

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

Wednesday, April 9, 1941.

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

Prayer by the Rev. Dr. Wood of Augusta.

Journal of the previous session read and accepted.

From the Senate:

Remonstrance of Perley Lockhard and 11 others against the enactment of An Act to Assist Rural Sanitation (S. P. 543)

Came from the Senate, placed on file.

In the House, was placed on file in concurrence.

**Senate Reports
Placed on File**

Report of the Committee on Judiciary on Petitions in favor of Resolve presenting an Amendment to the Constitution to Provide for an Adjustment of Real Estate Taxes, H. P. 1391, S. P. 493, 503, 504, 505 and 513 and others, reporting that they be placed on file.

Came from the Senate, the Report 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 Resolve proposing an Amendment to the Constitution to Provide for the Appointment of the State Treasurer by the Governor with the Advice and Consent of the Council for a Term of Four Years (S. P. 352) (L. D. 685) as it is covered by other legislation.

Came from the Senate, the Report read and accepted.

In the House, was read and accepted in concurrence.

Final Report

Final Report of the Committee on Temperance.

Came from the Senate, the Report read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass

From the Senate:

Report of the Committee on Reapportionment reporting a Resolve to Apportion one hundred and fifty-one Representatives among the

Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (S. P. 533) (L. D. 1096)

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

(In the House, on motion by the gentleman from Augusta, Mr. Southard, tabled pending acceptance of Committee Report)

Ought to Pass with Committee Amendment

From the Senate:

Report of the Committee on Judiciary on Bill "An Act Defining and relating to Narcotic Drugs and to make Uniform the Law with Reference Thereto" (S. P. 344) (L. D. 661) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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 was read and accepted in concurrence, and the Bill was read twice.

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

Committee Amendment "A" to S. P. 344, L. D. 661, Bill, "An Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law with Reference Thereto."

Amend Section 11 of said Bill by inserting after the word "owner" in the 5th line thereof the words 'or the person having the custody or control'; and

Further amend said Section 11 of said Bill by striking out the word "if" in the 7th line thereof and substituting in place thereof the word 'it'; and

Further amend Section 11 of said Bill by inserting before the word "only" in the 7th line thereof the words '(except when in use)' and

Further amend said Bill by striking out Section 18 of said Bill; and

Amend Section 20 of said Bill by inserting before the word "for" in the 5th line thereof the words 'upon conviction'; and

Further amend said Bill by striking out Section 21 of said Bill; and

Further amend said Bill by renumbering the sections so that they will read consecutively.

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

Senate Divided Reports

Report A of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Prevent Fraudulent Advertising" (S. P. 345) (L. D. 662)

Report was signed by the following members:

Messrs. FARRIS of Kennebec
HARVEY of York
—of the Senate.

WILLIAMS of Bethel
MILLS of Farmington
BRIGGS of Hampden
—of the House.

Report B of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
—of the Senate.

Messrs. McGLAUFILIN of Portland
PAYSON of Portland
GRUA of Livermore Falls
HINCKLEY of So. Portland
—of the House.

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

In the House, on motion by the gentleman from Portland, Mr. Payson, a viva voce vote being taken, the House voted to accept in concurrence Report B "Ought to pass" as amended by Committee Amendment "A".

Thereupon, the Bill had its two several readings.

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

Committee Amendment "A" to S. P. 345, L. D. 662, Bill, "An Act to Prevent Fraudulent Advertising."

Amend Section 1 of said Bill by inserting before the word "deceptive" in the next to the last line of said section the words 'and designed to be'.

Amend Section 2 of said Bill by inserting after the word "publisher" in the 2nd line thereof the words 'or printer'.

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

Senate Divided Reports

Tabled

Majority Report of the Committee on Agriculture on Bill "An Act re-

lating to Stipend for Agricultural Societies" (S. P. 90) (L. D. 95) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. FINDLEN of Aroostook
BISHOP of Sagadahoc
—of the Senate.

GOOD of Monticello
DENNY of Damariscotta
HOLMAN of Dixfield
DORRANCE of Richmond
PEARSON of Kennebunkport
—of the House.

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

Report was signed by the following members:

Messrs. DOW of Franklin
—of the Senate.

CROCKETT of North Haven
RICHARDSON of Strong
—of the House.

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

(In the House, on motion by Mr. Crockett of North Haven, the two Reports, with accompanying papers, were tabled pending the acceptance of either Report and specially assigned for next Saturday morning, April 12th)

Senate Divided Reports

Majority Report of the Committee on Judiciary on Bill "An Act relating to the Liability of Relatives to Support Recipients of Public Assistance" (S. P. 361) (L. D. 668) 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.

GRUA of Livermore Falls
PAYSON of Portland
BRIGGS of Hampden
—of the House.

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

Report was signed by the following members:

Messrs. McGLAUF LIN of Portland
HINCKLEY of So. Portland
WILLIAMS of Bethel
MILLS of Farmington
—of the House.

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

In the House:

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

Mr. McGLAUF LIN: Mr. Speaker, I move the acceptance of the "Ought not to pass" report and I am going to tell you why.

This bill is an attempt to tie up the Old Age assistance with the pauper law.

At the present time, if Old Age assistance is rendered by the State, and the recipient has property, in the course of time that property comes to the State.

At the present time, if a spouse has property, or is able to support the other spouse, that spouse may be compelled to pay.

Now, our Old Age assistance law states that the recipients of Old Age assistance are not paupers — but if you pass this bill you are making them paupers.

This bill provides that after the State has furnished the assistance to a man or woman who has proved himself or herself entitled to the same, the State may then turn around and sue a son, a daughter, a grandson, a granddaughter, a husband, a wife, a father or mother or grandfather or a grandmother and recover back what they paid.

Now, if this is to become a law, what is the use of our raising money for Old Age assistance?

My idea of Old Age assistance does not couple with the pauper law at all.

My idea of Old Age assistance is that it is a gift from this State to the unfortunate old people; that they are not paupers; that they are not to be considered paupers in any sense of the word.

But this bill—no matter what you say about it—makes them paupers. Some of the members of the Judiciary Committee who favored this "Ought to pass" report stated that they were paupers, no matter what you call them. I say that they are not paupers, and I am not going to

do anything to make them paupers. I think that this bill should be defeated.

Now, they will come up here and argue without doubt that there are persons — sons or daughters or grandchildren—who could support their parents who do not do it. That is easily taken care of by having the Old Age Assistance Department investigate such cases. If they find that the applicant may well be taken care of by relatives who are responsible under the Pauper Law, they may refuse the assistance.

I am not going to support any measure in this House that tends to say that the poor, unfortunate people of this State, who we are trying to aid, are put in the pauper class.

I hope my motion prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlaufflin, that the House accept the minority report "Ought not to pass."

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

Mr. GRUA: Mr. Speaker and Ladies and Gentlemen of the House: This law is nothing new. Our statutes already provide that the relatives of people who are dependents can be made to pay for their support.

The only thing that this attempts to do is to pass over to the Health and Welfare Department the right also to prosecute those who do not support their dependents.

The only practical change that I see in this law, as against what already exists, is the inclusion of the word "wife."

Some of you have had occasion to deal with applicants for Old Age assistance. I am very sure that many of you must have experienced what I have experienced, and found that the real applicants for Old Age assistance are not the old people themselves but they are the children, who wish to get them off their shoulders.

Just a short time ago I had a strapping young farmer come to me to get Old Age assistance for his father. I said to him, "I suppose you know that if you apply for this assistance, that you can be forced to pay so much a week to your father's support?" He said he would see me in a week. He came back

and said that he had decided not to apply for Old Age assistance for his father.

I feel very confident that with this matter of compelling children and others who have the burden of supporting their own relatives, we would reduce our applications for Old Age assistance by fully one-third. That is my full, considered judgment. I believe that most of you will agree that is the case.

We all know of cases where the children are living nicely on the benefits that their parents are getting from Old Age assistance.

As it stands now, nobody is particularly interested in seeing that these laws are enforced, and that these children, and those who are liable for the support of these Old Age people, pay what they ought to pay.

I do not believe that we ought to encourage children into feeling that they can shunt the liability for supporting their own parents and their own relatives onto the State of Maine and go Scot free. I do not believe that we are building up a good moral character among our people, when we let the children say to the State: "You take care of my parents. I want my money for other purposes."

That is what this law does. It simply passes over to the Department of Health and Welfare the right to call the children, the wife, the husband or grandparents, if they have money, before a judicial officer and let him determine whether or not that person is sufficiently able to contribute, in whole or some part, toward the support of their dependents. I say that is an eminently fair law. I say the Health and Welfare Department ought to have this right.

Nobody is hurt. If the child, or husband, wife or grandparent, show that they are not able to support them, then the Judge enters no judgment against them.

On the other hand, if they are able to contribute a nominal sum, by and large, to the State of Maine that would help us greatly in producing the revenue that is necessary for Old Age Assistance.

I do not believe that just because we make this provision that we are thereby automatically stigmatizing the people who receive Old Age assistance as paupers. But, call it

what you will, nevertheless, they are receiving bounty at the hands of the people of the State of Maine. They are receiving that bounty because they are in need. Ordinarily we think of that as pauper supplies.

