

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fifth Legislature*

OF THE

STATE OF MAINE

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## SENATE

Friday, May 18, 1951

The Senate was called to order by the President.

Prayer by the Reverend Robert Brackley of Hallowell.

Journal of yesterday read and approved.

"Resolve Providing Funds for Maintenance at Teachers Colleges and Normal Schools," (S. P. 224) (L. D. 499)

(In Senate, on April 2nd, passed to be engrossed.)

Comes from the House, engrossing reconsidered; House Amendment "A" read and adopted, and the resolve as amended was passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. McKusick of Piscataquis, the Senate voted to recede and concur.

"Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine." (S. P. 596) (L. D. 1406)

(In the Senate, on May 17th, the Majority Report, Ought Not to Pass, read and accepted.)

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

In the Senate:

Mr. HASKELL of Penobscot: Mr. President, I move that the Senate adhere, and noting the absence of the statesman from York, I further move that the resolve be laid upon the table.

The motion prevailed and the resolve was laid upon the table pending Senator Haskell's motion to adhere.

"Resolve for Development of State Park Facilities." (H. P. 1125) (L. D. 697)

(In Senate on April 27th, passed to be engrossed in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "A" read and adopted, and the resolve as amended, passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Savage of Somerset, the Senate voted to insist on its previous action.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Driving of Deer," (H. P. 1753) (L. D. 1297) reported that the House recede from passing the Bill to be engrossed, adopt Committee Amendment "A", submitted herewith, and pass the Bill to be engrossed as amended by Committee Amendment "A".

That the Senate recede from its action whereby it accepted the Majority Report, accept the Minority Report in concurrence with the House, and pass the Bill to be engrossed as amended by Committee Amendment "A".

Comes from the House, engrossing reconsidered, Committee Amendment "A" read and adopted, and the bill as amended, passed to be engrossed in non-concurrence.

In the Senate,

Mr. ELA of Somerset: Mr. President, I move that the Senate accept the Committee of Conference report.

Thereupon, on motion by Mr. Allen of Cumberland, the bill and accompanying papers were laid upon the table pending Mr. Ela's motion to accept the report.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Greely Institute," (H. P. 1070) (L. D. 604) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Fire Protection Tax in Unorganized Territory," (H. P. 1327) (L. D. 890) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Public Burying-Grounds in Unincorporated Places," (H. P. 1240) (L. D. 792) reported that they are unable to agree.

Which reports were severally read and accepted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill

"An Act Relating to the Importation of Poisonous Snakes," (H. P. 327) (L. D. 187) reported that the House recede from its action whereby it passed the Bill to be engrossed, and adopt Committee Amendment "A" submitted herewith, and pass the Bill to be engrossed as amended by Committee Amendment "A".

That the Senate recede from its action whereby it accepted Report B, concur with the House in accepting Report A, adopt Committee Amendment "A" and passed the bill to be engrossed as amended by Committee Amendment "A".

Comes from the House, engrossing reconsidered; Committee Amendment "A" read and adopted and the bill as so amended was passed to be engrossed.

In the Senate, on motion by Mrs. Kavanagh of Androscoggin, the Conference Committee report was accepted, the Senate voted to recede from its action whereby it accepted Report B and to concur with the House in accepting Report A., to adopt Committee Amendment A and pass the bill to be engrossed as amended by Committee Amendment A, in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve, Providing for a Classroom and Library Building at Farmington State Teachers' College," (H. P. 799) (L. D. 492) reported that the same be referred to the 96th Legislature.

The same Committee on "Resolve, Providing for a Men's Dormitory at Gorham State Teachers College," (H. P. 571) (L. D. 377) reported that the same be referred to the 96th Legislature.

Which reports were severally read and accepted in concurrence.

The Committee on Welfare on "Resolve in Favor of Indians at Pleasant Point Reservation for Building and Repair of Homes," (H. P. 1146) (L. D. 678) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 454)

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

as amended by House Amendment "A". (Amendment Filing No. 468)

In the Senate:

Mr. BREWER of Aroostook: Mr. President, I move the indefinite postponement of House Amendment. This gives more money than they even asked for.

Mrs. KAVANAGH: Mr. President, may we have the amendment read?

The Secretary read Committee Amendment A and House Amendment A to Committee Amendment A.

Thereupon, the motion prevailed and House Amendment A was indefinitely postponed; and on further motion by the same Senator, Committee Amendment A was read, and under suspension of the rules, the resolve was given its two several readings and passed to be engrossed in non-concurrence.

The same Committee on "Resolve in Favor of Indians on the Indian Island Reservation at Old Town for Building and Repair of Homes," (H. P. 1145) (L. D. 677) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 455)

Comes from the House, report read and accepted, and the resolve passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A". (Amendment Filing No. 467)

In the Senate, on motion by Mr. Brewer of Aroostook, the report was read and accepted and the bill read once; Committee Amendment A was read and adopted, House Amendment A was read and indefinitely postponed and under suspension of the rules, the resolve was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

The same Committee on "Resolve, in Favor of Indians at Peter Dana Point Reservation for Building and Repair of Homes," (H. P. 1144) (L. D. 676) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 456)

Comes from the House, report read and accepted, and the bill

passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A". (Amendment Filing No. 466)

In the Senate, on motion by Mr. Brewer of Aroostook, the report was read and accepted and the bill read once; Committee Amendment A was read and adopted, House Amendment A was read and indefinitely postponed; and under suspension of the rules, the resolve was given its second reading and passed to be engrossed in non-concurrence.

The Committee on Welfare on "Resolve Appropriating Moneys for Repairs on Convent on Indian Reservation," (H. P. 1143) (L. D. 675) reported that the same ought to pass.

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

The same Committee on Bill "An Act Relating to By-Laws by Penobscot Tribe of Indians," (H. P. 1332) (L. D. 895) reported the same in a new draft (H. P. 1820) (L. D. 1402) under a new title, Bill "An Act Relating to Jurisdiction Over Highways on Indian Island," and that it ought to pass.

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

The Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys for Moving Maine Vocational-Technical Institute," (H. P. 958) (L. D. 570) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 453)

Which report was read and accepted in concurrence and the resolve read once; Committee Amendment "A" was read and adopted in concurrence, and under suspension of the rules, the bill as amended was read a second time and passed to be engrossed, in concurrence.

Mr. LEAVITT of Cumberland: Mr. President, the other day as you know, I had a constitutional resolve in here calling for fifteen million dollars. There was objection to it because they thought it should be spelled out, and the constitution should call for a borrowing capacity of two million dollars and that there should be a resolve introduced which would call for the three million dollars necessary to build the state office building.

In accordance with the debate and with remarks made after the debate, I have had drawn a new constitutional amendment which calls for a bond issue of three million dollars, the procedure of which is to be expended for the erection of a state office building. I believe this is in accordance with the thinking of this legislature. I do not believe the resolve will delay the time of the session one minute and I therefore request unanimous consent for the introduction of this resolve.

The PRESIDENT: The Senator from Cumberland, Senator Leavitt, requests unanimous consent to introduce a resolve. Is there objection? The resolve is received.

Thereupon, under suspension of the rules, the resolve was given its two several readings without reference to a committee and passed to be engrossed.

Sent forthwith to the printer.

#### First Reading of a Printed Bill

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30th, 1952, and June 30, 1953." (S. P. 594) (L. D. 1405)

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

Sent down for concurrence.

#### Senate Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the legislature on Resolve Permitting the Building of a Wharf on Maranacook Lake (S. P. 556) (L. D. 1314) reported that they are unable to agree.

Which report was read and accepted.

Sent down for concurrence.

Mr. FULLER from the Committee on Education on bill, An Act to Revise Educational Subsidy and Tuition Regulations, (S. P. 264) (L. D. 552) reported that the same ought to pass.

Which report was accepted and the bill head once.

Mr. ELA of Somerset: Mr. President, this bill and the next one relate to the same subject. They both came out of Committee with an ought to pass report. They both cannot pass. I think there is a great deal of good to both bills, and in order that I may prepare an amendment so that we might have proper discussion, I would like to lay this first bill on the table and the next one too, when we come to it.

The motion prevailed and the bill was laid upon the table pending assignment for second reading.

Mr. MCKUSICK from the same Committee on bill "An Act Relating to Secondary School Tuition," (S. P. 406) (L. D. 966) reported that the same ought to pass.

On motion by Mr. Ela of Somerset, tabled pending acceptance of the report.

#### Orders of the Day

On motion by Mr. Savage of Somerset the Senate voted to recede from its former action taken earlier in today's session on Resolve for Development of State Park Facilities (H. P. 1125) (L. D. 697) whereby it voted to insist on its former action of April 27th whereby the bill was passed to be engrossed; and on further motion by the same Senator voted to concur with the House in the passage of the resolve as amended by House Amendment A.

The President laid before the Senate bill, An Act Appropriating Moneys for Revision of State Valuation (H. P. 1066) (L. D. 646) tabled by that Senator on May 17 pending enactment.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I am not a proponent or an opponent of this bill, I merely tabled it last night knowing the interest that Representative Chase had in this particular bill.

I would call to your attention that it calls for an appropriation of \$50,000. That has been questioned as to whether it is enough money to do the job or not but from information I can gather, the tax commissioner, Mr. Johnson feels that the kind of work he wanted to do with a spot check it would answer the purpose.

The argument is of course that we are out of the property tax business and there is no need for this. It is not for me to say whether we have need or not but I do want to say we must have some source or some standard whereby the school subsidies and also highway valuation can be determined. This could be valuable along that line and since there are some others who wish to speak on this for and against, I will retire for the time being.

Mr. NOYES of Hancock: Mr. President, this bill was referred to the Committee on Taxation and received unanimous ought to pass report. Briefly I will try to tell you why the committee on Taxation so reported.

In the first instance, the party platform adopted in Portland last year said this: That the state valuation and equalization is to establish a simple, definite, and equitable basis for equalization through state aid to municipalities, and to simplify and strengthen the base of municipal credit, the state valuation of cities and towns and the municipal valuations of property should be revised. Contingent upon a revision of the state tax system being accomplished, the legislature should establish principles for state revaluation designed to reflect local capacities and needs in equitable relation.

In conforming with that plank in the platform it seems that a bill of this nature is desirable. Those of us who have worked in the political field for a few years, realize that a plank in the platform used to be something on which we stood. Later it was used as something to run on, and in later days, the planks have been used as something to hide behind.

There seems to some justification for a change in the valuation of the state since the figures show that in 1930 we had a state valu-

ation at that time in excess of \$750,000,000 and today, it is \$813,000,000. In other words I think the members of the Senate will agree that we have an extremely low valuation in the State of Maine.

As Senator Brewer has said we need a state valuation. It needs to be equitable because all grants in aid will be based on state valuation especially if L. D. 551 is passed to be enacted.

In addition to that we have snow removal and state aid programs which are based on valuation. In the event that the new subsidy bill should not pass, we still have our equalization law on the books of the State of Maine that is based on the valuation of the respective cities and towns.

Also, regardless of the fact that the state is withdrawn from the property tax field, we still have county government and county taxes are assessed upon the state valuation. There you have another reason why the state valuation must be equitable.

At the present time the method used to arrive at state valuation is a simple one. The state tax assessor or his agent determine from the sales of property in the several cities and towns, the relationship between the price of the sales and the assessed value of that same property as carried on the books of your local assessor.

The difficulty to that method of determining the taxable value is this. It is very seldom that industrial property is sold in the State of Maine and for that reason they have no basis upon which to act and one purpose of this bill before you is to establish some basis for equitable valuation to be placed on industrial property in the State of Maine.

The question has arisen, should the amount of \$50,000 be inadequate to properly revalue the state. I think the attention that has been taken disregards the difference between the state and the local valuation. If you were to revalue each and every parcel of land it would take in excess \$50,000. However, in determining your state valuation, it is not a case of assessing each and every individual piece of prop-

erty. A fair check on a small percentage of the taxable property is sufficient. That has been the experience of several of the other states. One extreme example is the State of California in which they figure to take one half of one percent of the property in California at the state level, determine its value and from that one half of one percent they arrive at a state valuation and it is within one percent of being accurate.

Another extreme is the State of Michigan which assesses 15% of their property and strikes an equitable valuation. Probably there is a percent between the two of 1½ and 15 which would be used and could be used as basis for valuation and would not cost such a tremendous sum of money.

This bill before you sets up objectives and it takes into consideration these things which I have outlined and which now need not be read.

There is one additional thought that we should take into consideration on the problem of revaluation in the State of Maine. If we are to revalue we cannot do it piecemeal. We must do it all within one period of revaluation which is a two year period; we revalue each two years. If this bill is enacted into law it becomes effective some time in August. Following that time the process of valuation must take place and the new revaluation is established by December 1952.

It is felt by the state tax assessor that \$50,000 will do the job. He has contacted at least two different companies that do this kind of work and they maintain they can do it and it is also felt that any amount of money that might have to be appropriated in excess of \$50,000 would be more money that would be spent in an economical matter. I hope Senator Ela's motion does not prevail.

Mr. HASKELL of Penobscot: Mr. President, I rise to support the motion of the Senator from Somerset, Senator Ela. It has been my pleasure to serve as a member of the Committee on Taxation and listen at great length to this theory that has been propounded here this morning of re-valuation of the state

property. It has also been my pleasure to be a member of the Committee on Resolutions at the state convention and listen to that same theory expounded.

I have always felt that the State Board of Equalization and the members of the State Tax Assessor's office are doing an excellent job.

In refutation of the argument that they do an inadequate job with reference to industrial property, it is my personal knowledge that they have built up an enviable system of indices by which various segments of the Maine industry are, I think, properly valued.

For instance, in the pulp and paper industry they have indices tied into the tonnage capacity of the mill. In the woolen and cotton industries, they have indices tied into the number of looms and production and millions of yards per year. In the electric industry, those indices are very accurately tied in with the horsepower development, KW capacity of transformers, miles of line, and so forth.

So that I am convinced that this State Board of Equalization, assisted by the State Assessor's office are doing a pretty creditable job. The argument in support of fifty thousand or one hundred thousand dollars seems to me pretty well evaporated in the action of this Legislature, in taking the State out of the property tax.

I recognize that we do have subsidy programs tied into valuation (I hope they will become less, rather than more) but whatever that trend is, I have got to bear my faith with the job they are doing now in accomplishing equalization against the expenditure of \$50,000.00 in a biennium when the Appropriations Committee are finding it difficult to meet essential operating needs, it seems to me this is one of the most re-occurring expenditures we could do well without. That is why I am going to vote with the Senator from Somerset.

Mr. LEAVITT of Cumberland: Mr. President, prior to the Senator's return from Aroostook, we had several talks about this in the Appropriations Committee the first of the week and this item was given

high priority down there and OK'd for the fifty thousand.

We felt that it was an expenditure that we could make and from what little we knew about, we thought it was a good expenditure and in line with the platform of the Republican Party and I am opposed to the motion of the Senator from Somerset, Senator Ela.

Mr. ELA of Somerset: Mr. President, I realize that I am under a slight disadvantage in the fact that my argument has had a chance to cool over night in your minds but perhaps there are one or two angles that I might touch on as long as it has been brought up about the party platform.

I think if this trend continues of individuals lobbying their bills two years in advance by writing them into the party platform, we are soon going to have party platforms which are going to be quite complicated.

Now, we have had probably better public reception of the work of the State Assessors and the Board of Equalization's office than almost any other department in the State. While individual towns might like to keep their valuation down, still by and large, they have agreed time and again that they couldn't argue strenuously but what the thing was done equitably as between communities.

They have at various times employed technical assistance to handle the large, industrial valuations and local communities, as I said before, will always establish their own individual valuations and you can't change that. The only thing we can do on the state level is to see that valuations are equal as between communities.

Certainly, I would have no argument but what we must still have state valuations. But my contention is that it is as good now as it will be after this \$50,000.00 has been spent. I am not sure but it is better. An equitable valuation between communities is the test and certainly half the pressure for such legislation is off with the abolition of the state tax.

