of law. If anyone breaks them, they are subject to a term in prison and a fine. I don't blame the dealers one bit for opposing any change but I don't think it is good for the State of Maine. I believe that the Milk Control Commission can do a good deal toward eliminating the criticism that may be aimed at that body. It can do a lot. It could offer, for instance, quantity discounts to the state, which it should do, and to the various institutions and organizations that buy large quantities of milk. That milk can be delivered in large quantities in big containers and certainly its users are entitled to a discount on the milk.

There is no reason why a user of ten or fifteen quarts of milk should pay the same price as those who use three or four or five hundred quarts a day in bulk. It has been suggested here recently, I believe, that any user that uses 120 quarts of milk a day on the average should be able to buy that milk on the open market with price competition without any price regulations, providing that milk is bought from the producer at the class one price, and that would be a fair thing, I think, if the Milk Control Commission could have such a rule as that. And as far as the individual is concerned, the individual should have some consideration if he buys a quantity of milk.

Now, other states are doing that very thing. I have here a clipping dated at Fitchburg, Massachusetts, February 7, which says, "In an experiment believed novel to New England the Tri-City Dairymen's Cooperative, Inc., will start selling milk in gallon jugs Monday in an attempt to reduce high milk prices.

"Arne E. Oksanen, treasurer of the firm said the wide-mouthed glass containers, equipped with a handle and paper cap, will save customers eight cents a gallon when bought on a cash and carry basis and four cents a gallon on home delivery, compared with the price when sold in quart bottles."

It seems as though the consumers of Maine should be entitled to buy their milk at stores for less than they would when delivered on their doorsteps. It must cost something to deliver that milk and I believe it should be up to the Milk Control Commission to put more efficiency in the handling of that milk and reduce the price to the consumer. There is no reason why we should make this milk cost more. It seems as though the Milk Control Commission's entire function so far has been to hold the price up and that is all.

Now, we have here in competition milk produced out in Wisconsin and sold in disposable containers, a very handy way. We should meet this competition instead of just holding the price up by devising some way of competing with it in other ways.

I have here an editorial from the

Lewiston Daily Sun, part of which I would like to read.

"The dairy industry has been protected so long, the distributing end of it at the expense of the consumer, that a sort of hardening of the arteries has set in, a resentment against change of any kind, even when the change is designed to protect the producers. The Wight bill may not be perfect, it may be possible to improve it in several respects, but the local producers would be on firmer ground if they had decided to press for constructive changes they think ought to be made in the bill, and go along with its fundamental objective."

An article appearing in the Readers' Digest recently tells about Jim Lawson of Akron, Ohio, and how he is retailing milk at lower prices than have been in effect in that state and he is paying producers more money than they got before.

I am not so naive that I think maybe this bill is going through without opposition. But I might say that if it did, the milk industry would not go to the dogs in the State of Maine. Twenty-seven states have no price control whatsoever. Of the twenty-one states that have price control, four important ones, Massachusetts, New York, Connecticut and Maryland have no minimum price at the consumer level. Ohio has no price controls at all and no federal legislation. So, I don't believe that the industry would go to the dogs if we had this bill passed and the authority of the Milk Control Board be limited to the producer level.

I understand that the board does recognize that it should have shown some leniency. If I am wrong, Senator Greeley, will you please correct me. I understand that they do recognize that they should do something along these lines but I would say that the passage of this bill would correct many inequities.

It would result in the better advertising and the increased consumption of milk in the State of Maine. Prices at stores where customers furnish their own handling costs would be reduced. School lunch programs, hospitals, charitable institutions and other large users of milk could buy on a bid

basis and the dealer is not forced to sell milk at that price. All he has to do is make a bid on that price the same as anybody else would make a bid on any other merchandise.

People on relief, people with fixed incomes and people with many children—I know one man who works for me with six children. He buys eight quarts of milk a day. Now, he is entitled to buy that milk in a container, maybe not in a glass jar, but in an eight-quart can and he is entitled to buy that milk for less than twenty-two and a half cents a quart, especially if he goes and carries the milk from the farm. I contend that everybody is going to benefit from the passage of this bill. The producers will benefit because they will produce and sell more milk and the public will benefit because they are to get the benefit of a lower price. And I don't think that the dealer is going to suffer. He hasn't in other areas. Mr. President, I move that the bill be substituted for the report.

Mr. TABB of Kennebec: Mr. President, first I would like to answer one question that was asked, before I go into this. My good friend, Senator Wight, says that you can buy milk in Canada for 14 cents and that we have stopped that in this state. I wonder what would happen if we had stopped the potatoes from Canada coming into this state. We wouldn't be dumping them as we are now. That's probably what will happen to our milk. This set limiting milk control, might mislead a lot of people.

This milk board was organized in 1935 due to the very bad condition of the industry at the time. The purpose was to stabilize the industry. The entire cost has been borne by the industry with the producers taxing themselves a half cent per hundred and the dealers taxing themselves a half cent a hundred. The Milk Commission as it is now called does not set the price and it does not tell the producer or the dealer where he can or cannot sell his milk. The commission sets a minimum price only. The commissioner, the producer, the dealer, the consumer may call a hearing by the commission at any time other evi-

dence is available and the commissioner will listen to whatever evidence they may have and then determine what they feel is fair and justified to be a minimum price.

The producer will, under oath testify on the cost of his feed, his hay and labor. The dealer will testify under oath on the cost of supplies and labor. In these hearings we had before the agricultural committee, we never heard any producer there to tell us their story. At the last hearing I believe there were a very few, one or two, but not enough so that the committee could get any idea of what they really wanted. All they know is the hearings are advertised through the papers but they pay not attention to it, they aren't interested in what is coming up except when it comes out that the milk price is up.

We are fortunate in having an experimental station which is of great value to the commission. A study has been made through the efforts of Dr. George Dow and the results are available to the commission. The price is based on the cost of the product and services demanded by the consumer. In the sixteen years that the commission has been operated in addition to stabilizing the industry, the quality of milk has improved immensely and has been immunized to price cutting. Below cost price is not the thing to have in order to hold the quality of a product. The best milk that is produced in this country is produced in this state. When prices are cut, corners are cut and that is not good business, particularly with a perishable product like milk to handle. The stabilizing effect on the industry by the commission is responsible for this improvement in the milk produced in our state.

The results of this bill, if enacted would be a temporary cut in the price in some areas. The dealer cannot cut his price without cutting corners, or jeopardizing his investment. If he is to continue and put out a good quality product on the market and to protect himself he will be forced to buy his product for less, and he would probably buy from some low cost producing area out of state. This has been done.



At the hearing we had three or four professors, I presume they were from Bates College and Bowdoin College and I think Colby, arguing to get milk at a cheaper price for students. I asked a question of the Professor from Bowdoin. I said if I sent my six boys to Bowdoin College, would I get a rebate because I sent a number of boys there at one time. It is the same thing. If he buys ten quarts at a time instead of one, should he get a discount. He said I wouldn't get any discount by sending six boys at a time. Unfortunately I don't have the six boys to send.

We don't want to do away with the Milk Control Board and this is another step toward that very thing. The Senator knows that as well as I do. I don't blame him for standing up and fighting for what he thinks is right but this milk control board has put the milk industry on a sound basis that we can be very proud of. And if that has done that in the last 16 years why do we want to act in the legislature to do away with it or start to do away with it?

Massachusetts, New York and other states could not establish prices because the larger cities are controlled by the federal government. The price of milk is generally higher in markets that do establish prices and the butter fat content in the milk is generally lower. It seems to me that if we have a committee or a board that is doing a job in this state, that is recommended by other states, especially in New England, for what they are doing, why do we want to disrupt it? That is all this bill is, to start to get rid of the milk control board. Let us stop and think of all our people. Stop and think of the quality of milk and stop and think of the good that has been done before we start to think of eliminating this board.

I am not interested in what they do out west or anywhere else. I am interested in the welfare of the people of our state and if you go along with this bill, we are going to be in hot water and we will have no control over milk what ever. We will be selling below cost. Farmers will be put out of business. Mr. President, I hope that the motion

of Senator Wight does not prevail.

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

The PRESIDENT: The question before the Senate is on the motion of Senator Wight to substitute the bill for the ought not to pass report.

A division of the Senate was had. Eight having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon, on motion by Mr. Tabb of Kennebec, the Ought not to pass report was accepted.

Sent down for concurrence.

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

Mr. REID: Mr. President and members of the Senate, it has been about twenty weeks since the legislature convened and during that time we have had under consideration some 2,500 measures in one form or another. On the whole and generally speaking, it would be my judgement and I think a fair statement that an air of friendly congeniality has overhung the Senate most of the time. It is true that many of the items that come before us have been of a highly controversial nature. There have been storms and flurries but amidst all of that there has been a saving sense of humor which has popped up from time to time from almost all of the senators.

I would like to say at this time that I am proud to be in this Senate record but I am inclined to think that whatever blessings might fall upon us for our orderly procedures are due in no small part to our leader, the President of the Senate.

Mr. President, for your kindness, for your firm guidance, for your deep knowledge of parliamentary law and procedure and for the gentleman that you are, we hold you in high esteem and respect. In appreciation of that high regard in which we do hold you, and on behalf of the members of this Senate, it gives me the greatest pleasure to present to you a modest gift.

The PRESIDENT: Senator Reid, or Jim, shall I say, it would be

unrealistic for me to say that this was entirely unexpected. I don't want to be dramatic about this but I want you to honestly feel that it is certainly with a deep feeling of regret that I realize that this is the last time that I will be a member of this Senate.

There are many of you here that I have known for ten or twelve years. Many of you here have served for four terms in this Senate. I believe that I know you all personally and I sometimes like to think that I know your innermost thoughts. Perhaps I shouldn't express that thought, but I do. I think I know you that well. It is needless to say that I have enjoyed serving as your presiding officer. I have tried to be very fair and impartial and I hope that I have succeeded. I certainly appreciate the honor bestowed upon me these past two sessions.

It is the friendships that I have formed, I hope, that will go on through the years. Those mean more to me than any material things you could give me, even though I shall cherish that equally well. It is those thoughts that I will take from this Chamber and I do know you all so well and I hold your friendship in such high esteem, nothing that I could possess would qualify that fact.

