

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Saturday, May 19, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Tom G. Akeley of Gardiner.

Journal of yesterday read and approved.

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

May 18, 1951

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

The Speaker appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on Bill "An Act Appropriating Moneys for Revision of State Valuation," (H. P. 1066) (L. D. 646):
Messrs. CHASE of Cape Elizabeth
CARTER of Bethel
SINCLAIR of Pittsfield

Respectfully,

HARVEY R. PEASE
Clerk of the House.

Which was read and ordered placed on file.

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

May 18, 1951

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

The Speaker appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Liens on Insurance Policies for Hospitals," (S. P. 584) (L. D. 1409):
Messrs. WOODWORTH of Fairfield
McGLAUFILIN of Portland
FOGG of Madison

Respectfully,

HARVEY R. PEASE
Clerk of the House.

Which was read and ordered placed on file.

Orders of the Day

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table bill, An Act Relating to Combination Highway and Railroad Bridge Across Fore River (S. P. 684) (L. D. 414) tabled by that Senator on May 15th pending motion by the Senator from Cumberland, Senator Leavitt, that the bill and Committee Amendment A be indefinitely postponed.

Mr. LEAVITT of Cumberland, Mr. President and members of the Senate, I have already made a speech, or talked, on this and I will simply say at this time that I still feel that it is an injustice to the people of Portland and to the State of Maine to say that a bridge in this area which has been free for nearly two hundred years should not be made a toll bridge. And I will just say that I still protest. You people can do what you want about it and probably most of you will pay more than I do to cross this bridge.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, my remarks will be very brief. The Highway Committee in 1949 authorized this bridge and passed along to the people the question of a Constitutional Amendment as to whether we should have a bond issue of seven million dollars. The people voted for that bond issue. At that time, it did not appear to mean too much to the highway general fund. But as time went on over the past two years, it became quite evident that to take \$600,000.00 out of the highway fund would just mean that we would have less highway construction and I think all of the other bridges asking for toll bridges, those who are familiar with the situation became concerned and introduced the bill to be a toll on Fore River.

We also have a bill before us to defer construction of the bridge.

Your committee considered this seriously. One of the great objections to the toll feature of the bridge was the fact that when the people voted for the bond issue, there was nothing mentioned as to tolls and I agree that that is true

and it seemed rather a hard problem to solve but as we went on, the Cumberland County member of the Committee, who I want to say is a very conscientious and one of the fairest men I have ever had the pleasure of working with, was very much concerned with the issue, but wanting to be fair, consulted with those who were interested in the bridge and came into committee, the executive session, with a recommendation for this amendment that the committee put on. It seemed to me a fair and honest way of doing it to clear the question of tolls on the bridge being determined by the people who had authorized the issuance of the bonds. Therefore, the committee unanimously reported this out Ought to Pass.

I hope that the motion from the Senator from Cumberland, Senator Leavitt, that the bill be indefinitely postponed does not prevail.

Br. BREWER of Aroostook: Mr. President and members of the Senate, the floor leader, Senator Crosby, told you that when this bridge issue was sent out to the people they voted for the bond issue. In toto, they did. But Aroostook County was one as a county that voted against this project. I was on the committee two years ago when this bridge was passed out and as the Senator has told you, the demands on the highway committee at that time weren't as great as they are today. I also feel that in a bridge of that magnitude, tying up the funds that it does, certainly wrecks your road building program.

I don't know why Augusta should have to have a toll bridge and Portland go scot free. Your Bangor-Brewer bridge is set up on a toll basis and if the Lewiston Auburn bridge goes through, that is also under the same category.

So, I feel that we are justified in asking that this bridge also pay tolls. And if it does cost five cents a day extra to the average commuter, I still think in the convenience and expediting his time to and from his home would be well worth the money. So, I hope the motion of the Senator from Portland does not prevail.

Mr. LEAVITT of Cumberland: Mr. President, I simply want to put on the record that Cumberland County, York County, Androscoggin County will be using this bridge mostly. They have the bulk of the population of the State of Maine. Because we have the bulk of the population, we pay the bulk of the taxes in the State of Maine.

When you take and look at the highway funds that are spent in this state, you will find that the third district which voted against this bridge, or the County of Aroostook received forty-three per cent of all the money that is spent for roads. They don't produce forty-three per cent of the taxes but they spend forty-three per cent of the money. And another large percentage goes up into the second district. And in the last five years that I have made the check on the record, the money that is spent down in the first district is about twenty-two to twenty-three per cent of the funds, both for maintenance and new construction.

No, gentlemen, you can't afford to help us down there. Just keep taking the money away from Cumberland County. The four senators, they are the great, powerful county but just slap them in the nose. Don't give them anything down there. Take their money.

Mr. CROSBY of Franklin: Mr. President, I would say just a word or two more. We do have a highway construction problem and quite a problem in the Senator's own county. He has one major route there that, if I remember, there was a lot of talk on this last year and it was definitely shown that that needed money badly.

Now, this is no different than a road of the other counties throughout the state. There is a tremendous need for highways and for road construction and it has gotten to be a policy, or has become more or less of a policy, to build the larger bridges by toll due to the fact that you just will not have money for road construction if you build these bridges out of the General Highway Fund.

I know that it will mean as much to his county to have roads as it will to all of the rest of the counties in the State of Maine.

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

A viva voce vote being doubted

A division of the Senate was had.

Ten having voted in the affirmative and eighteen opposed

The motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Crosby of Franklin under suspension of the rules the bill was given its two several readings.

Mr. Allen of Cumberland presented Senate Amendment A to Committee Amendment A and moved its adoption: "Amend said amendment by striking out the 2nd paragraph thereof and inserting in place thereof the following paragraph: 'Referendum. The aldermen of cities, the selectmen of towns, assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective communities to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives at a special state-wide election to be held on September 11th, 1951, to give their votes on the acceptance or rejection of the foregoing act and the question shall be.'"

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

Sent down for concurrence.

On motion by Mr. Greeley of Waldo the Senate voted to take from the table bill, An Act Relating to Indemnities in Bang's Disease Law (H. P. 1465) (L. D. 1081) tabled by that Senator on May 18th pending adoption of Senate Amendment A; and on further motion by the same Senator Senate Amendment A was adopted.

The same Senator presented Senate Amendment B and moved its adoption:

"Amend said bill by striking out Section Two thereof and inserting

in place thereof the following: 'Section 2. Appropriations. There is hereby appropriated from the eradication of Bang's Disease account the sum of \$15,000 to pay indemnities for animals that have been slaughtered under the provisions of Section 74, Chapter 27 of the Revised Statutes of 1944 for the period beginning July 1st, 1950 and May 1, 1951 inclusive.'

Mr. TABB of Kennebec: Mr. President and members of the Senate, I am not surprised of course at this amendment offered here today and I am not going to bother you with any speech but I do want to say that two years ago Senator Greeley was successful in getting passed in the legislature this Bang's Disease bill, crucifying the cattle industry, or the dairy industry, so they would have to go along with the very selfish program which the industry doesn't want and now he comes in today and wants to redeem himself and make himself a hero by paying for the animals slaughtered. I sincerely hope that the motion of the Senator does not prevail.

Mr. GREELEY of Waldo: Mr. President and members of the Senate, I just want to say that we are taking money now to pay for indemnities, the money that was left over to pay for them back along and I think it is only fair that this legislature should pay for these cattle that have been slaughtered by those people who have tried to play fair with the state.

Mr. TABB of Kennebec: Mr. President, I just want to say that yesterday, I believe, it was, that my good friend, Senator Brewer from Aroostook, pleaded with us here about the shortage of money. I admit that \$20,000.00 is not a lot of money left over. But if that can be left in the General Fund, which I understand it will be, it certainly will help to do some good with some of the appropriations that we are cutting on some of the smaller things that we are taking out of appropriations.

This \$20,000.00 could be used to better advantage than to pay it for dead cows.

Mr. SLEEPER of Knox: Mr. President and Senator, I don't ordinarily like to step into something

that I don't know too much about but it does so happen that I do know about the dairy business. My father-in-law in Norway, Maine, Oxford County, is eighty-one years old. He has seventy-six cows. He has had them for fifty or sixty years—not the same cows.

He has always been a dairyman and every time that we have these questions, I always ask my father-in-law what to do. He is a real Maine farmer and a good one and he said, "I think Greeley is right." So I am going to vote with Greeley.

Mr. BREWER of Aroostook: Mr. President, as another member of the Agricultural Committee, and as one of the majority of the two senators who don't believe in indemnities, I would like to add my five cents to this argument.

I believe Senator Greeley from Waldo is absolutely right. As I told you, from the inception of payments in bangs, I have felt it is a racket. It has cost us over a million dollars. We haven't done the job and we never will.

Now, of course, there is an argument as to what benefits are derived from inoculation. But the Senator from Waldo, Senator Greeley has a herd of cattle and by inoculation, he has gotten out of this so-called Bang's disease. He has pulled himself up by the bootstraps.

We spoke here a short while ago to the effect that indemnities were only paid to those who had inoculated. That was to my way of thinking a forward move and I honestly believe it did more to have some of these people take an interest in cleaning up this disease, once they had it, than anything that could be done.

Now, knowing that these indemnities call for money and in all probability it wouldn't be granted out of the General Fund, through some mysterious manner they discover that \$70,000.00 is available in the Department of Agriculture that wasn't used to pay indemnities. So they suggest that twenty-five thousand each year out of this fund be used to pay for indemnities. Thereby, the fellow that doesn't inoculate is once more brought back into the fold. In other words, he hasn't got to try to do a thing to get out of

this situation at all. If they find that his animals are infected, why they just drag it off and pay him for it.

But you have people that through good intentions, in the period when indemnities weren't paid, I think there are about 650 to 670 cattle that have already been killed, they had it done in good faith to clean up their herds and this amendment of Senator Greeley's would take \$15,000.00 more to pay those people who already in good faith had their cattle slaughtered. I believe that is just. You have heard of paying for dead horses. We have all done that in the past but in this case, we are paying for dead cows.

I believe that if you start in the first of July to pay those who make no effort whatsoever, once they have got the disease, and all they have got to do is to have a condemned animal, if you are going to pay them for that, I think it is only right in all fairness to take more money and pay the fellow that in good faith has allowed his animals to be taken and slaughtered in the interim when subsidies didn't exist.