Mind you, I am not arguing we shouldn't still have good state valuation but at least that should have reduced the urge considerably.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate. I also had out my party platform when Senator Noyes spoke and read to you what was in the platform regarding state valuation and equalization. I rise first to second the remarks of my colleague on the Committee of Taxation, Senator Noyes. He stated far better than could I the position of the Committee regarding this L. D.

But I also rise on another matter pertaining to this bill and pertaining to the debate and the remarks of the Senator from Somerset, Senator Ela when he intimates he would like to prevent so-called lobbying of legislation two years hence by means of the party platform.

As a member of the Republican Party who has been on these platform committees and who has attended conventions, I intensely dislike what has occurred in this session and in past sessions, but particularly in this session, the reference to the party platform at various times in which remarks were made to the end that perhaps the party platform was whipped up in the middle of the night by a small group in a smoke-filled room. No doubt the room was smoke-filled because most people smoke.

The party platform of the Republican Party this year, I think, is one in which the party should take pride and I think the floor of the Senate is a place to discuss such things because a party platform is supposed to carry out the party and in this case the party which has absolute control of the legislature by virtue of numbers. The party pre-convention committee is chosen, I think, fairly and honestly from segments of the state and represent various interests — younger Republicans, the women's organizations, the older Republicans and from various and sundry sections.

They meet together two or three times at least and do a tremendous amount of work. They come into convention and the permanent platform committee is elected by a due democratic process at county caucuses and the Platform Committee then meets and goes over the work of the Pre-convention Committee and the convention platform is

adopted by the 1,200 or 1,300 candidates to the convention.

Prior to this party platform of 1950, there was a great deal of criticism throughout the state by the public as to the wishy-washy nature of our platforms. The press was insistent that we come out with a specific platform on which our candidates could run. This platform was specific and to my mind the best party platform of either party which I have ever seen.

It said something in black and white. It was not a wishy-washy document. We had something to rely on when we read it. I can not argue as to whether or not the Senate thinks but I do feel it had the scrutiny of all of the delegates at that convention which represented the sections around the state.

But I do take issue with remarks which are made in the Senate almost constantly as to the fact that the party platform doesn't represent the thinking of the party and if we don't happen to agree with its provisions, we immediately get out and attack it.

I second the remarks of Senator Noyes regarding this bill. I think this party platform is fair and I think that the public is interested in studying state valuation and equalization. I think it is not, perhaps, as much as we might all wish and I certainly have no bones to pick with the tax department or the State Board of Equalization but I am insistent in the fact that I think we can be proud as Republicans of the party platform and as far as I am concerned, I am in favor of this particular plank in the platform.

Mr. BROGGI of York: Mr. President and members of the Senate, as a member of the majority party I want every member of this Senate to know that I am proud to be a member of that Party and I am proud of my party platform. However, the reference to revaluation of property in our party platform was not specific. It didn't state any money or it didn't state to what degree it was to be paid.

We have had a valuation done in my town which has a valuation of \$13,000,000.00. It had an outside firm, I believe from Chicago, Illinois,

to come in and do a complete re-valuation to our municipality. The cost, as I understand it, was \$60,000.00. I will agree that this was a house by house and industry by industry check, creating what is known as an exact valuation, a one hundred per cent complete job in my municipality.

Applying it to the \$13,000,000.00, that represents one dollar in seventy. The same type of work done on a state-wide basis would be around \$4,000,000.00. Senator Noyes has mentioned twelve per cent. Twelve per cent is one-eighth. So by doing a twelve per cent check would be one-eighth of four million or half a million dollars. Fifty thousand dollars is only one-tenth of half a million dollars, or one-tenth of one eighth or less than a one per cent spot check.

I agree with Senator Ela that a one per cent spot check wouldn't constitute a fair figure to give the state-wide valuation. I do not feel traitorous to my party platform because I consider this amount not sufficient to do a good job and I certainly hope the motion of Senator Ela prevails.

Mr. CROSBY of Franklin: Mr. President, I was one of those who much against my wishes was elected to the Platform Committee at the last convention and I can assure you there was no lobbying in that committee. There was a great deal of discussion and I think every member of that committee tried to get out a positive platform because we had been criticized over a period of time for not having one. We worked, as I recall, until very late at night, or early in the morning, and worked continually, trying to get what we thought best for the party. As far as this particular issue is concerned, the Committee on Taxation had a public hearing and had before it the evidence on which to base their judgment, and if they feel that this \$50,000 is necessary then I am willing to go along with them.

Mr. NOYES of Hancock: 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 Somerset, Senator Ela, that the bill be in-

definitely postponed and the Senator from Hancock, Senator Noyes, has requested a division.

A division of the Senate was had. Eighteen having voted in the affirmative and twelve opposed the bill was indefinitely postponed.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (S. P. 596) (L. D. 1406) tabled by that Senator earlier in today's session, pending motion of the same Senator that the Senate adhere to its previous action whereby the Ought Not to Pass report was accepted.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, the pending question is my motion that the Senate adhere to its previous action which was acceptance of the majority report of the Committee on Reapportionment "Ought Not to Pass." I tried to present as clearly as I could the reasons for this motion yesterday. I will cite them again as briefly as possible, knowing well that my good friend the Senator from Knox will as strenuously as yesterday, and on other occasions, debate against this motion.

So I repeat that both branches of the legislature by majority vote concluded that we should not reapportion in accordance with federal census figures. I think all thirteen of the majority signers are reconciled to that conclusion and not one, as far as I know, has the remotest thought that this legislature will attempt to reapportion on those figures. We do believe, however, that rather than carrying through for six or ten years that reapportionment which the majority, at least, believes is not exactly in accordance with present conditions, it will be better than having no House reapportionment resolve to proceed as set up in 1941 which means that the elections to the House in 1952 will be made exactly as they were in the 1941 reapportionment. That, to the majority, would be a much more logical procedure because it does leave to any succeeding legis-

lature the opportunity to consider in the light of what may be better information on the population data what that succeeding legislature could do.

And if the Senate feels that that is a fair solution of the apportionment problem then they will support the motion to adhere and, as said yesterday, if that is the solution I will be very glad to join in an order to set up any group deemed desirable to study the question of an honest and fair population which might have better acceptance than the federal figures that are not accepted by either branch of the Legislature.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I think the apportionment bill we are talking about has to do with the apportionment of the House membership and the House has spoken in a very positive tone, sixty-odd to forty-something to amend the status quo. Last night the Senate amused and amazed and astounded me by the number of friends I had here who said if the House hadn't taken such a positive action they would have gone along on our two-senate membership proposition. Then I was startled and astounded by the vote. So I think the Senate has attended to the apportionment of the senatorial representation and I don't see why the Senate should tell the House, after they have voted so positively, the way they should vote on their apportionment.

I have argued and fought this thing all along and anything I can say now is inconsequential but about a month ago I think we decided that the House was entitled to make up their own minds as to the apportionment of the representatives. We didn't exactly violate the Constitution. We felt that Washington and Knox and Aroostook counties are just as much entitled to have one representative for slightly less than 6,000 people as were other counties entitled to a representative for 4,500 or more. The only thing we can do by repealing the vote we took yesterday is to prolong this session one or two days and perhaps come back next week and thrash it out in a committee of conferences. The on-

ly sensible and logical thing for the Senate to do is to defeat the Senator's motion and I will then make a motion to recede and concur with the House. That is the logical and courteous and decent thing to do.

The PRESIDENT: Does the Chair understand that the Senator from Knox, Senator Sleeper, makes a motion to recede and concur?

Mr. SLEEPER: Yes, Mr. President.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, it seems to me—and I will try to be as little personal as possible—that the Senator from Knox has forgotten that we have a two house system of legislation. And most of us in the Senate, I think, believe that when the Constitution says we should reapportion every ten years that is what we should do. To go along with the motion of the Senator from Knox is to go against our oath that we took when we came in here and swore to support the Constitution of Maine. I hope that his motion fails and the motion later by the Senator from Penobscot to adhere will pass.

Mr. BROGGI of York: Mr. President, when the vote is taken, I ask for a division.

The PRESIDENT: The Senator from Penobscot, Senator Haskell, has moved that the Senate adhere. The Senator from Knox, Senator Sleeper, has moved that the Senate recede and concur with the House. A motion to recede takes precedence over a motion to adhere and must be decided first. Therefore, the question before the Senate at this time is on the motion of the Senator from Knox, Senator Sleeper, that the Senate recede and concur. Is the Senate ready for the question?

Mr. SLEEPER of Knox: Mr. President, I would like to bring in the fact, and I can well understand Senator Leavitt's attitude on the Constitution and I respect him for it. But the Constitution definitely says that the apportionment of the House of Representatives shall be determined by the legislature and not by the federal census and the legislature has the power to determine the method of electing their members and they have shown us how they would like to do it and they have felt that they are not violating the Consti-

tution if we recede and concur and I hope that we have the courtesy and decency to do that. It is just as fair one way as it is the other and I hope that my motion prevails.

Mr. LEAVITT of Cumberland: Mr. President, the Gentleman from Knox, I think, misunderstands what I meant by the violation of the Constitution which he called for. He asked that this body here go along with the House because of the fact that the House had a right to determine for themselves and that the Senate had no check upon the actions of the House. I believe and I know that everybody here knows that the Senate has the right and prerogative, to do as it sees fit on this matter, and that there is no extending of courtesy, to go along with the House when we believe that the House is not doing right.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Sleeper that the Senate recede and concur with the House.

A division of the Senate was had.

Thirteen having voted in seventeen opposed, the motion to recede and concur did not prevail.

Thereupon, on motion by Senator Haskell of Penobscot, the Senate voted to adhere.

On motion by Mr. Tabb of Kennebec, the Senate voted to take from the table Senate Report "Ought to Pass" from the Committee on Appropriations and Financial Affairs on bill, An Act Relating to the State Liquor Stock (S. P. 219) (L. D. 494) tabled by that Senator on March 13 pending acceptance of the report; and that Senator moved that the bill be indefinitely postponed.

Mr. BREWER of Aroostook: Mr. President, on this particular bill, it came out with a Unanimous Report out of Appropriations, Ought to Pass. To describe to you what this bill proposes to do, there is no money involved but it does allow the Liquor Commission to build up their stock to the extent of a million dollars more. Since the time that this was discussed in Committee, I have had a chance to look over the figures of the revenue derived

by the Liquor Commission and I find that as of the month of April, they went behind about \$146,000.00 in anticipated revenue.

I have always felt that liquor was one of the items that you couldn't have too much of to sell to make a profit but I have almost come to the conclusion that possibly I was wrong in that inference.

I do want to say that one of the reasons that they asked for this increase was that if the federal government comes in and puts a tax on the liquor, they already have it in stock. Of course, at that time, I think that the federal government was talking of putting on a tax of three dollars a gallon which would bring the amount on the inventory that they had to about \$600,000.00. In other words, if they were taxed by the federal government, that would automatically bring down their inventory to the extent that the tax was involved.

I merely point these facts out to the Legislature so they in their good opinion can make up their minds whether it is wise at this time to increase the working capital of the Liquor Commission or not to. I have arrived at the point where I don't know whether it would be beneficial or not. As I say, in the past, I used to think you couldn't have too big an inventory but I have about arrived at the conclusion that liquor is like anything else and maybe you can get too much on hand and can't sell some of it.

So, I will leave it in the hands of the Senate to make a decision.

Mr. LEAVITT of Cumberland: Mr. President, I principally concur with the Senator from Aroostook, Senator Brewer. I think he has explained it fairly well. I think there are one or two items he has left out.

In the first place, there is no expenditure of money in this bill. It simply allows the Liquor Commission to have in their stock over \$3,000,000.00. If they buy for a Christmas season and do not have to pay for it for ninety days, they can have a stock in there when the inventory is taken of over \$3,000,000.00 as long as it is paid for at some time within the discount time allowed. Of course, they don't get much one way or the other. It

would seem that it was good business practice to allow them to buy and to use their discount period. If the Senator from Kennebec can give us a valid reason why this should be, why I will go along with him.

Mr. TABB of Kennebec: Mr. President, I would like to say that in the first place the Liquor Commission, in my opinion, does not need \$3,000,000.00 to do business on. Other states don't have it and still do more business than the State of Maine. I will say that the revenue has been falling off for the last two months. We have never had to increase this inventory with the exception of needed money for the purchasing of liquor for the month of December and each and every time that has happened since they have been in business, they have been able to go to the Governor and Council and borrow the amount that they needed.

In fact, they have just paid back, I think, within thirty days the amount of \$300,000.00 that they borrowed in the last December. To my opinion, it is not a question of increasing the stock or inventory to four million. It is a question that we should have better merchandising so that we do not need the extra million.

I feel it is not for the best interests of the citizens of this state to allow this credit to go on. I admit it does not involve any money. The present Liquor Commission has needed no more money than any other Commission that we have had in office since we have been in the liquor business. I feel sure and I know for an absolute fact that there isn't going to be a shortage of liquor.

There wasn't a shortage of liquor a year ago and they bought a tremendous lot when they were advised by certain people that there was going to be a shortage and therefore they purchased. But there isn't any shortage of alcohol nor there won't be any shortage of alcohol nor the tax from the federal government will not be three dollars as stated and I feel under those conditions that they really do not need this money to carry on the liquor interests of our state.

The PRESIDENT: The question

before the Senate is on the motion of the Senator from Kennebec that the bill be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed.

The PRESIDENT: At this time, the Chair will designate the Senator from Hancock, Senator Noyes, as President pro tem and requests the Sergeant at Arms to escort him to the rostrum.

(This was done.)

On motion by Mr. Ward of Penobscot the Senate voted to take from the table Senate Reports from Committee on Judiciary on recommended 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 Tabled May 17, 1951 by that same Senator pending the motion by Senator Noyes of Hancock to reconsider action whereby Report "A" failed to be accepted.

Mr. WARD of Penobscot: Mr. President and members of the Senate, when I decided to take this item off, I did not know that we were to have a new presiding officer. But in any event, I rise to support the motion of the Senator from Hancock, Senator Noyes, that the Senate reconsider its action whereby it failed to accept Report "A" of the Committee.

At the time this bill was taken up for consideration the day before yesterday, the second new draft of the bill had not been printed and since that time it has been printed. The L. D. No. is 1409 and some of you have already read it. Others perhaps have not read it.

I wish to say that the original bill which was presented to the Committee for consideration which was presented by the Senator from Kennebec, Senator Tabb, was a bill, as I understand it, which was a copy of a law which is now in effect in Connecticut. I say that so that you may know that this is not an entirely new departure, that other states have adopted a bill similar to this.

This New Draft, if you will read it, you will see confines this situation purely to the case where some person is struck by an automobile, is taken to a hospital, the operator

of the car involved in the accident carries insurance, and the hospital wishes to secure some protection for the services which they render.

As I explained in previous debate, in these accident cases, when the insurance company gets ready to settle with the accident victim, of course that settlement includes money to either reimburse the accident victim for anything he has already paid to a hospital or it includes money with which he can pay the bill. It would seem in equity and good conscience, that if a person has been in a hospital as a result of an accident and if an insurance company has paid him money which he has represented to the company is a part of his damages, the hospital bill, then the hospital should be entitled to get that money.

Now the Senator from Aroostook, Senator Barnes, the other day pointed out that of course this bill applies to hospitals only and that it does not include the services of the doctor and it does not include the services of nurses.

I would simply say that in connection with nurses, the average accident victim goes into the hospital under these circumstances, is taken care of by the regular nurses in the hospital and their services are in the hospital bill. In those cases where a patient has special nurses who come in from outside, I would say that that accident victim in most cases, at least, would be a person who could well afford to pay those nurses. Otherwise, the nurses would not accept the employment.