I do want to say at this time that the spirit of cooperation from you Senators is more than equalled by the spirit of cooperation of my administrative staff and the loyal workers in my office. They have made it possible for me to do the things that you have wanted to have done expeditiously, smoothly and easily—not easily to them but easily to the Senate. I know that you appreciate the fact but I can not help but point this thing out publicly.

I would like to say in behalf of Mrs. Cross and myself—because I know she would prefer me to say it—we have enjoyed the feeling of good will and friendship from you all. It has been a pleasant winter in many respects. We both wish to thank you for these associations of which I have spoken. Believe me, Senators, I shall hold them in my heart many years.

I suppose I should open this right now. . . . This watch is very, very beautiful and I am sure that I shall wear it for many years and that it will bring forth happy memories.

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

Mr. COLLINS: Mr. President, I would request that the Sergeant at Arms conduct Mrs. Cross to the rostrum.

This was done amidst the applause of the Senate, the Senators rising.

Mr. COLLINS: Mr. President and members of the Senate, behind the scenes in the accomplishment of any man's work and ambitions, there generally is the guiding hand and inspirational help of a woman. Our President of the Senate is indeed fortunate in having Olena as his helpmate in his political duties and aspirations.

Olena Cross, with your charming graciousness and quiet dignity, your sense of humor, and with all of your infinite sense of patience, you have endeared yourself to all of us in this Senate and in the entire legislature. It is a real pleasure, Olena, that we acknowledge this friendliness and graciousness and we would like to present to you this bouquet of flowers as a token of our love and esteem. May it remind you that the Senators of the 95th Legislature realize to the fullest that with your charm and personality, Burt Cross is a fortunate man in having you as his wife. (Applause)

Mrs. CROSS: Thank you, Senators, very much. Flowers mean just as much to me as they do anyone else and I very sincerely thank you.

Mr. Noyes of Hancock was granted unanimous consent to address the Senate.

Mr. NOYES: Would the Secretary of the Senate please stand. Mr. Secretary, I have the honor, Sir, in behalf of the Senate to present to you this afternoon a little token of our appreciation of the many hours and many days and many weeks that you have worked with us in a courteous and efficient and able manner carrying out the duties of your office.

As a friend of yours from way back, I know that you love the great out of doors. You are one of the men who really know that this world was created for our use and enjoyment and we have selected for you some fishing equipment that you may use it on the great expanse of Sebago or the narrow confines of Coffee Pond. We certainly hope that you will experience the thrill that we all have had when that salmon strikes the fly and transmits up through the line to the rod to your arm and into the back of your head and to your mind, a thrill that words can not express.

It is our sincerest hope and belief that when bigger fish grow, Chet will catch them.

(Applause.)

The SECRETARY: Senator Noyes and members of the Senate, I am not like our President. I am somewhat surprised and somewhat overwhelmed at the remarks of the Senator and I am very pleased to get this gift of fishing tackle. Nothing could possibly please me any more than this.

It is true that we have been acquaintances and friends for a long time and I have been here in the legislature probably longer than most of you may realize. I first came here in 1923 and I have been here ever since. I have met a fine group of people. I have made many friends and no enemies that I know of.

What little success we may have had in the Secretary's office is not due to me. It is due to the girls in the office. It is due to the President of the Senate to a great extent, and due to a great extent to Waldo Clark who is very efficient and very courteous, and the boys and girls out here in the Senate Chamber. Leland King and his group have been very faithful and very efficient. They have been here a long time. They know what it is all about. The Pages are very efficient and they are very helpful. They know where all of the departments are and if anybody wants anything done, they know where to go and how to do it.

So what little success I may have had I think should be bestowed upon those who have helped me. As I said before, I am

surprised and I am overwhelmed and I think I have perhaps included all but my wife. I think she has been quite a help during the years. I have enjoyed this session as much as any session and I know that I shall enjoy this equipment. Thank you very much.

(Applause)

Mr. Sleeper of Knox was granted unanimous consent to address the Senate.

Mr. SLEEPER: Mr. President, you spoke well a short time ago. At that time, you said you knew our minds better than we did ourselves. It seems that every time I try to work myself up into a fury in this Senate and I try to get mad about something and really accomplish something, you seem to stub me up. Last Monday I was mad, fighting mad, almost ready to go back to Knox County where I came from and you met me at the door and said, "Would you like to be President pro tem for a short while?" So, I was led back and forced to smile from the rostrum for over an hour. And while sitting there noting the generosity of your patience at my mistakes, I cooled off and became a law-abiding member of the Senate again.

I have been mad all day today at a certain order that was passed about ten-thirty by a man that I thought was a friend of mine and I imagine that our president and Mr. Reid could see my color rising and again I have been stubbed and I have been handed the most pleasant job of all of the masters of ceremony here this afternoon.

I don't consider it an honor. I consider it a privilege. I am very glad to order our two Pages to stand before us and take orders. I suppose that because of the fact that in the last war I was an officer and a gentleman, I am entitled to give these young ladies orders.

The Senate has felt that you have treated us with a great deal of courtesy, patience and kindness and in return for that we would like to give you these slight tokens of our appreciation.

Knowing you two young ladies as I do, I don't think that orchids are apropos entirely. You are both too young and too sweet. I would say

that a bunch of violets or buttercups might be more apropos. But we wish you both to know how we really feel. So I take a great deal of pleasure on behalf of the Senators and myself and the President in presenting each of you these orchids.

If you will both approach my seat, I think that you, Mrs. Beauchaine, being the blonder of the two would take the pinker orchid and you, Mrs. Foster, would take that one.

(Applause.)

Mrs. BEAUCHAINE: All I can say is thanks. It's wonderful. It's really wonderful.

Mrs. FOSTER: For the first time in my life, I am speechless. Thank you very much.

(Applause.)

Mr. REID of Kennebec: Mr. President, I omitted to make one statement and that is that the wherewithal providing these various gifts came from the Legislative Dance Committee which had a very successful year. In fact, it was so successful that there was quite a surplus and I would like to say that in addition to what has already been divided, \$300.00 of the profits of the dances has been divided four ways and given to four very deserving charities.

On motion by Mr. Haskell of Cumberland the Senate voted to take from the table Senate Report from the Committee on Legal Affairs on bill, An Act Relating to Incurable Insanity as a Cause for Which a Divorce May be Granted (S. P. 82) (L. D. 107), Majority Report "Ought to Pass as Amended by Committee Amendment A, Minority Report "Ought Not to Pass," tabled by that Senator on April 3rd pending motion by the Senator from Cumberland, Senator Weeks, that the Majority Report of the committee be accepted.

Mr. HASKELL of Penobscot: Mr. President, may we have the title of the bill and the pending question read?

The Secretary read the committee report.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Weeks, to accept the majority re-

port of the committee on Legal Affairs, which report is "Ought to Pass as Amended by Committee Amendment A, and the Chair recognizes the Senator from Cumberland, Senator Weeks.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, first of all I just want to say that the Senators Haskell seemed to be lacking somewhat in a sense of delicacy that they would sully the delightful atmosphere of today by bringing up such a sordid subject as this.

As I sat here in the Senate for the last four or five months I have from time to time debated with myself as to whether I would analyze some of the weaknesses of mental illness as neuroses or psychoses, and it makes a tremendous difference. There are many in States Prison who are suffering from neurosis. Those across the river are there only for psychotic troubles. In one case you can get a divorce and in the other case you can't. Sometimes there is a fine line of distinction.

I am somewhat handicapped this afternoon. For 43 days this bill has been on ice and during that time my notes have disappeared and my subject matter has been weakened substantially while my neighbor, Senator Haskell, has been industrious and has accumulated a quantity of documentary evidence. However, the time has come when this document would come off the table. It was seriously considered by the Committee on Legal Affairs on which we have put all the outstanding lawyers in the legislature such as Senator Ela of Somerset and Senator Haskell of Cumberland, both men very well grounded in law. They have contributed immeasurably to the success of that committee for what success they may have achieved. I mean that, Senators. They have had a very steady effect on that committee and are fully qualified to be on such an important committee, especially on constitutional questions.

On this subject I presume that in debate there will be reference to the past. Away back in 1907 the legislature of this state passed a divorce law which was repealed in 1913. The Senator from Cumber-

land, Senator Haskell, has memorized it and can tell you all about it. One of the things I am fond of recalling is that it called for a fifteen year waiting period, and that is one of the reasons it was repealed in 1913. Anything contained in a divorce law which would cause people to suffer through fifteen years of frustration before they could become single again and during that time I imagine some of them were singing that old song, "I will never smile again as long as I am stuck with you." and I am sure I don't know what they would have to smile about.

This subject first came to my attention some time ago when I had in my office a young lady who when she was seventeen years old had married a gentleman twenty years of age and from the age of twenty to the age of thirty-four this young lady had been tied to a man who so far as anyone knows is incurably insane. And when she asked me what I could do about it I had to say "Nothing." If you will put yourselves in the position of a general court—and you have been referred to in the past as such and I notice the Massachusetts legislature has been referred to as a general court—you entertain petitions and listen to much evidence and in this case you are making lawyers of yourselves—but posing yourselves as a general court and assuming I brought a bill in for that young lady, asking for a divorce, what would you do? She has been married since she was seventeen and her husband was twenty and he was committed when she was twenty and she has gone from the age of twenty to the age of thirty-four. During that time she has brought up a child, born to her before her husband's commitment. What would you do? Would you shake your head, like I did in my office, and say, "There is nothing I can do"? Or would you give consideration to the fact that she has gone through fourteen years of continuous frustration, fourteen years when she had the problem of bringing up her child, fourteen years of working by herself?

That is only one case. Two years ago I had the problem of a woman whose husband was committed. She

had two children. She was 34 years old at the time of his commitment. Dementia praecox was the cause of his commitment, and that is usually saying the same thing as incurable. You can't collect insurance if one is committed for insanity, nor benefits under the unemployment compensation. A man who is committed is dead for all practical purposes but he certainly is alive enough to cause those on the outside all kinds of handicaps.