If it were a pension, then it should be granted to all old people, regardless of their income, regardless of their means and regardless of anything. They should be entitled to it, if it is a pension. That is the theory of this law. It is granted only in proportion to the need. If they have some income, they get less. If they have no income, they get more.

I say the Health and Welfare Department ought to have this right that they are asking for. If, when an application comes in, the Health and Welfare Department can go to the children and say, "See here, if this application goes through, we have to see whether or not you can contribute something," then I think you will see a lot of applications for Old Age assistance withdrawn. I think they should be withdrawn.

I think that there are many receiving Old Age assistance, where the children should be made to support them.

I cannot stomach the idea of children running around in nice automobiles, enjoying life, and earning money every week, and having their families supported by the State of Maine. I will tell you frankly that I do not like it.

I hope the gentleman's motion does not prevail.

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

MR. HINCKLEY: Mr. Speaker and Members of the House: Apparently it seems to be necessary to argue every matter that comes before the Judiciary Committee, even though we do not like to do that.

I just want to add a word to what the gentleman from Portland, Mr. McGlauffin, has said on this bill.

In the first place, I feel that the Department of Health and Welfare has plenty of power at the present time. I, for one, am not willing to increase the power which they have.

Furthermore, when the Health & Welfare Department gives this assistance to certain people, they do not go around and ask relatives whether or not they are going to give that assistance. They take it

up with the person who asks for assistance, making such other investigations as they see fit. They do not ask the advice of any other relative, unless they see fit to do so.

In my opinion, that is not fair to the other relatives. I believe that if they are compelled under this bill ultimately to pay the bills, they certainly ought to have something to say about it in the first place. I do not believe that is putting a fair share of the burden on them.

There is one more thing. Brother McGlauffin called attention to the fact that you are linking up Old Age assistance with paupers, and that is exactly what you are doing.

This bill says that the grandchildren and the grandparents may be liable. Can you imagine going after the grandparent of a person more than sixty-five years of age? (Laughter)

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

Mr. WILLIAMS: Mr. Speaker, it seems to me in connection with this bill which we are considering to quite an extent, whether or not we ought to consider all assistance as pauper assistance. It may be that we should, but, as our laws are now set up, we do not consider all forms of assistance as pauper assistance.

I want to call your attention to the fact that this covers not only Old Age assistance but Aid to the Blind and Aid to Dependent Children. Aid to Dependent Children—which was formerly known as Mothers' Aid—never has been considered as pauper assistance.

Under this proposed bill, the grandparents could have action brought against them in the case of aid to dependent children, which has never been considered pauper assistance.

Also, I believe we should have either an Old Age Assistance law, or, if we are to have simply a Pauper Law, have it and be done with it, and do away with Old Age assistance, because I can well see that if this bill is passed, increasing the powers of the Health and Welfare Department, I can conceive of aged parents who are vitally in need of assistance, and children who are unable to provide support for them. Those parents will be worrying along and trying to get along without as-

sistance, because they are afraid the Health and Welfare Department will proceed under this bill.

Perhaps that is right, and it should be so. But if it should be done, you are in substance making this a Pauper law rather than an Old Age Assistance law, because they are placed on exactly the same footing as the pauper.

I personally want to say you are placing on the same footing,—Aid to Dependent Children, Aid to the Blind, and Old Age Assistance, you are placing them on the same footing with the Pauper Law.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Keller.

Mr. KELLER: Mr. Speaker, I think that I can go along with this bill, with one provision. That will be when you take that \$600 and some odd amount away from William R. Pattangall and a few of his associates. (Laughter)

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the minority report "Ought not to pass". The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I want to take sharp issue with the gentlemen who are trying to insert "pauperism" in this matter. Pauperism, in the State of Maine, as I understand it, carries with it the stigma of the word and the prohibition of the right to vote. This does neither. This simply makes a clean-cut issue as to whether or not the close relatives of a person of sufficient ability shall pay or whether the taxpayers of the State of Maine shall support this person. It seems to me the issue is very simple and easy to determine. The general taxpayers of the State of Maine are doing all they possibly can and they are going to be called upon to do more probably. It seems to me it is eminently fair, if there are close relatives of the category mentioned in Section 1, that they should take care of their people rather than leave it to the taxpayers.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the minority report, "Ought not to pass".

As many as are in favor of the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the minority report "Ought not to pass" will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Forty-six having voted in the affirmative and 76 in the negative the motion did not prevail.

Thereupon, on motion by Mr. Payson, the majority report "Ought to pass" was accepted, and the bill was given its two several readings.

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

Committee Amendment "A" to S. P. 361, L. D. 668, Bill, "An Act Relating to the Liability of Relatives to Support Recipients of Public Assistance."

Amend Section 1 of said bill by striking out in the 4th and 5th lines thereof the words "or of a person liable to become in need of such Assistance."; and

Further amend said bill by striking out in the 6th and 7th lines of Section 2 thereof the words "or is an applicant for public assistance."

Committee Amendment "A" was adopted in concurrence and the bill assigned for third reading tomorrow morning.

Senate Divided Reports

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Resolve proposing an Amendment to the Constitution to Provide for the Appointment of the Secretary of State by the Governor with the Advice and Consent of the Council, for a Term of Four Years (S. P. 354) (L. D. 669)

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
Messrs. FARRIS of Kennebec
HARVEY of York
—of the Senate.
BRIGGS of Hampden
GRUA of Livermore Falls
PAYSON of Portland
MILLS of Farmington

—of the House.

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

Report was signed by the following members:

Messrs. WILLIAMS of Bethel
HINCKLEY of So. Portland
McGLAUFFIN of Portland
—of the House.

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

In the House:

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

Mr. WILLIAMS: Mr. Speaker, regardless of what may be said about the Committee on Judiciary, I think one thing can be said,—that there is some independence of thought on that Committee, by the looks of some of the reports that came out this morning.

In regard to this measure that is now before us, I would move the acceptance of the Minority Report "Ought not to pass."

In so doing, I would state my personal reason for signing the "Ought not to pass" report is that I feel that we should not concentrate further power in the Executive. As far as the appointments that have been made by the Governor—and I do not mean the present Governor, but by the various Governors—and the elections which have been made by the Legislature, I think, if you compare the men as elected by the Legislature with the men as appointed by the Governor, that you will find that they will compare favorably.

I do not want to go into the present situation, but I think if you will examine the present office holders, you will find that those elected by the Legislature will compare favorably with those appointed by our various Governors.

It is also interesting to note with regard to the particular office of Secretary of State, what the situation is throughout the entire United States.

Thirty-eight of the states elect the Secretary of State by a vote of the people. In six states, he is appointed by the Governor with the advice and consent of the Senate. In three, he is elected by the Legislature. In one he is appointed by the Governor with the advice and consent of the Legislature.

I think that we have chosen a middle ground between these two methods—between the appointment by the Governor and the election by the people, because of the fact that the members of the Legislature would perhaps be in a better position than the people would be to choose a person to fill this position, which is a position of high trust,

and yet on the other hand still preserve to the people their control over appointments to these very important offices—such as the Secretary of State, the Treasurer of State, and so on.

I personally feel that this is no time to concentrate further power in executives, either in our state or in our Federal government.

Therefore, I hope that the Minority report will be accepted.

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

Mr. McGLAUFFLIN: Mr. Speaker, I would like the privilege of facing the House as I address you.

The SPEAKER: The gentleman may have that privilege.

Mr. McGLAUFFLIN: Mr. Speaker, there have been introduced into the House at least ten measures to change the Constitution of the State of Maine and I am opposed to the whole of them.

I want for a few moments to ask you to let me discuss this matter with you.

I want to say, before debating this question that I am not at all discouraged by the fact that you sometimes vote against me, because occasionally you have the good judgment to vote with me. (Laughter)

What is the Constitution? The Constitution is a declaration of principle upon which a government is run. It is the frame-work of the government. The best illustration that I can give is that of a steel structure building. The steel work is what holds the building together. That is the Constitution. The walls, the ceiling, the floors, the doors, and the windows—that is the Legislative part. That can be changed at any time. But you do not readily change the foundation on which the building is built, unless there is great necessity for doing so.

I have already pointed out to this Legislature that the Constitution provides that you can make change in the Constitution when two-thirds of both branches of the Legislature deem it necessary. You do not submit matters to the people to vote on, just because somebody wants to vote on them.

You do it only when two-thirds of this House, and two-thirds of the Senate, both concur and say they find this change necessary.

You should not put your name on

a matter until you do find that it is necessary, for the reason that when the people send you up here to represent them, they expect you to use your sound judgment first, and when that matter is submitted, and they find your name there, they have the benefit of your judgment to go on, when they vote on the matter.

So I say that you hold a very responsible position here, because you are influencing people all over the State by the stand that you take.

What is the necessity for this? I ask you, is there any public demand for such a change? The only demand that I have heard or seen was a recommendation of the Code Committee and a suggestion by the Governor. Who is this omnipotent Code Committee that tells this Legislature what to do? Why, they are just members, like you and me, of the last Legislature. They have not got any monopoly on brains, for all they are very able men. We have a right to differ in judgment from them, and still we may not go to Hell.

This particular bill is to try to change the Secretary of State. I now ask you, then, what is the necessity? Where is there any demand or need of this?