So, I do not believe that we would have to be concerned too much about special nurses losing money in these cases. So far as doctors are concerned, at the hearing, Mr. Mayo Payson of Portland who represents the Maine Medical Association, appeared on behalf of that Association told the Committee that the doctors had no objection to this bill and were hopeful that it would receive passage.

I would like to point out to the Senate that in the event this accident developed to be a fatal accident and the patient died, of course if he left a solvent estate, everybody would be paid anyway.

In the event the estate proved to be insolvent as you will notice by the last part of the bill, in the settlement of that estate, the first items which would be taken care of would be the funeral expenses and the expenses of the administration.

The next item that would be disposed of if the victim was survived by a husband or wife would be the payment of such widow's or widower's allowance if the Probate Court saw fit to allow them, and then in the event that there were any more dollars left in that estate, then the expenses of the last illness would be paid and the hospital bill would then come in and they would receive their proportionate share, along with any other expenses of last illness.

Of course, in that event, the expenses of the last illness would not only include the hospital but it would include the doctors and the nurses, if any.

I am very hopeful that now that you have had an opportunity to examine this new draft and see that it is confined solely to those casualty insurance policies, that you will see fit to go along with the motion of the Senator from Hancock and reconsider this matter.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that the Senate reconsider its former action whereby it failed to accept Report A. Is the Senate ready for the question?

A viva voce vote being had, the motion prevailed.

Thereupon, on motion by Mr. Ward of Penobscot, the Senate voted to accept Report A (Ought to Pass in a second New Draft S. P. 584) and under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution to Clarify the Provisions that Relate to the State's Borrowing Power (H. P. 1782) (L. D. 1320) tabled by that Senator on May 16 pend-

ing motion by Senator Haskell of Penobscot to adopt Senate Amendment A.

The PRESIDENT pro tem: The pending question is on the motion of Senator Haskell of Penobscot to adopt Senate Amendment A.

Mr. HASKELL of Penobscot: Mr. President, having moved the adoption of Senate Amendment and having been asked by the distinguished jurist just what that is, it simply cuts that ten million down to two million, and leaves the Constitution exactly as it is now, but does a splendid job to clarify that section.

The Secretary read Senate Amendment A to L. D. 18: "Amend said resolve by striking out the underlined word ten in the sixth line of that part designated Section 14 and inserting in place thereof the underlined word two.

Which amendment was adopted and the resolve read once.

Thereupon, under suspension of the rules, the bill was read a second time; House Amendment A was indefinitely postponed and the resolve as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Legal Affairs on bill, An Act Repealing Running Horse Racing (S. P. 134) (L. D. 242) tabled by that Senator on March 20 pending acceptance of the report; and on motion by Senator Haskell of Penobscot, the Ought Not to Pass report was accepted.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Joint Order, re Study of Manufacturing, etc. of Liquors in State, by Legislative Research Committee (S. P. 593) tabled by that Senator on May 16 pending passage.

Mr. HASKELL of Penobscot: When I tabled this thing I had the firm conviction, as I have now, that there is plenty of statutory authority for the legislative research committee to make a study of any

function of state government it wants to, including the Governor's office and the Judiciary Committee.

However, I know that the Senator from Kennebec, Senator Tabb, has a deep feeling and deep conviction on this matter, and far be it from me to do anything else other than to urge the adoption of the order, and I am pleased to see the Senator smile.

Thereupon, the Order received a passage.

Sent down for concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the table House Report from Committee on Agriculture on Bill, "An Act Relating to Indemnities in Bang's Disease Law," (H. P. 1465) (L. D. 1081). Majority Report, Ought to pass with Committee Amendment "A," Minority Report, Ought Not to Pass, tabled by that same Senator on May 10, 1951 pending acceptance of either report.

Mr. GREELEY of Waldo: Mr. President and members of the Senate, I believe if this legislation passes, that we will be taking a step backward. After we once started to stop paying indemnities four years ago, the Commissioner of Agriculture went before the Appropriations Committee and said that he wouldn't be back to ask for any more appropriations to pay indemnities. Two years ago, the Committee on Agriculture came out with a bill Unanimous Ought to Pass to stop paying some indemnities. They also came out with a bill to allow technicians or laymen to take blood samples. The veterinarians opposed this kind of legislation for many years and I for one was criticized severely for proposing a bill to stop paying indemnities.

They told us that we would lose the ground that we had gained. But I find after coming back here to this legislature that the State of Maine has qualified itself as a modified, accredited area, it being the third state in the Union to do so, the other states being North Carolina and New Hampshire.

I think that we gave the farmers a fair shake. This bill to stop paying indemnities didn't go into effect until July 1st, 1950. The

Department went over the State and tested over sixteen counties. They cleaned up all of the Bang's disease at that time, provided the farmer wanted to let his cattle go and receive indemnities.

I realize this is a small appropriation of only \$25,000.00 a year but you can make it \$100,000.00 a year and you would still have Bang's disease in the State of Maine because during the time that they paid indemnities we had on March 12, 149 herds in the State of Maine with 675 reactors in them and I wish to point out in paying indemnities how you are going to have those reactors. You are still going to have those 149 C herds but starting in to pay indemnities isn't going to make a bit of difference.

Now, last Friday a week ago today we passed L. D. 100 which gives the department, I believe, the best legislation to maneuver this Bang's disease program that they have ever had and I believe it is ample legislation to carry out the program and I hope that the Minority Ought Not to Pass will be accepted.

Mr. BOYKER of Oxford: Mr. President, this bill to me does not involve a question of money. It does involve the health of the children of our state who have contracted and may contract in the future through the milk produced by these reactors Bang's disease that is a fever which may well be chronic through life.

Now, the agricultural department will tell you, today, that with the vaccination program we are not making any progress in the control of this Bang's disease. I believe, and I strongly believe, that we should take on again this slaughter and indemnity program because with this indemnity program we are more thoroughly protecting the lives of the children of our state.

It has proved successful and I move that we accept the Majority Report, Ought to Pass on this bill.

The PRESIDENT pro tem: The Chair would inquire if the Senator from Waldo, Senator Greeley made a motion.

Mr. GREELEY: Mr. President, I

move that the Minority Ought Not to Pass Report be accepted.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I am standing here to defend the report of the Agricultural Committee which was eight to two that this bill Ought to Pass. It is unfortunate that it is the Chairman of the Committee that I have got to battle against. However, I feel that as I am in the Senate and the only senator that went along with it at the time, that I shall have to do my duty to support the Committee.

This Bang's disease is the most serious problem in the cattle industry and is a problem that affects every citizen because of undulant fever, a serious and far too common disease in man. It is caused by either drinking milk from infected animals or the handling of such animals or animal products.

In the State of Maine over the period of years, I admit that we have spent a great deal of money. The federal government has spent a great deal of money and the industry has suffered a great deal because of it. The great progress that has been made is evidenced by the fact that today, Maine is one of the three states in the Union, North Carolina and New Hampshire being the only other two states besides our own that is practically free of this disease.

This has been accomplished only, Mr. President and members of the Senate, by the slaughter program with indemnity. The livestock breeders throughout the years of their cooperation with the Department of Animal Industry has brought about this improvement and deserve a great deal of credit.

The 94th Legislature, however, changed the indemnity law and since July in 1950, indemnities have been paid to calfhood vaccinated reactors only. And since that time, there has been a lack of cooperation on the part of the several cattle owners. As a result, there is at the present time 164 branded reactors in sixty-four herds in this state whose owners refuse to cooperate by disposing of them and the Attorney General has ruled in the past few weeks that

they have not got to give up nor can the state take these animals from them. This has been true of small operators with only a few animals. Owners having a large herd have continued to follow the program that involved the slaughter. But if anybody does not dispose of the reactors, then the larger herds are continually being subject to this possible infection at any time and unless we can get the whole-hearted cooperation of the industry on this program, we certainly are going to suffer.

I want to say that if this bill is accepted, the last part of the bill calls for twenty-five thousand each year to carry on this program, and I shall offer an amendment to do away with that amount of money because the Governor's office a few days ago, when we were called, that was the trouble that was bothering him was the money.

We found that there was some left over from the previous appropriation that could be used the Governor has been told by the Finance Committee. So, it involves no money whatever.

At the public hearings, the floor was filled to capacity and there was only one member or one person there, might I say, that really opposed this measure and he very feebly because he said a few years ago he made the statement as a member of this Senate that he would never again ask for any money for the Bang's program.

Now, gentlemen, that was the only opposition that we had. To pay indemnities just to vaccinated animals only is discrimination. As long as there is no agreement among the veterinarians of this state on the merit and the advisability of calfhood vaccination, we should not say to the industry, "You must vaccinate or we will penalize you by not paying you for indemnities if you have reactor animals. At present, the disease is fairly well under control and the cost of indemnities of all of the reactors will be very small. If I remember rightly, the state pays twenty dollars and the government pays twenty dollars and of course beef being high at the time, the farmer does not lose any money.

For the sake of this few thousand dollars, we can't afford to take the chance of letting this become widespread and cost us another small fortune to get it under control. This is definitely poor economy.

I admit that vaccination is a problem that is not wholly in accord with all veterinarians. There is a divided opinion but the states in the West are finding out today that slaughter is the only way to really stop this Bang's disease.

So, I hope, Mr. President and members of this Senate, that the motion of the Senator from Waldo, Senator Greeley, does not prevail.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, as a member of the Agricultural Committee and one of the majority of three Senators who signed the Ought Not to Pass report, I feel that I must defend the motion made by the Senator from Waldo, Senator Greeley.

I would point out that this committee was made up of quite a diversity of activities. I don't know how much the Senator from Kennebec, Senator Tabb, knows about Bang's Disease. He is a hen man and I am a potato man, but Senator Greeley really is a dairyman and he has been through this Bang's Disease once and is apparently familiar with it and I for one am willing to go along with him and his motion.

When I came to this legislature in 1941 I think they floated an \$800,000 bond issue and at that time they told us they would never be back for more money and they would do the job. I know they spent over a million dollars and have come back and come back and every time they say that this will be the last time and they won't need any more money. But I have been here for twelve years and they are now back again asking for more money, and I feel that we will never get out of the Bang's Disease question until stronger measures are taken or until the federal government comes or someone comes in here and every time they find an infected animal they do away with it. The trouble with the Bang's Disease as

I see it is that there has never been the enforcement through the Department of Agriculture that there should have been. I feel that very sincerely. We criticized the Commissioner for that and he said if we would give him another chance he would really try to do something within the next two months or so.

As has been said, many of the boys have worked out of this problem through vaccination and that is probably right but I feel that it depends largely on whether the man who has the vaccination program is really sincere in his effort to clean it up, or not. My criticism of the Department of Agriculture is that they have been too lenient with their enforcement.

The Senator from Kennebec has told you that after they came back and asked for more money to enforce this thing they had some phantom money—I haven't heard that word for several years—and they paid out \$25,000 the next two years to pay for any reactors taken out of the herds but by the same token since two years ago when all indemnities were cut out Senator Greeley has told you they have already taken 675 animals which no payment has been made for at all and now you are considering paying these other men and to my mind that isn't fair. I feel it is putting money down a rat hole and I have always felt that way and I don't believe it is the answer to our problem nor that it is the last money you will be asked for, and for those reasons I hope the motion of the Senator from Waldo, Senator Greeley, will prevail and the minority report be accepted.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, the Senator from Aroostook, Senator Brewer, has stated that the Agricultural Department has been very lax in enforcing this program of vaccination. If they have been lax in the past we can expect them to be lax in the future. It has been shown definitely that we are not checking this Bang's disease through vaccination and that we did make progress under the slaughter and indemnity program, and I still believe we should

accept the majority report of this committee "Ought to Pass."

Mr. TABB of Kennebec: Mr. President, quite true, several things that my good friend the Senator from Aroostook, Senator Brewer, has said. He knows that I heartily agree with quite a few of them. However, you can not take these cattle that have Bang's disease away from the farmers. There is no law that says you can do it. To be sure, there was over 600 cattle taken. But those are taken from herds of cattle where they are interested in the cattle industry and perhaps have forty or fifty thousand dollars invested and they can't afford to keep an animal that has Bang's disease. But the little fellow, the man that is selling perhaps three or four cans of milk a day with a herd of perhaps twelve or fifteen cows, he is the fellow that is not going to give up those cattle that have got Bang's disease and as long as we allow that to go on in this state, we are going to get milk that is not what it should be.

If you get this undulant fever, it is a very, very serious thing. It seems to me that it is not fair to say, "I have got a vaccinated animal. I should get indemnity," but the other poor fellow, he can't get anything. And just as long as you allow this to exist, we are going to still have this disease.

I agree with the Senator that there has been laxness in that department. There is no question about it. I agree that the law should be tightened but I don't think vaccination is the answer to make those things tighter. I might as well say that in the Governor's office we agreed, this Committee did and Senator Greeley agreed with us, that this program should have another three months' trial and if it wasn't working or did not do what we claimed it would do, there would be a change in the husbandry department.

Now, in order to find this out, what is wrong, we must continue this program. So, I hope that the motion of the Senator Greeley does not prevail.

Mr. LEAVITT of Cumberland: Mr. President, I am heartily in agreement with the Senator from

Kennebec, Senator Tabb, in his position, and when the vote is taken, I shall vote with him.

However, my friend, Senator Sleeper from Rockland has had to leave and has asked if I would pair with him. Therefore, I ask the privilege of not voting because of the pairing with Senator Sleeper who is voting the other way.

Mr. BROGGI of York: Mr. President and members of the Senate, I have been on my feet too much in the last few days. This is the last time this Senate is in session that I will speak. I think all of us have constituents that we have unlimited faith in. I know I for one have one of them, my trustee of the University of Maine. He has a herd of cattle that has broken and consistently breaks national records. He is recognized as one of the outstanding dairymen in the State of Maine.

In discussing this bill with him, he said the federal government had spent a million and a half dollars on this program and that the State of Maine had spent about a million dollars on the program and that they had practically eradicated the Bang's disease or at least to the extent where Maine, New Hampshire and North Carolina are the only three states in the Union having accredited ratings.

In his opinion, leaving the field now would be like putting out a forest fire to the point where it is smoldering and leaving a few pails of gasoline sitting around.

It does seem to me that two and a half million dollars having been spent on this program and with the State of Maine accredited, and whereas there are funds left over from the program to carry out this bill it would seem good judgment just to go ahead. I sincerely hope that the motion of Senator Greeley does not prevail.

Mr. BREWER of Aroostook: Mr. President, in reply to Senator Tabb on the fact that only animals that were vaccinated could receive compensation, I think that the idea when that was put in was the fact that at that time some of the veterinarians not approving the vaccination and Dr. Whittier of the University probably was the ring-leader in it, that was put in for

the specific purpose, knowing that vaccination would in many cases eradicate this disease over a period of time. That was put in with the intent that those who did try to extricate themselves from this situation would be rewarded for it.

Now, as I said before, if I felt that there would be a real effort to do a job on this thing, I would feel a lot different about it. But I would say to the Senator from Kennebec and to the members of the Senate, and I think I am right in making this statement, New Hampshire has given it up as a bad job and I am not sure that Massachusetts and some of the other states, after they put hundreds of thousands of dollars in the program.

It really boils down to the fact how sincere the individual owners of these animals are and how clean they want their herds. You can argue that it is a health measure. It can be, but I feel that the whole thing is an administration of this thing. If I could feel that by prolonging the agony that you would get a little more cooperation and a will on the part of the department to really do a job, that would be one thing but I don't think it will help any.

I have been here twelve years and every year they have been back it has been the last time and if anybody happens to be here twelve years more, they will still be back for funds to clean up this Bang's disease and they won't have it done then. I feel that you might just as well stop it one time as another and that it is just pouring money down a rat hole.

Mr. GREELEY of Waldo: Mr. President and members of the Senate, there has been some criticism about paying for reactors of vaccinated animals and I would like to inform the Senator from York, Senator Broggi, that this idea came from the exact man he is talking about. I will agree that the man he has been talking about did a wonderful job with his cattle and he also had Bang's Disease in his herd at one time and I think he will agree that the only way he can keep away from that disease is through vaccination and he is one of the greatest proponents of that method.