I am not going to debate this much further. I shall not attempt to sway any of you by eloquence nor by argument. I know many of you have already made up your minds. I think Senator Haskell has made up his mind. There is no question about that. But I do ask you to consider this problem. If you have ever sat on a jury you have heard the judge instruct you that you are to consider the case on the evidence, uninfluenced by prejudice, sympathy or bias, to consider it upon the merits if the case. I know there are a great many people who would be benefited by this law, great numbers of them benefited immeasurably. I think it is your solemn duty to consider it in an unbiased way and see if there isn't something that can be done. I am not thinking of those well advanced in years. I mean all these younger people between twenty and forty. I am not worried about those over forty. This law would apply to them it is true but I am concerned about those in the younger ages, in a situation where a girl of twenty has gone fourteen years, during her critical period of life, on her own without any chance to make an alliance which would be more beneficial to her and possibly to her children. It is these questions that are put to a lawyer, and if you would consider yourselves as members of a court you might consider the situation. I will say nothing more about this at this time.

Mr. BOYKER of Oxford: Mr. President, I would like to ask through the Chair of the Senator from Cumberland, Senator Weeks, if there is a time limit on this bill.

The PRESIDENT: The Senator hears the question and may answer if he wishes.

Mr. WEEKS: Yes, there is, Senator Boyker. There must be five years of confinement.

Mr. BOYKER: And is there a physician's certificate required to the insanity record?

Mr. WEEKS: It requires evidence beyond a reasonable doubt to convince the Court that the insanity is incurable.

Mr. BOYKER: Mr. President, perhaps the members of the Senate who served with me in the House in 1943 will recall that I opposed vigorously a similar bill but now with the time limit and other considerations I feel that I can go along with this bill.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I approach this debate with an honest feeling of inadequacy. I feel I am not adequate to present the arguments against the bill but since with respect to the Senate I was the only signer of the minority report I will try to convey, in what I admit will be an inadequate manner, the reasons for my firm conviction that this bill should not pass.

In the first place, I think the members of this Senate might take some recognition of past legislative procedure with reference to this type of legislation. In 1907 at the instance of one individual in the State of Maine, a citizen of influence, whom the legislative record indicates, so far as it is indicative, was the sole proponent of the measure, the legislature did amend the divorce laws to provide that incurable insanity would be a cause for divorce provided that incurable insanity continued for a period not less than fifteen years. That Chapter 148 of the Special Laws of 1907 was repealed in 1913. Since that date, if my study of the legislative record has been correct, there have been seven different attempts to put into the statutes a provision that insanity is a cause for divorce. In not one single bill introduced into the legislature has there been a favorable report of the Committee on Judiciary and in not one single case has the bill left either branch

of the legislature with affirmative action. The closest it came was in 1943 when the House by a narrow margin supported the bill on one day and reversed itself the next day by a wide margin.

I say frankly, as a layman somewhat impressed with the rough going the proposition had received from prior legislatures and from prior committees made up of men learned in the law, that that alone would not have been of sufficient importance to me that I ought to sign the Ought Not to Pass report. At the hearing the objection was raised that we ought to recognize the sanctity of the marriage vow, that we ought to recognize the fact that that vow was taken "for better or for worse", was taken in recognition of good health or bad health, and that that sanctity would be destroyed by this type of thing. I am not sure I am impressed with that. The argument was presented that if mental illness were recognized as a ground for divorce, why not be consistent and have physical illness as well, such as that of a paralyzed cripple, if one had that misfortune. I was not particularly impressed with that.

An argument that did impress me rather deeply was the argument relating to children. Under our adoption laws, a successful libellant in a divorce action having been granted the custody of minor children may, upon notice to the libellee, petition the Probate Court for guardianship of those children. Now, a spouse returning from a mental institution and having recovered from a mental illness might find not only the spouse deserted and a replacement in his or her place but even the children legally adopted into the home of another family. That, to me, was impressive.

And I think the concluding argument was the question posed, How are we as judges or legislators to say that the mental illness of the libellee is incurable? I am extremely hesitant to bring the personal angle into this debate but I have that problem in my own home and if I had to believe, Senators, that it was incurable I would no longer have a home. I believe that everyone should have the privilege of believing that a mental illness is

curable, and to give to our justices the right to conclude that a mental illness is incurable, I think is heartless because mental science over the years has made great strides and great progress in the cure of mental diseases and I hope sincerely that they will continue to make that progress, and I do not believe that any judge in this state supported by any medical testimony in this state can beyond a reasonable doubt declare a mental case incurable. From a personal angle I am touched by that.

As I studied this bill that has laid on the table for the last forty-three days I thought of other reasons. I can think of many cases from my personal knowledge, and as Senator Weeks has recited in his personal knowledge, where a guilty spouse has so infected an innocent spouse as to cause that infection to be a cause of mental illness, I think if a bill of this type is passed in this Senate we are compounding a felony, and our mental institutions are full of just such innocent spouses as that.

I will grant that there are injustices, that there are many cases where the good Lord would advise that divorce, but by the same token in my opinion there are so many more where so much more injustice would be done that the balance is all in favor of continuing what has been the wise policy of this legislature in keeping Maine one of those states that does not have insanity as a cause for divorce. If there is one bill in this legislature about which I feel deeply, this is it and I sincerely hope that the motion of the Senator from Cumberland, Senator Weeks to accept the majority report does not prevail.

Mr. HASKELL of Cumberland: Mr. President and members of the Senate, I rise this afternoon to oppose as a matter of principle the passage of this bill. I am opposed to this bill in the first instance because of the sincere belief that at the present time our divorce laws in this state when compared with those of other states are sufficiently liberal. In the second place, I feel very strongly that if we of the legislature are to consider seriously making adjustments in our divorce laws that in the public interests and

as a matter of sound public policy the provisions of those laws should not be made more liberal as this bill proposes to do but on the contrary should be made more stringent. I have always liked to think that one of the great corner stones of America was in the strong, sound and fundamental belief that the rights of those unable to protect themselves should at least be fully and completely protected by law. I can imagine none more incapable of protecting their rights nor more justly entitled to the full protection of courts of justice than the mentally ill.

My fourth reason for opposition to this bill is based on the record of past Maine legislatures when, as you already know, they have been called upon on frequent occasions to consider legislation proposing to establish insanity as a cause of divorce. This record shows conclusively that opposition to a bill of this nature is not an individual whim of men but has been disliked on many occasions by many others.

Finally, members of the Senate, I find myself opposed to the passage of this bill because I guess I am just "plain old-fashioned," old-fashioned enough to believe that when a person pledges his word it does and should mean something, old-fashioned enough to still believe that the express or implied words of the marriage contract "in sickness or in health" have some basic meaning and purpose beyond the mere words to make the ceremony sound better. I believe today, as the wisdom of the past has proven to be true, a pledge is a pledge, a promise is a promise and if made should be kept. Therefore, I do not want any formative part in the passage of a measure which would make it easier and more attractive for anyone to forget a solemn and sacred pledge once made; an old-fashioned view, perhaps, but as a matter of principle, feeling as I do, I can do nothing other than move the acceptance of the Ought Not to Pass report of the committee on this measure.

Mr. BROGGI of York: Mr. President and members of the Senate, after the fine remarks by the Senator from Penobscot, Senator Haskell, I realize that any remarks

which I make may be rather futile. However, I believe that in most cases, psychiatric, certainly neurotic tendencies, could be traced back, and I think the members of the Senate will agree with me, to an unbalanced childhood.

In World War II, of the neuropsychiatric cases among the veterans, ninety per cent is attributed to the fact that there was a divorce in the family, death of one of the parents, or one cause or another causing an unbalanced childhood.

I don't believe there is a member of this Senate any more concerned with making our divorce laws more stringent than I am. Each term of our court when I see the long list of divorces on the docket, it alarms me. I say that in all sincerity. I think, or I would say that the upward trend in our divorce rate over the last few years is based on the fact that our divorce laws have not been stringent enough.

But I wonder if the Senator from Cumberland, Senator Weeks, doesn't have a pretty fair argument. The bill says that after commitment for a five-year period, definite information must be presented to the Court to convince the Court that the insanity is incurable beyond any reasonable doubt.

I would like to say, Mr. President and members of the Senate, that there are many cases of insanity that there is absolutely no doubt as to but what they are permanent. Cases known as paresis or the tissue breakdown which medical science can not replace are considered incurable. Wounded veterans with tissue torn away and brain damage done can not be repaired. And I just picture a situation of a father with several young children and wonder if the case isn't curable for life beyond a reasonable doubt if it might not be justifiable to have the balancing influence in that household of a wife who might shower some affection upon the youngsters.

I agree with Senator Haskell from Cumberland that marriage vows do say for better or for worse and I believe under all normal conditions that they should be maintained and I really believe in

more stringent and stricter divorce laws. But I just wonder if a woman in an institution, if she did have contact with her environment for a short period of time might not think it was better if her children could have the benefit of a counterbalance in the household, another woman who might shower some affection upon her children.

As I say, I realize my arguments are probably futile. I think Senator Weeks has an excellent case. I think the five-year clause for commitment and the fact that it must be proven to the Court beyond a reasonable doubt that the case is incurable constitutes a valid case and I shall support the Senator from Cumberland, Senator Weeks.

Mr. BARNES of Aroostook: Mr. President, I have checked in vain to find the amendment to L. D. 107 and I do not believe it has been printed. I wonder if we could have that amendment read.

The Secretary read Committee Amendment A to L. D. 107.

Mr. BARNES: Mr. President and members of the Senate, this bill as finally amended is, I believe, exactly like the bill presented to the legislature in 1943. My best recollection of the action of the Judiciary Committee which had the bill for consideration at that is that there were at least a fair number of signers of the report of that committee Ought to Pass. I believed the bill had definite merit at that time for these reasons: Although it is true that when a man marries a woman he agrees to take her "for better or for worse" as has been pointed out by the Senator from Cumberland, Senator Haskell, there is a very great difference between physical illness and incurable mental illness, if there is such a thing, which I understand my friend and colleague from Penobscot County, Senator Haskell, doubts, but if there is such a thing as incurable insanity I believe it is a very similar situation to death, because where there is no mind, to my way of thinking there is no person.

The bill would in no way affect the duty of the husband to support a wife or the duty of a wife to support her husband if she were of



sufficient means and property if the husband were unfortunate enough to become incurably insane, so the marriage obligations to care for forever remain unchanged.

The argument presented by the Senator from Cumberland, Senator Broggi, impresses me, particularly if the insanity of either spouse occurs when the children are young. They need a mother or father to take the place of the one who cannot possibly be there. And in all cases of divorce—and I speak from experience—the Court first regards the welfare of the children, and in such cases it would be possible for the children to have either a father or mother to take the place of the one who is lost during their formative years when they are growing up. And that is a good thing and a very valuable thing for the children.