Are you going to get a better Secretary of State by having the Governor appoint him than by having this Legislature elect him?

Let us look at some of our other Secretaries of State. One of them was Nicholas Fessenden, of Fort Fairfield. He served, if I remember rightly, for a period of fifteen years. They must have thought that Nicholas Fessenden was a pretty good Secretary, or they would not have kept him in there for that length of time.

Another one that I recall was Frank Ball. He served as Secretary of State for ten years. I have never heard it said that he did not make a good one.

The third man who served as Secretary of State that I can recall was Byron Boyd. Did you ever hear anyone say that Byron Boyd did not make a good Secretary of State? Why, we think so much of that man that we honor him every year we come up here. Everybody that knows him has the greatest respect for him.

There was Edgar O. Smith—he was a worthwhile Secretary, and served for six years.

I do not know of any great defects that our present Secretary has. I think he has made a good Secretary.

I do not believe that the time has come when the men and women of this Legislature are not capable of choosing a good Secretary of State. We have done it in the past. What is the cause for the need of changing that situation now? Is this Legislature here today so inferior to the Legislatures of the past, and are the Legislatures to come going to be so inferior to us, that we cannot trust them to choose a good Secretary of State. Have we got to trust it to some Governor,—whether he is a good Governor or a bad one,—we may not know.

Have we got to leave it to the judgment of the Governor, rather than leaving it to our own judgment. God forbid!

There is another point I want to bring out to you. This Legislature, here and now, possesses the power, of that appointment. Why should you and I give up that power because somebody has got a whim that they want to elect a Secretary of State?

You have heard the story of Jacob and Esau. Esau sold his birth-right for a mess of pottage. They have not given us even the mess of pottage. (Laughter)

I shall not agree to surrender any power that we possess to any Governor—because I believe that it is for the welfare of this State, that this Legislature retain its own powers.

Now, I have heard it said, several times, that if the Governor has something he wants to carry out, then it would be a good thing for him to have the power of appointing the Attorney General, the Secretary of State, the Treasurer, and perhaps some other officers.

Now, I want to ask you why should the Governor have any control over the Secretary of State, or the Attorney General, or the Treasurer of the State.

Let me take the Attorney General. Supposing, for example, the Governor appoints an Attorney General and matters came up that this Legislature should see fit to impeach the Governor. What kind of a position is the Attorney General going to be in, to have to impeach the Governor who appointed him?

Well, we could not let him act, of course. But what does that mean? It means we would have to go out and hire somebody else to be Attorney General and we would be paying for two instead of for one.

Let me take the matter of the State Treasurer. Where under God's Heavens is there any occasion for any Governor—I do not care what his policy is—to interfere with the Treasury Department? The State Treasurer is responsible to the people of Maine and to nobody else except to the Legislature, who represents the people.

On this matter of Treasurer—there is another bill coming up on the Treasurer—so I might as well argue these right out here, now. (Laughter)

In four New England States—Vermont, Massachusetts, Rhode Island and Connecticut—they elect the State Treasurer. In New Hampshire and Maine, the Legislature elects him. Now, that is according to the Constitution of all those states. If you undertake to change the Treasurer, you are going contrary to the precedent of one hundred and twenty years in the State of Maine. You are going contrary to the Constitution of every State in New England. And what are you doing? You are launching out an experiment—an experiment as to what may, or may not, be a better situation if you made a change. And they call that a necessity.

I stated, a day or two ago, in this House, that when you have things working well, why disturb them? I say the same thing here.

Our Constitution is working well. It has worked well for one hundred and twenty years, under the system as it is set up right now. You know where those steel frame supports are. You know what they hold. They have been tried and tested and not found wanting.

Why should you take out that steel structure and put in one which may turn out to be nothing but wood? Can not you see that there is no sense in these proposed amendments to the Constitution, which is supposed to be a frame-work that we can depend upon.

What makes us Christians? It is because we have faith in the Almighty. Why do we have faith at all? I will tell you why? It is because every day in the year the sun is in the sky. Every day in the year

there is a sunrise and a sunset. The stars and the moon hold their places.

The point that I am trying to make is that you can depend upon the Almighty. He does not change his laws to suit anybody.

Why do we need a Constitution? We want a Constitution so that we will have some frame-work in this government that we can depend upon. We should not change that Constitution every time somebody has an idea in his head that it would be better to get something else.

I do not say that if the set-up had been put up to us in the first place we might not have voted for a four year term for the Governor, or that we might not have made some other set-up. But the framers of this Constitution saw fit to put it as it is. We have had it all this time, and it has worked well.

I will not weary you any longer, but I hope you will kill every one of these proposed Constitutional amendments, until you find one where you can conscientiously say, in your own soul, that the change is necessary.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: As a signer of the Majority Report "Ought to Pass" on this measure, I wish to state that I did not sign it for any reasons of personality.

I believe that the bill will make for a more efficient state government.

Unlike Judge McGlauffin, just because we have had something for one hundred and twenty years, it does not mean to me that we ought to keep it.

I have had my appendix ever since I was born, but if it starts to pain, I am going to take it out. (Laughter)

I agree with the Judge that we should not go around foolishly amending the Constitution.

If I remember correctly, the Judge wants to amend the Federal Constitution, but there is something more sacred about the State Constitution.

In our State the Legislature elects five officials, the Commissioner of Agriculture, the Attorney General, the State Auditor, the Secretary of State, and Treasurer of State.

I ask you why should we elect any of them? What reason is there why we should elect them?

We have seen fit to give to the Governor and Council authority to appoint the Adjutant General, the Commissioner of Banks, the Budget Officer, the Development Commission, the Commissioner of Education, the Forestry Commissioner, the Fish and Game Commissioner, Department of Health and Welfare, Highway Commission, Insurance Commissioner, Labor Commissioner, Liquor Commission, Public Utilities Commission, Commissioner of Sea and Shore Fisheries, the head of the Department of Taxation, and members of the Courts.

Is there anything more sacred about the Commissioner of Agriculture, and the Attorney General, or the other three, than this long list that the Governor appoints?

It seems to me that what we need more than anything else in the State is efficiency. I am not talking about any particular officer who is inefficient, but I believe that more efficiency results if the head of a Department is directly responsible to, and appointed by, the Governor. The Governor is the Chief Executive officer and administrative officer of this State. As such, he should have the authority and the power to appoint the subordinate officers. He is the one who is going to be held responsible if there is any trouble in any of the departments of the State. If that is true, he should have the power and authority to appoint his officers.

I might say that any officers which the Legislature elects are responsible to the Legislature. Being responsible to the Legislature is just like being responsible to nobody, in one sense. There are too many of us. No matter what a State official does, you will find some people in the Legislature who will be for him and some people who will be against him. There is not any definite responsibility. If any corrective measures need to be taken, it takes too much time.

Therefore, it occurs to me that if we wish to have an efficient state government, that we should give the Governor full authority to select his own subordinate officers.

The SPEAKER: The question before the House is on the motion of the gentleman from Bethel Mr. Williams, that the House accept the mil-

nority report "Ought not to pass". The Chair recognizes the gentleman from Portland Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: I too have considerable reverence for the Constitution of this State. I sometimes wonder if our revolutionary radical forefathers who wrote this revolutionary document would not be rather amazed at the slavish reverence that is sometimes followed in regard to its details. In the major portion of the Constitution in which the grand rights of mankind are guaranteed I believe we have a foundation no one should tamper with; but when the Constitution deals with purely administrative details it is no more sacred than any other instrument. This part of the Constitution should be amended and has been amended repeatedly to take care of changed situations. The Legislature used to meet yearly—and there probably are people who wish we would change it once every ten years. Your Governor used to be elected annually, as I recall it, but it seemed proper to amend that Constitution in that administrative detail to fit the needs and rights of the people.

The gentleman from Portland Mr. McGlauffin has referred quite a bit to the omnipotent or omniscient Code Committee. Well the Code Committee has not done very much. We were just a poor dumb gang of hard-working people who studied this question for quite a time, read all the material we could get, took testimony and spent some time on it. I admit we were not inspired and able to make up our minds in a minute. We did come to what we thought was a mature judgment.

I want to tell you specifically the conversation that I had with a good friend of mine, a young member of this House this year, that illustrates as well as anything I can say why I think the Governor should have this power. The young man has been trying to make some changes, putting more elections back into the lap of the Legislature. I asked him this: "On that first day when we voted for these different State officials, how many of them did you know well enough so you would hire them to do a job which pays three or four or five thousand dollars a year?" He said, "I think I know Mr. So and So." I said, "You do?

Is he married? How many children has he got? Does he drive an automobile? Does he drink? Does he live within his income?" He said, "I don't know." I said, "Wouldn't you want to find out the answers to those questions before you hired him to work for you?"

I do not know the people here well enough so I would hire them to work for me, and I have been here two terms in the Legislature and know something of the things that are going on.

These are purely administrative propositions—the Secretary of State and the rest of these officers—except the State Auditor, who should be elected by the Legislature to keep him independent. One bill provided that the Attorney General should be appointed by the Chief Justice of the Supreme Court rather than by the Governor.

I am not interested in the powers of the Legislature; I am interested only in its duties, what it is supposed to do and not in any prerogatives that have been conferred upon us as a part of the Constitution. I am very heartily in favor of the passage of this measure that the Governor appoint the Secretary of State.