Now with indemnities or with no indemnities with these reactor animals staying in the herds the milk from those animals is going to be sold in the State of Maine for the simple reason that the law gives them that privilege if the milk is pasteurized. We have hundreds of people in Maine selling milk who don't even have a dealer license and who haven't the right to sell milk and they are very hard to keep checked. That being the case, maybe we should have legislation that all milk for human consumption shall be pasteurized and maybe that would be a good thing to do.

The Bang's bacilli from cows isn't the worst thing. The worst germ you have in this form comes from goats. The next worse comes from hogs. The third is from cows. These people don't seem to worry too much when they slaughter the animals and let you people eat the meat. The largest percentage of people who have undulant fever are people who work in slaughter houses and handle meat. In my county we had seven C herds prior to February 22, 1950, and we had a man in that county who went to Canada and bought some cattle and brought them down home and he happened to pick them out of a herd that had Bang's disease and after he had been down here a while he had twenty reactors in his herd. He had infection in there on February 22nd and the department let him keep all twenty of those animals and he has them now.

Now we have eight C herds with 37 reactors in the county and this one man has more than half of them. When they attempt to criticize vaccination I don't agree with it. I realize we have had trouble with it. It wasn't too many years ago that we used a liquid vaccine which was supposed to be kept under refrigeration. We had veterinarians in this state who were perfectly willing to let it lay around in the summer without refrigeration and they used it on those animals and got into trouble, and they blamed it onto vaccination. I was probably the first man in the state who used vaccination and since I have started to use it I haven't lost an animal yet.

I admit there are lots of things about vaccination we probably don't know yet and I agree it probably isn't a hundred percent effective but there are a lot of things that aren't a hundred percent. Ivory Soap, for instance, is only 99.43% and I think a properly administered vaccination program will come to about that percentage. I have on my desk letters from practically every state in the Union from some of the outstanding herds in the country and several letters where they claim they couldn't even stay in business if it wasn't for vaccination.

I believe that with the price of beef where it is today there is no excuse for the state to pay indemnities. A former Senator from Lincoln told me a few weeks ago that he had been offered \$750 for his bull for beef and last week he told me the same man came back and offered him \$800 for the same bull for beef. It seems to me if a man really wants to help himself out and take care of his cattle he can do the job, if he really wants to.

Mr. TABB of Kennebec: Mr. President just a few words more and then I will quit. It is true, as the Senator has said, if the man wants to do the job, it can be done. But when he will not do it, that is where the point lies—he will not do it. We agree that if he could do it, or would do it, that would be O. K.

The Senator, himself, has been one of the biggest advocates we have had to do something in the husbandry department. Back in the 93rd Legislature, I was with him. We fought together. Somehow or other, we separated. I, too, want to see that change in the husbandry department and you know, Senator, that that can happen if this bill is allowed to pass.

I don't see why we want to argue about vaccination at the present time. That isn't the subject that you and I know about. That is pertaining to the people of the State of Maine. I want to also recall to the Senator that he knows that at least seven counties held a great many meetings since this bill was brought before us and there isn't one of them that was opposed to this bill. They all want

it in this state. The whole thing is, as near as I can sum it up, is Senator Greeley against the State of Maine.

I hope his motion does not prevail.

Mr. GREELEY: Mr. President, I just want to bring out the meeting we had in Waldo County. This meeting was called and they had four different chairmen before they got done. The majority there were G. I.'s, students receiving from ninety to one hundred dollars a month under the G. I. training. Their teacher was given the chance to be the chairman of the meeting and asked how many were in favor of the indemnity and they were well trained. When he gave the word, they all got onto their feet. But there was no vote taken for those that were opposed.

The PRESIDENT pro tem: Is the Senate ready for the question?

A viva voce vote being doubted by the Chair,

A division of the Senate was had.

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

Thereupon, on motion by Mr. Tabb of Kennebec, the Majority "Ought to Pass" report was accepted and the bill read once.

Mr. Tabb of Kennebec presented Senate Amendment A and moved its adoption.

The Secretary read the amendment: "Amend said bill by striking out all of Section 2 thereof. Further amend said bill by striking out the abbreviation and figure 'Sec. 1' in the beginning of the first line thereof."

Thereupon, on motion by Mr. Greeley of Waldo, the bill and accompanying papers were laid upon the table pending motion by Mr. Tabb to adopt Senate Amendment A, and the bill was especially assigned for this afternoon.

On motion by Mr. Crosby of Franklin

Recessed until 2:30 o'clock this afternoon, E.S.T.

#### After Recess

The Senate was called to order by the President.

#### From the House (Out of Order, and Under Suspension of the Rules)

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

(In Senate, on May 18th, bill 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 as amended by Committee Amendment "A".

In the Senate, on motion by Mr. Ela of Somerset, the Senate voted to insist on its former action and asked for a Committee of Conference.

Bill "An Act to Provide Training to Organized Fire Companies." (H. P. 377) (L. D. 217)

(In Senate, on May 17th, 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, 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: TRAVIS of Westbrook  
SPEAR of South Portland  
PIERCE of Bucksport

In the Senate, on motion by Mr. Brewer of Aroostook, the Senate voted to insist on its former action and join with the House.

The Committee on Appropriations and Financial Affairs to which was recommitted "Resolve Appropriating Moneys for Municipal Airport Construction," (H. P. 956) (L. D. 568) reported the same in a new draft (H. P. 1821) (L. D. 1407) under the same title, and that it ought to pass.

Comes from the House, report read and accepted and the resolve in new draft passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted and under suspension of the rules, the resolve was given its two several readings, House Amendment A was read and adopted in concurrence, and the

resolve passed to be engrossed in concurrence.

The same committee on "Resolve, to Construct and Equip a Hospital Building at Central Maine Sanatorium," (H. P. 874) (L. D. 522) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence and the resolve read once; Committee Amendment "A" was read and adopted in concurrence, and under suspension of the rules, the resolve was read a second time and passed to be engrossed as amended, in concurrence.

Bill "An Act Relating to Education in Unorganized Territory." (S. P. 352) (L. D. 880)

(In Senate, on May 16th passed to be engrossed as amended by Senate Amendment "A".)

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

In the Senate, on motion by Mr. McKusick of Piscataquis, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment A was read and adopted and the bill as amended passed to be engrossed in concurrence.

The Committee on Education on Bill "An Act Relating to Academies," (H. P. 1525) (L. D. 1107) reported that the same ought to pass.

Which report was read and accepted in concurrence, the bill was read once and on motion by Mr. Ela of Somerset, laid upon the table pending assignment for second reading.

The Committee on Highways on "Resolve, Creating a Legislative Interim Committee to Implement the Engineering and Economic Study of 'Maine Highway Needs,'" (H. P. 1115) (L. D. 746) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relative to Fishing Contests," (H. P. 1725) (L. D. 1280) reported that they are unable to agree.

Which report was read and accepted in concurrence.

Bill "An Act Relating to the Salary of the Judge of Probate in Penobscot County," (H. P. 939) (L. D. 544)

(In Senate on May 17th passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, that Body having adhered to its former action whereby the bill was indefinitely postponed.

In the Senate, on motion by Mr. Ward of Penobscot, the Senate voted to adhere.

"Resolve in Favor of Veterans of Spanish American War." (H. P. 36) (L. D. 797)

(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, 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: BERRY of South Portland  
SPEAR of South Portland  
HAYES of Dover-Foxcroft

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

"Resolve in Favor of Indians at Pleasant Point Reservation for Building and Repair of Homes." (H. P. 1146) (L. D. 678)

(In Senate, on May 18th, passed to be engrossed as amended by Committee Amendment "A" 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 Committee Amendment "A" and by House Amendment "A" 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: BROWN of Baileyville  
ROUNDY of Portland  
FENN of Bath.

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

“Resolve in Favor of Indians on the Indian Island Reservation at Old Town for Building and Repair of Homes.” (H. P. 1145) (L. D. 677)

(In Senate, on May 18th House Amendment “A” indefinitely postponed, passed to be engrossed as amended by Committee Amendment “A” 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 Committee Amendment “A” and by House Amendment “A”, 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: BROWN of Baileyville  
ROUNDY of Portland  
FENN of Bath

In the Senate, on motion by Mr. Brewer of Aroostook, the Senate voted to adhere.

“Resolve in Favor of Indians at Peter Dana Point Reservation for Building and Repair of Homes.” (H. P. 1144) (L. D. 676)

(In Senate, on May 18th, House Amendment “A” indefinitely postponed, and the bill passed to be engrossed as amended by Committee Amendment “A” 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 Committee Amendment “A” and as amended by House Amendment “A” 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. BROWN of Baileyville  
ROUNDY of Portland  
FENN of Bath

In the Senate, on motion by Mr. Brewer of Aroostook, the Senate voted to adhere.

### Order

On motion by Mr. Brewer of Aroostook, it was

ORDERED, the House concurring, that the following bill and resolve be recalled from the Governor (S. P. 599)

An Act Relating to Military Law H. P. 344, L. D. 203

Resolve Providing Funds for Nursing Attendant Education H. P. 795, L. D. 474

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table Senate Order Relative to Appointment of Select Committee to Investigate Facts re Francis M. Carroll, tabled by that Senator on February 13 pending passage.

Thereupon, Mr. Boyker of Oxford was granted leave to withdraw the Order.

Mr. BOYKER of Oxford: Mr. President, considering the heated debate and disagreement on many controversial matters before this Body in the days and the weeks past since January 1st, it is pleasing to note the good will and jovial expression of the members of the Senate among themselves in the closing hours of this legislature. But let us for a few moments consider in a more serious mood a matter which has been and is today uppermost in our hearts and our minds, that we are assembled here to legislate for the benefit and the protection of the God fearing law abiding citizens of our state.

There is today a convicted murderer mingling day and night among the citizens of our state, selling his wares to society. I have on my desk at this time 162 letters from these peace loving citizens imploring the members of this legislature to do something to relieve this deplorable situation.

Some of these letters are unsigned, perhaps from fear, and if it is fear of a bullet in their heads, I want to say to you that I will take a bullet in my head if by so doing, justice will come to my county, my state and my country.

Mr. President, I present an order and move its passage.

The Secretary read the order:

ORDERED, the House concurring that the Attorney General be and hereby is instructed at his earliest

convenience to confer with the law enforcement agencies in the County of Oxford and examine whatever evidence, if any, they may have relative to the murder of either Dr. James Littlefield, or Mrs. Littlefield or both, and in cooperation with said law enforcement agencies, to take dependent upon its findings whatever steps are necessary to promote full justice in this matter, and be it further

ORDERED, that the Attorney General after reaching a decision on the matter, communicate his findings to each member of the 95th Legislature by mail.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I don't know whether or not this order is a proper order to come before this Senate. I suppose it is in the power to direct an administrative officer, an official of the state to go and do his duty. I don't think it is the right kind of order that we want to pass. I believe our Attorney General's department in the past, and the one we have now, will investigate matters which arouse a belief that crimes have been committed. In so far as this particular case is concerned, documentary evidence accumulated to date is all in the Attorney General's office. I dare say if there is any reason to believe that additional evidence could be accumulated, he will do it.

I question the propriety of directing him to make an investigation and report to each individual member of this legislature. I am not sure but I feel that the present probe now in process is not being confined to gambling alone and I believe that eventually if there is any evidence which would lead to further prosecution he will find it and take action in due course.

I don't believe it would be any help to us to have a report of what he finds. I therefore oppose this order.

Thereupon, the Order received a passage.

On motion by Mr. Larrabee of Sagadahoc the Senate voted to take from the table Senate Report from the Committee on Sea and Shore Fisheries on bill, An Act Relating to the Legal Length of Lobsters (S. P. 260) (L. D. 557), Majority

Report "Ought Not to Pass", Minority Report "Ought to Pass", tabled by that Senator on April 27th pending acceptance of either report.

Mr. LARRABEE of Sagadahoc: Mr. President and members of the Senate, I think you are all familiar with this bill by this time. It is very simple. It is simply to change the legal length of lobsters that can be caught and sold which now is from 3½ inches to 5 inches, anything between those measurements. And, by the way, they aren't measured as we were told the other day, they are measured from the eye socket to the end of the body shell. The State of Massachusetts has recently changed their legal length from 3-1/8th to 3-3/16th and this bill calls for a change of 1/8th inch for each year so as not to be too hard on the fishermen. The objection the fishermen have to this change is that they think it is going to work a hardship on them for the time these lobsters are increasing in length. In other words, now they have to throw back all lobsters up to 3-1/8 inches and then next year they would have to throw back those up to 3-1/4 inches and it would make a few more they would have to put back but the difference would be more than made up by the price.

I think the fishermen are beginning to realize this. I introduced a bill like this in 1937. Of course then Massachusetts was along with us. The fishermen then agreed that it would be the best thing for the industry but they had the same argument that they started with, that they were waiting for these lobsters to catch up. These lobsters gain 1/16th or better in each shedding. The great trouble is in the over production in shipping lobsters. The supply is much greater than the demand. Now, in Massachusetts 50% of our lobsters are sold through the Massachusetts markets and with our law being out of line with Massachusetts it will be necessary for Maine to consume the greater part of these small lobsters. It does seem too bad to take the little lobsters from the water and dump them on the market and bring down the price of all lobsters, when they could be dumped back into the water and next year be sold at the

regular price. And by the way, I am not talking for myself or my own benefit because the cheaper lobsters I buy and cook in the summer, if I can buy them at a cheap price it is to my advantage, but I am talking now for the industry and for the fishermen themselves and it is very plain to see that these lobsters being on the market will force the price down. Pound and a half lobsters are called "Maine Select" and they sell them anywhere from twenty to thirty cents a pound. I used those at first because lobsters were cheap but now they put a red and blue brand on them and call them "Maine Select." But I can't use anything beyond a pound.

Here is an editorial that just came out in the Boston Post:

Legislators and Massachusetts Department of Conservation officials today decided to "stick to their guns" regardless of whether or not Maine enacts legislation similar to that of the Bay State's to increase the legal size of lobsters.

The Maine body is now considering similar legislation.

The new legal measure for lobsters passed by the Massachusetts Legislature last year will increase from 3 1-8 inches—measured from the eyes to the back of the body shell—to 3 3-16 on next July 1.

Next year the increase will be to a full 3 1-4 inches on the July 1 date. Francis W. Sargent, director of marine fisheries in the Department of Conservation, said the new law will eventually eliminate from the market 3-4 pound chicken lobsters, insuring the public a supply of lobsters one pound or better.

"It should contribute in a large measure toward increasing the lobster population off the Massachusetts coast, and thereby guarantee better fishing in years to come for Bay State lobstermen." Sargent said.

Rep. Leon H. Holmes (R-Weymouth), who requested the meeting of legislators and conservation officials, said "in my opinion we should keep our new law which will benefit all concerned, and if Maine does not enact similar legislation they can go ahead and handle chicken lobsters. We should stick to our guns and protect our industry."

Senator Edward C. Stone (D-Osterville), chairman of the Legislative Committee on Conservation, and Rep. Fred A. Blake (D-Gardiner), House chairman of the Committee on Conservation, agreed with Holmes, declaring that the new Massachusetts law is "a sound conservation and economic measure."

They said regardless of what action Maine takes they will advocate that the new Bay State law remain in force.

Howard S. Willard of Quincy, chief warden of the division of law enforcement, Department of Conservation, said "We feel a progressive step has been taken and we will undertake to enforce the new law to the best of our ability. We expect some confusion when the law goes into effect, but the law itself will undoubtedly benefit the industry here."

