

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

HOUSE

Friday, April 4, 1941.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Putnam of Augusta.

Journal of the previous session read and approved.

From the Senate:

Remonstrance of J. H. Smith and 16 others of Penobscot Co. against a Tax on Soft Drinks (L. D. 25) and a Tax on Luxuries (S. P. 530)

Came from the Senate, referred to the Committee on Taxation.

In the House, on motion by Mr. Pratt of Turner, the Remonstrance was placed on file in non-concurrence and sent up for concurrence.

From the Senate:

The following Order:

ORDERED, the House concurring, that the Legislative Research Committee make a study of the subject of Merit Rating as it applies to unemployment compensation, and make such recommendations to the next regular session or any intervening special session of the Legislature as it deems advisable for the improvement of the Maine law on the subject matter (S. P. 529)

Came from the Senate read and passed.

In the House was read and passed in concurrence.

Senate Reports
Divided Reports

From the Senate:

Majority Report of the Committee on Motor Vehicles reporting "Ought to pass" on Bill "An Act Creating a Department of Motor Vehicles" (S. P. 77) (L. D. 45)

Report was signed by the following members:

Messrs. ELLIOT of Knox
HASKELL of Penobscot
LIBBY of Cumberland
—of the Senate.
MacLEOD of Bar Harbor
RANKIN of Denmark
CONANT of Auburn
RACE of Boothbay
Miss BANGS of Brunswick
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. EDDY of Bangor
WESTON of Farmingdale
—of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Miss Bangs.

Miss BANGS: Mr. Speaker, I move to accept the Majority Report in concurrence.

The SPEAKER: The gentlewoman from Brunswick, Miss Bangs, moves that the House accept the Majority Report "Ought to pass." The Chair recognizes the gentleman from Farmingdale, Mr. Weston.

Mr. WESTON: Mr. Speaker and Members of the House: I want to assure you before I start that I am not a speaker.

It is not my desire to in any way try to influence you on your final conclusion in this matter. I feel that I should at least state my opinion.

First, let us take into consideration the present cost of the Department under the present set-up. The Department has already submitted to the Appropriations Committee figures showing that the average cost of registering a car in the State of Maine is \$1.05. That is the lowest of any New England state, the next being Rhode Island, which is \$1.47. They go up as high as \$2.20—\$1.99 being the average—that is about half of what the average is of the other New England states. If that is inefficiency, what is efficiency? \$5.00 per car?

Now, let us see what has been asked of this Department the last few years.

First, there was a change in the method of taxing motor vehicles, requiring that the taxes must be paid on them before registration.

Then along comes the change in the poll tax set-up, making a tax-collecting agency out of this Department, to do the job that the tax collectors in the towns could not do.

I do not mean to say that this is not a good thing, but it has made the Secretary of State's office a place where the people lay all the blame, if they cannot get their licenses before they pay their poll tax.

Then along comes the inspection business. That must be taken care of. There were some 330,710 inspections last year. That must be taken care of.

Then along comes the compulsory drivers' examinations. There were 17,134 last year.

I claim that this department has kept astride of the demands made upon it.

Then along comes the Title Law, which was purely a tax measure in disguise. This was thrust upon the Secretary of State's office, and he got the thunder of criticism on that measure.

Then along comes the Dexigraph machine, requiring a change in the form of registering.

I say, let us leave this Department alone for two years under the present set-up, and not set up something new, so that we will have to educate the people the next two years to it.

After all this, you are still getting your cars registered for \$1.05 apiece. I claim that is not inefficiency.

I hope that the motion of the gentlewoman from Brunswick, Miss Bangs, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: Mr. Speaker and Members of the House: You will note that this Majority Report "Ought to pass" would create another department.

For the last four years in this House we have been trying to get rid of departments; there are too many departments and too much expense.

As I understand it, if this Motor Vehicle Department is separated, it will cost the State over \$70,000 to set up a new department.

It does not seem as though the time has arrived when we can tear down this department, that has, I believe, efficiently rendered service to the public of the State of Maine.

I realize that he has not probably had as much money as he should have to operate as efficiently as maybe we would like the service.

I do not believe the people of the State of Maine have found a great deal of fault with the service that the Secretary of State has rendered to us, however.

Now, to set up another bureau or to create another department only

means extra additional expense, and in a few years it will cost just as much again to run the two departments as it does to run the one today.

I hope that the motion of the gentlewoman from Brunswick, Miss Bangs, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Members of the House: I rise at this time as a matter of principle.

The gentleman from Monticello (Mr. Good) said something about the fact that we have too many departments. I will say that you are beginning to have so darned many now that you cannot find most of them when you try.

There is not any doubt in my mind that the inspiration of this measure came at a time when we were in a period of hysteria from investigation. There was somewhat of a period of hysteria at that time. They had that idea at that time.

I wonder if the volume of lousiness at the present time warrants any such change.

The gentleman from Farmingdale, Mr. Weston, outlined certain conditions that indicated—and I believe that they are true—that the activities of this department have been carried on in a way much cheaper in the State of Maine than it is possible to do in any other State in the Union.

Now, I say the inspiration for this came in a period of hysteria. There is not any doubt that we were, at this particular period, rather upset, due to the situation brought about by the Title Law.

The Title Law, as you know, was a good law. It is too bad that we do not have it here today.

Now, there is not any doubt that the work in that department can be done cheaper, than it is presently set up, for the reason that the interchange of clerical help is going to make this possible.

I believe that it would be an awful mistake to involve the State right now in any proposition requiring any new bureau or department. This would require the raising of \$30,000 or \$40,000 more.

Ladies and Gentlemen of the House: I do not know as I am just right in it but I am going to move the indefinite postponement of the "Ought to pass" report.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that the "Ought to pass" report of the Committee be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: This bill is the product of the study of the Recess Committee, of which I was a member last summer.

I feel in duty bound to help defend the report of this Motor Vehicle Committee, and I am very happy to do it.

I do not believe that our Committee, in the study of this proposition, was the least bit hysterical or the least bit swayed by any propositions which were wholly momentary and of the time.

We went into this matter carefully and thoughtfully, on the administrative basis purely.

There are no personalities involved in the recommendation of our Committee, and I doubt if there are any personalities involved in the recommendation of the Motor Vehicle Committee.

If you will look at the set-up of the Secretary of State, as it originally existed under the Constitution, you will find that he was chiefly the keeper of the "trained" seal (Laughter) and the Secretary to the Governor and Council.

Other duties were added, from time to time, of a nature that might require the services of a good, quiet, careful lawyer.

Now, you superimpose on those duties an overwhelming mass of work in this registration of motor vehicles and registration of drivers, so that the original duties of the Secretary of State's office are entirely overshadowed by the duties of Registrar of Motor Vehicles.

There is one thing that I wish to say, in answer to the gentleman from Calais, Mr. Murchie. I wish to entirely differ with him on the extra cost which he thinks would be necessitated by this separate department.

I do not believe that our Committee would ever have recommended a separate department, if they felt there was a necessity for additional cost.

The Secretary of State now has himself and a Deputy to do the

work. If this new department were created, there would be no necessity for a Deputy Secretary of State.

On the personnel problem which has been raised, I may say that we took that up very carefully, knowing that that would be one of the objections that could, and probably would, be raised if it were not met.

There is no doubt but what the Registration of Motor Vehicles Department does have a peak load, and that the Elections Department of the Secretary of State does have a peak load, when they have to have a lot of girls come in. For that reason, I talked with the Governor-Elect on that proposition, suggesting this, which is a perfectly feasible and useful proposition, and one that ought to be pursued without regard to this department or its creation:

In departments that have to take on girls at a time they have a peak load proposition, they should, at the conclusion of that time, turn those girls back into the Personnel Bureau, in the reservoir of help, so that they may be drafted into other departments where peak loads might be coming on. The Governor-Elect said at that time that it was a splendid idea and he would insist that the program be carried out, if this proposition went through.

Therefore, I think the danger of additional expense to the State is non-existent.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. MCGLAUFLIN: Mr. Speaker and Members of this House: I am opposed to this bill for this reason, when we have a department that is doing a good job well, let it alone. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, it has been said truly by the eloquent and able gentleman from Calais, Mr. Murchie, that we are unduly creating new departments.

I took the trouble, not long ago, to look this matter up. I found that we have twenty-five new departments. I was told the other day that New York State, with sixteen times as many people as the State of Maine, has fewer departments than we have.

Under this bill, it is proposed to set up a new department—or a new

bureau. They are not all departments. They are bureaus, commissions, authorities, whether they go by that or any other name, they all spell bureaucracy. Most of us in this House are perhaps members of the Republican party. Most of us, therefore, have been critics of that very sort of thing in Washington.

Now you are proposing to do the same thing. I heard a man who occupies a high place in Washington say that this tendency of government by bureaus is a good tendency. I think the majority of us do not agree with that. It has been sought in Washington to create such bureaus as the National Labor Relations Board. Now, I say that all of that means bureaucracy. I think we want none of it, especially in a State like this.

It has been argued—it was argued at the hearing upon this matter—that one reason for setting up a new department was the immense size of it. Well, it is a sizeable thing. It looks as though we would have receipts this year of four million and a half dollars in that department. As has been pointed out, this is at the lowest cost of any State in New England, \$1.05, whereas the average cost in the other states of New England is \$1.99. Only one of those states has a separate department for motor vehicles.

I looked up the matter of the situation in the various other states, especially in the large states. I will omit the smaller. I mean by the large states, the states that have the most automobiles. The situation in those nine states is as follows:

California—which is against my contention,—it has a separate department, but not one of the other nine states has a separate department—California had 2,807,000 automobiles last year; New York 2,749,000; Pennsylvania, 2,249,000; Ohio, 2,056,000; Illinois, 1,892,000; Texas, 1,700,000; Michigan, 1,633,000; Massachusetts, 1,087,000; Minnesota, 875,000; Iowa, 805,000. The lowest of the ten states had 805,000. We have just only a little more than one-quarter of the tenth state of the Union. Three of these states, three of the largest of these states—Illinois, Michigan, and Minnesota, have the matter of motor vehicles under the Secretary of State.

Now, even New York has it under the Finance Department. I can see some sense in that. Pennsyl-

vania has it under Revenues. Ohio has it under the Highway Department; Texas, under the Highway Department. Michigan has it under the Secretary of State; Illinois has it under the Secretary of State; Minnesota has it under the Secretary of State. Iowa has it under the Department of Public Safety.

Not one of those nine states has motor vehicles under a separate department.

So it seems to me perfectly absurd for any of us to influence this, in view of this prolific tendency of setting up new bureaus, and in view of the fact that our automobile business is comparatively small. It seems to me there is no need for this special legislation.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that the "Ought to pass" Majority Report be indefinitely postponed.

The Chair recognizes the gentleman from Unity, Mr. Farwell.

Mr. FARWELL: Mr. Speaker and Members of the House: I, too, served upon the so-called Administrative Code Committee, which gave careful study to the proposed legislation.

There was a great deal of influence brought to bear this summer, to prevent this committee from reporting out such a bill.

During this Legislature, there has still been a great deal of influence brought to bear upon the Members of this House to prevent the passage of this bill.

In tracing down some of the so-called lobbying activities, I found that a certain inspector in the Department of the Secretary of State approached other inspectors of that department for contributions, in order that they might hire an attorney to appear before this committee and to lobby against this bill. I do not feel that it is the place of those men who are employees of the State to enter into any controversy over any legislation which this Legislature might see fit to pass. (Applause)

I do not feel that the figure given to you by the gentleman from Farmingdale, Mr. Weston, of \$1.05 a car, is a true picture of the absolute expense under which the Secretary of State is going along.

If I am not mistaken, there are some eight to thirty-three State Police furnished to the Department of

Secretary of State, for which the Secretary of State's office bears absolutely no cost, with the exception of their meals and lodging.

It seems to me that if that expense were added in its proper sphere, that your figure of \$1.05 is just a bit low.

We have not been unmindful of the unpopularity of establishing a separate department. The thought in our minds was that if a man could be chosen solely with reference to his ability, one who would have nothing but the duties imposed upon him that might be created by this Act, that we would get a far more efficient service than ever before.

I have heard a great deal about "We represent the people", down here. It seems to me, in my travels over this State, that there has been a popular demand for a more efficient service to the operators of motor vehicles.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Arzonico.

Mr. ARZONICO: Mr. Speaker, I am interested in this particular bill from the standpoint of the cost. When I say "cost", I mean the cost of operating a department to handle motor vehicle registration.

Now, I have a lot of respect for the work accomplished by the Recess Committee, and I have read their report that they submitted. I admired it and I think they did a very nice job.

The last couple of days, there has been a lot of remarks around the State House with reference to this particular bill.

I tried to find out if this particular bill should receive passage, or, if the Majority Report were accepted, how much it would cost the State of Maine per unit to operate.

We have the figure that Mr. Newton mentioned, \$1.05. That figure has been given out by the Secretary of State's Department as being correct.

The gentleman from Unity (Mr. Farwell) just questioned that figure in his remarks. I do not know why he should. If it is not correct, he has an opportunity to find out from the Secretary of State's Department just how much it is off—whether it is really \$1.10 or whether it should be, as he reported, \$1.05.

I am wondering how many members of this House are willing to accept the "Ought to Pass" report on this bill, not knowing what the real cost is going to be, if a separate motor vehicle department is set up? That is the information in which I am interested.

If they can prove to us that they can operate that department separately for \$1.05, like the present department is operating it for,—or, I will be a little more lenient than that. I would be willing to go along if it were a few cents more than \$1.05. In all the information that I have been able to get on costs, I find that a separate motor vehicle department would cost upwards to, well, not to exaggerate, \$75,000 per year, additional, over the present cost.

Now, if the Recess Committee, in recommending such a measure as this, had also furnished the information that if their recommendation were received favorably, and a bill to cover it were passed, that the cost per unit would not exceed so much money, then we would have something to go on, and compare with the present cost. I would like to find out, from the Majority Report of the Recess Committee, how much a separate motor vehicle department would cost per unit of registration.

Therefore, I hope that the motion of the gentleman from Calais (Mr. Murchie) prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that the "Ought to pass" report of the Committee be indefinitely postponed.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I want to go on record as being in favor of the motion of the gentleman from Calais, Mr. Murchie. When the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: I was on the Committee that studied this proposition, and I feel that I owe it to the members of this House to explain to you how I arrived at my conclusion that this Motor Vehicle Department probably is necessary to

the State of Maine. I am very much satisfied that we could get a great deal better service in our registration and license plates.

Your committee went over this very carefully, to consider the relative costs now being paid, and the difference. It considered the probable cost of obtaining the right sort of a man to head this Bureau. We considered the likelihood that girls could be shifted back and forth in the Secretary of State's office in the manner that has been described to you.

I think perhaps there is some confusion in regarding this as a separate bureau, when you set it up. What you have now is merely a separate department of Motor vehicles but under the Secretary of State. It has no relation whatever to its other duties. It is a department of motor vehicles, call it what you will.

In order to do the work that he had to do, as Secretary of State, and also carry on the duties of Registrar of Motor Vehicles, it is necessary for him to have a Deputy, at a good sized salary.

Now, your committee figured that if we have a separate Department of Motor Vehicles, the Deputy would simply become the head of the Motor Vehicle Department and the Secretary of State would continue as he is. The additional expense, so far as we could see, in setting it up, would be trifling, if any at all.

Now, we did feel this, as has already been pointed out to you today by someone, that a man who had nothing else to do except to think about his one department, could think how to improve his department, how to improve his service, and how to get the most efficiency out of his stenographers and clerks; how to get the plates and registration certificates back to the operators just as quickly as possible.

It seemed to us, Ladies and Gentlemen of the House, that a man in that position would be apt to find ways and means of being more efficient and of saving the State of Maine money; and satisfying the public demand for speedier registration facilities in the office of Secretary of State. We felt fully convinced on that subject.

The members of that committee were just as much interested—and are just as much interested—as any

members in this House in saving the State of Maine money. None of us want to see additional expense imposed, but, by setting up, under whatever terms you want to call it—whether a bureau under the Secretary of State or a separate Motor Vehicle Department—it makes little difference. The work is there. It has to be done. It takes about so many clerks to do it.

We felt, among other things, that a Registrar of Motor Vehicles might very well arrange to have the registration staggered throughout the year, so that there would be no peak load; so that there would be a continuous force; and so that there would be no waiting. When you put in your application today, you would get your license plates back tomorrow, and you would not have to wait three or four months, as very often happens, or has happened, in the past.

Now, that is no criticism of the present Secretary of State. Please do not misunderstand me. I have the highest regard for Mr. Robie. I have the highest regard for what he has done. I think he is a splendid Secretary of State.

What I say is that we are asking too much of one man, in asking that he should be able to do all the work of the Secretary of State and still have this large Motor Vehicle Department, and attend to it properly, in a manner that is for the best interests of the State of Maine.

Now, that is the reason why I felt that all the members of the Code Committee, after going into the matter very carefully, thought that financially and otherwise, it would be for the decided interest of the people of the State of Maine to make this change.

We do not feel that this is, in a proper sense, setting up a separate bureau. You have already got it, call it what you will, it is there.

All it means is that the man who is now the Deputy would become the head.

For that reason, I am still in favor of the Majority Report of your Motor Vehicle Committee.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. JACOBS.

Mr. JACOBS: Mr. Speaker and Members of the House: I believe that this is the second time that I have addressed this House so far.

I listened very attentively to the pros and cons of this proposition, and I beg to differ with the last speaker on this matter.

If we have utmost confidence in our Secretary of State, Mr. Robie, let him continue in office, and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Harvey.

Mr. HARVEY: Mr. Speaker, as a matter of efficiency and economy, I want to go on record as being opposed to any change in our present set-up in the Motor Vehicle Department at the present time.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie.

The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: I realize, Mr. Speaker and Ladies and Gentlemen of the House, that it is pretty hard to go against the eloquence of the able gentleman in the front row, but I am still going to do this as a matter of principle.

You will remember that during the recent session of the Legislature they made it possible that a new machine known as the Dextrigraph, which does printing and filing and all other things connected with that department, may be used. This will surely make it possible that the work of the department can be put out more quickly.