In no other case of civil law that I know of does the law go so far as to say that evidence must be produced to satisfy the trying tribunal beyond a reasonable doubt. That is a phrase that comes from the criminal law and means beyond a doubt for which you can assign a reason. And I am free to say that I have all the faith and confidence in the judges of the Superior Court who hear the divorces in this state that one could have and I know that if this bill were enacted into law and a divorce sought upon this ground, no judge would grant the divorce unless he were satisfied beyond a reasonable doubt beyond any doubt for which he could assign a reason at all, that the insanity was incurable. I do not pretend to be an expert on insanity but I am convinced from what I have read and studied, and from what talks I have had with those who are, that there are many types of insanity that are incurable and I am not afraid that any judge in this state would grant a divorce on this ground unless he were convinced beyond that reasonable doubt.

So far as liberalization of our divorce laws is concerned, so long as we keep that little phrase in our divorce laws that divorces can be granted for "cruel and abusive treatment" you certainly do not need to fear this one. There are

other instances which the law sanctions in which a man or woman might remarry, such as where a man or woman disappears and no one hears from them for seven years or more and after that period of seven years the person is presumed to be dead, and it would be perfectly proper in such an instance, after the lapse of that time or a little more, for the other spouse to remarry. True, if the other spouse returns that marriage would probably be annulled, but that is another instance where we grant divorces and it gives rise to all the pain and hardship and so on that Senator Haskell suggests.

I felt this was a good law in 1943 and I still feel it is a good law. I have been practicing before the courts of this state for nearly twenty-two years and I regard the sanctity of the marriage vows as much as any member of this Senate but I realize we do have causes for divorce and in this particular case where there is the safeguard that the person must have been confined for at least five years and further that the insanity must be proved to the satisfaction of the Court as incurable beyond a reasonable doubt, I have no fears for this bill and I hope the motion of the Senator from Cumberland, Senator Weeks, prevails.

Mr. LEAVITT of Cumberland: Mr. President, I hesitate to involve myself in this, but since I have been coming to this Legislature, I think I have been approached as many times on no other one subject by people who have said that they think this legislature should pass a law allowing insanity as a right to get divorce.

In looking into the matter, I find there are at least 700 people—I don't know where the figure came from—but there at least 700 people who are waiting and wondering what the legislature will do regarding this question of insanity, people whose attentions are focused intently upon this legislature, people who have every reason to believe over a period of five, ten, fifteen, twenty, twenty-five years that they are married to a person who is incurably insane, people who have brought children up from babies up to grown children who now have

children of their own. They, during this entire time, have been living single because of the fact that they by some accident of fate married a person who became insane.

This law doesn't say that a person has to get a divorce if they feel, as I understand some of the opponents of this bill do, that they should stay married to a person insane. It is perfectly all right. There is nothing in the world that says that they should not do it and keep to their vows. But there isn't a soul here that has listened to the stress of other people that do not know of cases where this being forced to stay married to a person who is insane is a horrible thing.

I believe this legislature should think in terms of the people who are going through hell on earth because of the fact that they can not get divorced because of this, because of our laws. I believe we should think of them and at least give them the right, if they want it, to avail themselves of court action to free themselves.

Mr. WEEKS of Cumberland: Mr. President, I have thought of several things to say which have been covered by others who have spoken on behalf of my motion. I merely refer to the point which Senator Haskell from Penobscot raised regarding adoption of children. It calls attention to the first sentence in the law regarding adoption, which reads, "Before such petition is granted, written consent to such adoption must be given by the child if of the age of fourteen years, and by each of his living parents, if not hopelessly insane."

I merely call his attention to that because he contemplates a situation where the child of a hopelessly insane parent can be adopted whether divorce has intervened or not. Adoption of the child, in other words, is not contingent upon the action of a divorce in custody.

While we are talking along the general line of children, just consider the fact that while this person is in the custody of the state in an insane asylum, these children must be fed and taken care of. Somebody must have custody. Obviously the parent in confinement is incapable of exercising custody. That is ridiculous to mention.

Somebody has to do it and has to do it for five years before they could operate under the terms of this statute if passed.

Just consider if you will the change in feelings, the change in regards which must come in the mind of all of those who are outside regarding the one who has been committed during a period of five years, much less ten or fifteen years. I know of one insane case in which it is true the one who was committed was released after some period of fourteen years and he immediately went off by himself. He never showed any interest in his family which he did have and has never made any effort to contact them in any way. I just mention that to show the changes that come in the minds and hearts of people in such a situation.

The most steadfast resolution on the part of those who take the marriage vows is bound to weaken over a period of years. It is a very practical viewpoint that I ask you to take. What previous legislators have done before shouldn't receive too much consideration. Times change. Ideas change. Developments, both scientific and otherwise, are progressing day by day. This is a question which should be met with constructive consideration by you.

As Senator Barnes has said, I hold my marriage obligations as high, as inviolate as anyone, but I still recognize the practical problem which confronts a person such as the doctor who lives up the street a ways from me and has two little boys that I play with practically every night. His wife has been in confinement in one place or another for eight years. She is presently at the hospital across the river. Doctors say now that there is no possibility of cure. She has only been there at this particular location a year and a half. So, if this law was passed, he must wait three and a half years more and produce his evidence beyond a reasonable doubt. He is a practicing physician and you know as well as I how necessary it is for him to have not only a wife but a mother for those two kiddoes.

I hope you will approach this problem with a mind free of bias

and prejudice and think of those who are on the outside trying to make their way.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I did not plan, originally, to talk on this bill but I would like to point out that this bill differs in my mind to a great extent from the bill which was presented to this legislature in 1943 and rejected.

A great deal of stress has been placed upon the fact that the libellant in this case must prove that the insanity is incurable beyond a reasonable doubt.

I do not know a great deal about it, but it is my understanding that you can get doctors who will disagree whether insanity is incurable or not and that you can get doctors who will disagree in a specific case whether that particular case is incurable or not. The usual procedure on a divorce action is in the nature of an ex parte hearing. The libellant comes into court with the attorney and the witnesses and proceeds to demonstrate to the judge that there are sufficient grounds to grant the divorce. In this particular instance under this bill, the only provision that is made so far as the libelee is concerned is that the Court may appoint a guardian ad litem. The libelee is confined somewhere in an institution and has no opportunity to be in court. The libellant comes into court with doctors who are going to testify favorably in their behalf. Otherwise, they would not be having those particular doctors for witnesses.

The Judge, no doubt, will do his best to administer any law this legislature sees fit to enact. But you are placing upon him a very difficult proposition when you permit a libellant to come into court with two or more doctors to testify that a particular case is a case of incurable insanity. You make no provision on the other side for the guardian ad litem to have authority to engage an attorney and you make no provision on the other side to order the libellant who is seeking that divorce to pay that attorney an attorney's fee and to provide that attorney with a reasonable sum

of money so that he can go bring in experts to refute the charge.

I feel that this is a poor bill for this legislature to pass for that reason.

The Senator from Penobscot, Senator Haskell, has mentioned to you the matter of children. Our adoption laws provide that in the case of an adoption where the parents are divorced and the custody of the children has been given to a particular parent, then that parent has the right to consent to the adoption of the child, providing, of course that the child is under the age where the child can consent, himself.

If you pass this bill; a man or a woman can get a divorce; there are small children which the libellant may consider a handicap and would be glad to have somebody adopt. They turn those children over to adopting parents and some time later the libellant is declared to be sane, is released from the institution, comes home, not only finds that a divorce has been granted but also finds that the Court has taken away from him or her all controls over those children. That in itself in my mind is another very good reason why this bill should not pass.

Now in the ordinary case of divorce where the children are given to the libellant, we will say, and the libellant wishes to consent to the adoption of the children, of course there is a provision in the law which provides that some notice must be given to the libelee and if the libelee is not an insane person, that libelee could come into court to contest that adoption petition if he or she was so minded and if they failed to do so, of course that would be their own fault. But in this particular instance, the libelee would have no opportunity to defend that proposition and I hope that the motion does not prevail.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I again quote the law on our statute books which has been there for some time and which provides for the adoption of children whether there is a divorce or not, if one parent is hopelessly insane. I also wish to state what the Senator from Penobscot, Senator Ward,

has said boils down or indicates that he lacks some sense of confidence in the ability of the court to decide these cases fairly and squarely. I have considerable confidence in their ability and oath of office which compels them to go to extreme length determining beyond no question that the case is such that cannot be cured.

Of course the question of children is important and one which receives serious consideration. Of course many times there are no children. In that case I still say that one who is outside should be permitted to make another alliance.

I hope my motion prevails.

Mr. HASKELL of Cumberland: Mr. President, I ask that when the vote is taken, it be taken by division.

The PRESIDENT: The question before the Senate is on the motion of Senator Weeks that the Senate accept the Majority Ought to Pass report of the Committee.

A division of the Senate was had.

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

Mr. HASKELL of Penobscot: Mr. President, I move that the Senate accept the Minority Ought Not to Pass report.

Thereupon, on motion by Mr. Weeks of Cumberland, the bill was laid upon the table pending motion of Senator Haskell to accept the Minority Report.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Senate Report "Ought Not to Pass, covered by Other Legislation" from the Committee on Appropriations and Financial Affairs on bill, An Act Relating to Salaries of Members of Employment Security Commission (S. P. 295) (L. D. 654) tabled by that Senator on April 10, pending acceptance of the report; and on further motion by the same Senator, the Ought Not to Pass report was accepted.

Sent down for concurrence.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table An Act Establishing a Tri State Authority to Enable the Collective Construction and Opera-

tion of Institutions in Maine, New Hampshire and Vermont, (H. P. 928) (L. D. 541) tabled by that Senator earlier in today's session pending enactment; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment: "Amend said bill by striking out Section 10 of that part designated C.25-A thereof and inserting in place thereof the following "Sec. 10 Appropriation. There is hereby appropriated from the funds of the Department of Institutional Service the sum of one thousand dollars for the fiscal year ending June 30, 1952; and the sum of one thousand dollars for the fiscal year ending June 30, 1953, to carry out the purpose of this chapter.

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

Mr. BREWER of Aroostook: Mr. President, I would ask if the Senate has in its possession, L. D. 613, an Act to Authorize the Liquor Research Commission to Initiate an Educational Program?

The PRESIDENT: The Chair would state that the document is in the possession of the Senate, having been held at the request of the Senator.