In January the Sea and Shore Fisheries Commission sent a man to Boston and New York to make a survey of the large distribution centers and here is part of his report:

"Contacted Mr. Ferrell, part owner and manager of the Bay State Crab & Lobster Company, who believes that the increase in the size of the measure is one of the greatest things that has happened to the lobster business. He claims that if all lobsters were over 1 1-8 pounds, a dealer could afford to pay a much better price. He claims that now he is losing 10c per pound on his chickens as the market has forced him to boil and meat them out. He claims that the demand for 1 1-8 to 1 1-2 pound lobsters is always greater than the supply."

"Contacted Mr. Stanley, head fish buyer for the Atlantic & Pacific Tea Company, who would like very much for the measure to be changed. He believes that if all legal lobsters were 1 1-8 to 1 1-2 pounds each that he could supply his customers with a better lobster at a better price. This would not affect the volume. He buys 95% of his lobsters in Canada. He claims that when he contacted Maine dealers they weren't interested."

I just read those to show that the differential in price is going to more than offset what the fisherman has to put back. That is what the fishermen don't understand. He brings a

load of lobsters to market the same as a farmer brings a load of produce to market and is told what the market is. He doesn't try to analyze the reason for that price or anything like that. He accepts the price and swears because it isn't more.

In March the Commissioner sent out questionnaires to all the licensed fishermen in the state and out of 2,066 returned 1,072 favored the change and 994 opposed it. That was in March of this year and he tells me today that many of them have changed their minds. They are becoming sold now and those who were originally opposed to it now want it.

We are not trying to force anything on the fishermen. We are trying to protect the industry and the fishermen. We want the fisherman to have a fair break but he can't do it with Massachusetts on one size and Maine on another because Maine, Massachusetts and New York are the three states that must go together.

The PRESIDENT: At this time the Chair will designate the Senator from Aroostook, Senator Collins, as President pro tem and requests the sergeant-at-arms to escort him to the rostrum.

This was done amid the applause of the Senate.

Mr. BROWN of Washington: Mr. President and members of the Senate, this is not really a conservation measure. It is a dealer against fisherman measure. It is for the dealer. We know that for eighteen years we have had 3 1-16th inch lobsters and a little more lately 3 1-8th inch and there are more lobsters caught on the coast of Maine than there were ten years ago, so they aren't losing now. The fishermen aren't co-operating with this law. They never could enforce the old measure. And they say they cannot survive this cut. Mr. President, I hope this bill will not pass.

The PRESIDENT: The pending question is on the acceptance of either report.

Mr. LARRABEE: Mr. President, I move acceptance of the minority report, Ought to Pass.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, this happens to be one of the bills on which I can talk without any notes and I can truthfully say

it is a bill I know something about. It is a fact that both of the previous speakers are correct in almost every word they have said. I introduced the bill with the increase in measurements and I know it will be a good thing for the fishermen, for the dealers and for the lobster industry. It is true that Massachusetts produces about two million pounds of lobsters a year, Maine about nineteen million and Canada twenty-two million pounds. The richest lobster region in the world, however, is in Penobscot Bay, east of Rockland, not only in Maine and in the nation but in the entire world, Criehaven, Vinalhaven and North Haven. It is true that the fishermen were against the measure largely and when I stand up here and say I am willing to increase the measurements I do so at the risk of incurring their wrath, but I know fishermen. I have a brother-in-law who is a fisherman, a nephew, two cousins and an uncle who are registered fishermen in Maine, and I know all about it. I have probably hauled as many lobster traps as any man in the Senate. And I know they don't really care. I have asked more fishermen about it than I can remember and I have found they were about evenly divided. And I know that after the one shedding takes place they will get more money from the increase in poundage along which will make up for the loss in cash.

Lobsters are down now to 35c a pound on account of the open winter and there is an open market but you can't tell anything by that. Next year they might be up to 65c a pound. But there has been a real, earnest desire for the change and on the questionnaire that was sent out, a few fishermen favored the change and about one-half wouldn't even bother to answer. It is a hard question to ask you to settle and I wish any others in the Senate who know anything about it would speak on it. I am a little bit loath to take a stand on it but I would like to see it given a try, and so I trust that the motion of Senator Larrabee prevails.

Mr. DENNETT of York: Mr. President and members of the Senate, I acknowledge the fine introduction of the Senator from York by the Senator from Knox, Senator

Sleeper, and may I say that I believe the presentation of this by all previous speakers has certainly been fine and they have truly displayed to you the situation as it does now exist in the State of Maine. Of course, being from the County of York where the waters are warmer and shallow as Senator Sleeper says, our fishermen catch but very few of the larger size lobsters. The catch, I believe, of these so-called chickens is approximately thirty-three and one-third per cent of the total over-all catch.

Now I don't know exactly what the number of fishermen are in the County of York or in the County of Cumberland but I realize there aren't as many lobster fishermen as there are in some of the more northern or eastern counties. But I think there is another thing that should be pointed out at this time and that is that this whole bill seems to be based on legislation which has been enacted in the General Court of the Commonwealth of Massachusetts. From the year 1623 to the year 1820, Massachusetts dominated Maine. I think it is time that Massachusetts stopped doing our legislating for us. Just because Massachusetts has a law, I can not see any reason or any purpose why we should have the same law in the State of Maine.

Another point brought out is that New Hampshire may possibly get the law. How many times have I heard that they may possibly get the law in the State of New Hampshire. The State of New Hampshire manages at all times and in all matters just to stay one jump ahead of the State of Maine. In taxation, the State of New Hampshire taxes cigarettes two and a half cents a package. We tax them four. They are just under. The State of New Hampshire manages to stay just one cent under you in gasoline. Consequently, many of our border residents buy their gasoline in the State of New Hampshire. New Hampshire was going to put on a sales tax. They haven't as yet. I can not presume any action of another legislature but it is very unlikely that they will but if they do they will manage to have a one per cent tax against our two.

And now they say New Hampshire may also increase their size in the length of lobsters and I doubt that very much. They will always manage to just go Maine one better and bring into New Hampshire all of the trade that they possibly can to the detriment of the State of Maine.

Now throughout the general debate, you have heard frequent mention of dealers. Occasionally, fishermen have been mentioned. This is definitely a dealers' bill. It was introduced by dealers. It is designed for dealers. It is particularly for their purposes. The fisherman is only secondary.

But the one party and principal party that hasn't been mentioned at all is the public in general. Lobsters as they stand today in price are within reach of the working man. The man with a family occasionally can afford to bring home a mess of lobsters for his family for a Sunday dinner but they are going to raise the price if they increase the length and lobsters will truly become a luxury and they will be beyond the reach of a man who I should say has a right once in a while to bring a mess of lobsters home to his family.

At the present time, the fishermen are certainly not complaining. They are making a living, precarious as it may be, and they are subject to many things that most of us are not. They have the perils of the sea and the weather and conditions that the average man in business does not have to cope with but they are well satisfied and the majority, I believe the vast majority, particularly in the southern counties, are very much opposed to this bill.

There is one other point in passing and in conclusion that I would like to bring out. At the present time the industry as a whole is in good condition, particularly in the southern counties. I will admit for years and years they took short lobsters, canaries and blinks as they are called. These were caught and sold for a dollar and a half or two dollars a dozen and it was depleting the lobster supply. They have become educated to the fact that they must leave these blinks and canaries in the water.

A fact that is bad for Maine is that should this law go into effect where they are increased in length again, they will go back to taking the illegal lobsters and it is pretty hard to catch them at it because they did it for years. As a result our lobster fisheries will become depleted.

I sincerely hope that the motion by the Senator from Sagadahoc, Senator Larrabee, will not prevail.

The PRESIDENT pro tem: The question before the Senate is on the motion of Senator Larrabee to accept the minority Ought to Pass Report.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Twelve having voted in the affirmative and eleven opposed, the motion prevailed, the ought to pass report was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

The Majority of the Committee on Natural Resources on Bill "An Act Relating to Interstate Water Pollution," (H. P. 936) (L. D. 534) reported that the same ought not to pass.

(signed)

Senators:

LARRABEE of Sagadahoc  
CROSBY of Franklin  
WARD of Penobscot

Representatives:

BROWN of Wayne  
PHILBROOK of Greene  
TAYLOR of Norridewock  
HANCOCK of Casco  
BRADEEN of Waterboro

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

(signed)

Representatives:

MOULTON of Sweden  
WILLIAMS of Hodgdon

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

In the Senate, on motion by Mr. Ward of Penobscot, the Majority report was read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs to

which were recommitted the following Resolves:

"Resolve in Favor of Robert W. Traip Academy," (S. P. 52) (L. D. 62)

"Resolve in Favor of Portland Junior College." (S. P. 92) (L. D. 147)

"Resolve in Favor of Lincoln Academy for Classroom Building." (S. P. 94) (L. D. 145)

"Resolve in Favor of Corinna Union Academy for Construction of an Agricultural Workshop." (S. P. 140) (L. D. 264)

"Resolve in Favor of Corinna Union Academy for Construction of Fireproof Room." (S. P. 141) (L. D. 263)

"Resolve in Favor of the Town of New Sharon for School Building." (H. P. 109) (L. D. 83)

"Resolve in Favor of Foxcroft Academy for Building." (H. P. 800)

"Resolve in Favor of Hampden Academy." (H. P. 1511) (L. D. 1105)

Reported the same in a Consolidated Resolve (H. P. 182) (L. D. 1408) under title of "Resolve in Favor of Construction and Repairs for Certain Academies, Institutes and Seminaries," and that it ought to pass.

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

#### Senate Committee Report Conference

The Committee of Conference 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) reported that the Senate recede and adopt Committee Amendment "A", submitted herewith, and pass the Bill to be engrossed as amended by Committee Amendment "A".

That the House recede and adopt Committee Amendment "A" and pass the bill to be engrossed as amended by Committee Amendment "A".

Which report was read and accepted and the bill read once; Committee Amendment A was read and adopted and under suspension of the rules the bill was read a sec-

ond time and passed to be engrossed.

### Senate Committee Report Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve in Favor of George S. Bradbury, of West Franklin," (H. P. 1483) (L. D. 1090) reported that the Senate recede from its former action, adopt House Amendment "A" in concurrence, adopt Committee Amendment "A" submitted herewith, and pass the Resolve to be engrossed as amended by House Amendment "A" and Committee Amendment "A".

Thereupon, the Senate voted to recede from its former action whereby it accepted the Ought Not to Pass report of the Committee; and further voted to accept the Ought to Pass report of the Committee; and under suspension of the rules, Committee Amendment A and House Amendment A were read and adopted and the bill given its two several readings and passed to be engrossed.

The President: At this time, the Chair will appoint on the Committee of Conference on the disagreeing action of the two branches on Bill An Act Appropriating Moneys for Revision of State Valuation, the Senator from Somerset, Senator Ela, the Senator from Aroostook, Senator Brewer and the Senator from Kennebec, Senator Reid.

On the disagreeing action of the two branches relating to an Act to Provide Training for Organized Fire Companies, the Senator from Aroostook, Senator Brewer, the Senator from Cumberland, Senator Leavitt, and the Senator from Kennebec, Senator Reid.

On the disagreeing action of the two branches relative to Resolve in Favor of the Veterans of the Spanish American War, the Senator from Kennebec, Senator Reid, the Senator from Aroostook, Senator Barnes, and the Senator from Hancock, Senator Noyes.

The Chair would request these Committee of Conferences, as well as other foregoing Committees of Conference to attempt to meet without fail before the evening ses-

sion at eight tonight, inasmuch as the Committee on Appropriations and Financial Affairs can not bring out their final supplemental bill until they know what happens to these resolves containing money. It is the hope of the Chair that the committees will be able to function before that time.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act to Revise Educational Subsidy and Tuition Regulations (S. P. 264 (L. D. 552)) tabled by that Senator earlier in today's session pending assignment for second reading.

Mr. FULLER of Oxford: Mr. President, I have an amendment which applies to the effective date of this act, which I wish to present and move its adoption:

The Secretary read the amendment: "Amend said bill by adding at the end thereof the following new section: 'Section 6. Effective date. The provisions of this act shall become effective July 1, 1952.'"

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

Sent down for concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table L. D. 1107 bill, An Act Relating to Academies (H. P. 1525) (L. D. 1107) tabled by that Senator earlier in today's session pending assignment for second reading, and Mr. Fuller of Oxford presented Senate Amendment A and moved its adoption:

The Secretary read the amendment.

"Amend said amendment by striking out the figure 1952 in the last line thereof and inserting in place thereof the figure 1953."

Which amendment was adopted and under suspension of the rules the bill was read a second time and passed to be engrossed in nonconcurrency.

Sent down for concurrence.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, in the closing hours of the legislature, it might be well to give

you a financial picture and also explain to you what has to be done to balance our budget. I will say that we have had of necessity, the Appropriations Committee, to wait until all of these bills were literally piled up and disposed of and only then could we bring forth a supplemental bill. But I will promise you after we have decided on what bills pass and what do not, within an hour's time we can present the supplemental bill to this Senate.

I would like to say that the picture isn't too pretty. We have as of this year ending, this the year 1950 and 1951 ending of July, revenues available of \$24,694,172. Over and above that, there was \$942,499.00 added for supplemental appropriations such as pay for the legislature, supplemental funds to institutions and that sort of thing.

So, we visualize with the figures available that we will have in the break-up \$594,000.00 as of July 1st, 1951. We go into the year 1951 and 1952, there is available \$34,067,563.00 and of that we have set up \$31,613,435.00.

We would anticipate, if you will go along with the Appropriations Committee on what Ought to Pass and what Ought Not to, that we might have \$2,429,127.26 surplus.

Now, we go to 1952 and 1953 and we have available \$29,727,602 and we have set up for that year with legislative documents \$30,369,821.52. That brings us down to around \$400,000.00 in the red. In order to balance our budget, it is suggested by the Appropriations Committee that we do it this way.

The Governor has told you that he will not sign any bill that hasn't revenue to carry it along. Of course, we are sailing almost too close to the wind when we balance the budget, considering the volume of the business that we are doing. To be realistic, we ought to have at least \$2,000,000.00 in 1952 and 1952.

But the thought that we had and what we have suggested, if we can get below \$500,000.00, we know there are some items that are estimated high. For instance, one is horse racing which is two hundred nine thousand. I have figures to substantiate the the belief it will not cost more than fifty thousand, that

is the night racing, if we have any loss at all.

With the amount of funds that we have, it is reasonable to assume that we can absorb some deficiency. If we do not do that, we have one alternative and that is to go into one or two departments, the two big ones, Education and Health and Welfare, and I, personally, do not like to follow this procedure.

Now, we have two more bills, in fact, three, and I don't know how you feel about them. One is relating to the military law which calls for \$26,000.00 that you passed that calls for uniforms and allowances. It is a new thing to the National Guard, although it might be a morale builder but by the same token, we have arrived at the point where we must choose between those of necessity and those that we would like to have.

And under this decision, I hope that you will go along and decide that is one that isn't necessary.

The second one that we have is nursing attendant education which calls for \$21,000.00 one year and \$38,000.00 the next. It is our belief, and that of the Governor, that when many of these educational programs are suggested, not only educational but other departments, that there should be more of an effort in those departments to carry these things along. It is our feeling that with the cooperation of the normal schools and with a little work and effort and assistance of the localities in which they are located, and with doctors and nurses participating in this program, that that could be carried out and absorbed by that department at no great cost and accomplish the objective to that end.

For that reason, it is my understanding that when that bill is called back, that we will amend the bill to do just that sort of thing.

We have another bill. I know it has been lobbied. I don't know how you feel about it, but that is the banking fee bill. I don't know that my figures are right on this but the last ones were a loss of \$77,154.00. With an amendment to the bill, I think that is cut down to twenty-three thousand one year and seventy-eight the other. Now, I am not sure on those figures.

They just seem to hang in my mind but they are not too far out of the way.