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

Mr. GRUA: Mr. Speaker and Members of the House: I signed the Majority Report on this.

This is not really a Code Committee bill. The Code Committee considered it favorably but did not back the bill as such.

This is a plan that was originally recommended at the time that the Code itself was adopted. In the report that was made to the Legislature at that time, by the Code Committee, this was the general set-up that is advocated for the running of our government.

It was felt that since we had confidence enough in our Governor to elect him as our supreme head, that we should also have confidence enough in him to permit him to select such officials under him as he thought fit, in order to enable him to obtain the highest degree of efficiency.

Who was it that received the blame for the misdoings here at Augusta? Was it not the Governor himself that bore the brunt of those misdoings, regardless of the fact

whether he had anything to do with the appointment of the Treasurer or other officials, or not? Did it not reflect on him? Was not he the one that we looked to and wanted to hold responsible?

Now, I say to you, I am in favor of being able to put your finger on one man, and being able to say to him, "Why was not this done?" We do not like him to be able to say, "I had nothing to do with electing this fellow. I had nothing to do with putting him in this position. The Legislature did that."

If this power is put in the hands of the Governor, he can select an official that he thinks will do the job to the satisfaction of the people of the State of Maine. He may select an official without regard to politics, who maybe he thinks has the ability to do the job as it should be done.

I want you to consider this,—that the Secretary of State has changed from the sort of official he was when the Constitution was adopted, and when he merely had charge of the great seal of the State of Maine. He has now become the head of a tremendous department,—the Motor Vehicle Department. He has charge of it. We have placed this on his hands. He has charge of the corporations. He has charge of an infinite variety of things, so he employs a large number of people. Those things could not have been in line with what our forefathers contemplated when they adopted the Constitution. His work, and the methods he carries on, reflect directly upon the Governor, and his administration of the State of Maine.

Now, I am just as jealous as any of you of the rights of this Legislature, but I think the point has well been taken that we come here to elect officials to run this State of whom we know very, very little. I know that my first year here I did not know a single official who came up for election. I had to ask some of the older members whom I should vote for. Do you think that I represented the people in that?

Furthermore, I think this is a good step forward, inasmuch as it will take the election of the Secretary of State out of politics. I do not like the idea that the Secretary of State has to go around and campaign every two years, in order to

keep his job. I think it would be a good thing if he could be sure of a four year term at least, and be appointed by the Governor, so that he would only be responsible to the Governor and not have to curry favor with the members of this House.

We are all interested in good government. There is no use in casting aspersions against any of us, in saying that we have any particular desire to favor one group or favor another.

I do not think there is one member here but what has high regard for the present incumbent of office, I know. We are not indulging in personalities. We do not need to. The only thing we all have in mind is what is best for all of the people of our great State of Maine; what will serve the people the best; what will give us the most efficient government and be most likely to prevent any recurrence of the misdoings or corruption from lack of oversight. I say to you that this, in my opinion, is a decided step forward. I hope that the bill may be allowed to pass.

The SPEAKER: The question before the House is on the motion of the gentleman from Bethel, Mr. Williams, that the House accept the "Ought not to pass" report of the committee.

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

Mr. GOOD: Mr. Speaker, I am opposed to this bill and to every one of these bills to amend the Constitution for two reasons: One is we are sent down here to represent the people and the only way the people are represented is through you and me. They come here and make their requests known and leave it to our judgment to elect a Secretary of State. I am opposed to it because too much concentrated power is dangerous.

I have heard it argued that the Governor and Council could elect a treasurer. You know there has been a bill that has gone through here just recently to take the powers away from the Council that they might not have power to do the things that they have done in the past.

It has also been said that the Legislature might not get as good a man. I think the people that have been elected by the Legislature will measure up to any of the people that have been appointed by the Governor and Council.

I understand that Mr. Runnells was not elected by the Legislature. He got his appointment. Concentrated power, gentlemen, is dangerous. All we have got to do is look at Europe. When Hitler first made his move for power he was defeated. He lay idle for a certain time and then he got his cards in the proper place and he manipulated things and got in power in Germany, and you know what has happened today: European countries are bathed in blood because one man got power, and I am not sure but what the United States of America will probably be in the same category before the thing is over. Therefore I hope the majority report on this bill will be accepted.

The SPEAKER: The Chair recognizes the gentleman from Montville, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I want to go on record as appearing against this idea of delegating more of the Legislature's power into the hands of one man. I agree with the gentleman from Portland, Mr. McGlauffin, one hundred per cent. I believe the people of this State are against the centralization of power. I believe that the officials as far as possible should be held accountable to the Legislature.

Little by little the power of the people is being delegated into the hands of a few. They say it is for more efficiency.

The gentleman from Monticello, Mr. Good, has cited the efficiency of Hitler and Mussolini, but I want to say, gentlemen, that I am against that kind of efficiency. I believe in the people retaining the power that belongs to them.

The SPEAKER: The Chair recognizes the gentleman from Weston, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: This bill is a step in a definite program to make the Legislature just a rubber stamp, and I believe that so far as this Legislature is concerned it should stand on its own feet and think for itself. I believe that we should go along with the motion of the gentleman from Bethel, Mr. Williams.

The SPEAKER: The question before the House is on the motion of the gentleman from Bethel, Mr. Williams, that the House accept the minority report, "Ought not to pass".

All those in favor of the motion of the gentleman from Bethel, Mr. Williams, that the House accept the minority report, "Ought not to pass" will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the minority "Ought not to pass" report of the committee was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

From the Senate:

Resolve in favor of Wilfred Duquette of Brunswick (H. P. 1106) (L. D. 1046) which was finally passed on April 1st and passed to be engrossed in the House on March 25th.

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

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

Senate Amendment "A" to H. P. 1106, L. D. 1046, "Resolve in favor of Wilfred Duquette of Brunswick."

Amend said resolve by striking out the figures "1941" wherever they appear in the 6th line thereof, and substituting in place thereof the figures '1940'.

Thereupon, on motion by the gentlewoman from Brunswick, Miss Bangs, the House voted to recede from its former action whereby it finally passed this Resolve on April 1st and to further recede from its action whereby it passed this Resolve to be engrossed on March 25th.

Senate Amendment "A" was then adopted in concurrence and the Resolve was passed to be engrossed as amended in concurrence.

On motion by the gentlewoman from Bangor, Miss Clough, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

The SPEAKER: At this time the Chair invites the gentleman from Winslow, Mr. Belanger, to the Chair and designates him as Speaker pro tem of the House.

The Sergeant at Arms then conducted the gentleman from Winslow, Mr. Belanger, to the Speaker's desk, amid the applause of the House, Speaker Varney retiring.

House Reports of Committees Place on File

Mr. Grua from the Committee on Judiciary on Petitions in favor of Resolve presenting an Amendment to the Constitution to provide for an Adjustment of Real Estate Taxes (H. P. 1391) (L. D. 769) as follows: H. P. 1660-1668, inclusive; H. P. 1674-1679 inc.; H. P. 1683-1691, inc.; H. P. 1707-1729, inc.; H. P. 1748-1758, inc.; H. P. 1823-1825, inc.; reported that same be placed on file.

Mr. LaFleur from the Committee on Public Utilities reported same on Petitions in favor of H. P. 350, L. D. 137, An Act to Aid Agriculture by Providing for the Organization of Rural Electrification Cooperatives as follows: H. P. 1692, 1693, 1694 and H. P. 1759.

Mr. Worth from the Committee on Taxation reported same on Remonstrances against Tax Measures as follows: H. P. 1836-1841, inclusive; H. P. 1849-1855, inc.

Reports were read and accepted and sent up for concurrence.

Leave to Withdraw

Mr. Denny from the Committee on Agriculture on Bill "An Act Requiring the Licensing of Creamery Companies" (H. P. 1617) (L. D. 961) reported leave to withdraw.

Mr. Forhan from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to the Measurement of Lobsters" (H. P. 1554) (L. D. 845)

Reports were read and accepted and sent up for concurrence.

Ought not to Pass

Mr. Osgood from the Committee on Ways and Bridges reported "Ought not to pass" on bill "An Act Prohibiting the Construction of State Highways during July and August" (H. P. 33) (L. D. 18)

Mr. Hall from same Committee reported same on Resolve in favor of Approaches to the Waldo-Hancock Bridge (H. P. 1223) (L. D. 463)

Reports were read and accepted and sent up for concurrence.

Divided Reports

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought to pass" on Bill "An Act relating to Gathering Kelp" (H. P. 1557) (L. D. 848)

Report was signed by the following members:

Messrs. HARVEY of York
—of the Senate.

SMITH of Thomaston
FORHAN of Canton
CLAPP of Brooklin
RACE of Boothbay
TEEL of Long Island Pl.
SAYWARD of Kennebunk-
port
BAKER of Scarboro
—of the House.

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

Report was signed by the following members:

Messrs. STILPHEN of Lincoln
HODGKINS of Hancock
—of the Senate.

On motion by Mr. Smith of Thomaston, the Majority Report, "Ought to pass" was accepted.