I still insist that we will make a frightful mistake if we make any change at this time.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that the "Ought to pass" report be indefinitely postponed.

All those in favor of the indefinite postponement of the "Ought to pass" report will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had. One hundred and nine having voted in the affirmative and 20 in the negative, the motion prevailed, and the "Ought to pass" report of the committee was indefinitely postponed.

Thereupon, on further motion by Mr. Murchie, the Minority Report "Ought not to pass" was accepted in non-concurrence and sent up for concurrence.

Divided Reports

From the Senate:

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Primary Nominations" (S. P. 318) (L. D. 527)

Report was signed by the following members:

Messrs. FARRIS of Kennebec
HARVEY of York

—of the Senate.

McGLAUFNIN of Portland
GRUA of Livermore Falls
WILLIAMS of Bethel
MILLS of Farmington
BRIGGS of Hampden
HINCKLEY of So. Portland
—of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
PAYSON of Portland

—of the House.

Came from the Senate with the Majority Report accepted.

In the House, on motion by Mr. Hinckley of South Portland, the Majority Report "Ought not to pass" was accepted in concurrence.

Inexpedient

Report of the Committee on Federal Relations on Bill "An Act amending the Unemployment Compensation Law to provide for Rates Based on Benefit Experience" (S. P. 433) (L. D. 881) reporting legislation is inexpedient.

Came from the Senate, read and accepted.

In the House, was read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Traffic Safety" (S. P. 355) (L. D. 670)

Report of same Committee reporting same on Bill "An Act relating to Absent Voting" (S. P. 368) (L. D. 682)

Report of same Committee reporting same on Bill "An Act relating to Sentences in the Appellate Court" (S. P. 357) (L. D. 674)

Report of same Committee reporting same on Bill "An Act relative to Nuisances" (S. P. 435) (L. D. 905)

Report of the Committee on Legal Affairs reporting same on Bill "An

Act to Incorporate the Fort Fairfield School District" (S. P. 441) (L. D. 883)

Report of the Committee on Library reporting same on Resolve for the Purchase of Five Hundred Copies of "Vital Statistics of Georgetown" (S. P. 319) as it is provided for by other legislation.

Report of the Committee on Ways and Bridges reporting same on Bill "An Act relating to Roadside Improvement" (S. P. 427) (L. D. 659)

Report of same Committee reporting same on Bill "An Act concerning Certain State Highways" (S. P. 180) (L. D. 226)

Report of same Committee reporting same on Bill "An Act to provide a Highway Bridge between Wiscasset and Westport" (S. P. 49)

Came from the Senate, read and accepted.

In the House, were read and accepted in concurrence.

Final Reports

Final Report of the Committee on Banks and Banking.

Final Report of the Committee on Mercantile Affairs and Insurance.

Came from the Senate read and accepted.

In the House, were read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Temperance on Bill "An Act relating to Suspension of Licenses of Malt Beverages" (S. P. 418) (L. D. 657) reporting same in a new draft (S. P. 523) (L. D. 1080) under same title and that it "Ought to pass"

Came from the Senate the Report read and accepted and the Bill passed to be engrossed.

In the House, Report read and accepted in concurrence and the Bill was read twice and tomorrow assigned.

Senate Bills in First Reading

Bill "An Act concerning Declaratory Judgments and Decrees and to Make Uniform the Law relating thereto" (S. P. 364) (L. D. 677)

Bill "An Act relating to State Aid on State Aid Highways" (S. P. 73) (L. D. 44)

Bill "An Act relating to Maintenance of Third Class Roads" (S. P. 453) (L. D. 889)

Bill "An Act relating to Time of

Completion of Work on Third Class Roads" (S. P. 72) (L. D. 43)

Bills were read twice and tomorrow assigned.

Senate Report Tabled

From the Senate:

Report of the Committee on Motor Vehicles reporting "Ought to pass" on Bill "An Act relating to Inspectors in the Department of the Secretary of State" (S. P. 500) (L. D. 1024)

Came from the Senate the Report read and accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill was read twice and tomorrow signed.

Thereupon, on motion by Mr. Brewer of Presque Isle, the House voted to recede from its action whereby it assigned this Bill for its third reading tomorrow morning; and on further motion by the same gentleman, the Report, together with the Bill, was tabled pending its assignment for third reading.

Ought to Pass with Committee Amendment

From the Senate:

Report of the Committee on Judiciary on Bill "An Act Enacting the Sabotage Prevention Act" (S. P. 362) (L. D. 675) reporting "Ought to pass" as amended by Committee Amendment "A".

Came from the Senate the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report of the Committee read and accepted in concurrence, and the Bill had its two several readings.

Committee Amendment "A" was then read by the Clerk as follows:

Committee Amendment "A" to S. P. 362, L. D. 675, Bill, "An Act Enacting the Sabotage Prevention Act."

Amend said Act by inserting after the title thereof the following:

EMERGENCY PREAMBLE.
WHEREAS, the present world situation with reference to armed invasion and aggression is such that our national government has deemed it of vital necessity to provide a program for a complete national defense, and

WHEREAS, during the period immediately prior to the last World

War our country was infested with alien supporters and spies and is now confronted with a similar situation, and

WHEREAS, the prevention of all types of sabotage is a vital cog in the machinery of a complete national defense, and

WHEREAS, it is necessary to provide more stringent laws for the protection of the State and Nation in times of peril, and

WHEREAS, in the judgment of the Legislature these facts create an emergency within the meaning of Section 16 of Article XXXI of the Constitution of Maine, and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore; and

Amend Section 11 of said bill by inserting after the word "choosing," in the 5th line thereof the words "to strike, to picket;"; and

Further amend said act by adding at the end thereof the following:

Sec. 15. When this act is in force. In view of the emergency cited in the preamble, this act shall take effect when approved, and shall remain in full force until January 15, 1945; provided, however, that any violation of this act, committed while the act is in force, may be prosecuted and punished thereafter, whether or not this act is in force at the time of such prosecution and punishment.

Thereupon, Committee Amendment "A" was adopted in concurrence and tomorrow was assigned for third reading of the Bill.

Non-concurrent Matter

From the Senate:

Bill "An Act relating to State Aid for Academies" (H. P. 792) (L. D. 307) which was passed to be engrossed in the House on March 27th as amended by House Amendment "A".

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

In the House, Senate Amendment "B" read by the Clerk as follows:

Senate Amendment "B" to H. P. 792, L. D. 307, Bill "An Act Relating to State Aid for Academies."

Amend said bill by striking out in the 22nd line thereof the underlined figures "85,000", and inserting in

place there the underlined figures "90,000".

Thereupon, the House voted to recede from its action whereby it passed this Bill to be engrossed on March 27th.

Senate Amendment "B" was then adopted in concurrence and the bill was passed to be engrossed as amended by House Amendment "A" and Senate Amendment "B" in concurrence.

On motion by Mrs. Robbins of Harrison, Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Orders

On motion by Mr. McGlaufflin of Portland, it was

ORDERED, that Mr. Estabrook of Stacyville, be excused from attendance today and tomorrow because of illness; also that Mr. Pierce of Bucksport, be excused from attendance tomorrow because of business.

House Reports of Committees

Divided Reports

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Disclosure Commissioners" (H. P. 1581) (L. D. 932)

Report was signed by the following members:

Messrs. FARRIS of Kennebec

HARVEY of York

—of the Senate.

GRUA of Livermore Falls

McGLAUFFLIN of Portland

HINCKLEY of So. Portland

WILLIAMS of Bethel

PAYSON of Portland

BRIGGS of Hampden

MILLS of Farmington

—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Miss LAUGHLIN of Cumberland

—of the Senate.

On motion by Mr. Grua of Livermore Falls, the "Ought not to pass" Majority Report of the Committee was accepted and sent up for concurrence.

Divided Reports

Majority Report of the Committee on Judiciary reporting "Ought

not to pass" on Resolve proposing an Amendment to the Constitution to Provide for the Appointment of the Attorney General by the Chief Justice of the Supreme Judicial Court (H. P. 1425) (L. D. 730)

Report was signed by the following members:

Messrs. FARRIS of Kennebec
HARVEY of York
Miss LAUGHLIN of Cumberland
—of the Senate.

Messrs. McGLAUFLIN of Portland
WILLIAMS of Bethel
GRUA of Livermore Falls
HINCKLEY of So. Portland.
—of the Senate.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Messrs. MILLS of Farmington
BRIGGS of Hampden
PAYSON of Portland
—of the House.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, I move the acceptance of the majority report.

The SPEAKER: The gentleman from South Portland, Mr. Hinckley, moves that the House accept the majority report, "Ought not to pass." The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I realize that I may be speaking on a lost cause, but at least I want to put before you the reasons for the minority report which I have signed.

We are hearing a lot of talk about economy in this government of ours, and I claim that this resolve is an economy measure. When you talk about economy, just go down before the Appropriations Committee and try to cut the appropriation for any department in this State House, and you will find you are in a beautiful spot. Start on Education, if you want to, or Agriculture, or any other department you want to and try to cut their appropriation and see how long you will live. The real economy, I believe, that can be brought about in State government is by improving the administrative set-up of State government.

Go back to the proposition where-by your Attorney General is now

chosen—and I wish to say now as always on these matters, I do not speak of personalities, I am talking simply about the theory of administrative government. You chose by election of the Legislature an Attorney General for a two-year term. That, of course, confines the election to a Republican under the present set-up. By precedent you keep him in office four years; you reelect him once. Let me say to you from my own experience in a similar job in my city and my own close contact with the Attorney General's department, that there is hardly a man in this State who by training and experience is qualified to be Attorney General. He has got to come in and learn an entirely new type of law. If you will talk with lawyers here in the House, you will find that they are specializing in various branches of the law, but almost none of them in governmental or municipal law. After you have trained your Attorney General to do the work you fire him and go out and get a new one. I believe if you would guarantee continuity in office such as would be guaranteed under the measure I have given you here, that the Attorney General would save the State many times over his salary for the year.

My bill calls for a constitutional resolve to have the Attorney General appointed for a seven-year term by the Chief Justice of the Supreme Court with the advice and consent of the other members of the Supreme Court. This is, to my way of thinking, a real economy measure.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I just want to speak for a moment and give my reasons for signing the minority report on this resolve.

There are several ways of electing the Attorney General, and several methods have been presented to us this year of changing it. The present way, as we know, is election by the Legislature. In Massachusetts and a good many other states the election is by the people at large. One method presented to our committee this year was the proposition that the Governor appoint the Attorney General. This method which is before us for consideration this morning provides that he be appointed by the Chief Justice of the Supreme Court.

The only thing I had in mind when I considered these various methods was how could we get the best man for the job. After considering it quite fully, I felt that the Chief Justice of the Supreme Court of the State of Maine would be in a better position to know the qualifications of the man. He would be in a better position to know than anyone else or anyone group.

I think if you will review the history of our State and consider the personalities and capabilities of our Supreme Court, particularly the Chief Justices, you will find that consistently down through the years we have had very, very eminent men in that position, men whose whole life has been in the practice of law and in intimate contact with the practitioners over the State.

I think for the position of Attorney General we should have one of the most eminent lawyers of the State, and who would be better qualified to choose than the Chief Justice of the Supreme Court? I submit, not speaking of personalities at all, in the old days many of us know that the position of Attorney General of the State of Maine was a stepping stone to the bench; it was a great honor, and many of our Attorney Generals later went to the Supreme Court. I feel that perhaps the level is not the same in recent years as it was in those days; and that may be the reason why so many propositions have been proposed for a change. I think sometimes in the House of Representatives and the Senate it becomes more or less of a popularity contest, and I do not believe that situation would prevail if the Chief Justice of the Supreme Court were given power to make the appointment. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. MCGLAUFLIN: Mr. Speaker, I had not intended to speak on this matter at all, but, inasmuch as it is claimed that you will get better men by some other method, I wish to call your attention to some of the men that have been turned out as Attorney Generals chosen by this Legislature.

There was Nathan Clifford, who became an Associate Justice of the Supreme Court of the United States; there was William P. Frye, who be-

came President of the Senate; there was Thomas B. Reed, who became the greatest Speaker that the House of Representatives of the United States has ever known. There was Lucius Emery, John A. Peters, William R. Pattagall, Scott Wilson, and Guy Sturgis, all of whom became Chief Justices of the Supreme Court of Maine. There was William T. Haines and Henry P. Cleaves, who became Governors of Maine. There was Warren Philbrook and Fred Powers, who became Supreme Court Justices of the State of Maine. There was Raymond Fellows, who is now serving in the Superior Court of Maine.

Now I ask you, if this Legislature can choose men as Attorney Generals who have turned out to be such men as I have named, who have become known nationally and internationally, what is the sense of telling us that we cannot choose a good Attorney General?

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, like the gentleman from Portland, Mr. McGlaufflin, I did not think it would be necessary to say anything in regard to this bill, because I thought the House would naturally go along with the motion I made. I still do not believe it is necessary to make any extended remarks.

I fully agree with my Brother McGlaufflin in what he has just said about the men who have been Attorney Generals of the State of Maine. I cannot understand why the gentleman from Farmington, Mr. Mills, brought that up, because it is simply an argument against the argument that he made. This House is perfectly capable of selecting an Attorney General, as past history has proved.

The gentleman from Farmington, Mr. Mills, has said we had a bill before us providing for the appointment of the Attorney General by the Governor, and we have this bill also before us. In my opinion, if the Attorney General is appointed by the Governor, he becomes possibly a tool simply of the Governor and will carry out the Governor's wishes. That is the danger you would face in that direction. If you have the Attorney General appointed by the Chief Justice of the State, you have an equal danger. The At-

torney General appears before the Chief Justice and the other justices of the State, and if he is appointed by them he is liable to be subservient to their wishes. I do not say that he would be, but I say that is the danger. If you leave it in the hands of this Legislature, that danger will not exist.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I want to state briefly my reasons for opposing this measure which are none of the reasons that have been given today. My reasons briefly are these: Not that I have any fear that our justices would not make good appointments; not that I have any especial fear that the Attorney General would be subservient to the justices; but the very foundation of our government is that we should have three separate branches, and especially has it beer our desire to make the judiciary independent of political influence. And now immediately you take a very political appointment and you put the Chief Justice of the Supreme Judicial Court in a position where every attorney or friend of an attorney who wants to be Attorney General will be calling on the Chief Justice to see if his friend or he cannot be appointed. It will put the Supreme Judicial Court into politics, which is what we have tried to prevent by our Constitution. I hope the motion of the gentleman from South Portland (Mr. Hinckley) will prevail.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I do not wish to make any extended speech, but I merely want to point out one thing: If you pass this bill you are not changing the law one single bit. This provides for a resolution to be submitted to the people to make the necessary constitutional change, therefore whatever we do here on this bill, if we should pass it, would not put the court into politics and would not change the manner of election of the Attorney General one bit.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Hinckley, that the House accept the majority "Ought not to

pass" report of the Committee. Is the House ready for the question?

All those in favor of the acceptance of the majority report, "Ought not to pass", will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the majority report "Ought not to pass" was accepted and sent up for concurrence.

Reports A and B Tabled

Report A of the Committee on Judiciary on Bill "An Act relating to Attachment of Shares of Stock" (H. P. 1427) (L. D. 591) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
Messrs. FARRIS of Kennebec
HARVEY of York

—of the Senate.

HINCKLEY of So. Portland
GRUA of Livermore Falls

—of the House.

Report B of the same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. MILLS of Farmington
McGLAUFLIN of Portland
WILLIAMS of Bethel
PAYSON of Portland
BRIGGS of Hampden

—of the House.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Southard.

Mr. SOUTHARD: Mr. Speaker, as this bill is closely allied with another one that is now on the table, I move that the reports and accompanying bill be laid on the table.

The SPEAKER: The gentleman from Augusta, Mr. Southard, moves that Report A and Report B, with accompanying papers, lie on the table pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed, and the two reports, together with the bill, were so tabled.

Refer to 91st Legislature

Mr. Slosberg from the Committee on Temperance on Bill "An Act to Regulate the Sale of Wines Produced by Natural Fermentation or Fortified" (H. P. 1489) (L. D. 735)

reported that same be referred to the 91st Legislature.

Report was read and accepted and sent up for concurrence.

Refer to Committee on Taxation Report Tabled

Mr. Race from the Committee on Motor Vehicles on Bill "An Act Exempting Farm Tractors from Registration Fees" (H. P. 1458) (L. D. 628) reported that same be referred to the Committee on Taxation.

(On motion by Mr. Welch of Chapman, tabled pending acceptance of Committee Report)

Leave to Withdraw

Mr. Eddy from the Committee on Claims on Resolve in favor of the city of Bangor (H. P. 914) reported leave to withdraw.