So, I say to you, if you are willing to go along with us on our suggestions as to what we allow and what we do not, we can be assuming, the Appropriations Committee, that your sales tax and the estimates that they have given us are authentic to the best of their knowledge and belief, we are willing to say that we feel that enough more revenue will come in to balance the budget. And by the Appropriation Committee and the Legislature assuming that responsibility, I think the bills will be signed and we can go home.

Now, I know that this isn't a nice picture to present. It isn't a pleasant task for me to stand here and ask that you kill bills that are dear to many people's hearts, that many people have put much time in and really mean much to them but I do want to give you the picture.

I have laid my cards on the table and to that extent the only thing I can ask is that you cooperate with us because only with a balanced budget or one in sight will we be allowed to go home.

On 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 PRESIDENT: At this time the Chair will appoint a replacement on the conference committee in Resolve in Favor of Emil Couture of Auburn. The Chair appoints the Senator from Kennebec, Senator Reid to replace Senator Smart.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Place a Bounty on Porcupines," (H. P. 1415) (L. D. 1023) reported that they are unable to agree.

Which report was read and accepted in concurrence.

The Committee of Conference on the disagreeing action of the two

branches of the Legislature on Bill "An Act Relating to Payments to Towns by State in Lieu of Taxes," (S. P. 549) (L. D. 1305) reported that they are unable to agree.

Which report was read and accepted in concurrence.

Bill "An Act Relating to the Conservation of Clams in Washington County." (H. P. 1329) (L. D. 892)

(In Senate, on May 15th, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered, House Amendments "A" and "B" adopted, and the bill passed to be engrossed as amended by Committee Amendment "A" and by House Amendments "A" (Amendment Filing No. 481) and "B" (Amendment Filing No. 483) in non-concurrence.

Mr. SLEEPER of Knox: Mr. President, I move that this bill be indefinitely postponed. And in making that motion, I insist I am not being vindictive. I am not a bad loser, but I still feel that this is not a conservation measure and I still feel that I am justified in asking for the indefinite postponement of this bill which is a very selfish measure. I still can't see why this legislature has a right to tell a thousand men in Washington County that they cannot dig clams at a time when they get the largest prices and that they will have to dig them—well they won't have to dig but they will dig them in the fall if they dig at all and have to sell them at a lower price. I still cannot see why we have the right here to hurt twelve to fourteen shucking industries and help two or three canning companies. We are just trying to get fair play on this thing.

I will admit that 64% of the clams in Maine are dug in Washington County and we're not coming to steal them. We want to buy them. We have to have them. We are willing to pay for them. We will pay more than the canning companies will pay for them later on. This is not a conservation measure. It takes five years for a clam to grow to full size. You can't conserve clams by not digging them for just three months.

This is a vindictive, selfish measure and already there are repercussions coming on this bill right from Washington County. That is shown by the amendment put on the bill in the House this afternoon. The bill was so illy drawn that they had to amend it. One of the House members who comes from Washington County has a fried clam place and he found that according to the bill he could not even operate his fried clam stand the way the bill was first drawn up. So it was amended to allow clams to be sold in Washington County and dug for commercial purposes in Washington County to be sold in Washington County. That opens up the whole thing. It endangers the effectiveness of the law anyway and it should not be passed. It is not a good bill. It is not a conservation measure. I certainly hope my motion prevails and that the bill will be indefinitely postponed.

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, again I have to thank Senator Sleeper for taking care of Washington County, but this is a bill Washington County wants. I told you before that the clams are on their last stand in Washington County. They are back all down the coast and we are trying to get them back in Washington County so we may have clams for years to come. If Senator Sleeper's motion prevails we aren't going to have any clams in Washington County in four or five years from now and we are just trying to conserve them. Let us try two years more, and if it doesn't work I will be the first one to admit we were wrong and we will take it off again but we would like to have this conservation measure. I hope the motion of the Senator from Knox, Senator Sleeper, does not prevail.

Mr. BROWN of Washington: Mr. President, it seems to me I got here at a critical time. I didn't realize this was going so strong. You heard my talk on this other bill and I don't intend to say very much on this one but I don't agree with what Senator Sleeper says. As Senator Christensen says, it doesn't affect the rest of the state. The committee after a careful hearing voted eight to two to have this bill.

I could go on for half an hour but you heard my talk before and I will just say that when the committee heard this, a bunch of people came down from Jonesboro and Beals Island the first hearing we had on the other matter and they were asked how they felt about this and every one of them said they were in favor of closing the clam areas in summer. I want to see the clams protected a little longer in Washington County. I hope the motion of the Senator from Knox, Senator Sleeper, will not prevail.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I must apologize for the slight cold. It makes my voice sound harsh. I'm not half as mad as I sound. However, I will have to answer some of the Senator's statements.

Now you all know that this absolutely is not a conservation measure. You all know that not digging clams in the summer months is not conserving clams except to conserve them until fall for another source of supply.

Dana Wallace of the Maine Sea and Shore Fisheries Department and the Federal Fish and Wild Life department maintain there is a good supply of clams in Washington County and the spat shows there will be plenty of clams there for five years.

Any time the flats approach depletion you all know we have a law on the books now that says you can close those flats to everybody. You can close them for a year or two years—this flat or that flat—and you know the selectmen can close the flats to avoid depletion.

I still maintain this is not a just law. It is very discriminatory, and it is not a conservation law.

Mr. CHRISTENSEN of Washington: Mr. President, through the Chair I would like to ask Senator Sleeper if he was at the public hearing on the clam bill?

Mr. SLEEPER: Mr. President, I will gladly answer that. I certainly was at the hearing. In fact, I conducted the hearing. Do you want me to go into the story on the clam bill?

Mr. CHRISTENSEN: Yes.

Mr. SLEEPER of Knox: Mr. President, the proponents consisted of a lobbyist for a canning company, the owner of the canning company and two or three of his employees. The opponents were two shuckers and an attorney for them and a score or more clam diggers from Washington County.

Mr. BROWN: Mr. President, I sat in the hearing all day and heard much of the evidence at the hearing and as far as I can find out half the clam diggers in Washington County want to close the clam flats in the summer and half don't. That is about the average straight through.

As far as the shucking business is concerned, I have every respect for the men who come in and do business, but where are they going to get their clams four or five years from now? They will have to get them all out in two or three years because after that there won't be any in Washington County. All I ask is that you go along with us on this and try it out for two years and then if we find it isn't any good we will throw it out.

Mr. LARRABEE: Mr. President, I don't intend to prolong this argument but I want to say a word to the two Senators from Washington County. Senator Christensen says it is a county matter and why not leave the county alone. In other words, it is none of the business of the rest of the state, but if they come down from Aroostook—these good Aroostook Senators — and passed a law that they couldn't ship any potatoes out of Aroostook, wouldn't that affect the rest of the State? We are depending on those flats over there to supply the State of Maine, we need the summer people in here and we advertise for them to come in and try our fried clams and steamed clams, and where are we going to get the clams if these flats are closed? In Washington County clams will be \$75 a barrel. We aren't going over there and dig up their clams, we are asking their people to dig them. The name of this bill is misleading. It is not a conservation measure. If they want to preserve the clams why not come in with a bill to close Washington County for a term of years, or half the county? If it was a conservation bill I would

be for it but it isn't. If they want to close Washington County for a period of years, or half of it, I will go along with them.

Mr. BROWN: Mr. President, I believe in conservation but this is not conservation. It doesn't last long enough. Both Senator Sleeper and I can recall that in Jonesport the flats were closed about three years ago and they kept off them for two years and on account of Jonesport not having a clam law they opened them up in December and in about two weeks around 190 diggers went in there and dug them up and there are no clams there now. Lubec is near my town and they passed through the legislature this year a bill closing half of their flats for a year. I think they should have closed them for two years, but that isn't the point. They say this is a canner's bill and that may be so but clams aren't going to be high in Eastport. I wish I were sure of getting perhaps \$5 a barrel for those clams. Perhaps it will come to that, two or three years from now.

Mr. SLEEPER: Mr. President, very briefly in closing I want you Senators to know that I am not trying to carry any of my own ideas to you. I won't bother to read it but you will remember I read a statement from the selectmen from every town in Washington County and every one of them allowed me to use their name and they were all opposed to this bill. There must be some reason for everyone in Washington County not wanting this bill. I don't think we have a right to thrust it on them and I hope my motion prevails.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Knox, Senator Sleeper, that the bill be indefinitely postponed.

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

The bill was indefinitely postponed.

Bill "An Act Relating to Liens on Insurance Policies for Hospitals." (S. P. 584) (L. D. 1409)

(In Senate, on May 18th, moved to reconsider action whereby Report "A" failed to be accepted. Re-

port "A" was accepted and the bill passed to be engrossed.)

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

Mr. WARD of Penobscot: Mr. President, I move that we insist and ask for a committee of conference.

Mr. BARNES of Aroostook: Mr. President, I move that we recede and concur.

The PRESIDENT: A motion to recede and concur takes precedence over a motion to insist. Therefore the question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that the Senate recede from its former action and concur with the House in the indefinite postponement of the bill.

Mr. BARNES: Mr. President, as I understand the rules of parliamentary procedure this motion is debatable.

The PRESIDENT: The Senator is correct.

Mr. BARNES: I simply want to remind the members of the Senate that we are now not in the closing days but in the closing hours of the session and as a means of saving time I believe my motion ought to prevail.

Mr. BOYKER of Oxford: Mr. President, I do not believe we should vote on something here that we do not approve of just for the sake of going home tomorrow night.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that the Senate recede and concur.

A viva voce vote being doubted

A division of the Senate was had.

Nine having voted in the affirmative and nineteen opposed

The motion to recede and concur did not prevail.

Thereupon, the Senate voted to insist and ask for a committee of conference.

The PRESIDENT: The Chair will appoint as members of the committee of conference on the part of the Senate on the disagreeing action of the two branches on this bill, the Senator from Penobscot, Senator Ward; the Senator from Kennebec, Senator Tabb; the Senator from Cumberland, Senator Haskell.

### Enactors

Bill "An Act Abolishing the Polling Place in Rockwood in Somerset County." (H. P. 168) (L. D. 99)

Bill "An Act Relating to Police Authority of Director of Aeronautics and Inspectors." (H. P. 198) (L. D. 120)

Bill "An Act to Provide for the Issuance of Bonds of the State to Refund Kennebec Bridge Loan Bonds." (H. P. 443) (L. D. 272)

Bill "An Act to Incorporate the Guardian Finance Co." (H. P. 641) (L. D. 383)

Bill "An Act Relating to the Ogunquit Village Corporation." (H. P. 1121) (L. D. 708)

Which bills were passed to be enacted.

Bill "An Act Relating to the Banking Department." (H. P. 1282) (L. D. 848)

Mr. BREWER of Aroostook: Mr. President and members of the Senate, as I explained this afternoon, this is one of the bills that was decided upon that must be indefinitely postponed if we were to balance our budget within the second year of the biennium. This calls for an appropriation of \$32,000.00 plus the first year and \$74,425.00 the second.

As I say, it is with regret that I move for indefinite postponement of this bill. I know a lot of work has been put in it. But by the same token, I believe it deserves consideration. But in balancing our budget there are some of the things that we must decide that are necessary and some that are not, and as I explained to you early in the evening, our thought of balancing the budget is keeping down within the red to approximately a half a million dollars in the second year and then the Committee with the support of the legislature, assuming the responsibility that the sales tax will bring in more money, thereby relieving the Governor of his promise if we are willing to assume the responsibility for our deficit assuming of not signing bills provided revenue is not in sight to cover them and with these remarks, I hope you will go along with us.

Mr. REID of Kennebec: Mr. President and members of the Senate, it is with considerable reluc-

tance that at this late date I find myself in the position of disagreeing with my good colleague, the Senator from Aroostook, but I think we might as well iron out this particular bill right now.

When we are talking about a deficit, we are also talking about an estimate of what the sales tax will produce. Ray Mudge, the Governor, and their associates did a remarkable job in their estimates on what the other forms of revenue would produce last year. The sales tax is not in the same class. Men of very sound judgment will differ as to what this sales tax will produce. It is commendable that the Governor and Mr. Mudge and others have taken a conservative view of what the sales tax would produce but when we are talking about \$30,000,000.00 and worrying about an item not in excess of \$500,000.00 and we are concerned with what can not be any more than educated guesswork, I think that this legislature could take the responsibility, if others do not want to do it, and I am willing to do it, in passing some of the measures that people who voted for the sales tax voted for it to pass.

Now this particular bill reached the stage of final enactment. It has been thoroughly considered. It apparently is a worthy bill. The nursing attendants bill also falls within the same category, although I voted against it at the time, and other bills. The only problems which we have to concern ourselves with now is a problem of educated guess work and whether or not you will take a chance on a few hundred thousand dollars in a thirty million dollar proposition, even though our judgment on the revenue of the sales tax does not coincide with those of the Governor and Ray Mudge.

For that reason, even though the total number of L. D.'s, the total number of appropriations in the supplemental bill exceeds by a few hundred thousand dollars the estimated revenue from the source of which I speak, I am willing to take—I am willing to sign my name and relieve anybody of the responsibility in the Appropriations Committee and assume the responsibility if we are wrong.

My personal view is that the sales tax will produce at least a little more than the conservative estimate and I had rather go along and pass some of these bills and take a chance on that. Now, we have not been free spenders. In the academies, they were all cut one-half. The hospitals were cut from a requested one million one hundred thousand back to eight hundred thousand. The Augusta State Hospital does not have as much as it ought to have. Even if we go along with these bills right now and take a check on \$20,000.00, no one could accuse us of being free spenders. We have gone along with the Governor's budget. By and large, I can't think of a single instance when there has been pork barreling at all.

I know that when the sales tax was passed, the next day the newspapers carried the statement that the legislature was all set to go on a spending spree. I don't know of a single bill that could be called a spending spree bill.

I think by our vote on this particular measure we ought to make a decision. I will go along with whatever the majority wishes but I believe that we have a right to be a little less conservative on what I think to be a pretty conservative estimate of what the sales tax will produce and to pass these measures which are called needy measures and which were used as an excuse, at least at one time, to get a lot of people who were reluctant to pass the sales tax and to go along with it.

For that reason, Mr. President and members of the Senate, I hope the motion of the Senator from Aroostook will not prevail.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, if you will go back with me two years ago, you will remember at that time there was brought before the legislature two banking bills. One of them was practically this identical bill called the "fee bill" which provides for the carrying on the expenses of the Banking Department. The second bill was one which reduced the tax in the case of savings banks from sixty cents per thousand dollars on deposits to thirty cents per thousand dollars of

deposits and levied a tax on the trust companies of the state for a like amount, namely thirty per cent per thousand dollars of deposits.

The two bills were introduced and it was agreed by the members of the banking fraternity at that time that if the fee bill, so-called, did not pass, all the segments of the banking fraternity would go along on the thirty cents per thousand dollar tax. When we found that we were unable to pass a major tax bill at the last session of the legislature, the fee bill was indefinitely postponed. But at the time that it was indefinitely postponed, as you know, was felt that in the event a tax bill was passed at this session of the legislature, then the fee bill would be in order.

The people interested in the banks have gone along on this theory. They have introduced the bill. They have carried it along and it has met the approval of both branches of the legislature. The net loss in revenue to the state is the amount given, I think, by my colleague, Senator Brewer from Aroostook and would amount to about \$32,000.00 in the first year of the biennium and around \$74,000.00 in the second year of the biennium.

But going along with the thoughts that Senator Reid has expressed, I feel that there is an opportunity to pick somewhat in the income from the sales tax more than estimated where we haven't had it before. It is just an educated guess, as he calls it, and I feel that you would be really injuring the banking department, that they have a bill that they want and feel would help to strengthen their department and I certainly hope that the motion of the Senator from Aroostook, Senator Brewer, does not prevail.

Mr. BARNES of Aroostook: Mr. President, Aroostook County has done pretty well this winter in being together on most measures that have come before the legislature but I will say before the vote is taken that I will have to be with Senator Collins on this matter.