Ought to Pass in New Draft

Mr. LaFleur from the Committee on Legal Affairs on Bill "An Act relating to Penalties for Violation of Ordinances of the city of Bath" (H. P. 1167) (L. D. 467) reported same in new draft (H. P. 1903) under same title and that it "Ought to pass"

Mr. Shesong from same Committee on Bill "An Act relating to Acceptance of Zoning Laws" (H. P. 1529) (L. D. 868) reported same in a new draft (H. P. 1904) under same title and that it "Ought to pass"

Mr. Bowers from the Committee on Public Health on Bill "An Act to Authorize the city of Bangor to Remove the Remains in a Burying Ground in Hampden" (H. P. 1190) (L. D. 485) which was recommitted, reported same in a new draft (H. P. 1908) under same title and that it "Ought to pass"

Mr. Clapp from the Committee on Sea and Shore Fisheries on Resolve relating to Fishing in Penobscot Bay (H. P. 1592) (L. D. 914) reported same in a new draft (H. P. 1905) under same title and that it "Ought to pass"

Mr. Forhan from same Committee on Resolve relating to the Digging of Clams in the town of Woolwich, (H. P. 1632) (L. D. 979) which was recommitted, reported a Bill under title of "An Act relating to the Taking and Sale of Clams in the town of Woolwich" (H. P. 1906) and that it "Ought to pass"

Mr. Farwell from the Committee on Ways and Bridges on Resolve in favor of the town of St. George H.

P. 968) reported same in a new draft H. P. 1907) under same title and that it "Ought to pass"

Same gentleman from same Committee on Resolve in favor of the city of Rockland H. P. 1328) reported same in a new draft H. P. 1909) under same title and that it "Ought to pass"

Same gentleman from same Committee on Resolve in favor of the town of North Haven H. P. 970) reported same in a new draft H. P. 1910) 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. Southard from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act Incorporating the Maine Vocational School" (H. P. 1867) (L. D. 1079)

Mr. Teel from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to Lobster Truckmen's Licenses" (H. P. 1555) (L. D. 846)

Mr. Ayer from the Committee on Ways and Bridges reported same on Bill "An Act permitting Lebanon to Apply for Aid under the Bridge Act" (H. P. 480) (L. D. 214)

Reports were read and accepted.

Mr. Osgood from the Committee on Ways and Bridges reported "Ought to pass" on Resolve in favor of the town of Charleston (H. P. 516)

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

Ought To Pass With Committee Amendment

Mr. Slosberg from the Committee on Legal Affairs on Bill "An Act to provide a Jointly-Contributory Retirement System for State Employees Except Teachers" (H. P. 1783) (L. D. 1033) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

Mr. MURCHIE: Mr Speaker and Ladies and Gentlemen of the House: I arise not in opposition to this measure, but I feel it is my duty as a member of the group who are supposed to keep you posted on the financial needs of the State to outline what it means.

The fact is I am in favor of the bill and, I hope for its passage if, and, when we are able to find the money. But I feel I should call the attention of this House to one or two matters.

The gentleman from Portland, Mr. Payson, at the time of the introduction of the bill gave us to understand it might cost two or three hundred thousand dollars. There have been various discussions on it since, and it has been variously estimated as costing from two hundred to three hundred thousand. I agree with him it will be a large saving to the State of Maine over a period of time.

We are inclined to feel it will require over two hundred thousand. It is true that if the bill goes through it will break down the present pension law for which an appropriation of \$50,000 is set up, therefore the balance needed to meet this bill might be somewhere from \$150,000 up.

I just want to call the attention of this House to the fact that if we of the Appropriation Committee come in with a supplementary bill carrying a need of \$150,000 more you will recognize it and know what it means.

My other idea is to call the attention of the Taxation Committee to the fact that there is a need in this present session of that amount of money in addition to what we have talked about.

I am in accord with the bill.

Thereupon, the Report of the Committee was accepted.

First Reading of Printed Bills

Bill "An Act relating to Arrests in Criminal Cases" (S. P. 365) (L. D. 678)

Bill was read twice and tomorrow assigned.

Bill "An Act to Aid Agriculture by Providing for the Organization of Rural Electrification Cooperatives" (H. P. 350) (L. D. 137)

Bill had its two several readings. Mr. Richardson of Strong, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 350, L. D. 137, Bill, "An Act to Aid Agriculture by Providing for the Organization of Rural Electrification Cooperatives."

Amend said bill by striking out the 2nd and 3rd lines of section 4

thereof and substituting in place thereof the following: '(a) To sue in its corporate name; (b) To be sued in its corporate name';

and by striking out in the paragraph lettered (d) of section 4 the comma and all words after the word "members" where it appears in said paragraph, and by adding at the end of paragraph (g) of section 4 thereof the following: 'provided, however, that a cooperative shall not have the power of eminent domain; and provided, further, that in the construction and operation of their facilities, cooperatives shall comply with all safety laws and regulations applicable to electric companies';

and by striking out in the paragraph lettered (h) of section 4 the words "without limitation", and by striking out the words "thirty-two" and substituting in place thereof the words "twenty-seven",

and by striking out in paragraph lettered (b) of section 12 thereof where it appears after the word "incorporation" the following: ', consolidation'

and by inserting after the word "organized" in the 1st sentence of section 19 thereof the words 'on a cooperative plan'

and by striking out in section 21 where they appear the following: ', consolidation',

and by striking out all of section 26 after the headnote thereof and substituting the following: 'Cooperatives shall not be deemed to be public utilities; except with the consent of the public utilities commission, no person shall receive service from any cooperative if such person was already receiving electric service from a public utility on the date of the organization of such cooperative. Any person who has been refused membership in or service by a cooperative may complain of such refusal to the public utilities commission which may after hearing upon finding that such service may reasonably be rendered order such person to be served.'

Further amend said bill by striking out sections 17 and 18 thereof and renumbering sections 19 to 27 inclusive, as sections 17 to 25, inclusive.

Further amend said bill by striking out in the last line of section 21 of the original bill, the figures "20" and inserting in place thereof the figures '18'.

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

Amended Bill

Bill "An Act Imposing an Additional Gasoline Tax" (H. P. 1475) (L. D. 615)

Bill had its two several readings.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Rodrigue.

Mr. RODRIGUE: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER pro tem: The gentleman from Waterville, Mr. Rodrigue, asks unanimous consent to address the House. Is there objection?

The Chair hears none and the gentleman may proceed.

Mr. RODRIGUE: Mr. Speaker and Members of the Ninetieth Legislature: I do not speak as an opponent to this bill but as an opponent to the Amendment which I think is unfair to the gas retailers. I am a retail dealer, and I feel that what I am going to say is the expression of the 6000 odd retail gas dealers throughout the State.

Last July the U. S. government imposed a 1-2 cent tax on gasoline and oil. I doubt if the public was aware of it, as the dealer was the one that absorbed it.

The major companies and distributors do not absorb any added taxes, but charge the extra tax on the billing price to the dealer, and he has to find some way to adjust his price to take care of the added tax.

It is a known fact that there are in the State a group of distributors, so-called, who are operating retail gas stations. They are entitled to two profits, one as a wholesaler and another as a retailer, but some of them are satisfied to make but one profit and pass the other along to the consumer, so what happens? They cut prices, absorb taxes, etc., and erect huge signs telling the public that they are so minded. This condition forces all retail dealers to either fall in line or go out of business due to loss of customers who are mindful of the fact that they can purchase gasoline at a lower price than the legitimate dealer can afford to sell at, and still survive.

The condition in the State of Maine today regarding gasoline retail dealers is worse than in any state in the Union and we believe that one of the reasons is that the Legislature has refused to intervene in behalf of said dealers.

In 1939 we had a bill before the Legal Affairs Committee, asking them to try to help us solve a problem that other states have seen fit to solve. The bill was an Act Relating to Signs on Pumps Dispensing Internal Combustion Engine Fuels. This bill came out of the Committee "Ought not to pass." The reasons of the Committee are varied; some say that the measure was unconstitutional. That it is constitutional has been upheld by the Supreme Courts of several other states. Others say that it wouldn't solve the problem. I am here to say that if some 6000 odd dealers think that it would be a partial solution to our problem—mind you, I do not say that it should be a definite cure to our present ills—but it would be a step in the right direction.

I asked the Committee to let us give it a try, and if it did no good, we would be the first to ask the next Legislature to repeal this Act.

This bill was drawn up by the Independent Gas Dealers Association along with a group of distributors calling themselves the Maine Independent Oil Marketers. We have even had support in this from some of the major oil companies, and at the hearing there was no opposition, although there were approximately 250 people there. Some might call this class legislation. It might be so, but you must not forget that you Representatives, (whether you be from towns or cities, rural districts, or thickly settled communities, that the prosperity of any community depends chiefly on the prosperity of the business in that community.

If a business is operated with such a small profit that it cannot afford to pay living wages, then that business is a hazzard to that community, but whereas if that business were such that they could afford to pay their employees a salary that would enable them to purchase the necessities of life and perhaps have a little left over to do with as they saw fit, then the community would look upon that business as an asset.