Mr. Conant from the Committee on Temperance reported same on Bill "An Act relating to Men Enlisting in the Federal Service" (H. P. 1561) (L. D. 850)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Claims reported "Ought not to pass" on Resolve reimbursing the town of Newport for Aid Furnished to Percy Brown (H. P. 1062)

Same gentleman from same Committee reported same on Resolve in favor of the town of Anson (H. P. 292) (L. D. 102)

Same gentleman from same Committee reported same on Resolve reimbursing the town of Rangeley for Money Expended in Certain Cases (H. P. 763)

Same gentleman from same Committee reported same on Resolve in favor of the town of Hampden (H. P. 581)

Mr. Eddy from same Committee reported same on Resolve in favor of the town of Anson (H. P. 293) (L. D. 103)

Same gentleman from same Committee reported same on Resolve to reimburse the town of Lubec for Expenses Incurred by State Pauper (H. P. 594)

Mr. Fuller from same Committee reported same on Resolve to reimburse the town of Fairfield for Expense Incurred in case of Milford Jones (H. P. 604)

Same gentleman from same Committee reported same on Resolve in favor of the town of Freedom (H. P. 1068)

Mr. Patterson from same Committee reported same on Resolve to reimburse the town of Madison for Support furnished a State Pauper (H. P. 759)

Same gentleman from same Committee reported same on Resolve reimbursing the town of Merrill for Medical Aid furnished State Pauper (H. P. 1101)

Same gentleman from same Committee reported same on Resolve reimbursing the town of Hudson for Medical Aid Furnished State Pauper (H. P. 1084)

Mr. Welch from same Committee reported same on Resolve in favor of the town of Bridgewater (H. P. 1252)

Same gentleman from same Committee reported same on Resolve in favor of the town of Anson (H. P. 294) (L. D. 104)

Same gentleman from same Committee reported same on Resolve reimbursing Carroll Plantation for Pauper Supplies (H. P. 579)

Same gentleman from same Committee reported same on Resolve to reimburse the town of Easton for Certain Expense (H. P. 930)

Mr. Willey from same Committee reported same on Resolve in favor of the town of Anson (H. P. 291)

Mr. McGlauffin from the Committee on Judiciary reported same on Bill "An Act to provide a Legislative Commission to Revise Certain Statutes in the event Governor's Council is Abolished" (H. P. 103) (L. D. 58)

Same gentleman from same Committee reported same on Resolve proposing an Amendment to the Constitution Abolishing the Governor's Council (H. P. 104) (L. D. 59)

Mr. Payson from same Committee reported same on Bill "An Act relating to Eminent Domain for Water Companies and Water Districts, and other Public Service Corporations" (H. P. 1622) (L. D. 973)

Mr. Flagg from the Committee on Library reported same on Resolve for the Purchase of One Hundred Copies of "History of the town of Bucksport" (H. P. 1183)

Mr. Hinckley from same Committee reported same on Resolve for the Purchase of One Hundred Copies of "History of Oxford County" (H. P. 834)

Mr. Welch from the Committee on Mines and Mining reported same on Bill "An Act to Authorize Mining Activities under Hid Pond in Franklin County" (H. P. 1590) (L. D. 943)

Miss Bangs from the Committee on Motor Vehicles reported same on Bill "An Act Exempting from the Payment of Excise Taxes Residents of States which grant Reciprocal Privileges to Residents of this State" (H. P. 1185) (L. D. 480)

Same member from same Committee reported same on Bill "An Act to Improve Safety on the Highway" (H. P. 1550) (L. D. 839)

Mr. Race from same Committee reported same on Bill "An Act relating to No Parking upon Paved or Improved Portion of Ways; Exceptions" (H. P. 1541) (L. D. 833)

Mr. Rankin from same Committee reported same on Bill "An Act relating to Non-Resident Vehicles and Operators" (H. P. 1453) (L. D. 824)

Same gentleman from same Committee reported same on Bill "An Act relating to the Safety on Highways" (H. P. 1546) (L. D. 894)

Mr. McKusick from the Committee on Pensions reported same on Bill "An Act relating to Old Age Assistance" (H. P. 106) (L. D. 60)

Mr. Newcomb from same Committee reported same on Bill "An Act relating to Pensions" (H. P. 1459) (L. D. 737)

Mr. Preble from the Committee on State Lands and Forest Preservation reported same on Bill "An Act Authorizing the Forest Commissioner to Convey Certain Land to Maine Peat Moss Inc. of Portland" (H. P. 1212) (L. D. 430)

Mr. Morrison from the Committee on Taxation reported same on Bill "An Act relating to a Tax on Gasoline and Other Products used for Motor Fuel" (H. P. 1478) (L. D. 614) as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Morrison from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation of Certain Motor Vehicles for Transporting Passengers for Hire" (H. P. 1651) (L. D. 1003)

(On motion by Mr. Payson of Portland, tabled pending acceptance of Committee Report)

Mr. Dorsey from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Levying Certain Luxury Taxes" (H. P. 54) (L. D. 39)

Report Tabled

Mr. Jordan from the Committee

on Taxation reported "Ought not to pass" on Bill "An Act to Impose an Occupation Tax on Conducting a Business by a System of Chain Stores" (H. P. 1480) (L. D. 611)

(On motion by Mr. Roy of Lewiston, tabled pending acceptance of Committee Report)

Mr. Jordan from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation and Providing for a Universal Tax on Gross Incomes" (H. P. 1477) (L. D. 601)

Report was read and accepted and sent up for concurrence.

Report Tabled

Mr. Tozier from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation of Shore Property on Wild Lands" (H. P. 1599) (L. D. 924)

(On motion by Mr. Rollins of Greenville, tabled pending acceptance of Committee Report)

Mr. Worth from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to the Taxation of Intangible Personal Property" (H. P. 1471) (L. D. 616)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Miss Bangs from the Committee on Motor Vehicles on Bill "An Act relating to Registration of Motor Vehicles and Trailers" (H. P. 1549) (L. D. 838) reported same in a new draft (H. P. 1891) under same title and that it "Ought to pass"

Same member from same Committee on Bill "An Act relating to the Safety of Highways" (H. P. 1551) (L. D. 895) reported same in a new draft (H. P. 1892) under title of "An Act relating to the Safety on Highways" and that it "Ought to pass"

Same member from same Committee on Bill "An Act relating to Farm Tractor Trallers" (H. P. 649) (L. D. 230) reported same in a new draft (H. P. 1893) under same title and that it "Ought to pass"

Mr. Conant from same Committee on Bill "An Act to Encourage Safety on School Buses" (H. P. 1539) (L. D. 831) reported same in a new draft (H. P. 1894) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass

Mr. Patterson from the Committee on Claims reported "Ought to pass" on Resolve in favor of the town of Farmington (H. P. 924)

Mr. McGillicuddy from the Committee on Library reported same on Resolve for the Purchase of One Hundred Copies of "Sesquicentennial History of Greene" (H. P. 105)

Mr. Libby from the Committee on Pensions reported same on Resolve to Repeal a Resolve providing for a State Pension for Elizabeth McNaughton of Bangor (H. P. 107)

Reports were read and accepted and the Resolves ordered printed under the Joint Rules.

Mr. McKusick from the Committee on Pensions reported "Ought to pass" on Bill "An Act Concerning the Teachers' Retirement System" (H. P. 147) (L. D. 529)

Mr. Newcomb from same Committee reported same on Bill "An Act relating to Teachers' Retirement System" (H. P. 1187) (L. D. 482)

Mr. Morrison from the Committee on Taxation reported same on Bill "An Act Levying a Use Fuel Tax" (H. P. 1479) (L. D. 602)

Mr. Worth from same Committee reported same on Bill "An Act to Define Internal Combustion Engine Fuel" (H. P. 1483) (L. D. 610)

Reports were read and accepted.

Ought to Pass with Committee Amendment

Mr. Goldsmith from the Committee on Library on Resolve for the purchase of Two Hundred Fifty Copies of "The Old Man of the 103rd" (H. P. 1184) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve ordered printed under the Joint Rules.

Report Tabled

Mr. Dutton from the Committee on State Lands and Forest Preservation on Bill "An Act Approving the Purchase of Lamoine Coal Depot" (H. P. 446) (L. D. 185) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

(On motion by Mr. Teel of Long Island Plantation, tabled pending acceptance of Committee report)

First Reading of Printed Bills and Resolve**Bill Tabled**

Bill "An Act relating to Patriotic Observances in Schools" (H. P. 1573) (L. D. 922)

Bill was given its first reading.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker and Members of the House: I think this matter requires a little further consideration. I therefore move that it be laid on the table.

The SPEAKER: The gentleman from South Portland, Mr. Hinckley, moves that Bill "An Act relating to Patriotic Observances in Schools" (H. P. 1573) (L. D. 922) lie on the table pending its second reading. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

Bill "An Act relating to Restaurants and Locations of Restaurants Handling Malt Beverages" (H. P. 1890) (L. D. 1087)

Resolve in favor of the city of Eastport (H. P. 1322) (L. D. 1088)

Bill was read twice, Resolve was read once, and tomorrow assigned.

First Reading of Printed Bills with Committee Amendment

Bill "An Act relating to the Pownal State School" (H. P. 1402) (L. D. 780)

Bill had its two several readings. Committee Amendment "A" read by the Clerk, as follows:

Committee Amendment "A" to H. P. 1402, L. D. 780, Bill, "An Act Relating to the Pownal State School."

Amend said bill by adding at the end of the first sentence of the second paragraph the following:

'provided, however, that no such inmate shall be allowed to leave the institution temporarily until an agreement has been procured by the superintendent from some responsible person or persons to provide such inmate with proper care during his period of temporary absence from the institution.'

Thereupon, Committee Amendment "A" was adopted and tomorrow was assigned for third reading of the Bill.

Bill "An Act relating to Payment of Wages" (H. P. 1432) (L. D. 749)

Bill had its two several readings. Committee Amendment "A" read by the Clerk, as follows:

Committee Amendment "A" to H. P. 1432, L. D. 749, entitled: "An Act Relating to Payment of Wages."

Amend said bill by striking out in the fourteenth and fifteenth lines thereof, after the word "on" the following: "the following regular pay day, provided, that when an employee is discharged he shall be paid the wages due him on," and insert after the word "demand" in the fifteenth line thereof the following, **'at the office of the employer where payrolls are kept and wages are paid';**

Further amend said bill by striking out the sentence in the 35th and 36th lines thereof, **"Payment of fine does not exempt employer from paying employee wages due."**

Committee Amendment "A" was then adopted and tomorrow was assigned for third reading of the Bill.

Bill "An Act relating to Birth Records of Children Proposed for Adoption" (H. P. 1527) (L. D. 866)

Bill had its two several readings. Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 1527, L. D. 866, Bill "An Act Relating to Birth Records of Children Proposed for Adoption."

Amend said Bill by striking out in the 2nd line thereof the word "enacted" and inserting in lieu thereof the word 'amended'; and further amend said bill by striking out the sentence beginning in the 4th line of said bill with the words "The petition for adoption" and ending in the 5th line thereof with the words "proposed for adoption" and inserting in lieu of said sentence the following: "The judge of probate having jurisdiction may require a certified copy of the birth record of the child proposed for adoption to be filed with any petition for adoption."

Thereupon, Committee Amendment "A" was adopted, and tomorrow was assigned for third reading of the Bill.

Passed To Be Engrossed

Bill An Act relating to Indication on Motor Vehicles of their Weight" (S. P. 522) (L. D. 1075)

Bill Tabled

Bill An Act to Incorporate the Patten School District" (S. P. 525) (L. D. 1089)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. LaFleur of Portland, tabled pending third reading)

Bill An Act relating to Common Carriers" (H. P. 1866) (L. D. 1083)

Were reported by the Committee on Bills in the Third Reading, read the third time, all except tabled matter passed to be engrossed and sent to the Senate.

Amended Bills

Bill An Act Creating the Caribou Utilities District" (S. P. 510) (L. D. 1037)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent to the Senate.

Bill Tabled

Bill An Act relating to Andros-coggin County Law Library" (H. P. 1340) (L. D. 797)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Southard of Augusta, tabled pending third reading)

Passed To Be Enacted

An Act relating to the Personnel Law (S. P. 74) (L. D. 50)

An Act relating to Clerk Hire in the Office of Register of Deeds (S. P. 400) (L. D. 641)

An Act relating to Notices of Caucuses (S. P. 442) (L. D. 884)

An Act relating to Examination of Motor Vehicles by Inspectors and Police Officers (S. P. 448) (L. D. 902)

An Act relating to Burial Grounds for Soldiers (S. P. 458) (L. D. 934)

An Act Regulating the Expenditure of the Potato Tax (S. P. 514) (L. D. 1060)

An Act relative to Crop and Orchard Damage by Deer (S. P. 516) (L. D. 1069)

Enactor Tabled

An Act providing for the Sale of Liquor at Wholesale Prices by the State Liquor Commission to Persons Licensed to Sell Liquor to be Consumed on the Premises (S. P. 517) (L. D. 1066)

(On motion by Mr. Gowell of South Portland, tabled pending passage to be enacted)

An Act relating to Duties of Overseers of the Poor (H. P. 18) (L. D. 13)

An Act relating to Fees of Referees (H. P. 102) (L. D. 57)

An Act relating to Trapping in the town of Scarborough (H. P. 617) (L. D. 253)

An Act to amend the Charter of the Ogunquit Village Corporation (H. P. 1180) (L. D. 478)

An Act relating to Sellers of Milk and Cream (H. P. 1336) (L. D. 572)

An Act relating to Medical Examiners and Their Duties (H. P. 1421) (L. D. 586)

An Act relating to Town Clerks (H. P. 1463) (L. D. 739)

Finally Passed

Resolve in favor of the town of Charleston (H. P. 1791) (L. D. 1048)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all except tabled matter, signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first matter of unfinished business, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Provide for an Adjustment of Real Estate Taxation. (H. P. 1391) (L. D. 769) the pending question at time of adjournment being: Motion of Mr. Grua of Livermore Falls that the Minority Report "Ought to pass" be accepted.

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, as it is anticipated that the debate on this measure may take an hour more, and to break off in the middle of the argument would be distinctly unfair, I move that the House recess until two o'clock this afternoon.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House recess until two o'clock this afternoon. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

Afternoon Session—2 P. M.

The SPEAKER: At the time the House recessed, there was before the House Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Provide for an Adjustment of Real Estate Taxation, (H. P. 1391) (L. D. 769).

The pending question is on the motion of the gentleman from Livermore Falls, Mr. Grua, that the minority report "Ought to pass" be accepted.

The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. MCGLAUFLIN: Mr. Speaker, I realize quite fully the problem that Mr. Grua presented to this House, yesterday. Taxes on real estate are high. But I think he has made a mistake in his remedy and I am going to tell you why.

It is because he is taking away the power of taxation on real estate, without providing any substitute.

If you pass this measure, you are still going to need just as much money to run your towns and your counties and your state as you require now.

If this bill were to pass, that would leave only 17½ mills to the town. Where is the town in this State that can run its business on 17½ mills? And if you have not any other method of providing, then you are going to run into confusion.

How are you going to run your schools, and your police department, and your fire department, and your highway department in the country, if you have no provision for taxation?

To me it is like a man letting himself over a precipice by a rope that reaches only half way to the bottom, with the hope that somebody is going to put up a ladder to reach him when he gets at the end of his rope.

It strikes me that it is much more sensible to have a ladder provided, so that he can get down the rest of the way.

The problem is here. But this is not the solution. Common sense must tell every last one of you that you cannot pass this measure.

Therefore, I hope that the motion of the gentleman from Livermore Falls (Mr. Grua) does not prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker and Members of the House: This matter of taxation, of course, is to all of us perplexing and increasing in its perplexity.

The remarks made by the learned attorney who has just spoken indicate how even the lawyers had doubt about this matter.

You cannot expect me as a layman to go deeply into that sort of thing.

I talked with one member of the House about this matter, and he said he would not know about it, that he was not a tax expert and he was not a lawyer.

Well, I remember a story that was told about the late Frank H. Simonds. He appeared before a Senate Committee in Washington, and one of the senators asked him, "Do you think you are an expert?" He said, "No, thank God!"

Well, I am not an expert, and as for being a lawyer, Mr. Speaker, with all my faults I am not a lawyer. (Laughter)

But this bill does not seem to me to be very difficult even to my mind.

We had here two days ago a very distinguished authority, so I am told, upon tax matters, Mr. Maxim. Mr. Maxim I think is an expert upon tax matters and he is very warmly in favor of this bill.

As to agreement amongst the tax experts, there is not any such thing, so it is for us who are humble laymen in this matter to decide.

As I said, I do not believe that this is a very difficult bill. It does not look so to me. I think it might look so, perhaps, if we do not go into it pretty thoroughly, and if we have the information that it is something new. It is not new. A number of other states have it.

It deals with a very important question. I think no more important question has been before us than this question.

It is not a tax-raising measure but nevertheless, it will prove to be regulative of all taxes. It will change our whole tax situation and point of view, and I think that is greatly needed, — I think so. I think we do need some radical changes.

Of course, it has a tendency to reduce the tax burden upon property. That is its chief function. Then of course it will have an influence on all other taxes as well.

We have been told that the remedy lies in that direction. For example, it has been said—and I will repeat—that we ought to reduce the expenses of state administration. I agree with that.

I find that if we reduce our state expenses in Maine to one-tenth, or to the average for the whole United States, we would have enough extra money to pay Old Age pensions. I think we are not likely to do that. I am not hopeful that we are going to do that. Our state expense is high. With the exception of the Rocky Mountain states, where price levels are high, there are only five states which have as heavy taxes per capita as we have.

I have looked up the State from which I came, out in the West, and found this situation. In Maine we have a tax of about \$24.80; in that State it is \$13.70, in spite of the fact that teachers, for example, there are paid very much more than they are in this State. I wonder why it is that that state — which I think is one of the best states in the country—has such a low expense. While I do not know the whole of the story, I found that this was true. That in one department we expend thirteen times as much as that State—in one department.

Of course, our situation in this State is well known to us, this tremendous tax burden.

You have heard the story that Senator Brown told about the man who went away from Aroostook county, out to New York, and who bought a 500 acre farm, with a fine set of buildings. He sent this picture of his buildings to him. He has as good or better buildings than the senator from Aroostook has, and yet the senator from Aroostook paid a \$1,000 tax last year, the same as the year before, while this gentleman that went from Aroostook County to New York, and has better buildings and has 500 acres,—as compared with 280 acres that the senator from Aroostook has,—paid last year a tax of \$285.

I can tell you something of my own experience. I have not always lived in Maine, as most of you gentlemen have. I have been in the State of Maine thirteen years—I have my real estate tax—I have not a farm but a house and a couple of acres—and I have had my tax raised every year without exception. From

thirteen years ago to the present time, I have had it raised 250 per cent. I told a man that the other day, a stranger to me, and he began to talk to me about some of these matters. He looked at me as though he did not believe it. I did not believe it myself. But, nevertheless, my canceled checks show that that is true. I have had an increase of 250 per cent on my real estate tax.

Now, this tax should have the effect, of tapping sources of taxes, that we have not tapped so far. It has been estimated that at least one hundred billion dollars worth of property in the United States—one hundred billion dollars of wealth—is untaxed. What our share of that is I do not know, but I imagine it is very large.

I confidently predict this—that unless we have some sort of a bill like that, providing for a ceiling, that we shall go on having an un-failing constantly ascending spiral of taxes.