I believe that it is a step backwards in not compelling them to use inoculations. Some have success with it and some do not but at least it is an argument to clean up and I feel by paying these indemnities you would just be opening the door to those that don't want to use the effort to clean up a mess that they are already in and I hope the amendment of Senator Greeley passes.

Mr. TABB: Mr. President and members of the Senate, I will say that I am surprised at the Chairman of the Appropriations Committee. This is the first time I have ever known him—and I have known him for quite a while—to want to spend money that wasn't really necessary. I want to say to Senator Greeley that 24 states pay indemnities and the State of New Hampshire, in their legislature now in session, has passed a bill for \$400,000 to pay indemnities on Bangs Disease. There is no use in arguing about it. There are so many on one side of this question and so many on the other. Some believe in vaccination and some don't. If it has been so successful

why do we have 164 cattle that ought to be condemned now, which can't be done because the law says can't take them away from their owners without paying for them, and if that is the situation are we going to let this grow and grow and in a few years we will be back where we were and then we will have to do something about it. Mr. President, I sincerely hope the motion does not prevail.

Mr. BROGGI of York: Mr. President, the good Senator just spoke on the bill but as I understand it the question is on the amendment, which is to take \$15,000 to pay to the people who slaughtered their cows when there was no indemnity. This bill calls for \$50,000 and we passed it yesterday and Senator Greeley has just offered an amendment for \$15,000 that has already been earmarked for this purpose to pay those good citizens who were progressive enough to slaughter their animals. I think Senator Greeley is absolutely right and I will be with him when the amendment is voted on.

Mr. GREELEY: Mr. President, I would like to have a division.

A division of the Senate was had. Sixteen having voted in the affirmative and twelve opposed

Senate Amendment B was adopted.

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

Sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Exemptions from Taxation," (H. P. 336) (L. D. 194) reported that the House recede from its passage of the Bill to be engrossed, and the adoption of House Amendments "B" and "C" and adopt Committee Amendment "A" submitted herewith, and pass the Bill to be engrossed as amended by Committee Amendment "A".

That the Senate recede and concur with the House in passing the Bill to be engrossed with Committee Amendment "A" only.

Comes from the House, that Body having receded from engrossing and from adoption of House Amendments "B" and "C", and now pass the bill to be engrossed as amended by Committee Amendment "A".

In the Senate, the report of the Conference Committee was accepted and under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed as amended by House Amendments B and C and Senate Amendment A; and further voted to adopt Committee Amendment A and pass the bill to be engrossed as amended by Committee Amendment A.

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

Mr. SLEEPER: Mr. President and members of the Senate, I am now about to conclude my second, but I hope not my last term in this Senate. I have enjoyed the associations here and I think all of us have felt that for some reason we have had an especially harmonious session. There have been no harsh arguments, no personalities involved and on the whole we have had a very good time.

The one leveling influence, I think, has been the gracious member from Androscoggin County, Mrs. Kavanagh. It has been my privilege to have known several nice ladies. I have a nice mother, a nice daughter and a nice wife but I sincerely say, and I feel that you all agree with me, that one of the nicest persons I have ever known is Mrs. Kavanagh. In following that line of thought, Mrs. Kavanagh and on behalf of our fellow members of the Senate, I would like to hand you this little bouquet and I hope that we will see you often and I do hope that when you wear it you will know how we really feel about you. You are a very fine person, Mrs. Kavanagh and I really mean that.

Mrs. KAVANAGH of Androscoggin: Mr. President and members of the Senate, I want to say that I have enjoyed every minute that I have been here. I have thoroughly enjoyed working with all of you and I have learned a great deal. It is just the sweetest thing for you to present me with this corsage and I

shall treasure it always, even after it is all withered and dead.

The PRESIDENT: The Chair feels that as you all know, we have tried to recognize some of the senior Senators by appointing them as Presidents pro tem. We have neglected some, only because they have said that they would prefer not to take the gravel.

I think that this would be a very fitting time to ask our one lady Senator to preside over the Senate at least this once. In order to allay any slight fears she might have, there will be only one motion made and that will be a motion to recess.

Thereupon, the President appointed the Senator from Androscoggin, Senator Kavanagh as President pro tem of the Senate and the Sergeant at Arms escorted that Senator to the rostrum where she assumed the Chair.

On motion by Mr. Crosby of Franklin

Recessed until one o'clock this afternoon, E. S. T.

After Recess

The Senate was called to order by the President.

From the House

Bill "An Act Relating to the Importation of Poisonous Snakes." (H. P. 327) (L. D. 187)

Bill "An Act Relating to Elderly Teachers' Pensions." (H. P. 738) (L. D. 425)

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

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

Bill "An Act Creating the Maine School Building Authority." (H. P. 1274) (L. D. 824)

Bill "An Act Relating to the Salaries of the Deputy Register of Deeds and Clerks in the Office of Register of Deeds in Cumberland County." (H. P. 1439) (L. D. 1050)

Bill "An Act Relating to Clearance Markings on Railroad and State Highway Overpasses." (H. P. 1531) (L. D. 1124)

Bill "An Act Relating to the Post-Audit of Maine Forestry District and Maine Port Authority." (H. P. 1806) (L. D. 1383)

Bill "An Act Relating to the Commitment to Mental Hospitals." (H. P. 1807) (L. D. 1384)

Bill "An Act to Increase the Salaries of Members of the State Police." (H. P. 1809) (L. D. 1386)

Bill "An Act Relating to Water Pollution." (H. P. 1817) (L. D. 1397)

Bill "An Act Relating to Tax Stamp Discounts in Cigar and Tobacco Products Law." (H. P. 1818) (L. D. 1398)

"Resolve, to Construct and Equip a Hospital Building at Central Maine Sanatorium." (H. P. 874) (L. D. 522)

"Resolve, Appropriating Moneys for Moving Maine Vocational-Technical Institute." (H. P. 958) (L. D. 570)

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

"Resolve, Appropriating Moneys for Repairs on Convent on Indian Island Reservation." (H. P. 1143) (L. D. 675)

"Resolve, Appropriating Moneys for Municipal Airport construction." (H. P. 1821) (L. D. 1407)

Bill "An Act Relating to Definition of 'Average Final Compensation' Under State Employees' Retirement Law." (S. P. 235) (L. D. 506)

Bill "An Act Relating to Use of Fuel Tax." (S. P. 244) (L. D. 513)

Bill "An Act Relating to Salaries of Members of Boards of Registration." (S. P. 262) (L. D. 560)

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

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

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

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

Bill "An Act Relating to the Sanford Sewerage District." (S. P. 592) (L. D. 1400)

"Resolve, Dividing the State into Senatorial Districts." (S. P. 368) (L. D. 867)

"Resolve, Providing for Indexing and Filing Old Probate Records." (S. P. 513) (L. D. 1232)

"Resolve, in Favor of the Several Academies, Institutes and Seminaries." (S. P. 585) (L. D. 1395)

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

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

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

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

"Resolve, Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons." (S. P. 582) (L. D. 1389)

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

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

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.

Bill "An Act Amending the Maine Housing Authorities Act." (H. P. 159) (L. D. 90)

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.

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Fifty-one and for the Year Nineteen Hundred Fifty-two." (H. P. 1798) (L. D. 1374)

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.

Bill "An Act to Authorize the Construction of a Toll Bridge

Across the Androscoggin River Between the Cities of Lewiston and Auburn." (H. P. 462) (L. D. 282)

(On motion by Mr. Crosby of Franklin, tabled pending passage to be enacted.)

Bill "An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer." (H. P. 1795) (L. D. 1363)

(On motion by Mr. Greeley of Waldo, tabled pending passage to be enacted.)

"Resolve, Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitations of Municipal Indebtedness." (H. P. 1082) (L. D. 695)

Which resolve being a Constitutional Amendment and having received the affirmative vote of 28 members of the Senate and none opposed, was finally passed.

"Resolve, Proposing an Amendment to the Constitution to Provide for a Bond Issue in the Amount of \$3,000,000, the Proceeds of Which to be Expended for the Erection of a State Office Building." (S. P. 597) (L. D. 1410)

Which resolve being a Constitutional Amendment, and having received the affirmative vote of 28 members of the Senate and none opposed, was finally passed.

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

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

"Resolve, in Favor of Construction and Repairs for Certain Academies, Institutes and Seminaries." (H. P. 1822) (L. D. 1408)

Which bill was passed to be enacted and resolves finally passed.

"Resolve Providing Funds for Nursing Attendant Education." (H. P. 795) (L. D. 474)

(In Senate on May 16th, bill substituted for the Ought Not to Pass report and passed to be engrossed in non-concurrence.)

Comes from the House, the House having receded and substituted the bill for the report, and passed the

bill to be engrossed in concurrence, and subsequently the bill was indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Brewer of Aroostook, the Senate voted to recede and concur with the House.

Bill "An Act Relating to Salaries of Certain Department Heads." (H. P. 1802) (L. D. 1381)

(In Senate, on May 16th, report, "Ought to Pass in new draft" read and accepted, and the bill passed to be engrossed in concurrence.)

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

In the Senate, on motion by Mr. Crosby of Franklin, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment B was adopted in concurrence and the bill as so amended passed to be engrossed in concurrence.

Mr. CROSBY of Franklin: Mr. President, I would like to inquire if H. P. 1521, L. D. 1330 is in possession of the Senate, Resolve to Compensate Edwin Blanche of Augusta for Injuries?

The PRESIDENT: The Chair will state that the document is in the possession of the Senate, having been recalled by Joint Order.

Thereupon, on motion by Mr. Crosby of Franklin, under suspension of the rules, the Senate voted to reconsider its former action whereby the resolve was passed to be enacted, and to further reconsider its action whereby the resolve 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 inserting the word 'highway' after the word 'general' which is the 5th word from the end thereof."

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

Sent down for concurrence.

On motion by Mr. Collins, out of Order and under suspension of the rules, it was

ORDERED, the House concurring, that the following bill be recalled from the Governor to the Senate, H. P. 168, L. D. 99, An Act Abolishing the Polling Place in Rockwood in Somerset County.