Mr. BREWER: Mr. President, in order to offer an amendment for funds to carry on this work, I will explain that the amendment I offer is taking the money or rather, putting the total amount of \$25,000 in the one year rather than the two years. We find we are getting rather short of funds on the second year and with this thought in mind, that this piece of work could be carried on, I move that we reconsider our former action, whereby the bill was passed to be enacted.

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be enacted, and to further reconsider its action whereby the bill was passed to be engrossed; and the same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption.

The Secretary read Senate Amendment A to L. D. 613: "Amend said amendment by striking out the figures \$12,500 in the 7th line thereof and inserting in place thereof the figures \$25,000.

"Further amend said amendment by striking out the words and figures 'and the sum of \$12,000 for the fiscal year 1952-1953' in the 7th and 8th lines thereof."

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

Sent down for concurrence.

On motion by Mr. Brewer of Aroostook, 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 May 8 pending motion by Senator Haskell of Cumberland to be enacted.

Mr. BREWER of Aroostook: Since this relates to funds that are built up on an assessment basis, and it does not involve any funds from general appropriations, although in the final analysis it will cost about \$2,800.00 more, it merely gives your fire inspectors seven cents a mile.

Their argument is that they have to travel over the worst roads and that sort of thing and that puts them in a class with some of the others. It brings them up to their standard. So I now move the pending question.

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

Mr. CROSBY of Franklin: Mr. President and members of the Senate, we still have quite a few items on the calendar and I believe we still have to clear a lot of those if we are going to get out of here Saturday night.

Thereupon, upon motion by Mr. Crosby of Franklin

Recessed until seven o'clock tonight, E. S. T.

### After Recess

The Senate was called to order by the President.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Merit Award Board," (H. P. 1252) (L. D. 826) reported that they are unable to agree.

On motion by Mr. Ward of Penobscot, the report was read and accepted in concurrence.

"Resolve in Favor of Joseph T. Sewall, of Wiscasset." (S. P. 146) (L. D. 1401)

(In Senate, on May 15th passed to be engrossed.)

Comes from the House, the bill indefinitely postponed in non-concurrence.

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

Bill "An Act Relating to Exemptions from Taxation." (H. P. 336) (L. D. 194)

(In Senate, on May 16th, the Majority Report, "Ought to Pass" was accepted, and the bill passed to be engrossed as amended by Senate Amendment "A", and as amended by House Amendments "B" and "C" in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the bill was passed to be engrossed as amended by House Amendments "B" and "C", and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Messrs: PERRY of Chelsea  
JACOBY of Dixmont  
LOW of Rockland

In the Senate, on motion by Mr. Noyes of Hancock, the Senate voted to insist and join in the Committee of Conference.

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

(In Senate on May 16th, indefinitely postponed in non-concurrence.)

Comes from the House, that Body having insisted on its former action

whereby the bill was passed to be engrossed, in concurrence, and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Messrs: EDWARDS of Raymond  
KNAPP of Yarmouth  
HANCOCK of Casco

In the Senate, on motion by Mr. Noyes of Hancock, the Senate voted to insist and join in the Committee of Conference.

#### House Committee Reports

The Committee on Welfare on Bill "An Act Relating to Constables for Indian Tribes," (H. P. 1248) (L. D. 803) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Lease Privileges for Penobscot Tribe of Indians," (H. P. 1247) (L. D. 802) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Removal of Persons from Tribal Reservation of Penobscot Indians," (H. P. 562) (L. D. 320) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Registering of Dogs by the Penobscot Tribe of Indians," (H. P. 769) (L. D. 451) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Council in Penobscot Tribe of Indians," (H. P. 1246) (L. D. 800) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Membership in Penobscot Tribe of Indians," (H. P. 563) (L. D. 321) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Recording of Death of Owner of Lands in Penobscot Tribe of Indians," (H. P. 1450) (L. D. 1055) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Taxation on Bill "An Act Increasing the Tax on Cigarettes," (H. P. 1035) (L. D. 563) reported the same in a new draft (H. P. 1818) (L. D. 1398) under a new title, Bill "An Act Relating to Tax Stamp Discounts in

Cigar and Tobacco Products Law," and that it ought to pass.

Which report was read and accepted in concurrence, the bill in new draft and under new title, read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

#### Communication

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

May 17, 1951

Hon. Chester T. Winslow  
Secretary of the Senate  
95th Legislature

Sir:

The Speaker appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on Bill "An Act Regulating the Taking of Marine Worms." (H. P. 1131) (L. D. 698)

Messrs. CRABTREE of Island Falls  
GILMAN of Portland  
CHASE of Whitefield

Respectfully,

HARVEY R. PEASE  
Clerk of the House.

Which was read and ordered placed on file.

The majority of the Committee on Judiciary on Bill "An Act Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years," (H. P. 1368) (L. D. 959) reported that the same ought not to pass.

(signed)

Senators:

HASKELL of Cumberland  
BARNES of Aroostook  
WARD of Penobscot

Representatives:

McGLAUFILIN of Portland  
WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor  
HARDING of Rockland

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

(signed)

Representatives:

DELAHANTY of Lewiston  
FAY of Portland

Comes from the House, the bill indefinitely postponed.

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

#### First Reading of Printed Bills

"Resolve Authorizing the Construction of a Road and Terminal in Rockland, Knox County." (S. P. 590) (L. D. 1403)

Which was read once and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

Bill "An Act Providing for the Construction of a Ferry Landing and Approaches Thereto in the Town of Bar Harbor." (S. P. 591) (L. D. 1404)

Which was read once.

Mr. Noyes of Hancock presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A to L. D. 1404:

"Amend said bill by striking out the 7th line of Section 2 thereof and inserting in place thereof the following: 'piers and terminal facilities at the Port of Portland and Port at Bar Harbor with all the rights'."

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

Sent down for concurrence.

#### Enactors

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

Bill "An Act Appropriating Moneys for Revision of State Valuation." (H. P. 1066) (L. D. 646)

(On motion by Mr. Ela, tabled pending enactment.)

Bill "An Act to Incorporate the 'Paris Company.'" (H. P. 1662) (L. D. 1231)

Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation." (H. P. 1734) (L. D. 1293)

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

"Resolve, in Favor of Folsom Brothers of Monticello." (H. P. 1074) (L. D. 1339)

Bill "An Act Relating to a State Police Barrack in the County of Somerset." (S. P. 294) (L. D. 653)

Bill "An Act Relating to the Flander's Bay Community School District." (S. P. 414) (L. D. 975)

Bill "An Act Relating to Open Time on Rabbits in Somerset County." (S. P. 507) (L. D. 1218)

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

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

"Resolve, Appropriating Moneys for Wing at State Police Building in Augusta." (S. P. 220) (L. D. 495)

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

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

#### Emergency Measures

"Resolve, Appropriating Moneys to Effectuate Salary Plan for State Employees." (H. P. 804) (L. D. 477)

Which resolve being an emergency measure, and having received the affirmative vote of 26 members of the Senate and none opposed was finally passed.

Bill "An Act Relating to Non-Resident Commercial Fishing Licenses." (S. P. 578) (L. D. 1391)

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.

#### Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution to Liberalize Limitation of Municipal Indebtedness." (S. P. 579) (L. D. 1390)

Which resolve being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was finally passed.

"Resolve in Favor of the Town of New Sharon for School Building." (H. P. 1009) (L. D. 83)

(In Senate, on March 29th passed to be engrossed in non-concurrence.)

Comes from the House, recommended to the Committee on Appro-

priations and Financial Affairs in non-concurrence.

In the Senate, the bill was re-committed to the Committee on Appropriations and Financial Affairs in concurrence.

Mr. ELA of Somerset: Mr. President, I would like to consider Legislative Document 626, an Act Appropriating Moneys for Revision of State Valuation tabled by me a few minutes ago. I move, Mr. President, that the bill be indefinitely postponed and the reasons are these.

This bill proposes to appropriate \$50,000.00 to study the valuation and to re-value the state. Under our state tax assessors, there is a Board of Equalization. Over the last considerable period of time, that function has been carried out with great care and in the opinion of people who have carefully observed the matter, in a thoroughly disinterested manner and in a thorough manner. While at times municipalities might object to an increase in valuation for their particular town or city, yet by and large there has been very little complaint or criticism but what the thing was done in an equitable manner in relation to other communities.

The municipal officers in each municipality are charged with the principal burden of assessing individual properties and certainly the state can't get down into individual pieces of property. That must and should always be the function of local tax assessors. The function of the Board of Equalization, the State Tax Assessor, is to as near as may be, equalize the state values between the communities.

Now, if it is proposed to get into individual assessments, certainly \$50,000.00 wouldn't scratch the surface. If the job is being done about as well as it could be done under a new committee or commission, we don't need this. You are piling one commission on top of another. To me, it is not necessary. It is expensive. It creates dissatisfaction and distrust in a department which has been carrying on its duties in an exceptionally careful and thorough manner.

This is certainly a place where I think \$50,000.00 could be saved and

that it should be saved. And if we don't pass the bill, we will avoid many difficulties which we now don't have.

Mr. BROGGI of York: Mr. President and members of the Senate, last December at the annual town meeting, my own Town of Sanford raised the sum of \$60,000.00 to have an outside board of auditors come in and make a careful analytical survey of the property valuation of the Town of Sanford.

I am in full accord with Senator Ela that \$50,000.00 on a state-wide basis is a waste of money. We couldn't get any real benefit on a state-wide basis when the municipalities of the state spend more than the figure involved. I am absolutely in accordance with Senator Ela's thinking on this matter.

Thereupon, on motion by Mr. Brewer of Aroostook, the bill was laid upon the table pending motion by Senator Ela to indefinitely postpone and the bill was especially assigned for tomorrow morning.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table House Report Ought Not to Pass from the Committee on Towns and Counties on bill, An Act Relating to the Salary of the Judge of Probate in Penobscot County (H. P. 939) (L. D. 544) tabled by that Senator on May 14 pending acceptance of the report.

Mr. WARD of Penobscot: Mr. President and members of the Senate, Penobscot County had several salary bills which were presented to the legislature for consideration and earlier in the session we held a meeting of the delegation to discuss these matters and to approve or disapprove them.