Now, there are other methods that have been proposed, a good many methods, but this tax measure does not interfere with any other measures that have been proposed to us.

The gentleman from Portland, Mr. McGlauffin, said that it should be the function of this amendment to the Constitution to provide other taxes. While I am not a lawyer, I cannot see that that is true.—that a provision of the Constitution should say we should tax cigarettes, or tax this or that. It does not seem to me that is the case.

We are asking people—"Where are we going to get the money?—if we have this provision of the Constitution.

Of course, the object of this amendment to the Constitution is primarily to force taxes into other channels. We have many other sources for taxes, as has been revealed to us here in the various tax bills.

Of course, this is also true — that our towns are practically confined to taxing real estate. We are told, of course, that you must not tax this, that, or the other. Insuperable difficulties are raised against all methods of taxation that have been proposed.

It is seriously proposed now, in many quarters, even, to raise the present property tax. Within the

last week I read that proposal in three influential papers of the State of Maine, that the solution is to raise the real estate tax. I heard it proposed by one of our most prominent men in the State of Maine, two days ago. He said, "You must raise the real estate tax." I was sitting here, and a stranger, from Bangor, who was sitting next to me said, "Yes, that is the remedy. Raise the real estate tax."

Well, that sort of thing, ladies and gentlemen of this House, seems to me quite astounding.

I said, a while ago, that this sort of thing is not new. Eight states have this ceiling to the real estate property tax. I will not mention all, but the State of Ohio, for example, the fifth state in the Union in population, and one of the richest states in the Union. When this law was enacted into the statute law, the ceiling was not 25 mills as proposed here, but it was fifteen mills. And so successful has been that law that it has been lowered to ten mills. How they have done it, I do not know. It seems to me a mystery but they have actually accomplished that.

The city people, especially, have raised objections to this sort of thing, but the State of Ohio has more cities of 100,000 population and over than any other state in the country, and it has worked well there.

So in regard to a number of tax measures before us, we are afraid to take the plunge; we are afraid of their not working successfully.

As I said, one object of this bill is to force other methods of taxation, other sources of taxation. The state has many of these sources of taxation. The gentleman from Livermore Falls, Mr. Grua, mentioned this morning the highways of the state take over the larger burden of the Highway Department, and we have other ones to that effect.

That is one other way we can get more money.

If you have this ceiling of twenty-five mills, the towns may not, under the present circumstances, be able to raise all the money they want to raise, but the State can do it through their highways, or in one or the other of the other ways proposed.

For example, take the matter of education. The State of course now turns back some money, and gives

some money to education for equalizing purposes.

Well, we have not gone very far in that direction. We have not equalized the educational opportunities of the State. The State of Delaware, for example, pays the State—pays 92 per cent of the educational cost. It has worked splendidly and has served to create a much better condition in that state.

As a matter of fact, most of the States, including Maine, have the gross expenditure of the State and the net expenditures of the State

The gross expenditure of the State is about one-third higher than our net expense. In New York quite a different situation obtains. Forty-three per cent of the money that is taken in is expended by the State for state purposes, and 57 per cent is expended for local purposes.

I am not advocating that we should go that far but we should do, I believe, something of that sort.

So I must say that I regard this measure with a good deal of confidence.

If this Legislature passes this measure, of course it does not put it into effect, but it does give to the people of this State an opportunity to vote upon it sixteen months from the present time. I believe that we should give them that opportunity. I think at least we should give them an opportunity to discuss it and make up their minds about it, so that all of us might get further light upon it.

It is my confident hope that this will get as far as any other legislation that is proposed to this Legislature and help in the solution of this very perplexing and most tragic property tax situation.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker and Members of the House: I should like to go along very much with the gentleman from Bridgton, Mr. Rankin, and with the other two gentlemen on the Judiciary Committee, who signed the majority report on this bill, but I feel that they must have allowed their judgment to be swayed by their sentiment in this matter.

This bill was given careful consideration, and eight members of the Judiciary Committee, lawyers to be sure, voted that this measure "Ought not to pass."

I would like to express my own convictions on the matter.

We heard that if this bill passes and is accepted by the people, it will take about six or seven million dollars out of taxation. In other words the cities and towns of this state would have to make up, in some other way, between six and seven million dollars.

The bill does not provide any method whatever of raising that amount of money. The cities and towns have got to find it, unless the next Legislature comes back here and puts in some kind of a tax measure to raise six or seven million dollars to take the place of it.

Now, Ladies and Gentlemen of this House, I do not believe that we have any right to say to the coming Legislature that you have got to raise six or seven million dollars.

We know how much of a headache it is to us to raise two million dollars over and above what we have already. When you tell the next Legislature that they have got to raise six or seven million dollars, I do not think it is a fair proposition to the members of the next Legislature.

Now, I may not be here and you may not be here but that does not make any difference. It is a question of a fair proposition to the incoming Legislature, and I, for one, am not willing to do that.

The cities and towns, if they fail to get new legislation by the next Legislature will have to give up their schools or highways or other municipal functions or they have got to go out and find some more money. I do not know where they are going to find it.

I do not believe that it is fair to make these cities and towns turn to the next Legislature to take care of their schools and highways.

We have in the membership of this House many selectmen of towns. I know we have two mayors of cities. I do not believe that they want to see this legislation go through, because I believe they will have a bigger headache in their municipal affairs than they do now as Members of this Legislature and I hope, definitely, that it will not have a passage.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Lambert.

Mr. LAMBERT: Mr. Speaker and Members of the House: I speak now

as not only a Representative but as a Mayor, as the gentleman from Portland, Mr. Hinckley has just referred to, a few minutes ago.

I wish to go on record here as being very much opposed to this measure, because I am not kidding myself or my public when I come in here and vote for a measure that will reduce the valuation of real estate in my city. I am not kidding myself, because of the fact that I know that if I take the valuation off a piece of property in the city of Lewiston that I am only going to get it back by increased tax mills.

I am aware that the people of Lewiston are paying now a very enviable tax rate of 38 mills. If this bill goes through there is no question in my mind whatever but what the tax bill will be raised 50, 55 to 60 mills. You have got to have the money. You have to raise it.

So why kid ourselves in thinking we can take it off one place and bring it back in another place. It is absolutely impossible. You are just taking it from one pocket and putting it into another pocket. I know that that is what it would amount to.

I am definitely opposed to this measure.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker and Members of this House: I never intended to speak this session of the Legislature. I felt that a new member, like children, should be seen but not heard. But this Resoive we have before us today comes so close to doing what I have felt for years should be done, that I should feel that I lacked courage if I did not do all in my power to support it.

I said before I came to Augusta, and I have since repeated the statement to several of the members of this Legislature, that it was my belief that the tax system of the State of Maine should be scrapped, and that it should be built up again from the bottom in such a manner that no one element should bear a disproportionate burden, and so that every citizen of this state should pay his proportionate share. Most of the legislators I spoke to, I believe, agreed with me. In my ignorance I believed that I was speaking idealistically, that it would never be done. Yet this bill does that very thing by putting a fair ceiling

to Real Estate Taxes, and making it essential that the next Legislature find from 12 to 15 million dollars more in other kinds of taxes to replace sums the cities and towns would lose by this tax ceiling. With that amount of money to raise, I am so confident in the ability of these Maine legislators I see assembled here, that I am sure a new tax system can be set up that is not only logical but just. Every citizen of Maine, I repeat, should pay something in proportion to his means to the conduct of the State.

I am a fairly large property owner in the cities of Saco and Biddeford, and so I suppose that you now will have the impression that I am for this bill because it will save me money in taxes saved. That is not the case, and I want to call to your attention how this act works in explanation. If passed, a Recess Committee to study other tax possibilities will without doubt be called for. To this committee all kinds of taxes will be suggested,—Salaries and Wages, Income, Intangibles, Sales, Transaction, or Luxury. Among those there are very few that will not strike me I have an income, I own intangibles, I make quite a few purchases of commodities. But among those taxes mentioned, many people who pay no taxes now to either city or town will be affected. So it seems to me that the people of this State can be divided into three classes as to the effect these changes will have on them.

1. The farmer and small landowner, or those whose only property is real estate, and these will receive a much needed relief.

2. Those who own all kinds of property and have incomes from other sources. These will probably pay approximately in total what they now do, but from a different distribution.

3. Those who own no real estate, but do own other kinds of property, or are receiving a good salary at present. These at present are not doing their share towards the running expenses of the State, but under the new set-up, they will not escape.

I am in Class 2, and it is not at all improbable that it might result in my paying a greater rather than a less amount of tax; but I say to you here, that I am willing to pay my full share along with everyone else, if I am satisfied that that tax is fairly and justly levied.

I wish also to call your attention to another benefit that will be derived if this Resolve is passed. Real Estate men all over the State have been demanding the Equalization of Valuation on Real Estate as between one community and another. One community may carry real estate at 80% of real value, another at 50% and so on. As this Resolve calls for a Fair Market Value in every community, equalization will be affected.

We all of us have heard many times the statement that Maine's Real Estate tax rate is the highest in this country; but 10 years ago this was not the case. Senator Brown mentioned at least five whose rates at that time equalled ours. Today they are approximately half ours. You, as sensible men, know that to reduce their rate by one-half they had to resort to methods similar to the Resolve we have before us. And I say to you that if they can do it we can, if we have the courage to try. I doubt if there is a Legislator present here who does not recognize the need of this relief, and yet this Resolve was voted out of the committee 8 to 2, "Ought not to pass." To do real estate any material good it takes a revolutionary measure such as this. We cannot just nibble at this problem; we must take our coats off, roll up our sleeves, and pitch in all over. I say the time has come to do just that. I realize, however, that my opinion is only one in 184. I realize full well that unless after the amendment is accepted, the Recess Committee and the next legislative act with harmony and intelligence, chaotic conditions might result. But I believe and feel that legislation similar to this must come, some time, and because I have confidence in the honesty, integrity and ability of the Maine people, I feel that the minority report should be accepted.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker and Members of the House; I am not going to take up very much time on this question. It is a serious one which affects every person throughout the State of Maine who owns real estate. I believe that this measure introduced by the gentleman from Livermore Falls, Mr. Grua, has merit and we must regard it as such in our deliberations to relieve the taxpayers, the real

estate owners of the State of Maine.

I have had the privilege perhaps that no other man or woman here has had, to live in four different localities of this State of Maine. I have always lived in the country and know what the farmer has to contend with in regard to taxes.

I know that in Somerset County I own three pieces of real estate. I am not bragging about it. The fact remains that I cannot sell that property for what they assess it today—seventy-five mills on the dollar, in that little town.

Farmers are being hit for taxes; not only in my town but all over the State of Maine we find this condition prevails. Now what are we going to do about it?

It has been mentioned on the floor of the House this afternoon that we must legislate for future legislators to find taxes.

Are we not today in the same position? Are we not working two weeks longer to find the means to take care of Old Age Assistance made by a previous Legislature? We are doing it and we are glad to do it. There is no foundation for an argument.

I believe the time has come when the members of this Legislature should see to it that these farmers, especially throughout the State of Maine, and the farmers especially, should have something that we could give them to relieve this tax burden. It can no longer prevail, if we wish these towns to remain as towns and not to go back into plantations and unorganized towns.

I do not believe, perhaps, that the twenty-five mill ceiling is the right price.

If you will accept this report of the committee, so that I can present this amendment that you see on your desk, and raise this to thirty mills, I think, and a great many with whom I have talked think, that it will remedy the situation.

The city of Lewiston will not be hurt to a great extent by this and the city of Auburn will not be hurt to any great extent. I am sure the farmers of the State of Maine will derive benefit, and have the advantage of lower taxation in the years to come.

The SPEAKER: The Chair rec-

ognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker and Members of the House: I am not rising to get my two cents worth in this measure.

It seems to me that it is quite a serious measure and is entitled to more debate than lots of us seem to think it ought to have. Any measure that is brought before us that deals with the changing of our Constitution should receive very careful consideration.

I have gone along with all that the gentleman who had something to say with regard to real estate taxation and the burden it is on most of the people in the State, not only the farmers but the city dwellers and the industrialists. They have all been complaining for years that the tax system was entirely wrong.

I have a great deal of admiration for the gentleman from Livermore Falls, Mr. Grua, who presented the bill. I have watched him since I came to this House. He is a conscientious gentleman at all times. I think he has the feeling of all the people. There is nothing personal about this bill.

I think before we start changing the Constitution that we ought to think of some other means perhaps of getting a refund for taxes that can be done without changing the Constitution.

I know that in the end, if we change the Constitution and place a ceiling of twenty-five or thirty mills on the tax rate, that eventually we will have to adopt other tax measures of getting this money.

Most of us here were brought up in the old school and not under the New Deal. Under the New Deal everybody seems to be getting something for nothing. Most of us were taught and told that you cannot get something for nothing.

Just as the gentleman from Lewiston (Mr. Lambert) has stated, we will have to take it out of one pocket and put it in another, in order to reach that.

Would it not be possible then, if we wanted to try this measure and find out how it works, without changing the Constitution, to go ahead with the alternative? The alternative of this measure, as I understand it, — and that eventually will be the ultimate end, is to

place additional taxes of some other kind.

Real estate has had enough, so if you will go on to a sales tax, or an additional tax on gas, or an income tax, we will raise that money from some other source, and have a kick-back through the general funds to the various towns so that the State and County taxes will not be so large.

Let us take an average town of two and one-half million in taxable property. I am not a Tax Assessor; I do not run around with a black book, but I know how most of them work in most towns. They will come up and say, "Well, Abe, are things about the same? All right, I will see you later." That is just about the way they come around to tax your property. (Laughter) I know you all get a laugh out of it, because it is true of most of the men we elect in our towns. We are to blame. We elect men to go around and assess property who know nothing about the value of the property to assess it, but who just go out for the job to get the \$100 for the season, or whatever there is in it, and go from house to house with their little black book and mark down: "Okay, no change; one cow more; one cow less." They know nothing about the value of roofing or painting or building houses. It is time we had competent men in our towns to place our tax valuation for us.

Now in that town of approximately two and one-half million valuation, and we start in at our town meeting and raise, for example, \$100,000 in our town meeting. How are we going to arrive at the tax rate? All right, we will establish a thermometer, and say we have forty degrees on that thermometer, and each degree represents \$2500, because one mill on your valuation of two and one-half million dollars is \$2500. Every time you see that thermometer go up \$2500, you know it is one mill. It finally reaches the top, where you have forty mills, or forty times \$2500.

Now if you have this ceiling of twenty-five or thirty mills, where is the other money coming from? You have got to get it from some other source. It has got to come from an income tax, or a sales tax. You have got to get it from some other source to balance that budget of \$100,000 that you have raised. So why bother to tinker at this time with the Constitution of the State?

Why not start in at the other end and raise this money from some other source and put it into the general fund, and then refund it,—find out how it works, then later, perhaps, come back here and change the Constitution?

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Holman.

Mr. HOLMAN: Mr. Speaker, it is my personal opinion, after talking with a great many of the Members of this Legislature, that quite a substantial majority of us are in favor of setting up a Tax Program that will take care of our Old Age Assistance problem, take care of our Road Program and afford some relief for the general property taxpayer. I know for a fact that a great many of our people back home want us to do that very thing. I know that the tax situation in Maine has been studied at Farm Bureau meetings in nearly every rural community in the State of Maine since last December 1st, and the people of these communities, as well as the taxpayers in urban sections, want us to pass some new tax laws that will do this job.

This talk that we hear about no new taxes is just a continuation of propoganda of the politicians. We are not hearing it from the people back home.

Now, in 1820, when Maine became a State, the majority of the people owned property, and the amount of property a man owned was a fair measure of his ability to pay taxes.

During the time between 1820 and 1910, hundreds and thousands of our people lived on farms that are now abandoned and are growing up to wilderness.

I can take you people any day to places in my town where you can see thirty old cellar holes that were once the sites of prosperous farms. They are scattered all over the town, and many of them are away back in the wilderness and the roads have been discontinued, so that you would never find many of them if you did not know where to look for them.

And this town, by the way, is the town of Dixfield, only ten miles from Rumford Falls, and is right in the heart of the most prosperous section of the State. These farms were stocked with cattle and sheep upon which the owners were paying taxes.

But conditions have changed since 1910. At that time all of the municipalities in our State together raised about \$7,000,000 per year in taxes. In 1939 they raised nearly \$30,000,000, more than four times as much in the space of only twenty-nine years, and in spite of the fact that the number of taxpayers on general property has decreased.

The demand for better roads, upon which to spend our leisure time riding in our automobiles, the demand for better schools and the demand for Old Age Assistance are the three principal causes for this increase. Our people are demanding these services and I believe they are willing to pay for them, if we will give them a chance by passing some tax measures that will require every one to pay and not put the burden on some particular class. At the same time we should make it possible for them to pay a little at a time as they go along, instead of having a tax bill stuck up in their face at the end of the year and not having any money to pay it.

Now, this Resolve in favor of a constitutional amendment, to limit the rate of taxes that may be assessed against real estate, should be a companion measure to whichever of these other tax bills that we see fit to pass.

Such measures have been passed in other states and are working successfully. These other states have recognized the changing conditions and have done something to relieve the situation before it is too late.

In twelve states farm property taxes have been reduced since 1930.

I wish to repeat a few of the figures that the gentleman from Livermore Falls, Mr. Grua, gave you yesterday, so that you will not forget them. I shall refer again to this report "Tax Trends" prepared by A. R. Gans, Director of Research, Farm Credit Administration, Springfield, Mass., put out in January, 1941. That is where I am taking those figures from.

Ohio, Indiana, Michigan and Washington have enacted property tax limitation laws. There are other states that have, but those four stand out. Prior to 1930 all of these states derived the major portion of their tax revenues from property taxes. Between 1930 and 1938, however, the total property taxes dropped 38 per cent in Ohio, 26 per cent in Indiana, 38 per cent in

Michigan, and 48 per cent in Washington.

In 1932, Indiana fixed its tax rate limit at \$20 per \$1,000 in towns and cities and \$12.50 per \$1,000 in unincorporated areas. Michigan fixed its rate at \$15.00 and Washington fixed its rate at \$40.00 on 50 per cent of the state assessment level.