Mr. BREWER of Aroostook: Mr. President, I would like to inquire if the Senate has in its possession the bill relating to Military Law (H. P. 344) (L. D. 203)

The PRESIDENT: The Chair will inform the Senator that the document is in the possession of the Senate having been recalled by Joint Order.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I hope that this will be the last bill that I will have to request indefinite postponement on in hopes of balancing our budget. The only reason I move for the indefinite postponement is that it is a new activity and involves revenue to the tune of \$26,000.00 year in and year out. It is supposedly to go towards uniforms for the National Guard.

I have the highest regard for General Carter in the National Guard. I feel that it would probably build the moral of that outfit to a great extent to have these funds for uniforms but it is one of those that we have had in mind of re-occurring expenses, as I say, and a new activity and again I repeat with regret, I move indefinite postponement of this bill.

Mr. REID of Kennebec: Mr. President, the only question in my mind is the priority on a measure of this kind. I am going to vote against the motion to indefinitely postpone the bill for two reasons. We have a civil defense program and two problems connected with it. One is, what would happen in the State of Maine in the event of an attack from without? And the other is, what would happen in the State of Maine, assuming enemy activities from within the state?

My own thinking is that there isn't much we can do or need to do about the State of Maine if Russia happened to launch her attack upon this country because I don't

believe that Maine would come in for any of the punishment directly and if it did, any amount of money we could afford to raise would be entirely insufficient. I do believe, however, that our danger in Maine from any enemy activity is the danger of sabotage and internal disruption by communist agents and I think that might be quite serious.

Now, the National Guard would be an outfit that would help in that connection considerably. I think they should be uniformed. If we had a situation in the State of Maine with some un-uniformed guardsmen running around, they would have no authority and they would be handicapped. This bill calls for \$26,000.00 for that purpose. It is not a great amount of money and I think a little later in the day we are going to vote to appropriate a much more substantial sum on wholly conjectural items, perhaps the sum of \$250,000.00 to be at some later time matched by federal funds and I was against it in the Appropriations Committee until such time as the Governor informed us unequivocally that not a dollar of that would be spent unless there was an emergency and that in his opinion, the federal matching funds would not require the State of Maine to purchase property at its own expense with those matching funds as dictated by the government. So I went along with that appropriation. But nevertheless, that is in the state.

I believe that our only danger in the State of Maine is from within and the \$26,000 in the whole picture is quite a small amount to spend for it. I know that the Senator from Aroostook, Senator Brewer, is very reluctant to vote for some of these measures because he feels that the budget must be balanced. The budget is going to be balanced according to the figures of the administration. We are going to vote appropriations, as far as I know, to what I think is a modest extent, will go above those figures and we are going to do it on the basis that we take our own estimate of what the sales tax will produce and raise it what I think is quite slightly.

So for those reasons, I oppose the

motion to indefinitely postpone the bill.

Mr. BREWER: Mr. President, I would like to call to the attention of the Senate that in event of attack, probably your National Guard would be inducted immediately into federal service and naturally they would be allowed this allowance.

So, I do feel that the civil defense program has nothing to do with this particular item. It is, as I say, something that has never been allowed before and once it is put in, it is a re-occurring expense that goes along indefinitely as long as the National Guard is left home.

Therefore, I feel it is a new activity. It is something they haven't had before and for this reason I feel that it is unwise at this time even though maybe our budget should be balanced in the end. Nevertheless, everything we add to it builds it up that much more and due to the fact that this is a new activity, why I hope my motion prevails.

Mr. LEAVITT of Cumberland: Mr. President, as the Chairman of the Military Affairs Committee, we heard this bill down there and voted it out unanimously Ought to Pass. I don't think it is the most important bill we have had in the legislature by a long shot. I think it would do something to encourage officers not only to come into the National Guard but for them to stay there. At the present time, there is a tremendous turnover. This might eliminate some of that turnover.

I further do not believe that this \$26,000.00, although a new venture and one that may continue for years from now and it may be a larger and larger item as the years go on, I don't think at this time it will break the state or throw the budget so far out of balance that we can not exist.

I am not going to oppose the motion of the Senator from Aroostook. I will simply say that I hope you will think hard on its own merits and not on the basis of whether it is going to break the State of Maine, or not, and whether you think the uniform allowances should be given to the officers of

the National Guard in this emergency we are now facing.

Naturally, I will vote with the Committee but on the merit of the bill and not worrying too much about the money.

Mr. BOYKER of Oxford: Mr. President, I can not see quite the logic in doing what we are here at the present time.

We are withholding appropriations to balance the budget, appropriations for the National Guard, but still appropriating and accepting \$90,000.00 for our state parks. What have our state parks got to do with this national emergency?

Our National Guard is needed and it has a great deal to do with our national emergency. Now, is there any common sense in what we are attempting to do? Squirrels will live in our State parks; trees will grow—ninety thousand dollars. I can't understand that legislation.

Mr. REID of Kennebec: Mr. President, I just want to say one thing and that is this. I certainly will go along with the Senator from Aroostook, Senator Brewer in opposition to what might be called new ventures of the State but my thinking on this particular one is that the whole civil defense program is in the nature of a new venture but it is not something we invited. It is a situation from within and we have to accept it. Every single appropriation we have made on civil defense is new. At least, we haven't had to consider it for some time. So, I don't consider it in the nature of a new venture.

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

A viva voce vote being doubted by the Chair

A division of the Senate was had.

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

Sent down for concurrence.

Bill "An Act to Allow City and Town Employees to Receive Federal Social Security Benefits." (H. S. P. 574) (L. D. 376).

(In Senate, on May 18 passed to be engrossed as amended by Senate Amendment A in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment A adopted, 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. Savage of Somerset, the Senate voted to recede from its former action whereby the bill was passed to be engrossed House Amendment A was read and adopted in concurrence and the bill as amended by Senate Amendment and House Amendment A was passed to be engrossed in concurrence.

Joint Orders

ORDERED, the Senate concurring, that the members of the Judiciary and Legal Affairs Committee be authorized to retain the Revised Statutes and Session Laws used by them during the session in their committee room (H. P. 1824).

ORDERED, the Senate concurring, that the Secretary of the Senate and the Clerk of the House be authorized to deposit in the State Library for such disposition as the State Librarian may determine all lists of salaries printed by Order of the 94th legislature that are now in their hands (H. P. 1824).

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study forest land taxes, including the severance tax now in operation in other states, and report to the 96th legislature, suggesting such measures to correct present forest land tax problems as are deemed necessary. (H. P. 1823.)

Which were severally read and passed in concurrence.

The PRESIDENT: At this time the Chair will make a brief statement. As I said this morning, it is the intention of the Chair to recognize the senior Senators in respect to taking the gavel as President pro tem. At the same time, it is always a pleasure to have a former Speaker of the House assume the Chair and we have with us, one of the remaining senior Senators, an

ex-Speaker of the House who has not yet assumed the Chair and swung the gavel this year.

Thereupon, the Senator from Aroostook, Senator Barnes assumed the Chair, President Cross retiring.

Mr. SLEEPER of Knox: Mr. President, I move that the Senate reconsider its action whereby it adopted the majority report from the Committee on Apportionment "Ought Not to Pass" on the apportioning of the members of the House of Representatives and in the event that I am given that right in fair play and justice to the small counties, I will then make a motion that we adopt Plan B in concurrence with the House and not have this sword of doubt hanging over the heads of the small counties for the next two years.

I move that the Senate reconsider its action and in a sense of fair play—I am not trying to take advantage of the fact that my principal opponent in this is in the Chair—I will pair my vote with him if you wish and not vote on the issue myself.

The PRESIDENT pro tem: The Senator from Knox, Senator Sleeper moves that the Senate reconsider its former action whereby it adhered to its former action whereby it accepted the Ought Not to Pass report on Resolve to Apportion 151 representatives among the Several Cities, Towns, Plantations and Classes in the State of Maine (S. P. 596) (L. D. 1406).

Thereupon, on motion by Mr. Allen of Cumberland, the resolve was laid upon the table pending motion by Senator Sleeper that the Senate reconsider its former action; and the matter was especially assigned for later in today's session.

Mr. SLEEPER of Knox: Mr. President, I rise on a point of personal privilege.

The PRESIDENT pro tem: The Senator may state his point.

Mr. SLEEPER: Mr. President, I just want to say that I understand perfectly the reason for putting this on the table and I thank you very much. Of the three Senators on the committee, two of them feel the way I do.

Mr. BREWER of Aroostook presented, out of order and under suspension of the rules

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1952 and June 30, 1953." (S. P. 603)

Which was received by unanimous consent, read twice under suspension of the rules, and passed to be engrossed without reference to a committee.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, it was

ORDERED, that in appreciation of their loyal services, the desk and chair occupied by the President of the Senate in the office of the President; the desk and chair occupied by the Secretary of the Senate in the office of the Secretary of the Senate and the desk and chair occupied by the Assistant Secretary of the Senate in the office of the Secretary of the Senate, together with the remainder of such supplies as are required to carry out the duties of their respective offices be presented to the President of the Senate, the Secretary of the Senate, the Assistant Secretary of the Senate and be delivered to their respective homes.

From the House Out of Order and Under Suspension Of The Rules

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Trespassing on Commercial or Residential Property," (S. P. 411) (L. D. 971) 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 Funeral Expenses Under Old Age Assistance Law," (H. P. 1285) (L. D. 823) 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 "Re-

solve in Favor of Emile Couillard, of Auburn," (H. P. 1567) (L. D. 1333) reported that the Senate recede and concur with the House in passing the Resolve to be engrossed as amended by House Amendment "A".

Comes from the House, the report read and accepted.

In the Senate, the report was accepted in concurrence.

Bill "An Act Relating to Academies," (H. P. 1525) (L. D. 1107)

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

Comes from the House, engrossing reconsidered, House Amendment "A" (Amendment Filing No. 497) was read and adopted, and the bill passed to be engrossed as amended by Senate Amendment "A" and by House Amendment "A" in non-concurrence.

In the Senate, that body voted to reconsider its former action whereby the bill was passed to be engrossed, House Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Repeal the Charter of the Bay Point Village Corporation," (H. P. 1183) (L. D. 738) reported that both branches recede from their former actions and adopt Committee Amendment "A", (Amendment Filing No. 496).

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

In the Senate, the report of the Committee on Conference was accepted, the Senate voted to recede from its former action whereby the Ought Not to Pass report of the Committee was accepted, the bill was substituted for the report and under suspension of the rules read twice, Committee Amendment A was read and adopted and the bill as so amended was passed to be engrossed in concurrence.