I might add at this time that at one of the past Legislative sessions a bill was introduced to put the trucking industry under the control of the Public Utilities Commission, so that they might put them on a sound basis whereby they might operate at a profit instead of having these companies changing hands every two weeks, because of insufficient profit, leaving behind them a trail of unpaid bills. This bill was passed. What happened? The trucking industry was placed on a sound financial basis and the towns that now house trucking companies look at them as an asset. So I ask you Members of this Ninetieth Legislature to give this matter careful consideration so that when this session is over and you go home, you won't have to face your independent gas dealer and tell him that you imposed an additional tax on his business, that he alone must pay, forcing him to become a liability to the community instead of the asset that he should rightfully be.

When this bill went before the committee it had a one cent tax on gasoline. I voiced no objection, as I felt that it would be a very good thing because the consumer would absorb it but I do object to the half cent tax as the sponsors are not interested in who pays the tax as long as they gain their point. So at this time, Mr. Speaker, I move that the House reconsider its action whereby it adopted House Amendment "A" to Legislative Document 615.

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

Mr. MURCHIE: Mr. Speaker, my efforts in this Legislature over a period of several years have been more or less of an extemporaneous nature. It just happens in this particular case I have read a speech delivered in Augusta sometime in December that inspired me to make some notes. When you look at the screen in the movies you see our President, Franklin Delano Roosevelt, casting his eyes down at his notes, therefore I hope you will excuse me for doing the same.

With no prejudice, in a spirit of fair play, and from the viewpoint of an old gasoline user who wants at least to be fair, I want to comment on the address of Arlyn E. Barnard, Manager of The Maine Automobile Association, delivered at the Augusta House on December 17, 1940,

on the topic "Politics vs. Engineering in Maine's Highways" which was, I admit, a wonderful speech from the viewpoint of length and of desire for the Gasoline Consumers' Group.

A legislative body, such as we of Maine, at the moment must consider all the State's needs, and with Old Age Assistance, we have some real problems that will probably mean new taxes, and it seemed to me that Mr. Barnard's effort carried to a point which seemed to be near the maximum in the current trend of pressure politics designed to stampede legislators, and frighten them into ill-considered action through the threat of reprisal at the polls.

The Group, to use Mr. Barnard's own language, comprises "The Maine Automobile Association," and hundreds of other groups of (1) contractors, (2) road material men, (3) truckers, (4) oil and gasoline producers, (5) shippers of all sorts, and (6) just plain ordinary citizens; and they are after just two things—an excessive apportionment of money from the public till and an undue and entirely improper influence in directing its expenditure.

Forgetting the inaccuracies of the Manager's statement which may have been unintentional rather than deliberately deceiving, as in recapitulation he stated that \$1,650,000.00 was allocated annually for State Aid against the fact of about half that amount annually, and that \$300,000.00 was used for Special Resolves, where in fact that represents the total for a biennium, he lays great emphasis, first, on the total of \$9,000,000.00 which the State receives from Registration and Operators' License fees and from the Gasoline Excise Tax, and bickers first with the theory that the Legislature carefully divides the expenditures so as to provide adequately for Maintenance, Bridge Construction and Snow Removal, and to pay the expenses necessarily involved in the collection and administration of so large a sum.

He makes a considerable point of the fact that \$303,000.00 is allocated annually for the expenses of the State Highway Police and that this represents the entire cost of maintaining that body of officials whose work is not strictly limited to that of State Highway Patrolmen. Mr. Barnard overlooks, as do all those

who clamor increasingly for more and better roads, that the total expenditure in the State of Maine for the benefit of motor vehicle users, including those who operate the business of Highway Transportation,—he seems to forget, I say, that the cities, towns and counties, as well as the State itself,—contribute to the Highway Poll a very substantial number of dollars each and every year.

The Highway Program has imposed an increasing burden on every municipality in the State which has been encouraged to extravagance by funds provided to furnish State aid in Highway construction, which has been forced into extravagance in the maintaining of winter roads, not in any sense for local benefit, but almost entirely for the accommodation of Highway transport, and the few private automobile owners who regularly use their cars throughout the winter season.

The aggregate of local State Aid Highway Appropriations, the municipal share in the construction of bridge monuments which range from 10% to 45% of the aggregate according to municipal valuation and tax rate, and a full 30% of such bridge monuments which is borne by the county in every case, represents some, but probably not all, of the expenses where the taxpayer, including that unfortunate individual who, having no automobile, secures no benefit from the Highway Program, and who is definitely nicked for the benefit of the highway-using group.

In indirect cost, there are, no doubt, many additional nickings, the most obvious of which are the elaborate system of School Transportation that has been forced by the better highway campaign, and the undoubtedly very substantial increase in the administration of the courts and criminal law.

If you will read Mr. Barnard's speech, I think you will agree with me that it insults a Legislature. He says a Legislature holds too many strings on the plan and procedure of our highway, calls them meddlers, says they take orders. Is this a lie? What are we fighting for in this world?

What are we fighting for? We are fighting for the so-called Democratic form of government, and what is this Legislature but the outcome of

the Democratic form of government?

Under a heading "More Taxes" a Portland Newspaper said editorially December 30th — I quote: "There is no escaping the conclusion that Maine must have higher taxation".

We legislators have a real job on our hands and this group of the better-found of our people should show a disposition to help rather than be influenced to bear down on and try to force selfish decisions.

Beside fixing Old Age Assistance, we should here and now relieve real estate, and gasoline should help us do it, if necessary. Is there anything sacred about gasoline? All that I am trying to say is this: If we can't do the job without you, why not help us? A lot of gas consumption comes under the heading of "Luxury" and luxuries should and must help.

All I can say in conclusion, and I am not aiming at any particular group, is that as far as I am concerned, all pressure groups, and I say it without prejudice, can go to the place I am not supposed to mention here in the House.

The SPEAKER: The question before the House is on the motion of the gentleman from Waterville, Mr. Rodrigue, that the House reconsider its action whereby it adopted House Amendment "A".

All those in favor of the motion of the gentleman from Waterville, Mr. Rodrigue, that the House reconsider its action whereby it adopted House Amendment "A" will say aye; those opposed no.

A viva voce vote being taken, the motion to reconsider did not prevail. Thereupon the bill was given its second reading.

The SPEAKER: What time will the House assign for third reading of this bill?

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

Mr. SHESONG: Mr. Speaker, I move that Legislative Document 615 and the amendment lie upon the table.

The SPEAKER: The gentleman from Portland, Mr. Shesong, moves that the bill lie on the table pending assignment for third reading. Is this the pleasure of the House?

Cries of "No," "No".

The SPEAKER: All those in favor of the motion of the gentleman from

Portland, Mr. Shesong, that the bill lie on the table pending assignment for third reading will say aye; those opposed no.

A viva voce vote being taken, the motion to table did not prevail, and the bill was assigned for third reading at ten o'clock tomorrow morning.

At this point the gentleman from Winslow, Mr. Belanger, was conducted by the Sergeant at Arms to his seat on the floor of the House, amid the applause of the members, and Speaker Varney assumed the Chair while the House applauded.

Passed to Be Engrossed

Bill "An Act relating to Commitment of Feeble-minded Juvenile Delinquents" (S. P. 534) (L. D. 1097)

Bill "An Act relating to Surety Bonds" (S. P. 535) (L. D. 1098)

Bill "An Act relating to Reserved Number Plates" (S. P. 536) (L. D. 1099)

Bill "An Act pertaining to the Regulation of Smelt Fishing" (S. P. 541) (L. D. 1116)

Bill "An Act Authorizing a Bond Issue for the Building, Rebuilding and Strengthening of Bridges for Military Purposes on the Highways of the State of Military Importance" (H. P. 1902) (L. D. 1127)

Resolve to Repeal a Resolve providing for a State Pension for Bessie King (S. P. 401) (L. D. 1105)

Resolve to Repeal a Resolve providing for a State Pension for Mary A. Moulton (S. P. 402) (L. D. 1104)

Resolve to Repeal a Resolve providing for a State Pension for Johanna T. Kelleher (S. P. 403) (L. D. 1103)

Resolve to Repeal a Resolve providing for a State Pension for Amelia Rittal (S. P. 404) (L. D. 1102)

Resolve to Repeal a Resolve providing for a State Pension for Lot Edmund Whitman (S. P. 405) (L. D. 1100)

Resolve to Repeal a Resolve providing for a State Pension for Mary Kane (S. P. 469) (L. D. 1101)

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

Amended Bill

Bill "An Act relating to the Sale of Malt Liquor to Minors" (H. P. 1286) (L. D. 562)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A" and sent up for concurrence.

**Passed to be Enacted
Emergency Measure**

An Act Enacting the Sabotage Prevention Act (S. P. 362) (L. D. 675)

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

Mr. LaFLEUR: Mr. Speaker, may I inquire if there are sufficient members of the House present? I want this Act to pass.

The SPEAKER: The Chair is of the opinion that a quorum is present.

Mr. LaFLEUR: Mr. Speaker, are the necessary two-thirds here?

The SPEAKER: The gentleman may determine for himself.

Mr. LaFLEUR: May I determine, through the Speaker, if there are two-thirds of the members present?

The SPEAKER: The Chair can only state that in the opinion of the Chair a quorum is present.