As the gentleman from Bridgton (Mr. Rankin) told you a few moments ago, the State of Ohio fixed the rate at \$15.00 and then reduced it to \$10.00 per \$1,000.

The index number of farm real estate taxes per acre in selected states in 1910—Maine, 97—and it shows the comparison in New Hampshire, Vermont, Massachusetts, West Virginia, Ohio and other states, are among those that have been reduced.

I would like to have you notice that this index number in 1910 for every one of these states, with the exception of two, was between 90 and 97—all right along on a level keel. The State of Oklahoma had an index of 74; Michigan, 86; Maine, 97; New Hampshire, 92; Vermont, 95; Massachusetts, 96; West Virginia, 97; Ohio, 97; Indiana, 92; Michigan, 86; Georgia, 94; Oklahoma, 74; Montana, 91; Washington, 90—and an average for the whole United States of 91.

Let us see what this index is in 1939. Remember where this index was in 1910, below 98. In 1939, the index in Maine was 280; New Hampshire, 226; Vermont, 222; Massachusetts, 287.

Now, getting into these other states, you will see that West Virginia was 131; Ohio, 146; Indiana, 101; Michigan, 103; Georgia, 128; Oklahoma, 128; Montana, 146; Washington, 81.

The taxes on Maine farm real estate in 1938 were \$2.58 per \$100 actual cash value against the average \$1.16 for the whole United States, according to the Bureau of Agricultural Economics, United States Department of Agriculture.

Now, Ladies and Gentlemen of the House, if we want to carry back to our people when we go home, a tax program that will be constructive instead of destructive, one that will give all of the people an opportunity to help pay for these services that we are all demanding, and one that will make it easy for all to pay taxes, we must make up our minds to cooperate with each other,

in formulating this program. If each one of us goes around with a chip on our shoulder, thinking that our particular tax bill is the only one that is worthy of consideration, and are not willing to go along with any other, we will get absolutely nowhere. The thing that we need to do is to try to find out which bills the majority of the Members favor, and then be willing to scrap the others and go along together with a good program.

If we will do this, I believe, while we may get a little criticism from some sources at first, that after the program gets going, we will be congratulated on every hand for breaking up this old system that we have had and doing something constructive.

Now, in answer to two or three statements that were made here, I want to call your attention to the fact that one gentleman said that we could lower this tax rate without a constitutional amendment. I want also to call your attention to the fact that one chief argument that has been presented to the legislators in the past against an income tax or something of that sort, for relief of general property, was that it would not relieve general property; that if the State reduced the amount of money that the town had to raise for schools and roads, the towns would simply raise more money for something else, and that they would not get any relief from real estate. I want to call your attention to the fact that this will give relief for real estate, when the State takes over those other expenses, so the town does not have to raise money. It will prevent them from putting a high tax rate on. I do not think the statement made by the gentleman from Lewiston (Mr. Lambert) needs any answer at all. He is absolutely barking up the wrong tree. He says that it will raise his tax rate. That is exactly what this will forbid; and it cannot raise it.

In regard to one statement that was made about the selectmen going around and taking valuations, I want to call your attention to the fact that the Selectmen are not supposed to go around taking valuations of property. The owners are supposed to come to the Selectman's office and give him the valuation.

That is what the law says. (Laughter)

Now, Ladies and Gentlemen of the House, I hope that you will go along with this resolution. I think we have dodged this issue long enough.

One gentleman said that we do not want to set up a situation here whereby the next Legislature has got to pass some tax laws. What have we been doing in the past? Every year the Legislature meets we have been dodging this issue and we are up against it.

Now, let us be ladies and gentlemen and tackle this job and do a good job. We have got bills enough here so that we can work out a good program. I think you.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I speak as an Assessor. I never knew of a Selectman going around and making assessments, because it is the Assessors' job. I never have gone around with the black book that Mr. Goldsmith speaks of. I have always been the Chairman. I have been at this game eighteen years and I feel that I am qualified to tell you something about taxation. The only black book that I know anything about is the one up in Mr. Holley's office. He has a black book and it is a very interesting thing. My valuation is, I think, about 51 per cent according to his figures. Some of the towns in my county run as high as 78 per cent, and the average, I think, is around 60 per cent. That is the valuation that the State Tax Assessor is endeavoring to equalize. He is having a terrible job to equalize the property of the State of Maine. Why? Because there are no sales. There are not sales enough of property in the State of Maine to make an equalization, and we cannot get a fair and just value. Perhaps two or three pieces of property change hands in a small town, like the one I live in, in the run of a year, upon a valuation of \$1,300,000. Lots of them are forced sales.

I claim that some law setting a ceiling on valuation of real estate which would guarantee to the man who purchases real estate a sale—he knows when he buys that real estate that next year the Board of Assessors are not going to jump and shove his valuation up as the gentleman from Bridgton, Mr. Rankin, says his has gone up 250 per

cent. When that condition arises, it means a security both to the man who wants to sell the property and for the man who wants to buy.

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker, I simply want to say that I desire to go on record as supporting the motion of the gentleman from Livermore Falls, Mr. Grua.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I just want to speak a moment. I signed the minority report and I want to make a few statements as to my reason for doing it.

I feel and have felt, during all of my short span of life, — at least I have heard a great deal about the excessive property tax. I think that any of you that have lived longer have heard that, year after year, and demands have been made that something be done about it.

We have attempted to pass legislation at various times which would provide for rebates and alleviate property tax. We have never been successful. The problem is stronger than ever. I think the situation has reached the breaking point, certainly when the Legislature is asked year after year to deorganize towns, so that they can revert to wild lands or plantations. Something must be done to check that decided trend.

I think we all know a large part of the State is covered by timberland. A great many of our timberland operators have to go in; because of the high taxes, they have to strip the land and get all they can in one season.

I think that as a conservation measure. If that could be checked by way of a fair tax upon timberlands and upon all of the real estate, it would tend toward the preservation of our forests.

It has been very interesting to me to note the localities that the various speakers have come from this afternoon. I notice that practically all of them who spoke in favor of Mr. Grua's resolution have come from rural communities. I think that sometime the people in Portland, Lewiston and the other larger cities need to make some excursions out into the country and spend some time, and find out what the prob-

lems of the farmers are. Perhaps the rarefied atmosphere of the cities is not too good for health or political beliefs sometimes. In the same manner as we hear the Legislature sent a Committee down to State's Prison or out to the Pownal State School, I think it would be well for some of these Portland Representatives and other city fellows around here to get out and get a little of the flavor of the barnyard (laughter) and really find out what the problems in the country are.

I know if a good many of the farmers had at their command the methods which are in the hands of the larger industries of the State, there perhaps would not be this problem.

I know in two communities of the State, at least, where the industries which have a hard time to pay their tax receive a consideration, are able to continue because of arrangements which have been made with the Selectmen and with the townspeople. Now, if the farmers could do that very thing, it seems to me that is what they are asking for here.

I know of one town where the valuation of a plant is about \$350,000 and by arrangement with the townspeople their only tax is on a valuation of \$50,000. That is only a minor example.

In another town there is an industrial plant which cost some twelve million dollars to construct. After it was constructed—or during the construction period—an arrangement was made with the town whereby that plant would be assessed on \$10,000 for a period of twenty years. That figures out about one twelve-hundredth of a mill on that plant. It may be hard to believe but it is a matter of record. The costs of that town have necessarily gone up, the municipal costs, the schools, the roads, but still the difference has to be borne by the farmers out in the country.

It seems to me that the resolution of the gentleman from Livermore Falls, Mr. Grua, is a drastic step but for years we have had this problem before us. It seems to me that the situation with regard to real estate taxation is reaching the breaking point and we must use drastic measures to meet drastic conditions.

The SPEAKER: The Chair recognizes the gentleman from Greene, Mr. Sanderson.

Mr. SANDERSON: Mr. Speaker

and Members of the House: I believe I have not taken any time of the House in entering into any discussion of the measure before us, but I propose to take up only two or three moments of your time.

I know all of us would like to find a reason that seems to be sufficient for any stand that we take.

Just coming into the House this morning, I jotted down what to me seemed good and sufficient reasons for me to support the measure of the gentleman from Livermore Falls, Mr. Grua. If you will bear with me just a moment, I would like to read to you the reasons that seemed to me good and sufficient reasons. I like to have good and sufficient reasons.

First, because the facts and figures available, absolutely show that the heavy and disproportionate tax burden now being placed upon real estate in Maine is rapidly becoming unbearable. For the safety and welfare of all our citizens and all of our interests, this burden must be lightened. Second, because, realizing this fact, I wish to be consistent and square my attitude with my convictions, by supporting a measure which opens up a way for the lightening of this burden. Third, because this method has been adopted by other states of the Union, and apparently has proved successful, the ceiling in Ohio, for instance, being ten mills on the dollar, resulting in a large measure of relief for the heavily burdened group of taxpayers. Fourth, because, after all, this resolve simply refers the matter to the inhabitants of Maine who, at the next state-wide election, would express their views upon this proposition, thus giving to the members of the next Legislature the benefit of their reaction, and the opportunity to consider other sources of revenue.

So, first, because of the realization of existing facts; second, a desire to be consistent; third, the experience of other states; fourth, a willingness to allow our voters an opportunity to express themselves upon this important matter, I hope that the motion of the gentleman from Livermore Falls, Mr. Grua, that the minority report "Ought to pass" will prevail.

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker and Members of the Ninetieth Legislature: I just want to go on record as a farmer, and a dirt farmer. As the gentleman from Farmington, Mr. Mills, said, in regard to the barnyard—I run a dairy and my living is entirely dependent on farming.

I recognize the problems, and I think we all do, that have got to be met. Some of my friends here have said, "Well, farmers are very inefficient." I will grant that they are inefficient. But, after all, I wonder if they are any more inefficient than some of our larger corporations.

I have seen one light company that sent a crew out to set one pole. That has cost \$35.00 for that light company, or that public utility, which is under the Public Utilities, to set one pole, that was carrying two light lines, with just two wires on that pole. It cost \$35.00 to replace one pole. I wonder if that is efficiency? If it is, how in the Dickens do the electric light companies function.

I wonder if we are not paying an awful heavy burden of taxation in our country towns. I would like to just take the picture of my own little town, which is a very small town, and show, as I see it, what the trend is coming to in the very near future.

We have at the present time I think—and I have been an assessor and selectman in that town—we have at the present time a rate of 56 mills, which is comparatively low in Penobscot County, as the average tax rate is \$65.00 per thousand. That town, which I have always lived in, twenty-five years ago, was nearly double in size and it spread the tax burden over a greater number of people in that town. It has gradually narrowed down to where there are probably twenty-five or thirty that are carrying on the major part of this tax problem in that town. It gives promise, in the near future, that will be cut in half, with fourteen or fifteen farmers carrying the burden.

Those farms have been abandoned. I am suspicious that a good many of our fires upon farms in the country districts are a means of selling the farm. I wonder if some of our farm building fires are not to sell their real estate right there and get out. Regardless of what it is, the farms are being abandoned by some

means or other. We have got to find some means of lifting the burden. Every time a farm is abandoned, the problem of transporting children to school becomes greater. And sometimes we have to transport children from just one farm back in an outlying district. Poor people just settle there for pulp peeling operations. It is bringing a very heavy burden on our towns to meet requirements.

We have to take those children who are eligible for education, and have to maintain a road to get there. It brings a very heavy burden of taxation on those little towns.

I wonder if the lower end of our State realizes how much heavier our tax burden is in the upper part of our State from the lower part of our State?

Aroostook County, for instance, have a tax rate of \$69.67 per thousand. I think Cumberland County is \$47 per thousand. The tax valuation may be higher in Cumberland than Aroostook, but I question whether it is. Regardless of that fact, four counties in the State of Maine had over \$60.00. Waldo County, \$61 per thousand; Washington County, \$66.00 plus; Penobscot County, \$65.00; Aroostook County, \$69.66.

I feel that we have absolutely got to do something in this Legislature to try to relieve the real estate problems and taxation problems of real estate in our small communities, because every time a town goes back onto our State, it is a real detriment to our state. After all, the prosperity of our State does not depend upon the city of Portland or the city of Bangor or any large community. It depends on the State as a whole. Unless the whole State is prosperous, I contend none of the State is prosperous.

I realize that this bill of Mr. Grua's will change the method of taxation radically. It will broaden the tax base, which I think has got to be done.

I sincerely hope we go along with the gentleman from Livermore Falls, Mr. Grua, and accept the minority report on this bill.

The SPEAKER: The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the Ninetieth Legislature: The State of Maine is sick,

and it is sick from high taxation. I believe there is one statement we can all agree on whether we come from Portland or from up in the sticks.

We have talked a lot about high taxation; I have heard it as long as I have lived and probably the oldest man here has heard it as long as he has lived, but no one has done anything about it. As far as I know, the first man who has ever had the courage to say anything could be done about it in a constructive manner rather than just finding fault is the gentleman from Livermore Falls, Mr. Grua.

Forty thousand people in the State of Maine are living in bankrupt towns; fourteen towns in Maine, some of them large villages, are conducting their affairs under the emergency act of the State. Nearly twenty more towns have had to be deorganized. All of us know how often in this session of the Legislature we have arisen on emergency measures to deorganize some town in the State of Maine simply because that town had reached a point financially where they could not exist any longer, and the reason was high taxation. I do not believe that just because we have always had this condition we have got to continue with it. There has got to be relief from high property taxation which is staggering the State of Maine.

It is not just the farms of Maine that are being ruined by high taxation; industry is being ruined just as much, and the cities in the central and northern part of the State are feeling the result of high taxation. It is not a local problem. Here is one method by which a ceiling can be placed on taxation.

I have noticed that it is always proper to qualify yourself why you have the right to stand up here and address the House, and so I suppose I should qualify myself while I am up here. Probably the only qualification I have, other than the fact I like to talk, would be the fact that one of the towns which I am supposed to represent has the highest tax rate of any town in the State of Maine. It was referred to by Mr. Grua yesterday. It is the town of Greenbush with 117 mills. Some of you can guess what it means to have a tax rate of that amount. A year ago this spring I

thought I would find out if taxes were actually higher in that town than in the other towns, and so I looked the books over. Anything for a horse up in that town is valued at one hundred dollars or over. Imagine having an old horse for which you had to pay a tax of \$11.70 a year. The rest of the valuations in that town were just as absurd as that. The only reason that town was not deorganized a long time ago is that a few of the old folks in that town have pride and spirit enough to fight on and try to pay their taxes.

I was asked in the committee why towns have such high taxes. Is it inefficiency? Is it poor management? Is it because nobody knows enough to handle the affairs of those towns? I will tell you why we have these high rates. In the first place this Legislature, not this particular one but other sessions, have kept heaping onto these towns little bills which they have to pay. Take Greenbush for example. They have a State Road system through that town and they pay one hundred dollars a mile for maintaining it. That has been built recently. And there is the old State Aid road which they still maintain at a high cost, I believe over twelve hundred dollars; and there is also the third class road which they maintain. All of that road is on through routes located for the benefit of the travelling public and not for the benefit of that town. They have small houses in that town, of one, two or three rooms, but the tax rate is so high that just as soon as the children grow up they move out. Their forest land has been cut over by men from the outside and the lumber has gone to build up the pulp and paper industry in other towns which have prospered at the expense of this community.

This constitutional amendment as proposed by Mr. Grua would equalize the tax values throughout the State. Even the City of Lewiston I believe, would benefit from it. You speak of the farms. Industry is suffering just as much as the farmers. Yesterday we had a long discussion over the Maine Development Commission. Some people condemned it because it was not binging industry into the State. I say you can give the Maine Development Commission five million dollars and they cannot

bring industry into the State as long as we have the tax rates we have in the State of Maine. Here is a way for us to show leadership in the reduction of the real estate tax and it will be to the advantage of all our people. They have told us for years they wanted a reduction in real estate taxes. If we have the courage and strength of our convictions we will vote to pass this on to the people. As one gentleman has said, a gentleman whose opinion I value very highly, it is not for us in this Legislature to say that the next Legislature must raise revenue. I agree with him; but I will say it is a question whether the next legislature will raise the revenue.

So I believe, Ladies and Gentlemen of the House, if we pass this legislation we are doing something for the good of the State of Maine, not for this year or the next but for the years to come.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Lambert.

Mr. LAMBERT: Mr. Speaker, I just want to add a few words to what I have said before. I have been listening to all the arguments presented after I spoke and I have not found one that has stated one solution as to how we are going to replace these taxes if we take them away, or how the next Legislature will do it if we take them away.

Another thing, I still maintain we cannot kid the public into thinking we can take taxation away from one end and not put it on the other.

The gentleman from Farmington, Mr. Mills, said that possibly I have not visited some of the rural districts. I possibly will have to leave Lewiston if the Androscoggin still stinks next summer. (Laughter)

Two years ago I came here and we wrangled four months trying to raise revenue to pay old age pensions and we did not find any. We have been here nearly four months this time and we are still wrangling, and every tax hearing was crowded with people to oppose the tax. We are kidding ourselves to think we can take away taxes and put them back in the next Legislature or twenty years from now. We have got to get the money from somewhere to run our cities and towns. If you think you can take it away and get it from some other source, you just try it.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. McGLAUFFIN: Mr. Speaker, I would like to call your attention to one misconception that seems to prevail among some of the members of this Legislature in regard to submitting a matter to the people of Maine. It has been repeatedly stated here: "Why not let the people pass upon the question?" I wonder if any of these gentlemen have read the Constitution of Maine. Let me tell you what it says. It says that whenever two-thirds of both branches of the Legislature deem it necessary such a provision shall be presented to the people. Now we cannot just submit a matter until we ourselves have been convinced that the thing is necessary. Every last one of you are sworn to support the Constitution of Maine. You cannot put your endorsement on a measure until you yourselves believe that that measure is necessary. I merely want to point out that the people have not any right whatever in the matter until after this Legislature, two-thirds of it, has come to that conclusion of their own accord.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Robie.