In going over the various bills, the matter of the Judge of Probate's salary came up. This particular bill asked for an increase of \$500.00 and at that time it was approved by the delegation. Subsequently, the Penobscot County Commissioners in making up their estimates and budget put in a sufficient amount of money to take care of this item. It seems that subsequent to the meeting of our delegation, one or two members seemed to be dissatisfied in part



with the amount of the increase and as a result the Committee on Towns and Counties saw fit to report this out Ought Not to Pass.

When we discussed this particular matter, we took into consideration the amount of salary which the Judge of Probate receives in Cumberland, the Judge of Probate in York, the Judge of Probate in Aroostook County and all of the judges received \$3,500.00 or more.

We figured that in Penobscot County due to the volume of business which we handled, being the second largest county in the state, that our Judge of Probate was entitled to the \$500.00 increase. Later on, we had this bill which came to the legislature which had to do with the commitment of insane people to hospitals. And the final draft of that particular measure, if it is finally enacted, and it is on its way through, will make it necessary for the Judges of Probate in each county to handle all of the commitments in that county and this particular bill will increase the workload not only of our judge but of others.

I have talked it over with some members of our delegation and it is their feeling that if the legislature would see fit to substitute the bill for the report that an amendment cutting the increase down to \$250,000.00 might be acceptable all around.

For that reason, I move that the bill be substituted for the report. If the Senate sees fit to go along with that, I will then offer an amendment.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, on this bill the members of the Penobscot delegation weren't fully in accord and I think that they were guided in our report by some of the members on the committee who were from Penobscot County.

Consequently, it came out in the form that it did. I think that the Senator from Penobscot, Senator Ward, has good reasons for trying to substitute the bill for the report and I would say that the Committee on Counties and Towns, at least the Senate members, have no objection to his doing so.

Thereupon, the bill was substi-

tuted for the report and the Senator from Penobscot, Senator Ward, presented Senate Amendment A and moved its adoption: Senate Amendment A to L. D. 544:

"Amend said bill by striking out the underlined figure \$3500 in the last line thereof and inserting in place thereof the underlined figure \$3250."

Which amendment was adopted and under suspension of the rules the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table bill, An Act to Provide Training to Organized Fire Companies (H. P. 377) (L. D. 217) tabled by that Senator on March 15 pending enactment.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I move for indefinite postponement on this bill. It involves an amount of \$10,000.00 for each of the next two years. It is a new venture, although the educational department has been doing some of this sort of work. But it does seem to be out of line under the educational department because it seems to me that in a good many cases the instructor who is teaching these firemen how to combat fires probably isn't as well versed as the firemen themselves.

It would seem to me that a bill of this sort should be under the Insurance Department where they would know whereof they speak. It is an insurance venture.

I will say to you that the financial picture doesn't look so good as it did a week ago after we passed the sales tax. I was naive enough to believe that once the sales tax was passed, that our financial problems were at an end but it isn't the case. I will cite some figures to you that show you the financial situation that we find ourselves in on the Appropriations Committee in summary of 1950 and 1951 estimated undedicated revenues available appropriations.

This coming year ending July 1st was \$24,156,172.00 and over and above that estimated revenue, we will realize \$538,000.00 more than was estimated, giving us a total of

\$24,694,172. With what is already earmarked for legislative expenditures, we will hope to show a surplus of \$71,594.00. That is as of July 1st this coming year.

Now in 1951 and 1952 we have estimated undedicated revenue available for appropriations, \$25,-151,613.00. To that we add \$6,000.00. That is School for the Deaf by charging tuition, something we haven't done before, and an estimate of eleven months on your sales tax of \$10,000,000.00 which brings it to a little over \$34,000,000. that we have to spend.

We have a little better than \$4,-000,000.00 in L. D.'s calling for money and we have \$3,024,211.36 of the next year to spend.

Now in 1952 and 1953, we have to spend there in undedicated revenue \$25,028,852.00 We again have \$6,000.00 revenue from the deaf and eleven million for your tax estimates. But we take out \$5,-598,750 for your real estate tax and I think out of your state tax on wild lands, the amount that isn't earmarked, we probably will salvage that undedicated revenue of \$107,000.00

So, we have \$30,095,102 and when we take out what we have there and kick out your real estate tax, we have every reason to believe that we show a loss in the second year of \$610,000.00. That isn't a glowing picture. In fact, I was rather stunned last week when it dawned upon me that we were showing a deficit for the second year.

We have our problems in Appropriations of keeping the L. D.'s and the demands that are made, within the current revenue available for the next two years. In many cases, you have seen me put those things which are necessary, lump the sum which it ordinarily carries each into one year and for that reason I feel that this \$20,-000.00 asked for to train organized fire companies isn't justified under the financial picture that I have tried to show you.

I move for indefinite postponement of this bill.

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

Sent down for concurrence.

On motion by Mrs. Kavanagh of Androscoggin, 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 that Senator on May 10 pending motion by Senator Barnes of Aroostook to adopt Senate Amendment A to Committee Amendment A.

Thereupon, Senator Barnes of Aroostook was granted leave to withdraw Senate Amendment A to Committee Amendment A.

Thereupon, the bill as amended by Committee Amendment A was passed to be engrossed.

On motion by Mr. Brewer of Aroostook, the Senate voted to send forthwith to the Governor the following resolves which had been recalled to the Senate by Joint Order:

Resolve Appropriating Moneys for Replacement and Conversion of Certain Elevators at the Bangor State Hospital (S. P. 293) (L. D. 652)

Resolve Restoring Interest on Certain Trust Funds (H. P. 372) (L. D. 215)

Resolve Appropriating Moneys to Obtain Plasma (H. P. 869) (L. D. 517)

The PRESIDENT: The Chair will appoint as Senate members of the committee on the disagreeing action of the two branches with relation to Exemption from Taxation, Senators Noyes of Hancock, Savage of Somerset, Haskell of Penobscot.

On the disagreeing action of the two branches on an act relative to the payment by towns to the state in lieu of taxes, the Chair will appoint Senators Leavitt of Cumberland, Reid of Kennebec and Brewer of Aroostook.

On motion by Mr. Haskell of Cumberland, the Senate voted to take from the table bill, An Act to Confer the Right of Eminent Domain upon Wiscasset Water Company (H. P. 1781) (L. D. 1319) tabled by that Senator on May 9 pending passage to be enacted.

Mr. PALMER of Lincoln: Mr. President, despite the definition in the glossary, I do hesitate to speak

on this matter for several reasons. The first is that to me this is a matter which shouldn't take up the time of the legislature which it has this past winter, recognizing the fact that the Judiciary Committee has spent many hours with it and that only last Friday I spent an entire afternoon with it.

I would like before we dispose of this matter tonight to state to the Senators the question involved and let you be the judge on what the action should be. Wiscasset Water Company is a company supplying the Town of Wiscasset. At the present time, it has a water supply which is opposite the railroad tracks and the present Central Maine Power Plant.

The situation is that the water company intends, if this bill becomes effective, to sell their present water supply to the power company and then to buy this property up the valley from their present supply about 2,000 for a new water supply for the town.

There have been very conflicting arguments as to why this action is necessary and at the time the bill was presented to the Judiciary Committee, it read that this would grant the right of eminent domain to the Wiscasset Water Company and all of Lincoln County and at that time approximately 500 people signed a petition against the bill.

The Judiciary Committee, after weeks of deliberation, then passed out a new draft in which they confined the right of eminent domain to the Town of Wiscasset and wrote into the right the fact that the company could not buy property within 500 feet of the residence of a certain Warren Grover. After that, the new draft came out and once again the residents of the town of Wiscasset were very much opposed to the bill and presented a petition to me which I gave to the committee, bearing about 315 names in opposition to it.

The instance which started this whole thing was when the water company which is actually one man went to Mr. Grover whom I have mentioned before and wanted to buy his property, 5.9 acres of land, and they asked him to put a price on it and he put a price on it which was ridiculously high and,

likewise, the company put one on in return which was ridiculously low and they said, "Either you take it or we will get it anyway," which didn't set well with the residents of Wiscasset.

The price that the company offered the people for the land was \$1,495.00 and they based it on the fact that the \$400.00 would be for the land, itself, and \$1,095.00 for the gravel and sand deposits which were on the land.

As I say, a week ago last Friday, I spent the entire afternoon looking over the property and even though the survey was supposed to have been made by a very impartial person, it didn't turn out to be so impartial, considering the connection the person had with the water company and the price offered for the land was as ridiculous as the charge the people wanted to make for it.

On the land, there is a water supply capable of taking care of the Town of Wiscasset and in addition to that big deposits of gravel and sand. The water supply is worth more than the \$400.00. If you should have to drill an artesian well to get that water supply, it would probably cost a great deal more than that. I am not a mathematician, but a mathematician can figure rather closely how many feet of gravel there are there.

If the contractors went in and dug down only three feet, they could get out pretty close to 3,000 yards of gravel which would be worth not fifteen but twenty cents a cubic yard.

I will say at the outset that I recognize the right of a public utility to have the right of eminent domain. I have been told and I believe probably all of the utilities have this right. This wasn't written into the original charter of this company. That, I would not quarrel with if this were eminently fair and if so much preliminary action had not taken place which wasn't tasteful to all of the people who owned the property and the residents.

The present water company owns a right-of-way up through the land to the land beyond which they want to buy and the right-of-way down past the homes which they

would supply water. Therefore, it is quite inconceivable that this other land is necessary and the question is whether or not these people would receive proper compensation.

Now I realize that they have recourse to the county commissioners if they aren't satisfied with the price but I don't think that is the point in this case. The point is, if it is not accurate someone would go down there and look it over and decide that it isn't actually necessary that the company take this land which the people don't want them to have. Again, I recognize the fact that the argument will be made that The Public Utilities Commission is eminently fair in these matters and that people are always used right.

I do not wish to discuss personalities this evening but there are reasons, not of mine but there are persons involved in it, and personalities involved, which have made it rather distasteful to the delegation from Lincoln County and to the citizens of this town. And without going into that matter and, trying to dispose of this thing, I will move the indefinite postponement of this bill.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I don't know of any bill that has had more returns to the Judiciary Committee than this particular bill this winter. It came up in the first place and seemed to be a fairly simple matter. Here was a public utility that needed more water supply and not only more water supply but needed to protect the approaches to its water supply so that water furnished to the citizens of Wiscasset would not be polluted. It is quite true that at the committee hearing the room was filled but mainly filled with people from Bremen and other surrounding towns because originally the bill gave the company the right of eminent domain anywhere in that county. It finally developed that the Wiscasset Water Company didn't want any of the land except what was in the town of Wiscasset and then it became obvious that the man who owned the land on which the water company wanted the water rights was afraid of losing his house. So

finally the committee amended the bill so that it gave the water company the right to take the land only in Wiscasset, so that did away with the objections of the roomful of people that came down to oppose it and it also restricted the company's right to take any land within five hundred yards, I believe it was, of the home of the man who was afraid he was going to lose his home.