I think this bill corrects an inequity and I really believe that the other Senator from Aroostook County would be with us except for the fact that he is the Chairman of the Appropriations Committee and

he is fearful of the income. I am not fearful of the income because I believe it has been the experience in all other states that the major tax we passed this session after eight long years of trying will yield more money than has been anticipated and I believe this a good place to spend some of that money.

Mr. BREWER: Mr. President, I think probably my colleague from Aroostook, Senator Barnes, was right when he said that if I weren't fearful of the revenue involved, I might vote the other way. But I would say to the Senate, due to the best information I could get on the sales tax, that the estimates are probably as high as we dare go.

History shows that the second year that a sales tax will bring in about ten per cent over and above the first year, in that it takes time to plug loopholes and get the thing progressing.

I would like to say to the Senate that in their estimates, Mr. Johnson and Mr. Mudge, the past year, I think, were within one per cent of the revenue that eventually was realized. I would say to the Senate that the only thing we can go by is past records. But in this instance, there aren't any past records. There aren't any criteria to go by because we are in a controlled economy.

I will cite one instance of a ruling that was made the other day that cut back the production of steel for civilian use one-third. I would say to you that you can go in most any store today and probably buy most any piece of equipment or merchandise that you want that depends upon steel. The impact of this order will not be felt for about six or eight months.

And when automobile production and heavy goods that run into money are cut down, there is certainly a chance for a lot of revenue to be lost in a hurry. So, I do say that even though I am willing to go along to a certain extent, that there may be some leeway in the revenue that it has been estimated that this sales tax will bring in, by the same token, as a matter of safety, I wouldn't care to go too high. I hope you will keep these facts in mind when you vote upon this bill and I ask for a division when the vote is taken.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, I want to say just a few words in regard to this bill. As some of you know, I opposed the sales tax. But I think in the last days of the debate on the sales tax if I had had a little more political pressure put upon me, I might have gone along with the sales tax, believing that with a sales tax we would be able to take care of these bills requiring some appropriation and that the state would be able not only to take care of these proposed bills bringing along appropriations but they would be able to take care of the back bills of the state which they had not paid, especially a bill contracted with the Fire Department in the Town of Bethel in Oxford Soutny six months ago for \$150.00.

Mr. HASKELL of Penobscot: Mr. President, I am hesitant in repeating comments that have been made in an able manner opposing the motion. I am hesitant in repeating any of the debate that accompanies this measure when it was last before this body. But I shall oppose the motion of the Senator from Aroostook, Senator Brewer, on a truly moral ground, I think.

It seems to me that this Senate two years ago by a very substantial majority agreed to the proposition that among the several inequities in our tax structure, this is the one that should be corrected and I would remind the Senate that the bill was passed to be enacted in both branches. It was placed on the Governor's desk and to my personal knowledge was very reluctant in sending it back here and asking me as floor leader to stand up here and successfully kill the measure.

I believe these banking people have been eminently fair. I believe they have adjusted the tax bills within themselves on an eminently fair basis. I believe this bill does put the state banking department in a much better operating condition than it could possibly be under present statutes.

Please, Senators, let's have some type of tax reform out of the \$10,000,000.00 a year new revenue measure. I regret that we were not able to go beyond this. I regret that we could not follow the Governor's

recommendation with reference to certain of the tobacco taxes.

But when we are getting into a proposition that involves \$106,000.00 for a biennium and it is a proposition that certainly had his blessing two years ago and is regular along with the majority party representation in this branch, it seems to me we owe that, at least to these people that have come before us with clean hands, gone away not disappointed but understanding why their request couldn't be met, and it seems to me that in a budget this size, we ought to go home with at least this modest reformation in what has been described as a hodge podge of taxes. Let's at least take one step in the right direction during this session, hopeful that the revenues in future years will be such that we may continue year to year to make these adjustments and changes that will lead us toward a reasonably sound tax structure.

This is a modest one but I think it is deserving and I hope that the motion of the Senator from Aroostook, Senator Brewer, does not prevail.

Mr. NOYES of Hancock: Mr. President, a few days ago when this bill was before the Senate, I stated the position of the Taxation Committee as fairly as I could and today, without repeating any of those statements, I will say that I shall go along with the motion of the Senator from Aroostook, Senator Brewer.

Mr. CROSBY of Franklin: Mr. President, two years ago, I was one of the members of the Banking Committee. I supported this bill and thought it was a good bill. I still think it is a good bill. However, I don't know, and I don't think any of us here do know, what this sales tax is going to bring in and until we do know, I don't think it would be asking too much of the Banking Department to continue as they are for two more years until we find out definitely what our sales tax is going to bring in.

The PRESIDENT: The question before the Senate is on the motion of Senator Brewer that the bill be indefinitely postponed.

A division of the Senate was had.

Eight having voted in the affirmative and twenty opposed, the motion to indefinitely postpone did not prevail.

Thereupon the bill was passed to be enacted.

### Enactors

Bill "An Act Relating to Prevention of Subversive Activity (H. P. 1315) (L. D. 851)

Bill "An Act Relating to Sanitary Facilities for Certain Places." (H. P. 1328) (L. D. 891)

(On motion by Mr. Haskell of Penobscot, tabled pending enactment and especially assigned for later in the day.)

Bill "An Act Relating to Head and Rear Lights on Railroad Cars." (H. P. 1352) (L. D. 927)

Bill "An Act Relating to Filing of Liens on Vehicles." (H. P. 1420) (L. D. 1028)

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

Bill "An Act Relating to Fishing Licenses for Boys' and Girls' Camps." (H. P. 1797) (L. D. 1372)

Bill "An Act Relating to Salaries of Sheriffs of All Counties." (H. P. 1799) (L. D. 1375)

Bill "An Act Relating to Rights of Married Persons." (H. P. 1803) (L. D. 1379)

Bill "An Act Relating to Schooling of Children of Parents Who Reside on State-Owned Property." (H. P. 1805) (L. D. 1380)

Bill "An Act Relating to the Digging of Shellfish and Marine Worms in the Town of Freeport." (H. P. 1811) (L. D. 1392)

"Resolve in Favor of the Block House at Fort Kent." (H. P. 402) (L. D. 246)

"Resolve, Providing for Certain Construction at the Maine State Airport." (H. P. 957) (L. D. 569)

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

"Resolve, Authorizing a Tax and Cutting Practice." (H. P. 1672) (L. D. 1240)

Mr. CHRISTENSEN: Mr. President, I move the indefinite postponement of this bill.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, this bill is one in which a com-

mittee is appointed to study the tax and cutting practice in our forest industry. It has been suggested that perhaps if this bill did not pass, that the Legislative Research Committee could perform that function.

But it seems to me that in this specialized field that perhaps this committee could not perform that function to very good advantage.

The sum that is suggested in the resolve is a thousand dollars. I think it is worth consideration, rather than just indefinitely postponing it without giving it some thought and that is the reason why I have arisen.

The members of the committee are not paid except for the traveling expenses. There is a question as to what should be done with cuttable lands and how they should be taxed and I think that possibly this tax committee on this commission could find out things that would be of definite advantage to the people who own forest lands.

I hope that the matter has some consideration before accepting the motion of the Senator from Washington, Senator Christensen.

Mr. NOYES of Hancock: Mr. President, as I understand this bill it is to create a committee to study the tax set up in our unorganized townships, and organized as well, regarding taxation of our forest lands, so-called. I believe the time is coming when some change must be made in the system of taxation in that kind of property.

It is my understanding at the present time that the State of New Hampshire has adopted a severance tax along the line of the thinking of some people in the State of Maine who favor this kind of taxation.

I believe that in view of the tax setup in New Hampshire and in view of the fact that as of the present time no conclusive evidence is available as to its success, that we might well watch what happens in our neighboring state and use that as a laboratory, so to speak, for our own purposes and any committee that we create would simply bring in a report, I believe based upon what is shown by the experience of New Hampshire.

That experience as yet hasn't been long enough to prove anything definitely. We might be able to benefit from that experience. For that reason, it seems to me that we might well postpone the action of this particular bill in view of the present condition of our financial picture. It might be wise to wait before we take this step and I support the motion of the Senator from Washington, Senator Christensen.

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

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

Sent down for concurrence.

#### Enactors

"Resolve, to Reimburse Robert Ballard, of Hallowell." (H. P. 1808) (L. D. 1385)

Bill "An Act to Clarify Certain Procedures Under Maine State Retirement Law." (S. P. 217) (L. D. 470)

Bill "An Act Relating to Service Retirement Benefits Under State Employees' Retirement Law." (S. P. 237) (L. D. 508)

Bill "An Act Relating to the Salary of the Mayor of the City of Lewiston." (S. P. 313) (L. D. 664)

Bill "An Act Relative to the Disposal of Assets in the Hands of Liquidating Trustees." (S. P. 323) (L. D. 721)

Bill "An Act Relating to State Owned Cars." (S. P. 332) (L. D. 748)

Bill "An Act Continuing Bounty on Bear." (S. P. 393) (L. D. 940)

Bill "An Act to Allow City and Town Employees to Receive Federal Social Security Benefits." (S. P. 574) (L. D. 1376)

(On motion by Mr. Brewer of Aroostook, tabled pending enactment.)

"Resolve, Regulating Fishing for White Perch in Penobscot County." (S. P. 576) (L. D. 1377)

"Resolve, Providing for the Payment of Certain Damages Caused by Protected Wild Animals." (S. P. 580) (L. D. 1387)

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

#### Emergency Measures

Bill "An Act Enacting the Sabotage Prevention Act. (H. P. 1316) (L. D. 852)

Which bill being an emergency measure and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

"Resolve, Appropriating Moneys to Reactivate Mile Light at Cove Point Gore." (H. P. 1778) (L. D. 1316)

Which resolve being an emergency measure and having received the affirmative vote of 28 members of the Senate, and none opposed, was finally passed.

Bill "An Act Relating to Temporary Loans of Cumberland County." (H. P. 1814) (L. D. 1394)

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate, and none opposed, was passed to be enacted.

"Resolve, Authorizing the State Tax Assessor to convey certain Interests of the State in Lands in Connor to Paul Damboise." (S. P. 552) (L. D. 1309)

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

#### Constitutional Amendments

"Resolve, Proposing an Amendment to the Constitution to Make Temporarily Inoperative any Measure Adopted by the People which Fails to Provide a Revenue Adequate for its Service." (H. P. 1014) (L. D. 576)

Which resolve being a Constitutional Amendment and having received the affirmative vote of 29 members of the Senate, and none opposed, was finally passed.

"Resolve Proposing an Amendment to the Constitution Relating to Voting by Citizens in the Armed Forces and Others Absent or Physically Incapacitated." (H. P. 1813) (L. D. 1393)

Which resolve being a Constitutional Amendment and having received the affirmative vote of 29 members of the Senate, and none opposed, was finally passed.

**Additional House Papers,  
out of order and under suspension  
of the rules:**

The Committee on Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Her Own Business Program," (H. 1233) (L. D. 786) reported that they are unable to agree.

Which report was read and accepted in concurrence.

Bill "An Act Relating to Legal Length of Lobsters." (S. P. 260) (L. D. 557)

(In Senate on May 18th, the Minority Report, "Ought to Pass" was read and accepted, and the bill passed to be engrossed.)

Comes from the House, the Majority Report "Ought Not to Pass" accepted in non-concurrence.

In the Senate, on motion by Mr. Dennett of York, the Senate voted to recede and concur.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table bill, An Act Relating to Driving of Deer (H. P. 1753) (L. D. 1297) tabled by that Senator earlier in today's session pending motion by Mr. Ela of Somerset that the Senate accept the Committee of Conference report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I rise with some reluctance tonight to oppose a bill introduced by one of our outstanding colleagues in the other branch from Cumberland County, namely an Act Relating to the Driving of Deer. I move, Mr. President, that the Senate reject the report of the Committee of Conference which recommended that the Senate recede and pass the bill with an amendment.

If you will turn to L. D. 1297, I would like to read this bill which is a very short one. It says in part that, "Whoever in conjunction with four other persons," and the amendment from the Committee makes it six, "shall go through the

woods shouting or making other noises with the human voice of any other sound-making devices shall be construed to be driving deer."

I think this a very poor bill. I am a little bit hesitant as to whether my wife and my children can go walking through the woods. My children are almost as noisy as I am. I could be libeled for arrest. I just can't see the sense of this law. I think the gentleman who introduced the bill was very sincere in his intention. I think it is the type of statute that could be very unfortunate to have on our books.

As a matter of fact, in a more serious vein, it looks to me as though possibly some young fellow who is trying to get into the air corps some say or in the state police or anything else which required a clean record might find himself with an offense of this type back some years prior to his application.

There is very little more to be said about the bill. I think it is very unwise legislation. I don't think it is very sound legislation in any way. I didn't know there was any problem in my county or in other counties of the state regarding this problem.

Therefore, Mr. President, I move the Senate do now reject the report of the Committee of Conference.

The PRESIDENT: The Chair will remind the Senator that the motion made this morning by the Senator from Somerset, Senator Ela, was to accept the Committee of Conference report.

Mr. ALLEN: Mr. President, I hope the Senate will oppose the motion of my good friend the Senator from Somerset, Senator Ela.

Mr. ELA of Somerset: Mr. President, I was on that Committee of Conference. To bring you up to date, the majority of the Committee on Inland Fisheries and Game reported Ought Not to Pass on L. D. 1297. That is not the document we are acting on. We are acting upon a new bill which is a Committee of Conference report. I haven't the number of it at the moment but it is quite short and I will read it to you from memory: "It shall be unlawful to drive deer by use of horns, whistles or other noise-making devices." That is the law now and is left just as it is.

The last sentence in the bill reads: "It shall also be unlawful for any person to hunt deer after he has killed one during the open season of that calendar year." That is the law now and there is no change in that.

The difference is this: "Whoever in conjunction with six or more other persons shall go through the woods shouting or making other noises with the human voice or any sound-making shall be construed to be driving" That is what the Conference Committee agreed upon.

Now, I am not extremely proud of that report but on the House committee of conference, some of whom come from Cumberland County, there was a very intense desire on their part, and from the farming group on that county, to something to correct what they thought was a very serious problem and finally worked it out and we came up with this. I don't think it is awfully good but I don't think it will do any harm. I think it will prevent some persons from having, in a concerted day, these big drives. Now, the number is six or more in conjunction with number one, so there has to be seven, in a concerted manner going through the woods driving deer. The rest of the law is left just the same. The Committee of Conference didn't think that went too far. If the Senate thinks it does, that is O. K. with me.

Mr. BARNES of Aroostook: Mr. President, I would like to ask through the Chair of the Senator from Cumberland, Senator Allen, whether in view of the fact that there must be at least seven, he still fears for himself and his family.

Mr. ALLEN: Mr. President, the Senator from Cumberland, Senator Allen, cannot speak for the future.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, that the Senate accept the report of the Committee of Conference.

A viva voce vote being doubted

A division of the Senate was had.

Ten having voted in the affirmative and seventeen opposed

The motion to accept the Committee of Conference report failed.

The PRESIDENT: The Senator from Cumberland, Senator Allen, now moves that the Senate reject the Committee of Conference report. Is this the pleasure of the Senate? It is a vote.

On motion by Mr. Larrabee of Sagadahoc the Senate voted to take from the table House Report on (H. P. 1029) (L. D. 601) "Ought to Pass in New Draft Under New Title" from the Committee on Sea and Shore Fisheries on bill, An Act Relating to the Sale of Lobster Meat (H. P. 1665) (L. D. 1235), tabled by that Senator on April 25th pending acceptance of the report; and on further motion by the same Senator the report was accepted and the bill read once.

The same Senator presented Senate Amendment A: "Amend said bill by adding at the end thereof the following underlined paragraph: 'No specie of shellfish, either in a can, frozen, or fresh state, with the immediate removal from the shell or otherwise, shall be sold, served in public eating places, labeled or advertised as lobster or imitation lobster in the State of Maine except the species of lobster commonly known as Americanus Homerus.'"