Mr. ROBIE: Mr. Speaker and Members of the House: I just want to go on record as being in favor of the resolve, and I hope the motion of the gentleman from Livermore Falls, Mr. Grua, prevails.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, I want you to know first that I do not come from Portland and I do not want you to look at me when you refer to Portland. (Laughter) I come from one of the smaller cities of the State.

I have not heard any real argument against the argument that I made whereby I refused to turn over to the next Legislature what this Legislature ought to do if anything should be done.

I believe as well as you do that real estate should be relieved, but I am not willing to pass it on to the next Legislature. If you are honest in your convictions, you will take the bull by the horns at this time and pass such a measure as may raise the necessary funds, six or

seven million dollars, and then you can take those funds and relieve real estate. If you are honest, why do you not do that instead of asking the next Legislature to do what you ought to do?

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: I do not want to make any speech. I do want to mention a thing or two that has come to me in connection with this. I seem to be criticized because I do not carry along with this a bill to provide the additional revenue that would be required.

The only way we can limit real estate taxes is by constitutional amendment. No bill could possibly be attached to it to provide for the revenue loss they speak of here, the revenue loss from this method of taxation, therefore it was simply impossible to carry along with this a bill which would at the same time raise revenue in some other manner.

Now I would like to submit to you that since it is necessary to amend the Constitution if we are going to limit real estate taxes, the only way it can be done is to refer it to the people to be voted on. We are not passing the buck; we are just passing it on to the people to say whether or not the Constitution should be amended, as we have to do in every case to get the people to pass on a constitutional amendment. So far as passing it on to the next Legislature, our problem, it seems to me, is perfectly evident. If the people vote to accept this constitutional amendment that is a mandate from the people themselves to the next Legislature that they want a different system of taxation instituted. I submit, the people at the next election have a perfect right to tell the incoming Legislature what they wish them to do. I cannot see why they should not have that right. I would heartily approve of any legislation that would do that job today.

I was here two years ago and I have read the records of previous Legislatures, and I feel we are going to go away from here without relieving real estate of one cent of its present tax burden.

Here is the danger in raising taxes with the hope that they may possibly somehow relieve our State. Just as soon as you have raised

additional money somebody has a new way of spending it and it never gets back to the towns to relieve the towns of their tax burden. In this manner the town would be relieved in advance, and then when you raise money it would have to go for the purposes intended and would not go for new bureaus and other expenditures.

I feel very strongly about this legislation. I have studied this for three years. I feel that we simply have to do something. My good friend, the gentleman from Portland, Mr. McGlauffin, says we have to determine that there is a necessity. Is there anyone here that does not think there is a necessity to do something to relieve real estate, and if we feel that real estate should be relieved, have we not every reason in the world to justify our action in submitting a constitutional amendment to the people? What more reason can we have?

I just hope that this will not be made a political issue or a provincial issue or that the people from one section will feel that they are going to get a little less benefit than the people from some other section and will cry it down. I hope we will go at this in a statesman-like manner and consider the State of Maine as a whole and do what is for the advantage of the State of Maine as a whole.

Just as our body is composed of several members, and if one of these members gets injured the whole body suffers, so the State of Maine is made up of many municipalities; it is a body politic, and if any party of that body politic is suffering or languishing, the whole of the rest of the body politic must suffer. In fact, when towns are deorganized and go onto the State everybody in the State has to pay that additional expense, and it will be on the cities just as much as on the towns.

Now a great deal has been said because no way is provided to raise this additional revenue. We have before us tax measures enough to raise this additional revenue a dozen times over. All we have got to do is to adopt them. We can adopt an income tax, sales tax, luxury taxes or any tax you want. The next Legislature, if the people should adopt this measure, would have three months before April 1st to pass necessary legislation.

It has been suggested that if this passes the Legislature, that a Recess Committee be appointed to investigate and report on a tax program. I am heartily in accord with something of that kind. I think, if there is anything that there is a crying need for today, it is to revise our antiquated system of taxation. I sincerely hope this motion of mine for the adoption of the minority report on this resolve will be accepted.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wallace.

Mr. WALLACE: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Sanford, Mr. Wallace, moves the previous question. In order for the Chair to entertain the motion for the previous question requires the consent of one-third of the members. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question is ordered. The question before the House is: Shall the main question be put now?

The Chair recognizes the gentleman from Winthrop, Mr. McNamara.

Mr. McNAMARA: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Winthrop, Mr. McNamara, asks for a division. All those in favor of the main question being put now will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Eighty-three having voted in the affirmative and none in the negative, the motion is carried. The question before the House is on the motion of the gentleman from Livermore Falls, Mr. Grua, that the minority report "Ought to pass" on Legislative Document 769 be accepted.

Mr. MILLS of Farmington: Mr. Speaker, I ask for the roll call.

The SPEAKER: The gentleman from Farmington, Mr. Mills, asks for the roll call. Under the Constitution the vote will be taken by

the yeas and nays upon the request of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: More than one-fifth of the members present having arisen, the vote will be taken by the yeas and nays.

The question before the House is on the motion of the gentleman from Livermore Falls, Mr. Grua, that the minority report, "Ought to pass" be accepted. As many as are in favor of the motion of the gentleman from Livermore Falls, Mr. Grua, will answer yes when their name is called; those opposed will answer no. The Clerk will call the roll.

YEA—Anderson, Babin; Belanger, Winslow; Bowers, Brewer; Brown, Bangor; Brown, Eagle Lake; Bubar, Buckley, Clapp, Crockett, Cross; Davis, Buxton; Denny, Dorrance, Dorsey, Dow, Downs, Dutton, Dwinall, Eddy, Fickett, Forhan, Fuller, Good, Goodrich; Gould, Gorham; Grady, Grua, Hall, Holman, Jacobs, Jordan, Labbe, Lane, Libby, MacLeod, Martin, McFadden, McKeen, McLellan, McNamara, McGill, Mercier, Michaud, Mills, Murchie, Newcomb, Osgood, Patterson, Pearson, Pierce, Pratt, Race; Rankin, Bridgton; Rankin, Denmark; Richardson, Roberts, Robie, Rollins, Sanderson, Sayward, Sleeper, Slosberg, Starrett, Teel, Tozier, Walker, Wallace; Welch, Chapman; Welch, North Berwick; Williams, Clifton.

NAY—Arzonico, Bangs; Belanger, Biddeford; Bernier, Bolduc, Bragdon, Briggs; Brown, Brunswick; Brown, Corinna; Buker, Clough, Conant, Dean, Deering, Donahue, Doughty, Farwell, Flagg, Goldsmith; Gould, Milo; Gowell, Hancock, Harvey, Hinkle, Jones, Keller, LaFleur, Lambert, Leavitt, Littlefield, McGillicuddy, McGlauffin, McIntire, McKusick, Milliken, Otto, Payson, Poulin, Robbins, Robinson, Redrigue, Seeger, Shesong, Sichel, Small; Smith, Thomason; Southard, Warren, Weston, Willey; Williams, Bethel; Winter, Worth.

ABSENT — Ayer, Baker, Boutin, Boyd, Bradford, Cousins; Davis, Montville; Estabrook, Fenlan, Hamilton, Lackee, Leveque, Morrison, Pelletier, Phair, Porrell, Preble, Roy, Savage; Smith, Bangor; Stevens, Sylvia, Wyman.

Yes—72.

No—53.

Absent—23.

The SPEAKER: Seventy-two having voted in the affirmative and fif-

ty-three in the negative, the motion is carried.

The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. Jacobs offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1391, L. D. 769, Resolve Proposing an Amendment to the Constitution to Provide for an Adjustment of Real Estate Taxation.

Amend said resolve by striking out the figure "25" in the 8th line thereof and inserting in place thereof the figure "30".

Thereupon, House Amendment "A" was adopted.

The Chair lays before the House the second matter of unfinished business, Majority Report "Ought not to pass as legislation inexpedient at this time" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act Relating to Licenses and Permits for Outdoor Advertising." (H. P. 1153) (L. D. 357) both reports tabled on March 27th by the gentleman from Belgrade, Mr. McGill, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. MEGILL: Mr. Speaker, and Ladies and Gentlemen of the Ninetieth Legislature: I move to accept the minority report.

Five years ago the people of the State of Maine asked for a billboard law that would protect their investment in highways. They fully expected this law to be self-supporting and to produce sufficient income to cover the cost of enforcement. The fees imposed, instead of supporting the law, have little more than paid half the cost. The five years of enforcement has produced a net loss to the State of \$20,952.45 and it had to be paid out of road funds. The taxpayers resent this gift to billboard companies who use our roadsides and sell them to make advertising profits. The people rightfully demand the law be made self-supporting and that its fees produce sufficient income to enforce its provisions.

At present there is much dissatisfaction because the Billboard Law has no control over compact sections. The principal highway into the State is a glaring example of this lack of control. On the Boston road from Kittery to Portland, in many places hot dog and similar signs practically join hands mile

after mile. In one town alone on this highway 4 1-2 out of 9 miles is compact sections. From Kittery to Elsworth more than 45 miles of Route 1 is compact with no control of signs. In all compact sections there should be some control of signs.

I would like to say that I am prepared to offer an amendment to this bill to take care of that.

The present situation is unfair to property owners and advertisers who do not live in compact sections. There is no legitimate reason why a concern or person in a compact section should not pay the same fees that those outside pay.

It is interesting to note that in 1940 billboard companies paid only \$4,247 for 430,300 square feet of signs, while small sign owners paid \$5,341 for only 80,369 square feet. It is immediately apparent that something is wrong with sign fees that produce only 44% of the income from 84% of the square feet of signs displayed.

This bill is designed to correct that ratio and to apply fees in proportion to the size of the signs.

Contrary to the arguments of the billboard interests, this increase in fees would not be large, and in my opinion would cost them no more than they are now paying to defeat legitimate legislation. These new fees applied to their signs both inside and outside of compacts would not be over \$5,000 and then they would still be paying less per square foot than is now paid by small sign owners.

I want to repeat that the taxpayers resent the fact that they are contributing thousands of dollars each year toward the support of privately-owned Billboard Companies.

The people of our State want this law; they want it properly enforced, and they want it paid for by sign owners instead of road funds.

Regardless of all the propaganda spread by billboard interests, I see nothing unfair about this bill, and I certainly feel that we should not be using our highway fund to maintain this out-of-state advertising.

In the past five years we have gone into the red on this billboard law enforcement \$20,000, and, ladies and gentlemen of the Ninetieth Legislature, with the \$25,000 more we might get from the Federal gov-

ernment, we could take care of a lot of our old people who are badly in need.

I am not going to tire you further. I hope my motion prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Belgrade, Mr. Megill, that the minority report "Ought to pass" be accepted. The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker and Members of the House: It is unfortunate for me that so many bills are coming up today in which I am interested. I looked across there and saw the gentleman from Livermore Falls, Mr. Grua, get ready to rise, and I thought he was going to, but he looked at me and thought I was going to rise and he waited until I got up. I know he is going to speak in behalf of the motion of the gentleman from Belgrade, Mr. Megill.

I know the members of the Judiciary Committee and the members of this House have been bombarded with circulars ever since this bill has appeared before the Legislature. These purple sheets come from somewhere, and I presume they come from the department that is interested in this measure. I do not know, but I have my suspicion that is the case. Perhaps if they would use some of the money which they expend on these circulars they would have more money to use for inspection of billboards.

Now all I am interested in is fair play in this matter. In 1935 we attempted to regulate billboards in the Legislature and a measure was passed for that purpose. In 1937 amendments were proposed and I happened to be a member of the Judiciary Committee when these amendments came in increasing the regulation of billboards. At that time there was complete harmony of all parties in interest; the billboard interests, the summer camp interests, the women's clubs, and every other party that could possibly have any interest in billboards was represented at that time, and we drew up a measure which seemed to be satisfactory to all concerned.

In 1939 the matter was brought up again and it was discussed very thoroughly, and at that time some slight increases were made against the billboard interests that seemed to be satisfactory to all concerned.

The Garden Clubs—and I am absolutely in sympathy with the purpose of the garden clubs—and some other interests have sought from time to time to get rid of the billboards. Well, that might be a good thing if it could be done in a proper and legal manner, but I still believe that whatever action this Legislature takes it should be done in a legal manner.

Now, in the first place, the only purpose of putting on any fees whatever is to regulate; it is not a taxation measure and we have not any right to tax the billboards. That is a matter that belongs strictly to the cities and towns of this State, and they are carrying out that function, because all these billboards are taxed and taxed on a fair valuation. The only thing we can do is to regulate them by license, and that is what the previous Legislature tried to do, and I believe they have done it fairly.

Now the only question that comes up at this time is: Are the billboards paying their way? Are they paying the necessary expense of inspection and regulation? I believe they are.

Let me call to your attention that when this law was first passed there were a great many billboards on our highways. The Legislature saw fit to restrict the number of those billboards and they have been reduced gradually from time to time and they have been brought down in the last three years from 1800 billboards to 1300 billboards. I am talking now about the large billboards. There are now approximately 1300 billboards of that kind in existence. There are only 850 locations, because many of these billboards, as you know, are double; they are in the shape of a "V," and one location counts as two billboards. These billboards cover at the present time nine hundred and fifty miles of our highways, so that we get less than one to the mile.

Now it is true that most of these come along Route 1 between Portland and Portsmouth or Kittery. There are some in other parts of the State, but that is where they are very largely congregated and set up.

Now the department says that on account of the extra work that has been put on them, they have been compelled to hire extra inspectors. I have talked with Mr. Robie in regard to this and have had some

information from him. Of course he knows this thing very well, because he is one of the inspectors, and I do not blame him for being interested in this matter. But he has not satisfied me that these billboard interests are not paying their fair share of the expense.

We had a man from the department before our committee, and he admitted on questioning that it was the small billboards that were causing most of the trouble for the inspectors. Now remember that these large billboards, once they are placed fifty feet back from the highway, need no further inspection as far as I can see, because all a man has to do is ride up and see that the billboard is all right; he does not have to inspect it; he does not have to measure it, because the location has been decided upon by the Highway Department and that is where it must be located. So I say those large billboards are not the ones that are causing the trouble. The trouble, as that gentleman admitted, was caused by many of these small signs that litter the highway, because the officer has to take the time to go out and move them back, and, as soon as the officer has gone, the owner of the sign replaces it and the inspector has to go back and do his work all over. Now I say those are the fellows that are doing all the mischief on the highway; it is not the big man.

Now these people are paying taxes to your cities and towns just the same as any other property in your city and town.

I want further to call your attention to the fact that this Legislature required them a few years ago to move all signs back fifty feet from the highway, and that has been done at a cost to the outdoor advertising interests of \$102,000 to do that work. Now that is taking quite a lot of property and it is going to take a lot of revenue from these billboards to make it up; and I say it is not fair at this time, when they have expended that amount of money under the mandate of the Legislature, to compel them to pay a larger amount just because some of the smaller sign interests are causing a nuisance to the Highway Department. They are at the present time paying forty per cent of all the revenue received from this source.

Now something has been said about the area of these billboards. It does not make any difference how large these billboards are. It is not a taxation proposition, and the size of the billboard does not make any difference so far as inspection is concerned. You can inspect one 900 feet square in an area just as easily as one one foot square in an area. It does not take any more time, so that argument is entirely out of the window so far as I can see.

Something has also been said about an amendment to this bill to take it out of the compact sections, but that is a part of the bill at the present time. At the present time all signboards in compact sections are exempt. That is for the purpose of permitting merchants in the town and outside to advertise their products. Those signs are taxed by the towns; they may be licensed by the towns; but if you allow this bill to take effect then you are taking all of that revenue away from the city and town and giving it to the State Highway Department, and I do not think that is a fair proposition. Moreover, if this bill becomes a law almost every one of these signs in the cities would have to be removed, because they cannot be within three hundred feet of an intersection. I will defy you to find almost a sign in a city or town that is not within three hundred feet of an intersection.

Now I simply say, let us be fair. I have no ax to grind for the outdoor advertising interests whatever. I have been a member of this committee that has raised their license fees from Legislature to Legislature, but I think there is a time that a halt should be called and I think this is the time. Let us treat them just as fairly as we would any other business in the State of Maine.

THE SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

MR. JACOBS: Mr. Speaker and Members of the House: It is unfortunate that some of us have to speak two or three times on questions this afternoon. The last speaker said: "Be fair with the advertisers." I say, "Let us be fair with the taxpayers of the State of Maine." The amount received from these billboard advertisers lacks about four thousand dollars of paying the bill of inspection that the taxpayers have to make up. These billboards

are owned by eight different companies, as I understand it, and six of these companies are advertisers living outside of the State of Maine. Why should we as taxpayers, I ask in all fairness, pay the bills of the outside advertising agencies coming into Maine to use our highway? Why not let them pay enough to meet the expense that the State of Maine has to go to to inspect these billboards? Let us be fair to ourselves and let the advertisers go hang.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: As one of the members of the Judiciary Committee signing the minority report, I feel that I ought to give you my reasons for so doing.

As I got the stories from the persons who appeared before the committee and from investigation, it would appear that when these rates were first agreed upon it was understood that there were a great many more billboards than there really are, and since then some of them have been reduced in number, so that the result was the fees they agreed upon were considerably less than they would otherwise have agreed upon if they had known the number of billboards to be assessed, but nobody had counted them. It is for that reason that this increase in amount has been asked for. They have only asked for what they needed; in fact you will see they have not asked for what they have needed because they have gone behind \$20,000.

The question has been brought up here as to why there is additional expense. What is the reason that they need more money now than they did sometime ago?

My understanding is that this new law required them to set the billboards back so many feet from the street and gave them a matter of three or three and a half years to do it. During that time the inspectors did not make it a point to visit these large billboards particularly because they never knew when any particular billboard had been removed back the entire distance. But after they were all set back last year it became necessary to inspect every one of them all over the streets and roads of the State of Maine, and when they did that it

gave to each of the three inspectors a total of eight thousand miles to cover and they cover it five times a year.

Now I submit eight thousand miles covered five times a year is about all you can inspect with one inspector. The reason they found it necessary to raise this additional money to put on this inspector was simply and solely because now they are inspecting all the billboards and all the signs, I would like to make that point clear.