This bill, having had its three several readings in the House and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it now be passed to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted 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 nineteen having voted in the affirmative and none in the negative, 119 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Time of Completion of Work on Third Class Roads (S. P. 72) (L. D. 43)

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

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

An Act authorizing the Registration of Motor Vehicles Operated by Governmental Agencies (S. P. 386) (L. D. 632)

An Act relating to Registration Number Plates for Use on Motor Vehicles (S. P. 450) (L. D. 899)

An Act relating to Notification by Dealers to Secretary of State of Transfer of Motor Vehicles (S. P. 452) (L. D. 898)

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

An Act providing for the Regulation of the Use of the Highways Transporting Property for Hire (S. P. 501) (L. D. 1032)

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

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

An Act relating to Suspension of Licenses of Malt Beverages (S. P. 523) (L. D. 1080)

An Act relating to State Aid for Academies (H. P. 792) (L. D. 307)

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

An Act to Authorize the Incorporation of Credit Unions (H. P. 1415) (L. D. 595)

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

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

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

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

Finally Passed

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all 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, House Report "Ought to pass in new draft" of the Committee on Public Buildings and Grounds on Resolve Authorizing the Improvement of Fort Knox Reservation (H. P. 675) (L. D. 233) New Draft (H. P. 1889) (L. D. 1086) tabled by the gentleman from Stockton Springs, Mr. Worth, on April 3rd, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Worth, the "Ought to Pass in new draft" report was accepted.

The Chair lays before the House the second matter of unfinished business, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Public Health on Bill "An Act Relating to the Duties of Superintending School Committees" (S. P. 331) (L. D. 825) which came from the Senate, the Minority Report, "Ought not to pass" accepted, and both reports tabled by the gentleman from Bangor, Miss Clough, on April 5th, pending motion of same gentleman that the Majority Report, "Ought to pass" be accepted.

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

Mr. PAYSON: Mr. Speaker, I understand that this measure will be debated. I therefore move that the House now 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.

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

Mr. McGLAUFFLIN: Mr. Speaker I want to offer an amendment to the motion of the gentleman from Portland, Mr. Payson.

The SPEAKER: The gentleman may offer an amendment as to the time of adjournment.

Mr. McGLAUFFLIN: Mr. Speaker, that is just what I want to do I wish to change the word "two" to "four", so that executive sessions of committees may be held between two and four o'clock.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, offers an amendment to the motion of the gentleman from Portland, Mr. Payson, that the House recess until four o'clock. The Chair will state that while a motion to adjourn is not debatable the question

as to what time the House will adjourn is debatable.

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

Mr. PAYSON: Mr. Speaker, the reason for recessing until two o'clock this afternoon has been carefully considered. It seems as if we ought to be able to finish our calendar with quite a bit of rapidity this afternoon. If we can, the committees can go into executive session and they probably will have more time under this method than the two hours that would be given if we recessed until four o'clock.

Mr. McGLAUFFLIN: Mr. Speaker, I will withdraw my amendment with that explanation.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, withdraws his amendment.

The question before the House is on the motion of the gentleman from Portland, Mr. Payson, 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: The House is proceeding under Orders of the Day. The pending question before the House is on the motion of the gentleman from Bangor, Miss Clough, that the House accept the Majority Report "Ought to pass" on Bill "An Act Relating to the Duties of Superintending School Committees", being Legislative Document 825. Is it the pleasure of the House to accept the Majority Report "Ought to pass" on this bill?

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

Mr. GRUA: Mr. Speaker and members of the House: I had not expected to have to talk on this matter, but I have received a great many letters and a great many people have spoken to me in opposition to this measure. I do not intend to argue the measure, but I just want to point out to the House what we will be doing if we pass this measure.

The law of the State requires that children must go to school. Now this law in effect requires that children before they can go to school must be vaccinated. Now if that is the case we might as well pass one law saying that every child in the

State of Maine must be vaccinated. We know that there are a great many people in the State of Maine who have, for one reason or another, great scruples against vaccination. I do not feel that we ought to force our opinion on this minority. I do not think that this is fair legislation. I like the idea; I think it probably would be for the benefit of the people generally if everybody was vaccinated, but I am not prepared to go so far as to enforce upon this minority the compulsory vaccination.

As the law now stands, if a child is not vaccinated he can be excluded, and if the parent decides to keep him out that is the parent's business, but if we put it as this law proposes then we are really saying that every parent must have their children vaccinated at all events, because if they are not vaccinated they cannot go to school, and if they do not go to school they can be arrested, so it is the same as compulsory vaccination for every child. I do not feel I am ready to go along that far, therefore I am opposed to this measure as it stands.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker and Members of this House: As one of the nine members of the Public Health Committee who signed this report "Ought to pass", I should like briefly to engage the time of this House to give some of my reasons for doing so. We all know that it has given the public health officials of our various localities, our doctors and those of our citizens who truly have the health program for Maine at heart much concern that our vaccination law so-called has not since 1921 had any teeth. This was the year in which the qualifying clause, which weakened the law to the point of rendering it virtually ineffectual, was added. In line with the entire country, we had found it necessary to put up barriers against the dread disease smallpox. There is but one way to prevent this disease, and that is to vaccinate against it. When we emasculated the law, we allowed a large group of our citizens to grow up unvaccinated and have thus added to the danger of epidemic, in the event that this disease should spring up in our State—a

condition which could happen at any time.

Now a great deal has been said to the effect that this bill would make vaccination compulsory. I personally would have no objections to that but there may be good and valid reasons why it should not be. However, I can assure you that if you read the bill carefully you will see that it is not a compulsory measure. It is a reasonable measure, as I construe it, one which would allow any child who was not physically able to stand vaccination to be excused upon certificate of his physician—which has always been the practice. Reading as it does, the bill places the burden upon the school committee to exclude, if it deemed it expedient, any person from school attendance if he were not vaccinated, and so reading, is intended to act as inducement to the parent to have his child vaccinated at least by the time he reaches school age. We hear so much about the fact that Maine is doing all right in the law as it is now. Why then stiffen up on it at this time? Ladies and gentlemen, I submit that this is the ancient and doubtful philosophy of the farm roof, all over again... "When it don't rain, it don't leak." We do not know when we may have smallpox in Maine. It is a disease of peaks and troughs. The fact that we are in a trough now by no means indicates that we may not shortly be in a peak. With a large number of individuals rendered vulnerable and susceptible to the disease, because they have not been vaccinated, and in light of our general troop movement of draftees throughout this country, and knowing that there is always smallpox in the Far West, in the middle West and in the nearby provinces of Canada, not to mention the general world conditions of War which may at any time bring smallpox to our country, it seems imperative that we mend our health fences wherever we find a loophole, in order to guard against possible scourge.

Now you have had on your desks or through the mail this chart which, it seems to me, is more eloquent than words. This chart was compiled by the American Medical Association and shows that in thirteen states with a population of over forty-one million where vaccination is compulsory the incidence

of disease is only one-half of one per cent; and in the States which permit local option, and where there is a population of thirty-seven million or over, there is an incidence of disease of three and one-quarter per cent, and where there is no compulsory vaccination the incidence of disease is only fourteen per cent.

To supply the lack in the law, many of our communities have carried on extended educational programs as a result of which large numbers of children have been vaccinated. These facilities of education are not open to many of our rural districts and it has been estimated that as large a number as 50 percent of the children in some of the rural communities of Maine are not now vaccinated. In the event of the recrudescence of the disease we can readily see what might happen. And the blame could be laid squarely on our shoulders for not having anticipated such possibility and guarded against it through proper legislation.

I believe this bill is sound sense and sound legislation. It is designed to protect the health of our whole society. As a member of the Public Health Committee of this Legislature, I would not feel that I had done my job unless I had tried in every way to build up the health program for the citizens of this State. So long as there is a laxity in the law we of this Legislature are not doing our job. The Public Health Association of Maine is solidly behind this legislation—so is our medical profession, so are our educators. So are all of our citizenry who look to us to give them that safety and protection we owe to them as their representatives.

Let us face the issue squarely and do what we know we should do: Pass this legislation, and so help build one more link in the health defense of our State.

Mr. Speaker, I now move the acceptance of the majority report "Ought to pass" in non-concurrence, and trust that will prevail.

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

Mr. MCGLAUFLIN: Mr. Speaker, the only reason that I hate to speak against this bill is because the lady from Bangor (Miss Clough) whom I admire very much, speaks for it.

Nevertheless, I am opposed to this bill.

I call your attention to the fact that under the present law in the case of a threatened epidemic we have compulsory vaccination now. I do not see any necessity for this law.

I have not the slightest objection to people being vaccinated. I have been vaccinated two or three times myself. But there are many people in this State who, while there is no danger of any epidemic whatever, feel that they do not want their children to go through with that slight operation. Now I feel that if you have children—I have not got any, so it does not affect me—but if you have children it is only reasonable that you should have something to say yourself as to whether or not those children should be vaccinated. I am therefore opposed to this report.

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

Mr. WELCH: Mr. Speaker, like my friend, the gentleman from Portland, Mr. McGlaufflin, I hate very much to oppose this measure because our good friend from Bangor, Miss Clough, is supporting it; but I would feel lax in my duty as a legislator if I did not oppose it in that people from up in Aroostook County have written me and even telephoned—and it costs quite a lot for them to telephone down here, but they have gone to the expense of telephoning in voicing their opposition to this measure.