The bill was left in the Judiciary Company for some weeks and has been on the table ever since, with the idea that perhaps the Wiscasset Water Company and the man who owned the land would get together. As I understand it, the man who owned the land wanted \$10,000 for about four acres of land some of which would have to be dredged out from under the water and the best offer he had—no, there wasn't any offer made as I remember it, but it was appraised by a man in that locality, who appraises for the Federal Land Banks and other organizations, at \$500, so we had quite a spread between \$500 and \$10,000. It was the hope of the committee that perhaps as the months went on they would get together and purchase this land, but that land certainly is not worth \$10,000 and with the Wiscasset Water Company supplying water to the whole town of Wiscasset and needing that supply, we felt in the Judiciary Committee that we ought to confer to right of eminent domain. And I suppose now I ought to go into the matter of eminent domain.

The right of eminent domain is given to public utilities for land they need, and this land is needed, and through my own experience and from talking with judges of the Supreme and Superior Judicial Courts, I am convinced that the right of eminent domain has never been exercised in the State of Maine but what the owner of the land that was taken got all the land was worth, and more.

So the committee decided to report this bill out. There are a lot of personalities that enter into this bill, one of which is that the Clerk of the House has been against it all the session and I don't believe we should be governed by matters of that sort. I think this company

needs the right of eminent domain and that the right of the people in that locality to get their water supply depends upon it. I see no harm whatever that can come to the owner of this land because he can maintain his home. We restricted the right of the company to within 500 yards, I believe, of his house and, to cap the climax of the whole matter, one of the people who came down in opposition to the bill was one of the county commissioners, and the assessment of damages is first taken care of by the county commissioners in Lincoln County and if that is wrong it can be appealed to the Superior Court.

We feel that the bill is right. There is no danger to anybody. We have a spread here between \$10,000 and \$500 and the \$500 was the appraisal made by a disinterested person, and it seems to me this bill ought to pass.

I was quite amused to find, about a week ago after this bill had been pending in the legislature for two or three months, that the Senator from Lincoln, Senator Palmer, suddenly became interested in it. I can't figure that out. The bill has been here all this time. I think the decision of the committee was right. When you consider the right of the whole people of a town you sometimes have to confer the right of eminent domain. This has been restricted to a point where it cannot hurt anybody. If they cannot get together on a price, the price will be decided by the county commissioners one of whom I happen to know is particularly friendly to the person whose land is about to be taken. If desirable, it can go from there to the Superior Court. I cannot understand the position of the Senator from Lincoln, Senator Palmer, in regard to this matter and I hope his motion will not prevail.

Mr. PALMER: Perhaps I can explain the Senator's interest in the bill. At the time of the hearing, I think you will recall that I appeared against the bill. So I did have an interest in it even at that time months ago. But after a person has been hounded to death for about three months and you spend a day or two on the scene of battle, you do become more interested in

something. I do not have a personal interest in it but it is something which I think does present an injustice.

Now, I would like to correct a few misstatements made by the gentleman of the Judiciary Committee and I realize that I am having a battle of wits with a powerful committee, but I do want to just mention a few things.

First, I want to mention the appraisal by the unbiased personality to the extent of \$500.00. In the first place, the appraisal wasn't for \$500.00. It was for \$1,495.00 and the appraisal was made by someone who does appraise for the Department of Agriculture but also someone who does engineering work for the Wiscasset Water Company.

A price of \$10,000.00 is ridiculous. So is a price of \$1,495.00. Now for four acres of land or five acres of land or six acres of land, that might be a very good offer to make but when that same land is rich in gravel and when it has a water supply great enough to take care of this municipality, it seems to me that it is worth quite a bit more than \$1,495.00.

I had a friend a short time ago who drilled a well and by the time he got the water in his house, he had to pay more than that at seven dollars a foot drilling an artesian well.

Now, as far as the personalities are concerned, these people aren't people who are reasonable. They are people who are a poor couple supported by their daughter and son-in-law who own this land and that is all they do own. Their water supply comes from this same source and the fact that if this is taken over, too, there has been no arrangement made and no agreement shown whereby these people will even have a supply of water. They are going to have to buy their water from the company at a rate as high as any rate in the State of Maine, which in a short time could do quite a job on \$1,495.00.

Now, I will agree that there were many people from Bremen and Dresden and other towns at the hearing. But as I said before, there was a petition of 315 names presented to your Committee not over a week ago, all residents of the Town of Wiscasset and all voters

in the Town of Wiscasset, representing more than what would normally be a normal vote in an election year.

I want to also dispel the argument that the Clerk of the House is against this. I don't know why that was injected other than that there might be some animosities here in some way which might change votes but I think it has little to do with it. I don't know that he is against it. I haven't conferred with him and my own personal interest is not in his interest or the interests of any others.

I have been there. I have seen the land and I do know that the present water supply of the company is adequate, provided they do not sell it to the Central Maine Power Company. If it is sold, then of course, the supply is not adequate and then they would need to take this by right of eminent domain. Under the circumstances as they are at the present time, they have always had an ample supply of water and with the circumstances as they are at the present time, there is no danger of pollution.

In fact, since 1948, I believe there have been five traces of chlorine in the water on the tests that have been made. So, it doesn't look as though the water is polluted to a very great extent.

Mr. President and members of the Senate, I still hope that this bill will be indefinitely postponed.

Mr. BARNES: Mr. President, I don't mind a bit matching my wits with my good Colby friend, Senator Palmer. I think this has gone a little beyond the issue here which is simply that these people can't get together and if we should give a public utility the right of eminent domain.

I am thoroughly satisfied that if the right of eminent domain is exercised, the owner of this land will get all that this land is worth, probably about twice as much as it is worth from my past experience in matters of eminent domain.

I don't believe the Senator from Lincoln, Senator Palmer, would contend for one moment that the owner of this land is getting his water supply from this pool back of his farm at the moment. I never heard any claim that he was get-

ting his water supply from back there. I don't know where he gets his water supply. I assume he probably has a well beside his house where he gets his water supply.

It was my hope from the beginning that these people would get together and about a week or ten days ago, Senator Palmer first approached me on this proposition which was the first time I knew he had any serious interest in it at all.

I might suggest that the owner of the land appointed an arbitrator and that the water company appointed an arbitrator and that they appointed a third and that they came to a value on this land but they are so far apart on their value that it looks to me as though not only is the Wiscasset Water Company trying to buy something for less than it was worth but the owner of the land was trying to build up the value of the land to several times what the land is worth.

But nothing has been done in the meantime and now along comes Senator Palmer with a motion to indefinitely postpone this bill. The Committee gave it careful consideration to permit the public utility to exercise the right of eminent domain and go to the County Commissioners, at least one of whom is very friendly with the owner of the land, and go through the proposition and get to a price at which the land can be taken.

It is necessary for all of the people that live in Wiscasset. I don't know the population of Wiscasset but I suspect it is somewhere between two and three thousand people. We have got another one of these things like these remonstrances that are put in before the legislature with 350 signatures and you can get most anybody to sign most anything just to get rid of you if you bring a petition around. So I hope that the motion of the Senator from Lincoln, Senator Palmer, does not prevail.

Mr. PALMER of Lincoln: Mr. President and members of the Senate, this is not a land of milk and honey. Apparently it is a land of

milk and water, milk this morning and water this evening.

I would like to say, in order to clarify the situation and to answer some statements made by the opposition to this bill, that the water supply of these people whose land it is proposed to take is supplied from a pool at the back of the house. I have seen it and it is about 700 feet from their home, and that is where they get their water.

As to the price, I will say I have talked with these people and they seem to be willing to compromise on the price. If the land is fairly appraised I am sure it can be bought at a price satisfactory to both sides without the legislature having to confer this right of eminent domain or thirty-three Senators having to argue about it for three-quarters of an hour.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Senator Palmer that the bill be indefinitely postponed.

A division of the Senate was had.

Fifteen having voted in the affirmative and twelve opposed, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. WARD of Penobscot: Mr. President, I would like to take from the table L. D. 18, bill, An Act Relating to Liens on Insurance Policies for Hospitals. I would like to move that the second new draft, S. P. 584 be ordered printed and further move that the bill be laid upon the table pending printing.

The motion prevailed and the second new draft S. P. 584 was ordered printed, and the bill laid upon the table pending printing.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table Senate Reports from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Provide for Number of State Senators (S. P. 185) (L. D. 397) tabled by that Senator on May 10 pending acceptance of either report.

Mr. SLEEPER of Knox: Mr. President and fellow members of the Senate, I have been called foolish and rather ill-advised to

introduce such a bill to a body that has the makeup of this Senate. I have been told that in this measure which has for its purpose to establish an equitable distribution of Senators of two for each county, I am running into a dead end in this Senate because I am outnumbered by senators coming from three and four-senator counties. But the people that say that don't understand the makeup and mentality and the broadness of mind of the Maine Senators.

I know that I can get just as much sympathy and just as much justice and just as much real feeling from the Senators who come from the large counties as I can from the Senators that come from the small counties.

The reason I am taking this matter up today, Mr. President, is that as we approach the closing date, I find that I have every reason to feel that this bill will receive a passage and the mechanics of having it engrossed might delay the adjournment of the legislature. So, I will take that into consideration instead of waiting until I had two sure votes, Senators Greelley and Larrabee. I will take it up tonight. The two gracious senators from York have guaranteed to pair their votes with these two senators which I will lose by taking the matter up tonight.

In the early days of the Roman Empire, there was established the principles of a senate — "Senate" means a group of elderly, learned, tolerant gentlemen, older brothers — and these senators were appointed not by population but to represent geographical units in the Roman Empire. First, there were 100 senators appointed, later 200 and then three hundred years later 300 senators and then Sulla appointed 600 senators. Caesar appointed 900 senators and then Augustus reduced that number to 600 senators, still holding to the geographical unit for each senator and never appointing them according to the population.