Now the gentleman from South Portland (Mr. Hinckley) has objected to the signs in the compact areas. I have seen the proposed amendment and I understand it certainly will be offered if this minority report is accepted, in that the signs in the compact areas are entirely excluded from the regulations requiring them to be set back so many feet from the street or so many feet from intersections. I will say further that the regulation also excepts those signs in cities that have an ordinance covering the matter, but you know and I know most cities and towns have their own ordinances. You know these billboards are being stuck up in small villages and towns and nobody has any oversight over them. They can stick them up on a vacant lot near your house and you have no recourse. One of the purposes of this bill is to leave that in the hands of the inspectors of billboards. I think that is reasonable legislation. There is no attempt to take away from the cities any part of the revenue or any part of the right of regulation of billboards whatsoever, but it does attempt to fix it so inspectors can regulate them in these towns and villages in which they are not now being regulated.

In regard to the fees, if you will look at the paper which has been presented to you, you will see how very low the fees charged in the State of Maine are in comparison with the fees charged in other states. I do not see how it can be argued that the fees for billboards are not reasonable.

One matter I would like to call to your attention. The fellow who puts up a billboard and sells advertising space sticks it up in front of our eyes where we cannot help but look at it, and once he sticks it up in front of our eyes he charges some-

body for the privilege of putting advertising where we have to see it. Now he gets revenue from that billboard. The little fellow who has a garage or shop or a small hotel and sticks up a sign saying, "This way to the hotel" or "This way to the garage", the sign brings him in no revenue whatsoever except insofar as he may direct some customers to his door. I think there is a very radical and valid distinction between those two classes of signs. I for one would like to go along feeling that these inspectors that have become necessary because of this use of our highways by billboards and this inspection service is paid for by those persons that made that inspection necessary. I do not feel that the taxpayers of the State should be called upon to dig down into their pockets to the tune of four thousand dollars a year—and I am assured by the department it is going to cost that whether we pass this measure or not. It is going to cost twelve thousand additional to what they have been paying before. I do not feel that the taxpayers should be required to make up that deficiency. I think it is fair and just and I do not think we are asking anything unreasonable. I am in favor of accepting the minority report "Ought to pass".

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. McGLAULIN: Mr. Speaker, I did not want to speak on this matter because I have other matters much more important to talk about, but inasmuch as there seems to be some controversy in the committee, I want to say a word on this matter.

I have not the slightest interest in the billboard companies. As the gentleman from South Portland, Mr. Hinckley, said, I do have some interest in fair play. I have served on the Judiciary Committee for the past five years and I was on that Committee when this matter came up the first time, and I was one of the men that insisted upon those signboards being put back fifty feet at considerable cost to the signboard people. Now when we voted this matter out we voted it out as legislation not expedient at this time, and there were two of the members at any rate, of which I was one, that felt that we had not given the signboard people time

enough to make up the losses that we caused them five years ago, and that while this matter might be something worthy of consideration of the next Legislature that at this time it was not fair to put this additional burden upon them until they had had an opportunity to make good the losses that we had compelled them to make five years ago.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I do not wish to make any remarks on this matter, but I would like to ask a question of the gentleman from Livermore Falls (Mr. Grua) if he can answer it.

What is the revenue received at the present time from these billboards?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, asks a question of the gentleman from Livermore Falls, Mr. Grua. The gentleman from Livermore Falls may reply if he sees fit.

Mr. GRUA: I regret, Mr. Speaker, I have not the figures before me, but they have been on our desks, showing what the revenue was.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, my only thought on the matter was why could not the cost of inspection be made to fit the revenue obtained, and why could they not cut their inspection instead of their revenue?

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I want to state just briefly some of my reasons for supporting the majority report, "Ought not to pass" on this bill. One of my particular reasons was this: This bill is a police measure, and the revenues are supposed to be such as is necessary for policing the signboard industry and the various advertising signs. We find, as has been stated, that there are only about thirteen hundred of these large signs in 850 locations, which is the group of signs upon which this increase would come. Also, it is a fact, I believe, that only about twenty of these large new signs are erected each year. That is, there are only twenty changes of location, so that it is a

very simple and easy matter to police them. The large signs are not the signs that cause the expense in policing. Taking into account the fact there are 1300 of these signs, and they only constitute thirty-four per cent that require permit fees, there are 2500 to 2700 signs that require permit fees, this tax comes upon the group of only thirty-four per cent which are already paying forty-four per cent of the policing expense. As a matter of fact, the expense of policing them is very small, because these large signs cannot be moved around easily, because each one of them must be moved at a cost of approximately one hundred dollars. It is also a fact there are some forty or fifty thousand signs in the State of Maine which pay no fees at all.

Another thing which came to my attention in the course of the hearing was this: The department stated one of the great expenses of policing was the fact they would go through a locality and require them to remove their signs and then in a few days they would put them up again; or perhaps someone not familiar with the law would put up signs. It was not the large billboard owners but the small ones that caused the trouble.

In regard to the question of whether any prosecutions had been made under the law, the answer was there had not been, but possibly there was one pending before the courts now. It seems to me this is the answer to the problem of policing the outdoor advertising industry. These inspectors get thirty dollars a week besides the director, and it seems to me these three inspectors could well be cut down, because it certainly must be true that during the winter months there is practically nothing for them to do. We know that signs are not moved around much during the winter. They are moved around during the summer months. I feel that they could well live within their income. That is why I favor the "Ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen of the House: This is I admit, a comparatively small matter as far as the State of Maine is concerned. It is a very small matter as far as the big com-

panies owning and licensing billboards are concerned. With us in the Legislature it should be a matter of principle. Why I ask you, should the Appropriations Committee be called upon to set up a fund or approve the allocation of money to administer this act and thus help a lot of big concerns, mostly outside this State, pay for their advertising?

I have the greatest respect for those members of the committee who are against the passage of this bill, but I just cannot understand their attitude. No doubt they have been told of the extreme cost of administration. But any pressure group can and always will use such an argument. This bill simply sets up a small additional fee to complete the expense of administration which has cost the State some twenty thousand dollars or more in the last four years. For these reasons I am going along with the minority report "Ought to pass".

The SPEAKER: The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: Mr. Speaker, I just want to call to the attention of the members of this House a few figures. The gentleman from Pertham (Mr. Bragdon) asked about how much fee we received last year. We got \$4635. We spent \$3949.97 more than we received to police the billboards. It does not seem hardly fair at this time, with as hard a time as the taxpayers are having to raise money, that we should let a few companies come in, whose business is putting up advertising, and then put our hands in the Highway Department's pocket and take out pretty near four thousand dollars to police this.

Here are a few figures for comparison. In Maine for fifty square feet we get \$1.00; Vermont receives \$1.25; Connecticut \$3.25; the State of New Jersey gets \$1.50. For three hundred square feet the State of Maine gets \$2.00; the State of Vermont gets \$7.50; Connecticut \$3.25; and the State of New Jersey \$9.00.

It seems to me, if we want to make it self-supporting, that we will support the minority report on this bill and it will practically take care of it.

The gentleman from South Portland (Mr. Hinckley) stated that it was not a revenue measure. We do not contend it is a revenue measure; we contend it is only enough to take care of current expenses. Why

should the State of Maine or the taxpayers have to put their hands in their pockets and pay for something somebody else is getting the benefit of? We are not in the advertising business. We have a Publicity Bureau to look after our welfare. Why should we pay for people advertising liquor on billboards? I say we should accept the minority report and let the billboards pay their own way.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Robie.

Mr. ROBIE: Mr. Speaker and Members of the House:

This bill proposing an increase in sign permit fees is an effort to adjust the amount paid for advertising to the amount of advertising done. If you advertise in a newspaper you pay more for a full page ad than you do for a half page. If you advertise over the radio you pay more for a half hour than you do for 15 minutes. If you rent a billboard you pay more than you do for a smaller sign. Billboard owners receive more from the advertising value of our highways and they should pay their share of the expense of keeping signs under control.

These fees will not be a burden upon billboard owners. They have profited more from the improved appearance of highways than has any other business. Their boards are many times more valuable today than they would be without regulation of signs. The removal of thousands of illegal signs has eliminated a condition that was making highway advertising ineffective. Had this law not been enacted, and the conditions of 1935 allowed to continue, public opinion might have demanded the total abolishment of highway advertising. Billboard companies know this is true but they still do not want to pay for work that makes their advertising more valuable.

In a case like this there is only one thing to do and that is to make the fees cover the work that is to be done and to collect the fees from those who benefit by the work.

If the billboard companies paid in Maine the 3c per square foot price of New Jersey, or paid the 2 1-2c per square foot price of Vermont, there would be no need to have an increase in fees. If the billboards of Maine were in New Jersey, their owners would be pay-

ing \$17,904 each year for permits instead of the \$3,447 they pay in Maine. In Vermont they would pay \$14,920 a year instead of \$3,447.

The facts of the case are that Maine gets out of billboard permits fees, for the same number of billboards, \$14,457 less than New Jersey and \$11,473 less than Vermont. By considering these figures you can see that the same number of billboards in New Jersey would have paid all of Maine's enforcement cost of \$13,537.97 and left a surplus of \$4,366.03. Again the Vermont permit fees for billboards alone would have paid Maine's total cost and left a surplus of \$1,382.03.

It is the opinion of many who have looked into this question that the fees proposed by this bill in being less than half of those of Vermont or New Jersey are too low, and the Maine fees should be more in line with those paid in other states. They argue that all but two of the billboard companies operating in Maine are from other states and if we continue to subsidize these companies through low fees, Maine will become a haven for billboards instead of a vacation state.

In regard to compact sections that this bill will to some extent regulate, let me say that it will collect fees from about 500 billboards that now pay no fees. It does not place the limitation upon compacts that pertain to rural areas and none of the billboards now in compacts will need to be moved.

Signs upon places of business will not be affected to any great extent because the law exempts 10 signs and up to 250 square feet of signs to each place. That exemption takes care of practically all places of business in cities and large towns. If, upon a place of business located in compact section, it is desired to display a sign that exceeds 100 square feet in area, the only requirement will be that the regular permit fee be paid according to square foot area. There would be no license fee to be paid and there is nothing in the law that would require the sign to be taken down if the owner paid the permit fee.

This law in no way infringes upon city or town rights because it specifically states that no permit shall be granted for a sign, where it is or shall be prohibited by any municipal ordinance or regulation.

This bill will not place a burden upon advertisers and it will not harm those advertising the business they conduct, but it will place sign law enforcement upon a self-supporting basis.

It will eliminate the question of discrimination being shown to big sign companies and it will eliminate another question of discrimination by applying some of the regulations to compact sections that apply elsewhere.

Now Mr. Hinckley said it cost \$102,000 after the law went into effect. I would like to explain that a little. There were 1714 signs that did not have to be moved at all and there were 886 signs that had to be moved, some of them only a few feet, and there is on record in the State Highway Commission office a letter from one of the large billboard owners stating it only cost \$32.50 to move a sign. If you multiply that by 886 signs, it is between \$28,000 and \$29,000. In other words, \$71,000 or more must have been spent for improvement of signs.

Now there is going to be an amendment offered to this matter which will take care of practically every objection. I move you that the minority report be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Belgrade, Mr. Megill, that the House accept the minority report, "Ought to pass". The Chair recognizes the gentleman from Rockland, Mr. Jones.

Mr. JONES: Mr. Speaker, I am interested in this bill from the point of view of keeping the highways as beautiful as they can be made and I am not in favor of these nuisance signs of all sizes and shapes and colors. I want to see fair play, as the gentleman from South Portland, Mr. Hinckley, has stated. This bill which would be passed by the minority of the committee penalizes the billboard owners who have complied with the law ever since this law was enacted.

I have in my hand a pamphlet which is presented to us by the Maine Outdoor Advertising Association. I am not here as a lobbyist for any billboard people. I want to get rid of the mess we see on our highways each day the same as I want to get rid of the automobile junk yard, but I think you should give some consideration to the peo-

ple who give to Maine residents over \$60,000, when they have done everything that was asked of them.

If this bill was redrafted or revamped to take care of the situation that is costly to the State, having three inspectors go 24,000 miles each summer, it would suit me fine, but as it is, it creates a hardship upon people who are trying to do their best to live up to our rules and regulations. If the signers of the minority report would present an amendment or redraft this measure to take care of the signs that are not in accordance with the beautification of our highways, I would be in favor of it; but as this measure is presented to us I am heartily opposed to the motion of the gentleman from Livermore Falls, Mr. Grua, who wants the minority report accepted.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker and Members of the House: For months I have looked at a sign that says "Times Change," and I think this bill agrees with the sign. There is one of these huge signs put up in the face and eyes of a poor little old lady who is bed-ridden. This is not just sympathy, but it is an example of where many of these signs go. They deprive a great many of the houses along that road of a view. In regard to the cost for the inspection of these signs, I would say they put in a petition and asked them to please come down and measure and see if the sign was legal. The inspector came down and found it was legal, but I will say in the interests of fair play it was not. Simply bolstering up these prices a little more may keep the outdoor people from putting up a few more signs, but I think it would be better for the people of the State of Maine in the end to have a few less signs and not have to go into their pockets and pay for something they do not want to see.

The SPEAKER: The question before the House is on the motion of the gentleman from Belgrade, Mr. Megill, that the minority report "Ought to pass" be accepted. The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, I would like to ask the gentleman

from Auburn, Mr. Robie, if I may, a question through the Chair.

The SPEAKER: The gentleman may ask his question.

Mr. HINCKLEY: Mr. Speaker, I would like to know what it is that costs the department this money, whether it is the large billboards or the small billboards, with reference to the work involved.

The SPEAKER: The gentleman from South Portland, Mr. Hinckley, asks a question of the gentleman from Auburn, Mr. Robie. The gentleman from Auburn may reply if he sees fit.

The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, not having had a reply from the gentleman from Auburn, Mr. Robie, I will repeat again that the evidence presented in our committee was to the effect that it was the small signs that were causing most of the trouble in the department. They were taking up the time of the inspectors, because the inspectors would remove the sign and it would be replaced very soon thereafter. The big signs, having been once established, require very little inspection.

Now Mr. Robie brought up the fact that something was said about \$23.50 as the cost of removing a sign. That is true; but that did not take into account the fact that after these signs were removed at \$32.50 they had to be replaced somewhere else and that money went toward making up the \$102,000 which this industry had to pay. Simply taking down a sign doesn't cure the thing. You have got to put it up somewhere else and if you do not put it up somewhere else you have destroyed the sign, so there is an entire loss to the industry.

Somebody asked about the expense of the department over and above the income. Now this industry is paying over four thousand dollars for inspection of 850 locations. I ask you if in all fairness—take one of these signs which is in a prominent place and cannot be moved and will not be moved, and all the inspector has to do is ride by in his automobile for which he gets thirty dollars a week plus thirty more—and they are asking this industry to pay sixty dollars a week for that. I say it is not fair.

The SPEAKER: The Chair rec-

ognizes the gentleman from Belgrade, Mr. Megill.

Mr. MEGILL: Mr. Speaker and Ladies and Gentlemen of this House: When this law was passed first provision was made that in three years half of these signs should be moved. If they were not profitable they would not be put back. A great many of the signs were in places where they were not profitable and they were torn down, and some of the signs were moved to places where it was thought more of the traveling public would see them. Therefore at the end of three and a half years when the signs were all supposed to be moved back it became necessary to have more inspectors that year to see they were all moved back in their proper places.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: There is just one word I want to add. When the billboard people want to put up a new sign, we are credibly informed they immediately telephone to the inspection department and say they want an inspection made immediately, and the inspector would have to go right out there to see whether the location was proper. Then, after the sign was put up, the inspector would have to make another trip to see that the sign was properly erected. That, according to the department, is one of the large items of expense of which no mention has been made here. I think the members of the House ought to know about this additional charge that is put onto the inspection department by the billboard owners and not by the owners or private signs.

Another thing to bear in mind, although these signs may be relatively few in number, is that the State of Maine is a large State, and if these inspectors are covering 8000 miles of road five times during the season, they are doing all they have time to do.

The SPEAKER: The question before the House is on the motion of the gentleman from Belgrade, Mr. Megill, that the minority report "Ought to pass" be accepted. All those in favor of the motion of the gentleman from Belgrade, Mr. Megill, that the minority report "Ought to pass" be accepted will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the minority report "Ought to pass" was accepted.

The Chair lays before the House the third matter of unfinished business, House Report "Ought to pass" in new draft and under new title" of the Committee on Inland Fisheries and Game on Bill "An Act Relative to Trapping Deer on Mt. Desert Island," (H. P. 1364) (L. D. 710) tabled by the gentleman from Bar Harbor, Mr. MacLeod, on March 27th pending acceptance; and the Chair recognizes that gentleman.

Mr. MacLEOD: Mr. Speaker, I wish to move for the indefinite postponement of this bill. In rising to address this Ninetieth Legislature for the first time, I am sorry to have to disagree with the honorable members of the Fish and Game Committee in their action on this bill. I feel they have spent considerable time in trying to arrive at a satisfactory conclusion of this problem. I will state briefly my reasons.

First, the Acadia National Park asked for a bill which would give them some control over the deer in that park, as it was felt they were doing some damage to the plant life within the park. The Committee on Inland Fisheries and Game have recommended the bill in a new draft, "Ought to pass," which would declare an open season on Mt. Desert Island. Your committee's recommendation, to the average citizen not familiar with the geography of Mt. Desert Island, would seem just and fair to all, going on the theory: If there were plenty of deer, why not shoot them? If there were only twenty-five or thirty deer there, you would get some letters favoring an open season on the island.

Since the news reached Bar Harbor that we might have an open season on Mt. Desert Island, they have kept the wires hot, and I have received communications from the Bar Harbor Chamber of Commerce and others asking me to do everything possible to see that there is no open season on Mt. Desert Island and they are preparing petitions that will come along later.

If an open season were declared, they fear there may be a great many hunting accidents as there is a great network of carriage roads,

sixty miles in all, over the entire island. There are no large tracts of forest, but it is cut up in small blocks by these roads.