Mr. COLLINS of Aroostook: Mr. President, I would like to inquire

if bill, An Act Abolishing the Polling Place in Rockwood in Somerset County (H. P. 168) (L. D. 99) is in the possession of the Senate.

The PRESIDENT: The Chair will state that the bill is in the possession of the Senate, having been recalled from the office of the Governor by joint order.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, Rockwood is about thirty-two miles from Jackman and since 1935 the people of Jackman have been servicing the unorganized town of Rockwood in carrying out their elections. They brought in a bill to have it repealed. The Committee on Counties reported the bill in new draft feeling it was unfair to Rockwood to do that and that they would reward the town of Jackman for continuing to render the service by giving them the poll taxes actually collected in Rockwood.

Subsequently the sponsor of the measure found there was some dissatisfaction in Jackman and he didn't care to carry out the service and the committee, on recommitment of the bill decided perhaps that was the way it should be and it was in that form that the bill was passed, which was the original draft.

Now this bill has been recalled from the Governor because we found it didn't meet his wishes, and I think justly so, because the citizens of Rockwood are over thirty miles from Jackman and it would seem quite a hardship to impose if they have to go to Jackman to do their voting. So for that reason I am introducing Senate Amendment A which provides that the poll taxes collected by the state tax assessor from the residents of Rockwood in the year which the biennial state election is held shall be paid by the state to Jackman Plantation provided the state tax assessor receives from the Jackman Plantation a request therefor by June 1st on the following year.

I think this amendment to the new draft will fully compensate the town of Jackman for carrying out the service under the bill and that the citizens of Rockwood will have an opportunity to vote in their own community. I offer Senate Amend-

ment A to H. P. 1762, L. D. 1306) and move its passage.

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and to further reconsider its action whereby the bill was passed to be engrossed.

The Secretary read Senate Amendment A. "Amend said bill by striking out Section 2 thereof and inserting in place thereof the following section: 'Section 2, R. S. C. 14 Section 101A Amended. Section 101A C. 14 of the Revised Statutes as enacted by Section 5 C. 349 of the Public Laws of 1949, is hereby amended by inserting before the last paragraph thereof a new paragraph to read as follows: "Poll taxes collected by the State Tax Assessor from the Residents of Rockwood in the year in which the biennial state election is held, shall be paid by the state to Jackman Plantation provided that the state tax assessor receives from the officials of Jackman Plantation a request therefore by June first of the following year." ' "

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

Sent down for concurrence.

On motion by Mr. Crosby of Franklin

Recessed until 6:30 this evening 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 to Create a Public Body in the City of Portland to be Known as the Slum Clearance and Redevelopment Authority." (H. P. 1228) (L. D. 807)

Bill "An Act Relating to Jurisdiction Over Highways on Indian Island." (H. P. 1820) (L. D. 1402)

"Resolve, in Favor of Marking the Unmarked Graves of Veterans of Spanish American War." (H. P. 36) (L. D. 797)

"Resolve, in Favor of Indians at Peter Dana Point Reservation for

Building and Repair of Homes." (H. P. 1144) (L. D. 676)

"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)

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

"Resolve, in Favor George S. Bradbury, of West Franklin." (H. P. 1483) (L. D. 1090)

Bill "An Act to Revise Educational Subsidy and Tuition Regulations." (S. P. 264) (L. D. 552)

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

Constitutional Amendment

"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)

Which resolve being a Constitutional Amendment and having received the affirmative vote of 27 members of the Senate, and none opposed was finally passed.

At this point, the President designated the Senator from Cumberland, Senator Weeks as President pro tem, and that Senator assumed the Chair, President Cross retiring.

Order

(Out of Order)

On motion by Mr. Sleeper of Knox, it was

ORDERED, that flowers be sent to Senator Robert Haskell at the Augusta General Hospital expressing the regret of the Senate that he is unable to be present during the closing hours of the 95th legislature.

Mr. SLEEPER: Mr. President, I might add that Senator Haskell is not too seriously ill. He is in quite a lot of pain. He is sincerely sorry that he cannot be with us during these last hours of the session.

Final Reports

Mr. Greeley from the Committee on Agriculture submitted its Final Report.

Mr. Haskell of Penobscot from the Committee on Business Legislation submitted its Final Report.

Mr. Smart from the Committee on Claims submitted its Final Report.

Mr. Boyker from the Committee on Correctional Institutions submitted its Final Report.

Mr. McKusick from the Committee on Education submitted its Final Report.

Mr. Crosby from the Committee on Highways submitted its Final Report.

Mr. Ela from the Committee on Inland Fisheries and Game submitted its Final Report.

Mr. Haskell of Cumberland from the Committee on Judiciary submitted its Final Report.

Mr. Reid from the Committee on Labor submitted its Final Report.

Mr. Weeks from the Committee on Legal Affairs submitted its Final Report.

Mr. Tabb from the Committee on Liquor Control submitted its Final Report.

Mr. Larrabee from the Committee on Natural Resources submitted its Final Report.

Mrs. Kavanagh from the Committee on Public Health submitted its Final Report.

Mr. Savage from the Committee on Public Buildings and Parks submitted its Final Report.

Mr. Marshall from the Committee on Public Utilities submitted its Final Report.

Mr. Noyes from the Committee on Taxation submitted its Final Report.

Mr. Collins from the Committee on Towns and Counties submitted its Final Report.

Mr. Allen from the Committee on Transportation submitted its Final Report.

Mr. Leavitt from the Committee on Veterans and Military Affairs submitted its Final Report.

Mr. McKusick from the Committee on Welfare submitted its Final Report.

Mr. Sleeper from the Committee on Sea and Shore Fisheries submitted its Final Report.

Mr. Brewer from the Committee on Appropriations and Financial Affairs submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

From the House, out of order and under suspension of the rules.

The Majority of the Committee on Appropriations and Financial Affairs on bill An Act Relating to Stipend to Agricultural Societies (H. P. 774) (L. D. 462) reported that the same ought to pass.

(signed)

Senators:

BREWER of Aroostook

REID of Kennebec

Representatives:

JACOBS of Auburn

FINNEGAN of Bangor

CAMPBELL of Guilford

COLE of Liberty

JALBERT of Lewiston

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

(signed)

Senator:

LEAVITT of Cumberland

Representative:

PHILLIPS

of Southwest Harbor

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

In the Senate:

Mr. BREWER of Aroostook: Mr. President, I move that the Senate accept the Majority Ought to Pass report.

Mr. LEAVITT of Cumberland: Mr. President, when this bill came in, there was talk that we might discontinue running races at night. That subsequently happened. The bill is still on the Governor's desk for the reason that he is waiting until all revenue bills are before him, as well as all bills which cut revenue. This is supposed to cut revenue about \$206,000 each year of the biennium.

As soon as we have disposed of all bills here and they are on the Governor's desk, the Governor then will sign all the bills that are before him. In making that statement I went in to see the Governor and I asked him point blank if a statement made by a certain person that the night racing bill was being held up in the hope that

when this bill here was defeated, if it was defeated he then would come out with a veto trying to have both running bill and the stipend not paid. That is not true. He gave me authority to quote him on that subject.

It doesn't seem logical to me, or fair, that the racing fraternity, the harness racing people should come in here for their benefit and kill running races at night and then expect the runners to pay them a stipend to run their fairs. When they have killed the running races at night, they have got just about all they should have, in this legislature. In fact, they are getting too much in my opinion. I am absolutely opposed to the bill. It is unfair and I therefore move that the bill be indefinitely postponed.

Mr. BREWER of Aroostook: Mr. President, the Senator from Cumberland says he feels it is unfair for the fairs to ask for half one per cent of the revenue taken in pari-mutuel betting by the runners. I would say to the Senator from Cumberland that if it is any criteria to go by past performances, the year before the runners started, the fairs collected out of pari-mutuel on the basis of seventy-two per cent on a dollar for every dollar they paid out in premiums and last year with the runners in existence, the fairs received forty-four cents on a dollar on the money that they paid on the premiums. So, I feel that it is a detriment to the fairs.

As I have said before and you will get tired of hearing me repeat, it is still my belief that there is only so much money to be paid in pari-mutuel betting in the State of Maine and if it is divided between two kinds of racing, certainly the fairs are going to suffer.

So, with that information, and too, if we can believe figures, it certainly has hurt the fairs and I hope that the Senator's motion does not prevail.

Mr. PALMER: My question is, what percentage comes out of the take in the harness racing and is there a limit on the amount?

Mr. BREWER: There is not limit on the amounts. Half of one per cent goes to the fairs for state stipend.

Mr. LEAVITT of Cumberland: Mr. President, I fail to see where there is any justification in the statement that there is just so much money that is going to be spent in the racing at Scarborough Downs and if it isn't bet one place, it would be bet the other. Most of the people who are betting at Scarborough Downs, or a very large proportion of them are people who come in from Massachusetts, New York and other states who stay around York and Cumberland Counties and they like to lay on the beaches during the afternoon and then go to the race track at night.

It was the hope in having the track there that it would attract more people. I can't see how anybody possibly can say that just so much money is going to be bet. It will be entirely up to the number of people that come, and the type of races on how much money will be bet. The evidence shows that last year there was no reduction in the amount of money earned by the trotters despite the fact that they closed down two of their tracks during the summer.

The people who shut down those tracks were the people who had trotters of their own and they decided they had rather go into runners.

The fairs have done everything they can in this legislature to try to do something to kill Scarborough Downs and the runners. And after doing everything they can against that track, they have got the nerve to walk down there and want them to give them a stipend to help them. Just what fairness is there in that?

Mr. BROGGI of York: Mr. President, the passage of the night racing bill indicates a majority of this legislature feels it is just for one group of horses to run at night and unjust for another group to run at night. I disagree with the majority and I believe, personally, that it is discriminatory. If we are going to have one group of horses running at night, I see no reason why we shouldn't have the other. As a matter of fact, a member of my delegation put in an amendment which wasn't accepted, as it was said to be not germane to the bill. It seems a shame to us that the

amendment was not accepted but I certainly bow to the majority thinking of the legislature.