Mr. LARRABEE of Sagadahoc: Mr. President and members of the Senate, in case you don't know, that means our lobsters. This amendment prohibits the importation or sale of crawfish and things they have on the Pacific Coast that they bring in here and try to label as lobster. They sometimes mix it with lobster and sell it as lobster tails or something like that. They are really no relation to Atlantic Sea lobsters.

Thereupon, under suspension of the rules the bill was given its second reading, Senate Amendment was adopted and the bill as so amended passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ward of Penobscot the Senate voted to take from the table Senate Report from the Committee on Judiciary, Majority Report Ought Not to Pass, Minority Report Ought to Pass As Amended by Committee Amendment A, on bill, An Act Relating

to Damage in Libel Actions (H. P. 102) (L. D. 155), tabled by that Senator on May 10th pending acceptance of either report.

Mr. WARD of Penobscot: Mr. President, I move the acceptance of the Minority Ought to Pass Report of the Committee. This bill which is not very long, number 155, is a bill which relates to damage actions against newspapers, for libels against radio stations for slander.

Eight lawyers on the Judiciary Committee thought it wasn't a good bill and voted against it. I would like to briefly explain the bill to you and state my reason why I think it ought to pass.

The first section of the bill contains definitions, one being a definition of what "Actual Malice" is in a libel action. The other three definitions are of the damages which are usually attendant to libel actions, including exemplary damages which are also called punitive or punishment damages. The next section of the bill simply provides that in libel actions, it is necessary for the person when he has knowledge of the libel to give a newspaper a notice of his contentions.

A good many of these cases are cases of errors which have been made by newspapers and in most instances they are only too glad to make a correction of the alleged error. Under our present law, we do have a provision which provides for mitigation of damages in the event that a newspaper does file a correction. But under our present existing law, there is nothing to call the libel to the newspapers attention. It simply provides that a newspaper may within a reasonable time after the publication of the alleged charge make a retraction of it. The first notice which a newspaper may receive of the alleged libel may come to the newspaper some months after the event is alleged to have taken place and be in the form of a summons or a writ.

In addition to that, under our present existing law, even if a retraction is published in the paper, when it comes to a matter of trial, it is purely discretionary on the jury whether or not they will take that into consideration and leave off the punitive damages. Under this proposed bill, as I have said,

it would be mandatory upon the person who seeks to recover damages to give a notice to the newspaper within the prescribed time of the alleged libel and after that notice has been given, the newspaper then has an opportunity to investigate the charge and if they see fit to file a retraction of it, a public retraction of it, and if the newspaper should do that, then under this proposed bill the newspaper would be libel for special damages only and no punitive damages could be recovered against it.

If they receive the notice and then refuse to publish a retraction, then the plaintiff would be entitled to recover the special damages and such punitive damages as the jury might see fit to award it.

In the old days in the publishing of newspapers, as a rule, the editor went out and he collected the news and he wrote up the story. Perhaps he set the type, himself, and ran the press and when the newspaper was completed, he had actual knowledge of everything that was in that paper. Today, the operation of a newspaper is a very complicated and intricate business. The newspaper has the obligation of meeting various deadlines, getting out the various editions and bringing to us the items which they think we want to know.

In addition to that, in publishing a newspaper today, a great portion of the news which it carries is news which comes to them over the wires of world-wide news gathering organizations such as the Associated Press and others and the newspapers in reality become only a transmitter of that news to us. The newspaper is supposed to edit and go over and check on every single item which may come to their attention over these various wires, and so forth. It would be a physical impossibility today to do that and publish a daily newspaper.

Now in this matter of libels you have noticed that it is the usual thing where a libel action has been brought against a paper, the amount of damages which the person seeking to recover is never sought to be five hundred, a thousand or two thousand dollars, but usually it is up around fifty thousand, one hundred thousand or a

million. They are seeking to recover punitive damages.

Now, a person may walk down the road and be struck down by the most flagrant drunken driver, be sent to the hospital suffering injuries and when that person recovers, if he brings an action for damages, he recovers only the damages which he is able to recover. If there is any punishment to be meted out to that person, it is meted out to him on the criminal side of the court.

It is my opinion that newspapers, doing the great public service that they are doing and being responsible as a free press for the condition that our country is in today, should be afforded this protection and that they should not be subject to the enormous claims for punitive damages. But if they make an honest effort where they do make an error, that they should be protected and that the person who is seeking damages should be restricted to those special damages which are outlined in this bill.

Now the special damages which a person would be able to recover if they claimed that a newspaper libeled them, and if they gave the newspaper notice, and if the newspaper filed a correction, and if that party was then able to go into court and prove that it was libel, they would be restricted under this bill to recover the damages alleged and proven and suffered. "In respect to his property, business, trade, profession or occupation, including such amounts as the plaintiff alleges and proves he has expended as a result of the alleged libel, and no other."

In other words, if this bill became law and a person felt that they were libeled by a newspaper, they would be able to go out and spend such sums of money as they thought were necessary to correct that impression by any means they saw fit and in a suit for damages if they maintained their suit, they would be able to recover all that expense that they want to, but they would not be able to recover the exemplary or punitive damages and for that reason, I feel that it is a good bill and I feel that it should pass.

Mr. BARNES of Aroostook: Mr. President and members of the Sen-

ate, I was one of the eight members of the Judiciary Committee that signed the Ought Not to Pass report on this bill, and as briefly as possible I will tell you the reasons why I did it. Libel and slander are very closely related. If you speak an untruth about a fellow man which injures him in his person or trade or his reputation, he has a right of action. If you write something about a fellow man and send it to even one individual, that is libel.

Now, we have on our statute books at the present time laws relative to libel and I believe they are entirely sufficient. Newspapers—and this act also includes radio—are in a position where they can very badly damage or injure a person in his reputation or in his trade or business because not only do they go out to one person—which is all that would be required for publishing a libel, but the figures I have checked and which I think are fairly accurate, the papers in this state have the following circulations: Bangor Daily News, 65,000 people; Portland Press Herald, 50,000 people; Portland Evening Express, 30,000 people; Portland Sunday Telegram, 92,000 people; Lewiston Evening Journal, 35,000 people; Kennebec Journal, 17,000 people; Waterville Sentinel, 15,000 people. And as perhaps you know, in this state we have some 900,000 people and if these papers reached a tenth of that number it would amount to 90,000 people, and that could seriously damage a person, particularly if he were in public life.

I had a classmate by the name of Noel Steel and the Chicago Tribune within a year published an article about him and said he was a communist, that he was a graduate of Harvard Law School in 1929, a brilliant student, on the Harvard Law Review, and that he had gone over to Russia and disappeared. It so happened that my classmate Noel Steel was never a communist and was presently in the City of Providence, R. I., and that publication, as you can well imagine, damaged him considerably. He has brought a suit for libel against the Chicago Tribune but regardless of what damages he may recover from that action he can never be fully recompensed for the damage done

to him. The Chicago Tribune published a retraction but that didn't make much of any difference and, as a matter of fact, when I read about it, I believe in Time Magazine, I wondered myself if this classmate of mine who was a good New England Yankee was the person talked about. He wasn't, but I wouldn't have known it if I hadn't received through the mail—as I assume all my classmates did—a copy of the retraction.

Newspapers which have access to so many people should be most careful about the items they publish that could damage people and should be held accountable for mistakes they make, even though they are innocent mistakes.

This measure would change the libel law all over the State of Maine and there are many elements in it which make it complicated and difficult to administer. Our law as it presently exists is very simple and an adequate law on libel, and to my mind gives as full coverage for newspapers as can reasonably be expected, and I believe that this measure by introducing all the new definitions which it contains is unsound and should not be enacted, and I hope the motion to accept the minority report fails.

Mr. WARD: Mr. President, I would just simply like to point out that this particular bill would be in addition to the provisions which the Senator from Aroostook has read to you. I would call your attention to the fact that in the section which he reads in regard to a newspaper making a retraction, there is nothing in there which tells anybody to call the libel to the newspaper's attention so that they would have any knowledge that they have published the libel, for they may by accident learn of such a happening, and in that way, of course, they could make a correction.

The notice that this bill would require to be given is a notice which is given within twenty days after the person who claims he is libeled has knowledge of the publication or broadcast of the statements claimed by him to be libelous. In other words, it isn't twenty days from the publication of the newspaper but it would be twenty days

from the time that the person had knowledge of it.

If a newspaper published an item six months ago and it was called to the person's attention today and that was his first knowledge of it, then he would be obliged under this bill to give the newspaper a notice within twenty days from today, and as I have stated before, newspapers, today, are transmitting a great deal of their news to us from outside wires. Most of these mistakes are honest mistakes; most of them the newspaper would only be too glad to correct if they had knowledge of them.

Mr. BARNES of Aroostook: Mr. President, when the vote is taken, I ask for a division. I would further say that harsh words spoken or libelous or slanderous statements, or libelous statements printed are like nails driven into a board. You can remove the nail but the hole remains. I simply say that our laws we have existing on the statute books are sufficient to cover the matter and I hope that the bill in question does not receive a passage.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Ward that the Senate accept the minority ought to pass report.

A division of the Senate was had.

Six having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, on motion by Mr. Barnes of Aroostook, the Ought not to Pass report was accepted.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, An Act Relating to Sanitary Facilities for Certain Places (H. P. 1328) (L. D. 891) tabled by that Senator earlier in today's session pending enactment.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate this little speech is somewhat in the nature of a confession. This bill when first presented was referred to the Committee on Public Health, I think. The Committee on Public Health thinking it was substantially a legal matter, referred it to the Committee on Legal Affairs. It went to Legal Affairs and

the Committee brought out a unanimous ought to pass report. I am a member of the Committee on Legal Affairs and if there is any guilt in the action, I am probably more guilty than any member of the committee. At the conclusion of brief remarks, I will move that the bill be indefinitely postponed and my reason, I will confess, did not dawn upon me until I read the engrossed bill over tonight.

It seeks to amend the 184th section of Chapter 22 and that chapter prohibits the disposal of sewerage into any stream or body of water designated by the Bureau of Health as a public water supply. This bill adds to that provision, "or on which is located one or more establishments furnishing entertainment, meals or lodging therein."

I cannot imagine that the law if enacted could ever be enforced because the Penobscot, the Kennebec and the Androscoggin to my knowledge have dozens of establishments along those streams that do furnish meals and entertainment, that I don't believe the Bureau of Public Health would designate as a public water supply, and which do accept sewerage. Now this general theory of pollution control is good but it seems to me that probably there would be three or four hundred municipalities in the state which would be prohibited from continuing to use the rivers they are now using if this bill were passed and I don't believe this bill would be enforced.

I will admit my guilt in not expressing my thoughts at least at the executive session of Legal Affairs but those are my impressions.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, at this late hour of the day in this session, it is rather difficult for me to talk about plumbing. It is true as Senator Haskell of Penobscot says, the measure was brought to our committee and it was considered off and on for quite some period of time. This bill, or another bill which was withdrawn, caused the gathering of quite a substantial number of men in the plumbing business. We talked about hygiene and sanitation.

It is something which, personally, is quite close to me because I have quite an intimate knowledge of Se-

bago lake and I also know that such things as sewerage are not as closely controlled as I would like to have them around the lake which is the water supply for a large section of the State of Maine.

I, therefore, am quite willing to go along with any measure which is anti-pollution or which is sanitation or hygiene. It is possible that Senator Haskell has a point when he refers to this section which says you shall not dispose of sewage into any stream or body of water on which is located one or more establishments furnishing meals or lodging.

However I call your attention to the fact that we are doing our best to entice everyone we can find from the forty-eight states to come here and it a kind of a source for being embarrassed if they encounter situations which aren't attractive.

I am willing to go along on any measure which will enhance the beauty of the State and certainly this thing is a measure tending to bring that about. I really feel there is merit in the bill. I doubt if it is going to cause any great hardship. It has been through the Senate and is now up for enactment. It, therefore, is your consideration of the measure.

Mr. ELA of Somerset: Mr. President, I, too, was a member of the committee that heard this bill, the second committee. I will have to confess that at the time it was passed upon, I could not be there. I did afterwards remonstrate a little about the first section of the bill but in deference to the other members, I made no move.

I think probably the committee amendment has considerable merit.

Mr. BROGGI of York: Mr. President, this bill is a product of a House member of the York County delegation and as Chairman of that delegation, I would consider it a personal favor if the Senate would table it until tomorrow morning and I can assure you that the Senate will dispose of it briefly at that time.

The motion prevailed and the bill was laid upon the table pending enactment and was especially assigned for tomorrow morning.

### From the House

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve in Favor of Veterans of Spanish American War," (H. P. 36) (L. D. 797) reported that the House recede and adopt Committee Amendment "A" submitted herewith, (Amendment Filing No. 489) and pass the Resolve to be engrossed as amended by Committee Amendment "A".

That the Senate recede and adopt Committee Amendment "A" and pass the Resolve to be engrossed as amended by Committee Amendment "A".

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

In the Senate, that Body voted to recede from its former action whereby the resolve was indefinitely postponed; the Committee of Conference report was accepted and under suspension of the rules the resolve was given its two several readings, Committee Amendment A was read and adopted and the resolve passed to be engrossed as amended.

The Committee of Conference 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) reported that the Senate recede and adopt Committee Amendment "A" submitted herewith, and pass the bill to be engrossed as amended by Committee Amendment "A".

That the House recede and adopt Committee Amendment "A" and pass the bill to be engrossed as amended by Committee Amendment "A".

(In Senate, on May 18th, report read and accepted, engrossing was reconsidered, Committee Amendment "A" was adopted, and the bill as amended was passed to be engrossed.

Comes from the House, that Body having adhered to its former position, whereby the Majority Report "Ought Not to Pass" was accepted.

In the Senate, on motion by Mr. Larrabee of Sagadahoc, the Senate voted to adhere.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide Training to Organized Fire Companies," (H. P. 377) (L. D. 217) reported that they are unable to agree.

Which report was read and accepted in concurrence.

"Resolve, Authorizing a Tax and Cutting Practice Committee." (H. P. 1672) (L. D. 1240)

(In Senate, on May 18th, indefinitely postponed in non-concurrence.)

Comes from the House that Body having insisted on its former action whereby the resolve was passed to be engrossed 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: BRADEEN of Waterboro  
PARKER of Sebec  
HANCOCK of Casco

In the Senate, on motion by Mr. Christensen of Washington, the Senate voted to adhere.

### Senate Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Liens on Insurance Policies for Hospitals," (S. P. 584) (L. D. 1409) reported that they are unable to agree.

Which report was read and accepted.

Sent to the House.

On motion by Mr. Crosby of Franklin, it was

ORDERED, the House concurring, that the following resolve be recalled from the Governor to the Senate: H. P. 1521, L. D. 1130, Resolve to Compensate Edwin Blanche of Augusta for Personal Injuries.

Sent down for concurrence.

Mr. HASKELL of Penobscot: Mr. President, with the express consent of Senator Broggi of York, I move that the Senate take from the table L. D. 891 which was tabled by me

earlier in today's session pending enactment and was assigned for tomorrow.

The motion prevailed and the Senate voted to take from the table bill, An Act Relating to Sanitary Facilities for Certain Places (H. P. 1328) (L. D. 891) tabled by the Senator from Penobscot, Senator Haskell earlier in today's session pending enactment.

On further motion by the same Senator, under suspension of the rules, 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 all of Section one thereof."

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

Sent down for concurrence.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table bill, An Act to Allow City and Town Employees to Receive Federal Social Security Benefits (S. P. 574) (L. D. 1376) tabled by that Senator earlier in today's session pending enactment.

The same Senator presented Senate Amendment A and moved its adoption.

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and the Secretary read Senate Amendment A: "Amend said bill by striking out all of Section 3 thereof."

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

Sent down for concurrence.

On motion by Mr. Crosby of Franklin

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