From the Roman Senate and its republican tendencies, we come to the United States. The United States Senators are, of course, elected on a purely geographical basis. The State of Nevada with

a population of 64,701 has two senators, while the State of New York with a population of 15,978,804 people have two senators, showing that there is no population basis in the election of senators in the United States Senate.

In fact, the Senate of the State of Maine is the only Senate of the forty eight states whereby the senators are elected upon a population basis and I am going to be honest and frank when I tell you this—and we have done so since the beginning—in 1820 at the time the State of Maine first seceded or was separated from the Commonwealth of Massachusetts, our Senate, even at that time was set up on a population basis. I looked it up because I was under the impression that at the beginning we had two senators per county but I find that, and I will be frank and honest and I apologize for it—I can not apologize for being frank and honest but I am going to apologize for the information which I am about to impart to this Senate.

I find that the county from which I come, Lincoln County, really in 1820 there was no Knox County, it was Lincoln County, and that county had five senators and the only other county which approached it was York with three, Cumberland with two, Hancock with two and so on. But the county which I come from now was the one that was hogging the thing and had five senators. In 1830 it kept shifting and shifting and shifting until now the position is just about reversed. We have come to that place where York, Kennebec, Androscoggin, Penobscot, Aroostook and so forth have three, some have two, and some of us only have one. It is not quite fair.

That is the reason that we of the smaller counties have to fight like cornered rats every time that we are having a new apportionment of representatives. We are just as proud of our County of Knox, no matter how small it is in population or size as you of the larger counties, as the great domain of Aroostook, for instance, or proud, princely, imperial Kennebec or Cumberland. We are just as proud of Knox County as you are of the

larger counties and we plead for a little tolerance and a little representation and a little fairmindedness on the part of you Senators and I am quite sure that we will get that here tonight.

We feel that we are entitled to two senators the same as any other county and we feel that the fairest way to have the Senate divided in the State of Maine is to have two senators from each of the sixteen counties. If we could do that, there never would be any argument about population basis because then we would have our fair representation in one body on a geographical basis and then on a population basis in the other body.

I am not going to take the time but I could go through this book and show you the way the other states are represented by senators — Idaho one member from each county, South Carolina one member from each county, Montana one member from each county, New Jersey one member from each county and then we have states such as Connecticut elected on a population basis by each county with no more than one member and that is the way that all of them are.

The only state in the Union that has this — I don't know just how to describe it — queer system of electing senators is the State of Maine. It is the only state of the forty-eight that elects senators on a population basis and has four from one county, three from another, two from another and one from the other.

I imagine that there will be some opposition to this measure and I would like to have all of you senators who feel the same way that I do — and I hope that twenty-five or more of you will feel that way — I hope you will notice the men that rise in opposition. Undoubtedly they will come from the counties of the larger counties that have the larger membership. But if I came from a large county of two to three senators, I don't think I would worry too much. It is a chance for the larger counties to cut out their deadwood.

The PRESIDENT: Would the Senator refrain from mentioning personalities?



Mr. SLEEPER: I am making it very impersonal, sir. And if I were one of those senators and I didn't feel that I was one of the two better ones, I wouldn't want to be here. When I first started in politics, Governor Cobb was then alive in Rockland and I met him in the post office one day and he said, "How are you going to make out, Sleeper?" and I said, "I don't know, sir, but I hope that I will win." And he said, "Whether you win or not, you can go home that night and feel proud of yourself." I said, "Why?" And he said, "Because you can feel if you win you got all of the intelligent votes in the town and if you are defeated, you were defeated by ignorant voters."

So, I would like to tell all of you senators from the larger counties not to worry about your position of being in the first two in the election because you can feel that you are getting all of the intelligent votes in the county and if the unintelligent votes outnumber the intelligent, perhaps you might not be one of the two elected senators. This is more or less facetious but there is quite a lot of truth in it and I would like to see a real good, sound argument why that isn't the proper way to elect the upper branch of any legislative body. Show me any other legislative body, either national or state, in which the upper branch is not elected upon a geographical basis and I will forever after hold my peace.

Mr. President, I move for an acceptance of the Minority Ought to Pass Report.

Mr. LEAVITT of Cumberland: Mr. President, obviously being one of the deadwood that should be cleaned out of one of the larger counties, I would like to say that I have at least seen the perfect example of the meaning of "The ox who is gored." It depends, of course, on which one it is.

The broadmindedness of the previous speaker relative to representation from Cumberland County in the lower branch is equal to his comments as to asking the larger counties to be broadminded on this.

You know, we up in Cumberland County love our county, too, although it happens to be a big one. We in Portland love Portland and

when we find out we have to come in here year after year with just one-half the representation that our population calls for and when we at the present time are facing the fact that we will have to continue for another two years with three less representatives from the county than we would have otherwise, partly because of the broadmindedness and generosity of the speaker who has just spoken, I hope that the larger counties will remember his generosity in that respect and vote to retain the membership in the Senate and different counties on the basis of the present time.

Although he points out that other states in the Union do not follow the precedent in Maine, remember that Maine has a wonderful motto, "Dirigo," "We Lead." In other words, we do things better than they do in other states. We have a good Senate here and we are elected on a good basis and I hope we continue.

Mr. SLEEPER: Mr. President, in the event that my motion prevails, and I trust that it will, I would like to remind the Senators assembled here that this is a constitutional measure and it will have to be voted on two years from now and there will not be any change in the makeup of the Senate for four years.

I would hate to think the passage of this bill might deny me the pleasure of the association with any of you men here and I would say that in four years the complexion of the Senate might so change that there would be no one damaged here.

Mr. President, I do hope for the benefit of us smaller counties and I do hope for the benefit of the reputation of this Senate, for their broadmindedness and their tolerance, that my motion will prevail and in order that I will know who my friends are and that we all will know who is big in this Senate, I ask for a division.

Mr. BARNES of Aroostook: Mr. President, this measure was considered by the powerful Judiciary Committee and before violence was done to the Constitution on reapportionment by the House there were some of us on the Judiciary

Committee who signed the Ought to Pass report.

The Senator really has a good argument, or he did have before they did violence to the Constitution, because our federal government was set up on the idea of one house based on population and one house based on geographical units and there was a check in balance there that was fine. I want to inform the Senator from Knox, Senator Sleeper, that I am his friend and I am going to vote against him. I would have voted for him if they hadn't done violence to the Constitution in the other branch but since that has been done I think all rules are off and I am going to vote against him.

Mr. DENNETT of York: Mr. President, when the vote is taken I request to be excused from voting as I am paired with the Senator from Sagadahoc, Senator Larrabee because if present he would vote for this measure and I, not being a friend of the Senator from Knox, Senator Sleeper, would vote against it.

The PRESIDENT: The Chair must ask the Senator whether he has consulted with the Senator from Sagadahoc Senator Larrabee.

Mr. DENNETT: It is my understanding, Mr. President, and I believe the Senator from Sagadahoc, Senator Larrabee, wishes to pair. I will admit I have not consulted with the Senator.

The PRESIDENT: The Chair will have to inquire if the Senator from York, not having consulted with the Senator from Sagadahoc, has knowledge how that Senator would vote.

Mr. DENNETT: That is my understanding, Mr. President. However, if the Chair does not wish to recognize my request to pair, in all courtesy to the Senator from Knox, Senator Sleeper, I will request that this matter be laid upon the table and especially assigned for tomorrow.

Mr. BROGGI of York: Mr. President, like my colleague from York, I too wish to be paired. I would like to pair with the Senator from Waldo, Senator Greeley, and I can assure the Chair that our information relative to the feelings of Senator Larrabee and Senator Greeley

come from an unimpeachable source. Senator Sleeper told us.

The PRESIDENT: The Chair regrets intensely that he is unable to accept the pairings.

Mr. DENNETT: Mr. President, I will withdraw my motion, if I made one, to table this matter.

The PRESIDENT: The Senator from Lincoln, Senator Sleeper, moves the acceptance of the minority report "Ought to Pass" of the committee, and the Senator has requested a division. Is the Senate ready for the question?

A division of the Senate was had. Nine having voted in the affirmative and sixteen opposed.

The motion to accept the minority report did not prevail.

Thereupon, the majority report of the Committee "Ought Not to Pass" was accepted.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook the Senate voted to take from the table Senate Report "Ought to Pass" from the Committee on Apportionment on Resolve Dividing the State into Senatorial Districts (S. P. 368) (L. D. 867) tabled by that Senator on February 2nd pending acceptance of the report.

Mr. SLEEPER of Knox: Mr. President, since by the vote of nine to sixteen on the previous matter the Senate has shown their desire to still travel in the ox-cart days of 1820, I move acceptance of the report on the resolve dividing the state into the same senatorial districts into which it is now divided and has been since 1820.

The motion prevailed, the Ought to Pass report of the committee was accepted and under suspension of the rules the resolve was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Weeks of Cumberland the Senate voted to take from the table bill, An Act Relating to Incurable Insanity as a Cause for Which a Divorce May be Granted (S. P. 82) (L. D. 107) tabled by that Senator earlier in today's session pending motion by the Senator from Penobscot, Senator Haskell, to accept the minority "Ought

Not to Pass" report of the committee, which report was then accepted.

Sent down for concurrence.

Mr. CROSBY of Franklin: Mr. President, I move the Senate do now adjourn.

Mr. BARNES of Aroostook: Mr. President, I ask for unanimous consent to address the Senate?

The PRESIDENT: The Senator from Aroostook, Senator Barnes, requests unanimous consent to address the Senate. Is there objection to the request? The Chair hears objection and the request is not granted.

Mr. BARNES: Mr. President, I wanted to take one more matter off the table.

The PRESIDENT: The Senator is out of order. The Senator may discuss the time of adjournment.

Mr. BARNES: Mr. President, I ask for a one minute recess.

The PRESIDENT: It is the understanding of the Chair that the Senator from Franklin, Senator Crosby, withdraws his motion to adjourn.

Mr. BARNES: Mr. President, because of a promise I made earlier in the session this evening I move to take from the table Item 22, L. D. 1320.

Mr. HASKELL of Cumberland: Mr. President, I move that the Senate take a one minute recess.

Mr. BARNES: Mr. President, due to the importuning of the senators from the powerful County of Cumberland, I withdraw my motion to take from the table Item 22.

Thereupon, on motion by Mr. Crosby of Franklin

Adjourned until tomorrow morning at ten o'clock.