However, I am certainly in accord with Senator Leavitt. If you are going to stop one group from riding nights, is it fair to them to go in and take part of their profits to maintain the other group? It doesn't seem fair to me. If the State is going to lose \$200,000.00 each year by virtue of the runners not running nights, certainly the capital investors in that track are going to lose proportionately. It seems to me very unfair to go ahead and tax another class one per cent after you have prohibited them from doing something another group is going to do.

I certainly hope that the majority report does prevail.

Mr. NOYES of Hancock: Mr. President, if I understand this correctly, what this proposes to do is to tax the runners for one-half of one per cent of the amount that is used to bed. I understand from the action of this legislature we have prohibited the runners from running nights and there is some question as to whether we will be able to operate in the daytime.

Feeling that we need the revenue that these running races will produce and feeling that if this bill is enacted, it will puff the additional costs on the operation down at Scarborough Downs which might cause them to close, I think it is a little bit unfair to pass this legislation. If they were able to run nights as are the harness men, I should vote for the bill, but since they are not allowed to run nights, I shall vote against it and vote with the Senator from Cumberland, Senator Leavitt.

Mr. BREWER of Aroostook: Mr. President, I ask when the vote is taken that it be by a division.

The PRESIDENT pro tem: The question before the Senate is on the motion of Senator Leavitt that an Act Relating to Stipend to Agricultural Societies be indefinitely postponed. The Senator from Aroostook, Senator Brewer, has requested a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and seven opposed, the motion prevailed and the bill was

indefinitely postponed in non-concurrence.

Sent down for concurrence.

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

Bill "An Act Relating to the Sale of Lobster Meat." (H. P. 1665) (L. D. 1235)

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

Which bills were severally passed to be enacted.

The following orders, out of order and under suspension of the rules:

On motion by Mr. Haskell of Cumberland, it was

ORDERED, that the office of the Secretary of the Senate including the furniture and equipment therein, shall remain in the custody of the Secretary.

Which was read and passed.

On motion by Mr. Noyes of Hancock, it was

ORDERED, that the State Librarian be directed to forward bound copies of the Legislative Record to members and officers at their home addresses.

Which was read and passed.

On motion by Mr. Ward of Penobscot, it was

ORDERED, that the State Librarian mail to each member and officer of the Senate a copy of the Laws of this session when completed.

Which was read and passed.

On motion by Mr. Reid of Kennebec, it was

ORDERED, that the State Librarian mail to each member of the Senate, the balance of the Legislative Record beginning April 24, 1951.

Which was read and passed.

On motion by Mr. Broggi of York, it was

ORDERED, that the Superintendent of Buildings be directed to deliver to the Secretary of the Senate, such equipment and supplies as the Secretary shall deem necessary for use in completing and indexing the Journal of the Senate.

Which was read and passed.

At this point, President Cross resumed the Chair, Senator Weeks retiring amidst the applause of the Senate.

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

Bill "An Act Relating to the Polling Place in Rockwood in Somerset County." (H. P. 1762) (L. D. 1306)

(In Senate on May 19th, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, receded from enacting and engrossing; Senate Amendment "A" adopted and bill passed to be engrossed as amended by Senate Amendment "A". Subsequently voted to reconsider, and bill ordered returned to the Senate.

In the Senate:

The PRESIDENT: The Chair will now state that on prior action some error was made, and the House and the Senate apparently do not agree on this bill. The difficulty seems to be that the original bill was reported out of committee in new draft. So if the Senate will indulge the Chair once more, we will attempt to straighten this out.

The Secretary read: In the Senate on May 19, H. P. 168, L. D. 99 was passed to be engrossed as amended by Senate Amendment A.

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Senate Amendment A was adopted and the bill was then indefinitely postponed.

Thereupon, H. P. 1762, L. D. 1306 was substituted for the report of the committee, the rules were suspended, the bill was given it two several readings, Senate Amendment A was adopted and the bill as amended passed to be engrossed.

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1952, and June 30, 1953." (S. P. 603) (L. D. 1412).

(In Senate, on May 19th, passed to be engrossed, without reference to a Committee.)

Comes from the House, passed to be engrossed without reference to a

Committee, as amended by House Amendments "A" and "B" in non-concurrence.

Mr. REID of Kennebec: Mr. President and members of the Senate, since there seems to be some disagreement in the Senate and some feeling in regard to two or three items on this bill and perhaps some feeling that there was an effort on the part of the Appropriations Committee to perhaps deceive the members of the Senate, which I will say now is not so, I would like to explain my position in the matter. Perhaps the mechanics were wrong and perhaps they weren't but I want to make sure that no member of this Senate has the impression that there was any effort at deception.

One of the items is on the bill on the Military law enforcement in the amount of \$26,000. When this bill went to the printer that item was in the bill and after the bill was printed the Senate killed that bill, so it comes out. Or perhaps the house took it out. Then there was another item, of a very small amount, in fact no amount involved, but if any money had been spent on that program it wouldn't have been okayed by the Commissioner of Finance but that item has been knocked out by the House so we won't have any trouble with that.

In the first Appropriations Committee report the committee came with a very much knocked-down report and one of the items knocked down to rock bottom is a bill calling for something like two million dollars a year extra money and as everyone knows it didn't last a minute in the Senate nor in the House. It became apparent that the amount of dollars was such that some kind of another measure would have to be passed. In that bill the hospitals were cut down to \$750,000 as against their request for \$1,100,000 each year of the biennium. As soon as that bill came into the Senate that figure was immediately elevated to \$1,000,000 for each year of the biennium and the other branch agreed with the Senate so it stayed at \$1,000,000 for the hospitals. Then the Appropriations Committee was by-passed and the bill went to the Ways and Means

Committee and when they brought it out the hospitals were put down for \$800,000 again for each year of the biennium. That was before the sales tax was passed. And I have said before, and I say again, that after the sales tax passed I think everyone had an honest reason to think that we might do something for the hospitals that couldn't have been done without the sales tax.

This morning in the Appropriations Committee we had a long argument about hospitals as to whether we should leave it with the \$800,000 a year as the Ways and Means Committee had it or whether we should up it and my thought was to add \$200,000 a year and bring it back to where it was when it passed both branches of the legislature before the sales tax, and there was quite a debate about it. We took one vote and decided to leave it at \$800,000 with the idea that I would offer an amendment to see if the Senate would go along with the \$2,000,000 for each year. Finally, having taken the vote and realizing we are going to have a surplus the first year and might have the income from the sales tax the second year, we compromised at \$1,000,000 for the first year and \$800,000 for the second year, which this Senate had passed within a very short time after we finished and before the sales tax was passed.

I take full responsibility for that on my own shoulders. I might have tabled it, I suppose anyone could have, but I didn't have any idea and I don't suppose anyone else could have any idea that the mere taking of that bill to be printed—and it has been printed—would in any way shove anything through that anybody didn't want, and that certainly ought to be obvious now because it was printed before the House passed on it and there isn't a Senator here who wouldn't move to reconsider our action. And I want everyone to know that there was no thought of deceiving anyone, not in the slightest, and if anyone is to blame for the particular method in which it was done it is myself.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I would like to say that I don't think the Appropriations Commit-

tee should be on the defensive in any way for what has happened. I think we all did what was done above-board, and over and above that I think the Senate will appreciate that in getting out this bill we were working against time.

I want to say that it has always been the purpose of the committee to recommend things in finances as they saw them. Many of these sums came into the making before a sales tax was passed. It was our opinion that possibly that \$200,000 could be added the first year and that to leave the \$800,000 in for the second year wouldn't be too much out of line. If we have erred it wasn't with the intent of putting anything over on anybody. If there are items in the bill that you don't want to concur with, that is your privilege and we will abide by the opinion of the majority.

Mr. BROGGI of York: Mr. President and members of the Senate, many times on the floor of this Senate I have expressed my concern about the state normal schools. I have tried to bring out forcibly the need for accredited schools in Maine. Your Education Committee was concerned to the extent of doubling the tuition of these schools and set up a bill to that effect, and in the bill it was written that these increases in tuition would go to improve the facilities of our schools. The bill was passed to be engrossed and enacted. On page eight of the supplemental appropriations bill the increased tuition has been left in but the benefits to the schools were repealed. In other words, the tuition has been doubled and the schools receive no benefits. We have normal schools that are not accredited schools. The laboratories in these schools in many cases are not as good as those in the second class schools in this state. All this has concerned the committee very much. It is a sad commentary for Maine that there are 600 teachers teaching in our schools who haven't the requisite education to get a teacher's certificate and are teaching on sanctions and in many cases are high school graduates only. I think the last thing we should do is to double the tuition at the teachers' colleges—and we need teachers badly—and then not give them the

benefit for which added tuition was intended. This doubled tuition was written into the bill but not into the benefits.

So, Mr. President, I offer Senate Amendment A to rescind sections three, four and five on page eight of the supplemental appropriations and I explain again that this says to double the tuitions of students at normal schools, make them pay double what they did before, and the extra tuition will go to benefits. We have passed many bills today and if this is not a worthy one then I am very much mistaken.

The PRESIDENT: The Senator from York, Senator Broggi, offers Senate Amendment A and moves its adoption.

Mr. BREWER of Aroostook: Mr. President, as Senator Broggi has told you, we found ourselves on the Appropriations Committee in a very peculiar situation in that during the budget hearing with the knowledge and consent of the Commissioner of Education the tuition in these normal schools was doubled with the understanding that we would put in \$25,000 for scholarship fund and two and half percent of this fund would go for repairs of buildings and he said he would be very happy to go along with this. Apparently this escaped the attention of the Education Committee and Mr. Hoyt, Chairman of the Education Committee came in with a bill that on the double tuition half of this was earmarked for improvements in the schools, and we found that the appropriations of the normal schools we were short some \$54,000 one year and some \$57,000 the next. Of course we were a little disturbed. The Senator has told you this wasn't done maliciously and I have every reason to believe it wasn't but by the same token if you accept this amendment you will in fact have left the normal schools short in their appropriations by \$54,000 one year and \$57,000 the next, so I hope the motion of the Senator will not prevail.

Mr. FULLER of Oxford: Mr. President and members of the Senate, very briefly I wish to concur with my co-senator on the education committee, Senator Broggi from York, and I will say that in the face of the difficulties which our normal

schools are having it seems to me it is very poor business to increase the tuition of those pupils and offer no additional teaching facilities, and as a member of that committee I certainly would not have approved an ought to pass report on that bill if those conditions had been known to me.