As most of you probably know, Mt. Desert Island is only about sixteen miles long and Acadia National Park covers about one-third of its area. The open season would not apply to Park land. Also, a great many of the farmers claim they will post their farms forbidding hunting if the recommendation of the committee is accepted which would open up the island to shooting of deer.

In conclusion, I will say the large majority of the people on Mt. Desert Island do not want an open season on deer. I ask the members of the House to support me in my motion and leave Mt. Desert Island as it has been for a great many years, closed to deer hunting.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Hanold.

Mr. HANOLD: Mr. Speaker, the gentleman from Clifton, Mr. Williams, said a while ago that one had to qualify as an expert to speak on the floor of this House. I wonder if you folks will let me qualify to speak as an expert on game preserves? (Laughter)

We have no quarrel with the Mt. Desert Island folks at all.

When this bill came before the committee for hearing, we had a gentleman appear before us by the name of Mr. Hadley, who was in the National Park Service. This bill—Legislative Document No. 710—which would permit trapping deer on Mt. Desert Island, apparently did not suit him at all. So he came in with a redraft, and what a redraft it was! He said that he wanted us to let them trap the deer or send them to the poor or distribute them to the hospital. To cap the climax, he even wanted to kill them and incinerate them. Someone asked him how long they had had this problem of too many deer on Mt. Desert Island and he said four or five years. I said, "Do you mean to tell us that you come before this Committee without any definite plans to get rid of those deer, except trapping?" That has probably been tried in nearly every state in this country with very little success.

A deer census taken in November, 1940, I presume taken by the Park Service, showed 1700 deer in 76 square miles.

Now, three years ago the Fish & Game Department advised the people down on Mt. Desert Island that in a short time they would have a real deer problem down there. That was the problem of over-population and inbreeding, and so forth. There was a very great possibility that those deer would become infected, and wipe out their deer population.

Mr. Sullivan, of the Park Department, who also appeared at the hearing, said that the deer were destroying plant life in the park.

Since that hearing it has been told to us that the Park Service has gone through the park area and found lots of the underbrush destroyed by the deer.

The committee, as my good friend, Mr. McLeod, from Bar Harbor, says, received quite a few letters from summer residents of Bar Harbor and Mt. Desert Island who wanted an open season. Of course, we do not know who those were, but we did have those letters. We did have this Fish & Game Club on the island send a letter to the committee on March 25th, that they desired an open season on deer.

Now, it was the opinion of the committee that if there was a problem there, concerning the over-population of deer on the island, the most sensible and humane thing we could do would be to open the island under the general law.

Now, it was also suggested that we open that part of the island north of Eagle Lake Road. That seemed to meet with some favor, but, after due deliberation and discussion, your committee thought by all means the most satisfactory way to reduce the deer population, which according to our understanding is definitely and positively the desire of not only the park authorities but of the owners of summer places and summer residents, the only solution would be to open it for hunting.

Mr. Hadley also made one statement that I am sure you will agree that we should have discounted, as we did. He has suggested that at least we make a pretense that something was being done.

I do not know the motive behind that statement but I am saying to you folks now, if the people want to get rid of the deer, in the opinion of your Fish and Game Committee,

we do not believe that they should be killed and burned.

I hope that the motion of the gentleman from Bar Harbor (Mr. McLeod) does not prevail. I am taking my stand on the floor of the House in defense of the action taken by the committee, after due deliberation.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: I think, Mr. Speaker and Members of the House, there has been too much stress put on burning the deer. That was simply included in the first draft that we made so that if any deer were mutilated to a point where they could not be used, that they would have authority to dispose of them.

Unfortunately the Fish and Game Committee have made quite a lot out of those words "burning the deer."

I would like to have you members, before you vote, to just look at this bill and see what it says: Bill "An Act relative to Trapping Deer on Mt. Desert Island."

There was a problem there, we admit, but we wanted to see if we could not get permission to handle it in our way.

I will say 90 per cent of the people on Mt. Desert Island, Ladies and Gentlemen of the House, do not want any open season. That is the word I am getting every day—not to have the island opened up, but let us go along as we have these last fifteen years and have a closed season there.

We simply ask you not to pass this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Bar Harbor, Mr. MacLeod, that this report, and accompanying bill, be indefinitely postponed. All those in favor of the motion of the gentleman from Bar Harbor, Mr. MacLeod, that this report be indefinitely postponed will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill and report were indefinitely postponed and sent up for concurrence.

The Chair lays before the House the fourth matter of unfinished business, Bill "An Act Relative to the Regulation of the Use of the Highways by Motor Vehicles Transporting Property and for the Super-

vision and Control of Such Motor Vehicles," (S. P. 297) (L. D. 507) tabled on March 27th by the gentleman from Weston, Mr. Bubar, pending its third reading.

The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, in the absence of Mr. Bubar, I would like to call to the attention of the House and its members that occasionally we have legislation on our statutes that is both vicious, pernicious and discriminatory. I cite to the members of this House that Legislative Document 507, I maintain is everything that I have said it was.

Now, under this bill, as I understand the set-up, and I believe that I am fully informed, I have contacted representatives of the trucking associations and public utilities and many of the other people interested in such types of legislation.

I found, under this legislative document, that it apparently gives the railroads a closed corporation on any trucking business or hauling, so to speak, to this extent. Under this set-up a man that was interested in hauling any goods that he did not own himself might be compelled to file a brief and show where he was making a profit on this load of goods, or he would not be permitted to have the permit he is supposed to get under this bill.

I will also cite the fact that I believe it would be disastrous to us, not only in Aroostook County, but to the farming industry as a whole.

I do not believe under this bill that it would be possible for me to go out and do any work for my neighbor, and receive any recompense whatsoever, without coming under the Public Utilities.

Over and above that, I am not so sure that if I wanted to go out and help him under that set-up, and he was willing to pay me, that I would have time to get this certificate or permit from this Commission—I mean Public Utilities Commission, in time so that I might be of any benefit to my neighbor.

I cannot say anything bad enough about this bill, so to speak.

I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Presque Isle, Mr. Brewer, moves the indefinite postponement of this bill.

The Chair recognizes the gentleman from Augusta, Mr. Southard.

Mr. SOUTHARD: Mr. Speaker, I too, am opposed to this bill, for the fundamental reason that it says:

"Any private carrier by motor vehicle who acquires actual or beneficial title to any commodity for the purpose of transporting that commodity for sale at destination at a price which primarily represents the cost of the commodity plus compensation for the carriage, shall not operate nor cause to be operated any motor vehicle for the transportation of said commodity without having obtained from the commission a certificate declaring that public necessity and convenience require and permit such operation."

I do not believe that any private carrier should ever be required to obtain a certificate of public convenience and necessity.

I had understood that the only time a certificate of public convenience and necessity would be required was when one was engaged in a public business—a business effected with a public interest, and that a private carrier by motor vehicle who is not serving the public, and who does not purport to serve the public and refuses to serve the public, is not engaged in a business effected with a public interest.

Even a contract carrier, under our statute, engaged in the transportation business, does not have to show public convenience and necessity to get a permit.

For that reason, I am opposed to this legislation, and support the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: Mr. Speaker, I, too am opposed to this bill, as I believe it would put practically every man who is hauling potatoes from Aroostook County to Winterport and to ports in the southern part of the State out of business.

This is just another bill that the railroad company has harnessed up and put in here to try and curtail and put the trucks out of business. We tried, for years and years, to get the railroad that runs up through here to reduce their rates. They stayed right there and almost penalized the farmers with rates.

The farmers were almost beside themselves.

One day a man conceived the idea of taking an old Ford truck, and starting out with potatoes, out of Aroostook County. Other people commenced to follow suit, and today the roads are lined with people coming out of Aroostook County. The railroads held their rates high. Then, when it got to a place where they wanted to reduce their rates, they came to the Public Utilities Commission and asked to reduce them. They granted them permission. But that did not put them out. They have tried every conceivable way under the sun to stop trucks from hauling potatoes out of Aroostook.

Now, they have harnessed up another bill and put it in here. I am opposed to it. You will find the railroads back of it.

I do not believe that the farmers should be penalized the way this bill penalizes them.

Therefore, I hope that the indefinite postponement of this bill will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Chapman, Mr. Welch.

Mr. WELCH: Mr. Speaker and Members of the House: This bill, on page two, states that any private carrier by motor vehicle will require a certificate—for any commodities—and Mr. Speaker, that covers a lot of territory. It may be a load of potatoes or apples, and they might even come down and get a load of fish. It goes on to say that you cannot haul that commodity if you are transporting it for sale. You have got to eat it all. (Laughter)

It says that they "shall not operate nor cause to be operated any motor vehicle for the transportation of said commodity without having obtained from the commission a certificate."

I think that is carrying it too far. I hope the motion of the gentleman from Presque Isle, Mr. Brewer, prevails.

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. McKeen.

Mr. McKEEN: Mr. Speaker, I do not wish the Aroostook County po-

tato growers to take all the honors that might be in line, so that, as an apple grower, I wish to support the motion of the gentleman from Presque Isle, Mr. Brewer.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Dexter, Mr. Otto.

Mr. OTTO: Mr. Speaker and Members of the House: As Chairman of the Public Utilities Committee which heard this bill and unanimously reported it out "Ought to pass," I wish to inform the House on three points which prompted the Committee in their findings, which were actuated by facts and present them to you.

First, the bill's sole purpose is to prevent evasion of the law regulating the use of the highways. At the present time, many trucks are transporting goods without the necessary Public Utilities plates as contract carriers. This means that our highways are cluttered up with unregulated trucks without proper insurance to protect the public. If you were unfortunate enough to be in an accident with some of these trucks, you are just out of luck, as far as damages are concerned.

Secondly, it does not trouble or interfere with anyone hauling his own goods or produce, or hauling any goods, whether his own or not, if he has a warehouse at destination.

Thirdly, if the House desires to perpetuate further evasion of the present law, it will vote with the opponents. If the House desires to stop the present evasion of the law, it will vote in favor of the bill and against the pending motion of the gentleman from Presque Isle, Mr. Brewer.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that this bill be indefinitely postponed. All those in favor of the indefinite postponement of the bill will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair lays before the House the fifth matter of unfinished busi-

ness Bill "An Act Providing for the Regulation of the Use of Highways Transporting Property for Hire" (S. P. 501) (L. D. 1032) tabled by the gentleman from Portland, Mr. LaFleur, on March 27th, pending third reading; and the Chair recognizes that gentleman.

Mr. LaFLEUR: Mr. Speaker, in order to correct certain errors in the draft as reported out by the Committee, I now offer House Amendment "A".

The SPEAKER: The gentleman from Portland, Mr. LaFleur, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" to S. P. 501, L. D. 1032, Bill, "An Act Providing for the Regulation of the Use of the Highways Transporting Property for Hire."

Amend said bill by striking out in the 39th line of section 1 thereof the underlined words "as amended", and inserting in place thereof the underlined words 'as originally enacted'.

Further amend said bill by adding after the underlined word "paragraph" in the 53rd line of said section the underlined words 'as originally enacted'.

Further amend said bill by drawing lines through the last sentence of section 1 thereof.

Further amend said bill by striking out in the 7th line of the first section thereof the words "set forth in section 1".

Further amend said bill by striking out section 2 thereof.

House Amendment "A" was then adopted and the bill was given its third reading and passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair lays before the House the sixth matter of unfinished business, the Majority Report "Ought to pass" and the Minority Report "Ought not to pass" of the Committee on Federal Relations on Resolution Proposing an Amendment to the Constitution of the United States Relative to Taxes on Incomes, Inheritances and Gifts. (H. P. 466) (L. D. 202) tabled on March 28th by the gentleman from Auburn, Mr. Conant, pending acceptance of either report.

The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. McGLAULIN: Mr. Speaker,

I will call the Speaker's attention to a typographical error in the third line of Section 2, the word "remuneration" should be "enumeration." The correct word is used in the original, but the error was made in copying.

Mr. Speaker, I would like to have permission to face the House.

The SPEAKER: The gentleman has permission.

Mr. McGLAULIN: Mr. Speaker, I wish to call your attention first to the fact that this resolution is not just merely a matter that has been presented to this House and this Legislature alone.

It is already passed in three states, Rhode Island, Mississippi and Wyoming. It is pending before the Legislatures of California, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Nevada, North Carolina, South Carolina, and Vermont. Steps are being taken to have it introduced in Idaho, Illinois, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, West Virginia. Thirty-eight states in all.

There are two methods of changing the Constitution of the United States.

Article V of the United States Constitution provides:

"The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress: xxxx"

The usual way to amend the Constitution has been the first way. In this particular case the amendment was undertaken in the second method, because, obviously, Congress is not going to try to limit its own powers.

So that you may be able to follow easily the course of the argument that I wish to present to you, brief-

ly, I would state that I propose to discuss these four points:

- (1) What is this measure?
- (2) What is the reason for the measure?
- (3) What are the objections to the present law?
- (4) How will this measure rectify those objections?

This measure is a resolution to have a Convention called to present an amendment to the Constitution so that Congress, in any one year, cannot take away more than 25% of a man's income during peace times, or more than 25% of estates by inheritance taxes.

The reason for the presentation of this measure is the fact that at the present time, in the higher brackets, the maximum amount of a man's income that could be taken away is 81.1 per cent of his income, and the maximum rate on inheritance taxes is 77%.

There are three objections to the present law.

First, by making the Federal rates so high it obviously decreases the taxing power of the States along these same lines. If a resident of this State happens to have a large income, there is no reason why the government should hog it all. The states themselves should have some leeway in taxing those incomes and those inheritances.

Second, well known and experienced economists have come to the conclusion that the Government obtains more revenue from a 25% rate, than they do from a higher rate. For example, in 1926 the rate was 46%, and in that year the rate was reduced to 25%. The result of that reduction was that the Government took in, in 1928, 275,000,000 more dollars from revenue than they did at 46 per cent in 1926.

The third objection is that it tends to discourage industry. If a man has money to invest on the one hand, he takes the chance of losing his money on the venture, and on the other hand, if he succeeds, he is liable to lose the greater part of his earnings by Government taxation. A simple illustration of this came to me one day in Portland. A man who was the head of a small firm, stated to me that formerly his firm had a credit at the banks of \$25,000, and they used it prudently. Now they could only borrow \$10,000, and they did not dare to borrow that because they did not know what ac-

tion the Government was going to take next. It discourages private enterprise and helps to bring about unemployment.

Eight years ago, prior to the present war situation, there were ten million people out of employment in the United States. There were ten million people unemployed in 1940, although the Government had done everything in its power to try to correct the matter of unemployment. It is therefore apparent that the Government itself cannot solve the unemployment problem. If it can be solved at all, it will have to be done by private enterprise.

I believe that every man and woman in this country who is able to work, ought to be able to have a job. Everybody in this country, from the President down, wants these men and women to obtain jobs. But the only way that they can get that job is by an enlargement of private enterprise. Can private enterprise solve this problem? I believe that it can, and I am going to tell you why.

During the present war, millions of tons of shipping have been sent to the bottom of the ocean, and before this war is over probably millions of tons more will go the same way. Tens of thousands of buildings, including homes, schools, hospitals, churches, mills, factories and depots have been destroyed and probably tens of thousands more of these structures will be destroyed before the war is over. Those buildings must be replaced. That shipping has all got to be replaced; those homes and mills and wharves and factories have all sometime got to be restored.

When this war is over, Europe will be greatly depleted in men, she will be depleted in materials, and she will be completely exhausted in money. If there are any men and any materials and any money in the world, it will be in America. That is going to be America's opportunity.

In addition to what I have already stated, some of you men heard Mr. Wilson, the aviator, in this very room, tell us that within a decade heavy freight will be carried in this country by airplanes, and that it will be carried much cheaper than it is now being carried by the railroads. If that prediction is true, it is for commercial

purposes, not war purposes. There have got to be a great many airships constructed.

In addition to that, we are constantly having new inventions that call for new enterprises. So I say to you that, as I see it, and this is my own argument, there is a great opportunity coming to America in the very near future. Private enterprise will then have a chance. But private enterprise needs encouragement from the government. This resolution, if it becomes a law, would encourage private enterprise. It would cause more work. It would cause greater investments of money. It would cause greater circulation of money, and that will give more money to the workmen; less money will be paid for the support of the unemployed, and more money to the Government for taxes.

I call your attention to the fact that this bill does not only apply to peace-times but to war times such as we are facing at the present time and which we may have to face in the near future. That is our interest. That is our principle. We even offer our lives to defend our country and our homes.

So that this is not a war proposition. It is a peace proposition. This is a looking into the future. This measure cannot become a law for several years. When it becomes a law, if it does, we hope the present war will be over.

Now, somebody has made a remark that this is a slap at the New Deal. I do not so see it. I will tell you why. Because the New Deal is already dead. Good or bad, it is a thing of the past.

We are moving so fast in these days that already the issue before this country is national defense, and an effort to help the down-trodden countries. Next year or the year following there will be other issues.

This is an attempt to look ahead into the future.

Some twenty-six or twenty-seven years ago, I purchased for a client a building in Portland for \$85,000. That building was subject to a thirty year lease. The man who purchased that wanted it for a purpose. It could not be used for twenty years. He did not live to see that day. But, years from now, his heirs are going to get the benefit of his foresight. That is exactly what we are trying to do here, to have the foresight to look ahead a little into the future.

This measure does not apply particularly to Democrats or Republicans or Socialists but it applies to whoever is in power when this measure becomes a law.

This is an outline of this measure. This has been considered by the Federal Relations Committee and the report is seven to three that it ought to pass.

I move you, Mr. Speaker, that the majority report be accepted, and when the voted is taken, I would like to ask for a division.

The SPEAKER: The gentleman from Portland, Mr. McGlaulin, moves that the House accept the majority report "Ought to pass."

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, the hour is now 5:30 and I am informed that the debate on this bill will last at least three quarters of an hour, as there are other speakers who wish to be heard on it.

I move that the House adjourn until nine o'clock tomorrow morning.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House adjourn until nine o'clock tomorrow morning.

Is this the pleasure of the House?

The motion prevailed and the House so adjourned.