Thereupon, on motion by Mr. Leavitt of Cumberland, the bill and amendment were laid upon the table pending consideration.

On motion by Mr. Leavitt of Cumberland the Senate voted to take from the table Supplemental Appropriations Bill (L. D. 1412) tabled just previously, and the Secretary read Senate Amendment A just previously presented: "Amend said bill by striking out sections three, four and five thereof. There shall be appropriated for this purpose \$54,000 the first year and \$57,000 the second year of the biennium."

Mr. BROGGI: Mr. President and members of the Senate, if you don't accept this amendment it means that you are going to double the tuition and not give the schools any benefit. The amendment provides money for improved teacher facilities. In other words the students are paying for the increased facilities. Without the amendment it means that the students are paying for no benefit to the schools or to themselves. I sincerely hope my amendment is adopted.

Mr. LEAVITT of Cumberland: Mr. President, the Appropriations Committee has been criticized a little bit for trying to raise the cost of state government. We believe that we have been very generous, or that the legislature, itself, has been very generous to the Education Department and to the normal schools this year and if you agreed with the amendment, you will be looking for the further expenditure in the first year of the biennium of \$54,000.00 and another \$57,000.00 in the second year of the biennium. If it is your wish to raise the budget by eighty-four thousand and fifty-seven thousand, it is perfectly all right with me to repeal these three sections.

Mr. BROGGI of York: Mr. President, I think if there is one thing the legislature ought to have, it is

integrity and I think all of the members agree and when you have a bill and have the Governor sign it telling the normal schools that you will double tuitions and increase their allowance for facilities and have that signed, and then in the closing hours say, "By the way, we are letting you pay double tuition but we are going to take away from you the increased facilities," I do not think that is fair and that is going to happen if my amendment doesn't prevail. You are going to have every normal school paying double tuition and offer them no increased services as we promised. I don't think that is fair play. I think the Senate will go along with this amendment.

Mr. BREWER of Aroostook: Mr. President, I don't know how we could have been any more considerate of the educational department than we were in our recommendations but as I have told you, the Commissioner came in at the budget hearing and said that if they doubled the tuition and gave him two and a half per cent for capital expenditures for repairs of buildings and gave him \$25,000.00 for scholarships, that he would be satisfied. We have set up \$225,000.00 for repairs to buildings. We have given them \$25,000.00 for scholarships and now we find that another member of the educational board has come along, after we have considered that double tuition as part of our running expenses and has passed a bill that cuts this revenue in half for facilities for the normal schools which in the aggregate leaves them short in working capital if Senator Broggi's amendment passes of some fifty thousand, I forget the figures, one year and seventy some the next.

We, in good faith, felt that we were giving them everything that they needed and we certainly, had we known that this bill was to be passed, would have made some to do about it. In fact, the Educational Department, Mr. Ladd and Mr. Anas, I don't think, discovered the error until the principal of my normal school discovered he had been left short some \$5,400.00 one year and some \$7,600.00 the next.

So, I say, we in good faith have gone along and given them all they have asked for. Now, through some

oversight, they find that they have taken away part of the money that was already set up as part of their working capital. I don't feel that we are to blame in this matter and I feel this money shouldn't be earmarked for that but should be used as a part of their running expenses and I move for indefinite postponement of this amendment and I also ask that when this vote is taken it be by a division.

Mr. BROGGI of York: Mr. President, when the Budget Committee was set up there had been discussion before the Committee that possibly there would be a double tuition charge at normal schools for a certain purpose. The Budget Committee in setting up its budget set it upon the basis of there being a double tuition. That is where the error was. That is anticipation and everybody here knows it. If the bill hadn't passed, they would have still been short. But when the bill was passed, it was passed so that one-half of the proceeds should be used for the improvement of the teaching facilities.

I still maintain we are not keeping faith with ourselves if we double the tuition and do not give them the benefits promised to them by statutory law already signed and this bill has gone into law. We want to still continue to double their tuition but do not want to give them the benefits promised them. I sincerely hope the motion of the Senator from Aroostook, Senator Brewer, does not prevail.

Mr. ELA of Somerset: Mr. President, it looks to me as though a little of this money has trickled over into some of the other needs and certainly if something like this is going to be checked and found, it should have been done long before late in the afternoon of what people assume might be an adjournment date.

I certainly have never been accused of being a spendthrift here but I do believe that if the Education Department, the Educational Committee, in which I have a great deal of faith and with which I have differed sometimes, I believe that if they honestly believed that this was a proper bill, and it has been enacted and signed by the Governor, and has raised money by these

pupils' own tuition, that sooner than this, something should have been done about it. It should have been called to our attention, surely.

I am inclined to believe that the Senator from York, Senator Broggi, is right about this and I certainly will not vote for the indefinite postponement of the amendment.

Mr. LEAVITT of Cumberland: Mr. President, I am surprised at this comment about the sacredness of the tuition that is charged a student. When a student pays tuition and pays for the running of the school, I don't know of any college which says to its students, "If you will pay tuition, we will use this tuition money for a specific purpose but we won't use it for the running of the school. We will run the school for you but the tuition will be for some frills, something we will give you extra."

We charge tuition to the student to run the school. It is part of the expenses of running the school. The costs of running these schools are getting greater every day and they needed more money and they charged extra tuition. I think that the Appropriations Committee is right in this matter.

Mr. BREWER: Mr. President, I will say that I called this to the attention of Senator McKusick and he in turn wrote a letter to Mr. Mudge to the effect — now, I don't know as I explained it or whether he understood that the amendment was to be put in and that nullified this bill earmarking these funds, or not. But from the conversation with him, I thought that it was understood but if it wasn't understood, I apologize to Senator McKusick. But I will say to the Senate that this was called to his attention some time ago.

Mr. MCKUSICK of Piscataquis: Mr. President, I did know some time ago that there was a shortage in the funds for the normal schools. I would call to your attention that the Budget Committee evidently included in the budget funds which were not in existence. At the time this bill was heard before the Education Committee, knowing the temper of the Committee as I believe I do, I do not believe that we would have recommended an increase in the cost of tuition for

the normal schools if it were not for the amendment clause which we added that that increase should be used for improvement in teaching facilities.

I believe that the educational committee was entirely justified in their actions. The bill that we passed carried no appropriations. It simply created additional funds and we specified the use that should be made of those funds. I don't know who is responsible for the shortage in the normal school appropriation but I feel that the Education Committee was entirely justified in their action and we were somewhat surprised to find on this supplemental appropriation bill a clause repealing a bill which we had sent out with an Ought to Pass Report and which had been enacted and signed by the Governor.

On motion by Mr. Broggi of York, the amendment was laid upon the table temporarily.

On motion by Mr. Ela of Somerset the Senate voted to take from the table Senate Report, Ought to Pass, from the Committee on Education on Bill, "An Act Relating to Secondary School Tuition," (S. P. 406) (L. D. 966) tabled by that same Senator on May 18th pending acceptance of the Committee Report, and on further motion by the same Senator the bill was indefinitely postponed.

Sent down for concurrence.

Enactors

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

Bill "An Act Relating to Combination Highway and Railroad Bridge Across Fore River." (H. P. 684) (L. D. 414)

Bill "An Act Relating to the Charter of the Bay Point Corporation." (H. P. 1183) (L. D. 738)

Bill "An Act Relating to Academies." (H. P. 1525) (L. D. 1107)

Bill "An Act Relating to Salaries of Certain Department Heads." (H. P. 1802) (L. D. 1381)

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

"Resolve, in Favor of Emile Couillard, of Auburn." (H. P. 1567) (L. D. 1333)

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

"Resolve, Granting a Pension to Alice B. Grant of Kittery." (S. P. 216) (L. D. 469)

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

Mr. Crosby from the Committee on Highways on Senate Resolves included in Consolidated Resolve (H. P. 1812) reported that the same ought to pass.

Which report was read and accepted, and ordered filed together with (H. P. 1812) with the Secretary of State.

Mr. CROSBY: Mr. President, I move to take from the table the resolve relating to a toll bridge across the Androscoggin River L. D. 282 and move that it be enacted.

This being a constitutional amendment

A division of the Senate was had. Twenty-eight having voted in the affirmative and 1 opposed, bill, An Act to Authorize the Construction of a Bridge Across the Androscoggin River (H. P. 462) (L. D. 282) was passed to be enacted.

Mr. BROGGI of York: Mr. President, I move that we take from the table the amendment tabled by me a few minutes ago.

The PRESIDENT: The Senator from York, Senator Broggi, moves to take from the table the supplemental appropriations bill with Senate Amendment A, tabled by him a short while ago.

Thereupon, Senate Amendment A was indefinitely postponed and the Senator from York, Senator Broggi, presented Senate Amendment B.

The Secretary read the amendment: Senate Amendment B to Senate Paper 603 Legislative Document 1412, bill, An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1952 and June 1952. "Amend said bill by adding that part designated Sectional designated Education,

the following: 1951-1952, 1942-1953, L. D. 524, An Act Relating to Tuition in Normal Schools and Teachers Colleges \$54,000 - \$57,000."

Mr. ELA of Somerset: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. ELA: Mr. President, if my recollection is correct, we have never reconsidered our action whereby the bill was passed to be engrossed.

The PRESIDENT: The point of order is well taken.

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Thereupon, the Senator from York, Senator Broggi, withdrew Senate Amendment B and presented Senate Amendment C.

The Secretary read Senate Amendment C: "Amend said bill by adding under that part of Section one designated Education, the following: '1951-1952-1953. Legislative Document 524, An Act Relating to Tuition in Normal Schools and Teachers Colleges \$54,000-\$57,000.' Further amend said bill by striking out Sections 3, 4, and 5 thereof."

Mr. BREWER of Aroostook: Mr. President, I move the indefinite postponement of this amendment. I ask for a division.

A division of the Senate was had. Twelve having voted in the affirmative and seventeen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Broggi of York, Senate Amendment C was adopted; House Amendment B was read and adopted; House Amendment A was read and adopted.

Senator Ela of Somerset presented Senate Amendment D and moved its adoption:

Senate Amendment D: "Amend said bill by striking out that part designated Health and Welfare Department, 1951-1952. Aid to Public and Private Hospitals \$200,000."

Mr. ELA of Somerset: Mr. President, this item was heard weeks ago. We came to a final decision in both branches and I am not going to debate the merits or demerits of the amount. Nevertheless, that was the considered, final vote of both branches of the Legislature. Each member of this Sen-

ate when he has debated any bill, whether it be his own or another, or whether it be on any state matter has depended upon the fact that we had finally voted the sum of \$800,000.00 for hospitals. Then, late in the day, out comes the supplemental budget with \$200,000.00 inserted in this item. Furthermore, without any explanation, we passed the bill to be engrossed and without knowing what was in the bill.

Now, I don't want to criticize anybody or any committee but I do want to point out that they had certain influences. In other words, another branch might vote on a bill depending upon the fact that we had engrossed it, that we had approved it. But frankly, we hadn't seen it. That, while irregular, isn't too important because we do now have it before us. But while all during this last month or so, after we passed the sales tax, we had been told that to carry the load of our appropriations bill we had to pass the sales tax and even if passed, still there would be some doubt as to whether even that could carry the load.

But depending on those figures on which we had taken exact action, all of us in this Senate went along on our judgment on various matters as they came up, many committees feeling that their department had had to take a cut which they didn't approve, surely didn't expect, that out of a legislative committee, without anybody except apparently that committee knowing about would find one group, one activity, taken care of to the exclusion of other activities.

I have seen members of this Senate regretfully resign themselves to seeing their own bill in which they had a great deal of faith and in which they thought there was a lot of merit, still depending on the fact that this amount which had been set up in this item was to be.

Now, that doesn't look quite the way to legislate to me. It looks to me at this late stage as though we should have stayed put on particular items on which each branch had concurred and voted. I hope my amendment will have adoption.

Mr. REID of Kennebec: Mr. President, from all I can gather from talking with the Senators who have been here session after ses-

sion, it has been customary for the final appropriations bill to go by without any discussion.

The first report of the Appropriations Committee was a very reluctant one when we cut hospitals down to \$750,000.00 from the \$1,100,000.00 that was requested.

Again, I say that the minute that that bill came into this Senate and into the House it was raised to \$1,000,000.00 long before the sales tax was ever enacted. The other branch sent the bill to the Ways and Means Committee and lowered that to \$800,000.00. That was before the sales tax was passed.

Now, I don't know exactly what that timing was but I am certain that the argument in favor of the sales tax used was that it would produce enough revenue so that some of the real needs could be taken care of. Now, a real need is this hospital. I had to cut down that item after the sales tax was passed. Every general hospital in this state is financed out of its own revenues. The Augusta General Hospital is in bad financial circumstances. If we have to swallow a sales tax, we can afford to give the hospitals a million dollars. We compromised. We are not even getting that for each year. We didn't do as much in the Appropriations Committee as this Senate did right after the first appropriations bill came out. All we did, was give the hospital \$1,000,000.00 for the first year of the biennium and we cut them back to eight hundred thousand for the second.

I think it is reasonable that this legislature can adopt its own estimate of the revenue that the sales tax will produce, upward by a slight margin, probably about thirty million dollars. We can play around with a few hundred thousand because it is anybody's guess as to what the sales tax will produce. It is just a matter of educated guesswork. The Senator from Somerset, Senator Ela, all through this session and he should be commended for this, has tried to be frugal and I think the Appropriations Committee has tried to be in the original instance. I have the deepest respect for him and his honesty and integrity and I know he wants to be frugal about it but I am

disappointed that he feels that maybe there was some influence asserted that didn't give him a fair opportunity. I disagree with him on that. The House had the printed bill before it to debate and they did debate it and they struck out certain things in it. From what information I have, they didn't touch the \$200,000.00 in the hospital. It was there before them. They could read it. They obviously did read it. They went over it thoroughly and I am not going to debate this any longer because as the good Senator said, we debated this thing before. We debated it when we raised it to a million dollars many long weeks ago and I honestly and sincerely believe that we can afford to compromise and give these hospitals \$1,000,000.00 for the first year of the biennium, even though we have to drop them down to \$800,000.00 in the second year and I hope the amendment does not receive adoption.

Mr. LEAVITT of Cumberland: Mr. President, the hour is late and everybody wants to go home. I just want to say that the hospitals need a lot more money than this. We have appropriated an extra \$200,000.00 because it is just a small amount of money that we think the hospitals should have. We think that they are worthy and we think that they need it and I hope you people will go along with it and go against the motion of Senator Ela.

Mr. ELA: Mr. President, I will call your attention to one or two things. First, in the appropriations bill, you have increased hospitals thirty-five per cent.

Second, you are out of balance. In other words, you are setting up something you can't continue. That means a special session and everybody knows it. You have slid the thing in here in the dying days of the session and it shouldn't be done that way. It should be done open and above board with time enough for people to say something. You know we can't talk it over now. If there is a little surplus in this first year of the biennium, what will happen in the second year? You might need a little surplus. I don't believe that

this state should try to get along without a dollar surplus.

Third, somewhere along the line, you have puffed up the estimates. Now, if the estimates are going to be puffed up, why not puff it up when the other fellow's L. D.'s are coming along here. It is out of line. It is not fair; it is unreasonable and we have settled the question before and I think it should be left as it was settled.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment D.

A division of the Senate was had.

Eleven having voted in the affirmative and eighteen opposed

Senate Amendment D was not adopted.

Thereupon Mr. Ela of Somerset presented Amendment E and moved its adoption: "Amend said bill by striking out that part of act marked 'Development Commission, Maine, Promotion of Industry and Mineral Research, 1951-1952, \$50,000'."

Mr. ELA of Somerset: Mr. President and members of the Senate, if you will turn to your budget you will notice there are two extra \$50,000 items put into the supplemental budget. One is the \$50,000 that was reduced by that much and the second \$50,000 is a note in unexpended balances charged into L. D.'s to carry forward to the 1952, 1953 fiscal years. That is simply a way to get around the fact that you have more the first year than you have the second. That puffs up the first year by \$350,000. I am not arguing the point. I think it is irregular, entirely so, the way it was put in there. I hope my motion prevails.

Mr. REID of Kennebec: The request of the Maine Development Commission originally was \$400,000 for each of the two years. The budget recommendation cut that down to \$300,000. The Appropriations Committee split up the recommendation, if my recollection is correct, and the Appropriations bill came out at \$300,000, and then when this bill came to the Ways and Means Committee we chopped off \$100,000. The Maine Development Commission has certainly done a good job for Maine and is making dollars for the state. Now so that no one will be misled, turn

to page four at the bottom and you will notice under the total appropriation for the year 1951-52 a sum of \$100,000 and all that does is restore to the Maine Development Commission \$50,000 each year and that is exactly what the Governor and the appropriations Committee recommended. It is not an increase in the original appropriation. It does alter the Ways and Means Committee figure from \$300,000 to \$250,000. So far as the \$50,000 is concerned it is for the promotion of industry and industrial research.

If we go along with Senator Ela we are cutting down the Maine Development Commission from a requested \$400,000 to \$250,000. I don't believe that is fair and if you take a long range view of it you are going to lose money when you tighten the belt of this particular agency. They ought to have at least \$300,000 but that didn't pass. I still hope the motion of the Senator from Somerset, Senator Ela does not prevail.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, let us remember that we have established a mining bureau and that we have passed a mining bill which will open up some of our mineral deposits in the state and the Maine Development Commission has taken on this mining bureau. They have to employ extra clerks and this \$50,000 I believe they need.

Mr. LEAVITT of Cumberland: Mr. President, perhaps the things that Senator Ela has said are correct—subterfuge and trying to put this money in as we have, get it all in the first year instead of the second, but the reason it was done is the fact that the Appropriations Committee believe that this is a necessary thing. We think the Development Commission is doing a good job and they need this money. Now it is too darned late in the evening to start arguing. This is money that is needed and I certainly hope the amendment will be defeated.

Mr. ELA of Somerset: Mr. President, I thoroughly agree with Senator Leavitt that it is too darned late to bring such items as this in here. The very fact that they had to put them both in the first year of

the biennium proves that you are losing ground. Somebody doesn't have the courage to realize that we are going into a deficit period just the minute that the excise tax is not collected.

Everybody else in this Senate has withdrawn their L. D.'s. They can't argue on those bills. Those bills are dead. They didn't want to do it, but they did it relying on the integrity of this Body. You take these things and put them in here now and it is not right. No one else has a chance. No one has a chance to ask for his bill. Those bills are dead. You come in and set up a situation where you will be in a deficit condition and cannot carry on. And you know exactly what the result will be. It will be that you'll have to raise more money later. Previous to this was the time to bring this stuff in here and try to sell it, not now.

Mr. COLLINS of Aroostook: Mr. President, I note there is one phrase on page 2 of the bill which I think would be helpful to the Senators to read. It says that whenever it appears to the Commissioner of Finance that the anticipated income of the state will not be sufficient to meet the expenditures authorized by the legislature he shall so report to the Governor and Council and they may curtail so that expenditures will not exceed anticipated income.

Mr. BREWER of Aroostook: Mr. President, I would like to add to this discussion in asking for this, and hope that the Senator's amendment will not be approved.

We in Aroostook County, as you know, have a manganese deposit and the government has two men on the road practically all the time. They have already found a solution of bringing this manganese out to about a 60% product. Over and above this, I think the federal government and the state have contacted with Curtiss Wright — I don't think I am divulging any secrets — to fly with some kind of a gadget, I don't know what it is — over the woods and tell you whether certain minerals are there. I feel that this is very important especially in the mineral end of it and we do need the money.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment E.

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

Thereupon, on motion by Mr. Brewer of Aroostook, the bill was passed to be engrossed as amended by House Amendments A and B, and by Senate Amendment C.

Sent forthwith to the House.

From the House

"Resolve, for the Maintenance and Repair of Roads and Bridges." (H. P. 1812)

Which resolve was finally passed.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the table bill, An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between Bangor and Brewer (L. D. 1363)

This being an emergency measure, a division of the Senate was had.

Twenty-eight having voted in the affirmative and none opposed, the bill was passed to be enacted.

Mr. ALLEN of Cumberland: Mr. President, I would like to take from the table the matter pertaining to reapportionment tabled by me pending a motion by Senator Sleeper to reconsider.

Thereupon the Senate voted to take from the table, Resolve relating to Apportionment, S. P. 596, L. D. 1406, tabled by that Senator earlier in today's session pending motion by Senator Sleeper to reconsider its former action.

Mr. ALLEN: Mr. President, I rise to a point of order. I would inquire whether a member of the Senate can move to reconsider if he voted on the prevailing side of the question.

Mr. BARNES: Mr. President, through the kindness of the President of the Senate, I was presiding at the time this motion came up and I gave the matter due consideration. As I recalled it, the vote was by division and my memory was not sufficient to tell me who voted on which side. The matter was not challenged and I there-

fore allowed the motion and I believe it was a proper allowance.

The PRESIDENT: The Chair will state that the Senator's point is well taken. If the Senator who moved reconsideration did not vote with the majority on the final vote on the bill. The Chair would inquire of Senator Sleeper whether he voted with the majority on the question.

Mr. SLEEPER: Mr. President, I was going to say that I did in order that I might ask for reconsideration, but being an honest soul I will have to say I did not vote with the majority.

Mr. NOYES of Hancock: Mr. President, I voted with the prevailing side and if it will relieve the tension or clarify the situation I believe I am entitled to move to reconsider and I so move.

Mr. BROGGI of York: Mr. President, I ask for a division.

A division of the Senate was had.

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

Mr. Leavitt of Cumberland presented the following order and moved its passage.

ORDERED that the Secretary of State be and hereby is authorized and directed to ascertain the population of the cities, towns and plantations and unorganized territory of the state, exclusive of foreigners not naturalized and Indians not taxed, the federal census of 1950 to be used as a basis for such compilation.

And be it further ordered, that such tabulation when compiled shall be deposited in the office of the Secretary of State and shall be officially the population of the cities, towns, plantations and unorganized territory in Maine for the year 1950.

The PRESIDENT: Does the Senator wish to debate the question?

Mr. SLEEPER of Knox: Yes.

The PRESIDENT: The Senator is in order.

Mr. SLEEPER: I had agreed, Mr. President and members of the Senate, on the introduction of this order but since we weren't granted the courtesy of reconsideration. I can hardly go along with the order be-

cause this order is the opening bludgeon in the fight that would evidently take place in 1953 with regard to the apportionment of representatives. That order will really violate the constitution which says that the House of Representatives can determine their own membership.

This order says that the population of the state will be determined by the last federal census and the last federal census is what we have objected to and what we fought over all winter and what we finally won on until this last order that was placed before you two or three days ago and passed. Since you have sluiced us, pushed us around, banged us around until we are half punch drunk, I hope that you will have enough mercy in your souls to let these small counties maintain the representatives that they now have.

I still think it is just as fair. I have said it so much that I am tired of saying it but I still think it is just as fair for Knox to have one representative for 5,000 from what people Knox County has as it is for the back end of Cumberland County to have one for 4,500 people, regardless of how it is worded in the constitution. It is just as economical and it is just as fair and I know just as soon as this state begins to mass up its representatives in the urban areas of the state that you aren't going to have such a strong government.

I gave this Senate a chance to elect the upper body on the geographical basis and was squelched on that. So, if you are going to elect one branch on a purely population basis, if you insist on doing it in the Senate, it is just as fair to elect your other branch on more or less of a geographical basis.

Don't be too harsh on us. We enjoy coming to Augusta and we try to do our best to carry on our duties here and I think we can do it.

I know that hewing right to the line, you can say that Portland can pull out the rest of our representatives into smaller sections of the state but why isn't it just as logical to pull out the representatives over the state at large and keep a healthy party, a healthy House and

a healthy Senate, instead of jamming them all into one section of the state.

I certainly trust that this order does not have a passage because that would give you two strikes against the smaller counties at the coming session. The Constitution says that the House can determine its own representation. Let's keep it that way.

Mr. LEAVITT of Cumberland: Mr. President, it is true that if this order receives a passage that real reapportionment can be fairly arrived at two years from now. The legislative session is too short to make the study which I hope can be made by the Secretary of State in determining by using the federal census which we already have what the true census of the State of Maine is.

I believe that the arguments which have been used by the Senator from Knox are the same arguments which are used by a man who has violated any law, telling the judge, "Please do not hew to the line. The law wasn't meant for me." He is saying to us that the Constitution wasn't meant for the small counties. Please don't do anything which would make the small counties observe the Constitution.

Gentlemen, I can't go along with such an argument. I believe the Constitution has been for the big counties and for the small counties and for the middle-sized counties. Sixteen counties in the State of Maine are covered by the Constitution and I hope you will go along with this order and try to clarify and give us a better stepping stone to arrive at a constitutional conclusion two years from now.

Mr. PALMER of Lincoln: Mr. President, may I inquire whether that was a joint order or not.

The PRESIDENT: The Chair will state that it is a Senate Order.

Mr. PALMER of Lincoln: Mr. President and members of the Senate, I want to rise in support of Senator Sleeper from Knox. This proposition as we know involves representation in the body across the hall and I think under those circumstances it should be a joint order and as it is now, I oppose its passage.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, we are, as I have said before, in the closing days of the session and we don't have an opportunity to get these things printed. May I ask that the order be read again?

The Secretary re-read the order.

Mr. BARNES: Mr. President, having heard the order re-read, I stand in opposition to it. This in one breath, says the Secretary of State shall determine the population of the State of Maine and in the next breath says he shall use the federal census. This has been thoroughly argued in both branches of the legislature and the other branch has definitely turned it down. I see no point in this particular order and I hope it does not pass.

Mr. LEAVITT of Cumberland: Mr. President, I will withdraw the order.

The PRESIDENT: The Senator from Cumberland, Senator Leavitt, withdraws his order.

Enactor

Bill "An Act Relating to Indemnities in Bang's Disease Law." (H. P. 1465) (L. D. 1081)

Which bill was passed to be enacted.

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1952, and June 30, 1953." (S. P. 603) (L. D. 1412)

(In Senate on May 19th passed to be engrossed as amended by Senate Amendment "C" and as amended by House Amendments "A" and "B", in non-concurrence.)

Comes from the House, that Body having adhered to its former action whereby the bill was passed to be engrossed as amended by House Amendments "A" and "B", in non-concurrence.

In the Senate:

On motion by Mr. Broggi of York the Senate voted to recede and concur with the House, and the bill be sent forthwith to the engrossing department.

Communications

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

May 19, 1951

Honorable Chester T. Winslow
Secretary of the Senate of the
95th Legislature:

Sir:

The Speaker of the House today appointed on the part of the House of the 95th Legislature the following members to serve on the Committee on Election Expenditures:

Messrs. Robbins of Houlton
Sanborn of Gorham
Dickey of Brooks
Dickey of Brooks

To serve on the Committee on Publication and Issuance of the Session Laws and matters on the Revision of the Statutes:

Messrs. Hayes of Dover-Foxcroft
Burkett of Portland
Burgess of Limestone

To serve on the Legislative Research Committee:

Messrs. Chase of Cape Elizabeth
Carter of Bethel
Dunham of Ellsworth
Bearce of Caribou
Sinclair of Pittsfield
Fuller of Bangor
Jalbert of Lewiston

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

The PRESIDENT: At this time the Chair appoints as members on the part of the Senate to serve on the Committee on Election Expenditures the Senator from Lincoln, Senator Palmer; the Senator from Oxford, Senator Boyker. As members on the part of the Senate to serve on the Committee on Publication and Issuance of Session Laws and matters pertaining to the Revision of Statutes the Senator from Cumberland, Senator Haskell; the Senator from Kennebec, Senator Reid. As members on the part of the Senate to serve on the Legislative Research Committee the Senator from Cumber-

land, Senator Allen; the Senator from Aroostook, Senator Brewer; the Senator from Kennebec, Senator Tabb.

The PRESIDENT: At this time the Chair has no knowledge of any further matters to come before the Senate with the exception of two, one being the so-called Rockwood bill and the other being the Appropriation bill which will probably take about three-quarters of an hour.

Enactor

Bill "An Act Relating to the Polling Place in Rockwood in Somerset County." (H. P. 1762) (L. D. 1306)

Which bill was passed to be enacted.

Emergency

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1952 and June 30, 1953."

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

May 19, 1951

Honorable Chester T. Winslow
Secretary of the Senate of
the 95th Legislature
Sir:

The Speaker of the House today appointed on the part of the House of the 95th Legislature the following members to serve on the committee on the Portland Bridge Advisory Board:

Messrs: BURKETT of Portland
SPEAR of South Portland
SENDER of Brunswick
HANCOCK of Casco

Respectfully,

HARVEY R. PEASE

Clerk of the House.

Which was read and ordered placed on file.

Thereupon, the President appointed as Senate member on such Committee, the Senator from Cumberland, Senator Weeks.

Order

(Out of Order)

Mr. Brewer of Aroostook presented the following order and moved its passage:

Whereas, the members of the 95th Legislature repose full confidence in the ability of the administrative officers of State Government charged with the responsibility of estimating revenues that will accrue to the general fund during the fiscal years ending June 30, 1952 and June 30, 1953; and

Whereas, however, it is our belief that the estimated revenue to be received from the newly enacted Sales and Use Tax is underestimated by \$600,000 in each of the two fiscal years mentioned above; and

Whereas, if this estimate of the Legislative bodies is used in place or that estimated by the responsible fiscal officers, then we may consider that we are enacting appropriation measures that result in a balanced budget; now, therefore, be it

ORDERED, the House concurring, that the Commissioner of Finance adjust upwards by \$600,000 in each of the next two fiscal years, the estimate of revenue from the Sales and Use Tax.

Mr. SAVAGE: I request a division.

A division of the Senate was had.

Seventeen having voted in the affirmative and nine opposed, the order received a passage and was sent forthwith to the House.

From the House

ORDERED, the Senate concurring that the legislative research committee be and hereby is authorized and directed to study the entire problem of taxation of trucks, particularly the feasibility of trucks on the basis of mileage traveled within the state of Maine; and be it further

ORDERED, that they report the results of their study together with such recommendations as they deem advisable to the 96th legislature.

In the House read and passed.

In the Senate, read and passed in concurrence.

On motion by Mr. Crosby of Franklin,

Adjourned until Monday, May 21 at two o'clock E.S.T.