We all agree that this places a burden on the school committee. It may not be compulsory, but if the school committee has a right to send scholars home—in a good many of our areas in Aroostook County the school committee serves as the truant officer, and how is the school committee going to send that scholar home and then act as a truant officer and send him back? I think this is placing too much on the school boards.

I just want to give you one illustration. This is not a case where vaccination was compulsory, but I should have hated very much to have been on the school board when this happened.

About four years ago there were three girls in the town of Presque Isle, and, at the age of about five years they were vaccinated. One of

them died in less than fifteen minutes. I do not know the cause of her death, but the doctor said it was heart failure from the effects of vaccination. However, I would have hated very much to have been on the school board that wanted that girl vaccinated. I am opposed to this, and I hope the motion of the member from Bangor, Miss Clough, will not prevail.

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

Miss DEERING: Mr. Speaker, I am like Judge McGlaulin in that I have no children. I am, however, a member of the school board. When I go home and read the papers I am amazed to find out what I have done, and when I looked at the newspaper and found out that we had acted upon a bill that said "compulsory vaccination" I looked through the book to see where it was. The only place in which I could find compulsory vaccination besides the newspapers was in the beginning of our book where it said: "Compulsory vaccination, see duties pertaining to school committees." I looked it up and it simply said, "Superintendents shall exclude if they deem it expedient any person not vaccinated otherwise entitled to attend."

The opposition to this bill surprised me until I discovered that the general public did not understand it. They understood it was a compulsory vaccination bill, and they had visions of taking all their children down and having them vaccinated.

Now if you will look over your books you will find out that probably not a day goes by but what at least one child in your city is sent home from school by the teacher. It is the teacher's duty in the morning to have an inspection of the children. If in her mind some child in that group is coming down with a contagious disease—it may not be a contagious disease; it may be a contagious something else—that child is sent home until it is considered safe for that child to come back.

Nothing has been said about that. There are eight things for which the teacher in the school inspects the children: Whooping cough, measles, chicken pox, diphtheria, pneumonia, mumps, colds, skin dis-

eases, which cover quite a bit of territory.

This bill pertaining to vaccination is simply another measure to protect your unprotected public. If it is against the regilious belief of some people to be vaccinated, this bill does not say they shall be vaccinated; it simply says they shall be excluded from school. That is a safety measure to you and to your children. The old bill added that if there was an epidemic. I asked the question in the hearing: "What would you consider an epidemic?" The opposition did not answer.

In my mind, one case of a disease would be the beginning of an epidemic, and that would be the time to start in. If you are walking through your home and see an unused match on the floor you do not wait until that match bursts into flame and starts a fire before you pick it up. That is just what this measure is trying to do. You have your greatest amount of trouble from parents who find it difficult to understand the procedure they should put their children through. You have a great number of parents asking of their children: "Do you want to be vaccinated?" Naturally the child says no, and the parents say, "You needn't be." The old bill let the child stay there. This one simply gives the superintendent a chance to protect all children, the same as in the case of whooping cough and other diseases.

I hope the motion of the gentlewoman from Bangor, Miss Clough, will prevail.

The **SPEAKER**: The Chair recognizes the gentlewoman from Whitefield, Mrs. Grady.

Mrs. GRADY: Mr. Speaker, I want to speak just for a moment from the teacher's standpoint, because I can truly see a great deal of merit in this bill. I think that it is unfortunate that it has been misconstrued as a compulsory vaccination bill. If the bill said that a child can not attend school at all unless vaccinated, that would be a compulsory vaccination bill, but this bill does not do any such thing.

I will try to give you an example, because I have taught long enough to have had contagious diseases come up in my school. If a pupil had small pox, he would be excluded from school, just the same as any other pupil who had any com-

municable disease. All right. Perhaps there is another pupil who lives next door who is a neighbor of this child who is ill with small pox. That neighbor child is much more apt to contact the disease, either from direct contact or in some other way, from the child who is actually ill. Is not that neighbor child just as much of a menace as the child who is actually ill with the disease? So, for the protection of the larger number of children, it would probably be just as wise to exclude the neighbor child as the child actually suffering from small pox.

This bill does not say the child must be vaccinated, but it does give the school committee the right to keep that child away from the other children during what they consider is the danger period, and of course that will be taken care of by the health officers.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and members of the House: I am opposed to this bill personally because I think the present law is sufficient. Aside from that, I feel that in deference to the large number of communications I have received, some of them from personal friends and acquaintances, in opposition to this bill. I feel in deference to them at least I should oppose this bill.

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

Mr. JACOBS: Mr. Speaker, I too arise to oppose this bill because many of my constituents have written to me in regard to it. I have already received over three hundred remonstrances against the bill. I think we have ample law to protect the children in the schools. I want to go on record as being in opposition to this bill.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bangor, Miss Clough, that the House accept the majority report "Ought to pass."

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

Mr. LEAVITT: Mr. Speaker, I too have received a great many letters from people who are opposing this bill. Every one of them opposed it apparently on the ground that it is compulsory. It says in this bill "exclude if they deem expedient."

Now if that does not give the superintendents of schools all the leeway in the world, I do not know what would do it. If anybody comes to them and says that for some religious reason or for some medical reason they do not want their child vaccinated at this time, the superintendent can look at that law and say: "I do not think it is expedient at this time to vaccinate your child and therefore your child can go without being vaccinated."

I feel that every letter that has been written to me has been written because of the fact the people who wrote the letters do not understand what they are opposing. I am for this bill and I hope it passes.

The SPEAKER: The Chair recognizes the gentleman from Parkman, Mr. McKusick.

Mr. MCKUSICK: Mr. Speaker, so far as this word "compulsory" is concerned, I simply rise to call your attention to the fact that all the men in the army must be vaccinated. Last fall my two sons were entering college and I found before they were admitted they had to be vaccinated.

I just want to leave this thought in your minds: My definition of the word Liberty is freedom of action when that action does not interfere with the rights of others. I think that the purpose of this law is the protection of the majority.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: I too have had several letters and personal calls, calling upon me to oppose this bill, but I cannot oppose it because I really believe in the intent and theory of this bill and what it is going to carry out. It is only logical that every child ought to be vaccinated if he is going to be in the company of other children. It is absolutely compulsory in the army and in the majority of the other states. We certainly are not going to get anywhere by half-way measures. I certainly hope that the motion of the gentlewoman from Bangor, Miss Clough, will prevail, because I feel that the only reason there is any opposition to the bill is purely scruples and opinions of a certain church. I do not blame these people. I have an aunt in that same church and she called upon me to oppose it. She had no argu-

ment except she did not quite agree to it so far as her scruples were concerned. I half agree with her, but I am perfectly willing to take the statement of the three people who spoke for the bill that there is no compulsory vaccination to it, and if scruples will not permit these parents to allow their children to be vaccinated I say that should take away any objections those people might have to the bill.

This bill looks to me like a forward-looking step in sanitation and health, and I certainly hope this House will go along with it. It is said out in the corridors that this House is getting to be rather unpredictable. I think we ought to keep that reputation, so let us be unpredictable and for once accept a majority report.

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Fickett.

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

This is authentic information, and it is given to keep the record straight.

The Medical Profession, periodically, and in accordance with its high standard of ethics, introduces in those states which do not have such a law, a bill for obligation, universal, or, as some like to call it, compulsory vaccination. Relieving themselves of their ethical obligations to humanity for the prevention of disease, they place the responsibility squarely upon the shoulders of the Legislatures who represent the people of their respective States. That is the attitude, I believe, of the Medical Profession of today. They give you the information, you, alone, take the responsibility.

Smallpox, like other forms of life, has its dominant and recessive periods. At times it rages like an all-consuming flame, at others, it diminishes to a spark, barely recognizable. This is true of all life, as witness the grasshopper plagues, the army worm which denudes the leaves of a forest one year and returns not for many more years, and many other instances could be mentioned. Parasitical bacteria, disease germs, show the same characteristics, up and down; under favorable conditions they wax fat, and again grow lean. Medical and other scientists have worked for years to find the reason. They study the friendly

bacteria, such as the lactic acid bacillus which sours milk and makes butter, the nitrifying bacteria which enriches the soil, the putrifying bacteria which reduces all flesh to dust, and the yeast bacteria which causes fermentation. Many others exist. As the great telescopes have opened up the unthinkable distances of the stars, so the microscope, and now the great electroscopes, have opened up the terrifying depths of minute life; it, too, is almost unthinkable. Inner space is as deep as outer space is far.

We now come to the unfriendly bacteria, the disease producers. We yet know little about them; some races and animals are immune to them, and to others they are a scourge almost to annihilation. I will speak briefly of those that work the greatest havoc on man.

Hospital gangrene of the Civil War disappeared for fifty years to come again as gas gangrene of the World War.

The Flu of 1918, at the end of the World War, was the Flu of 1889. Asiatic Cholera waxes and wanes. The Black Plague, spread by the rat flea, the terror of the ages, rises and falls. Typhus, spread by the body louse, is always with us, mild or severe. Diphtheria, black and mild, seems, almost under control. Smallpox, also, comes and goes.

These disease germs are not annihilated; they are merely resting, waiting for the favorable chance to grow and destroy life.

World conditions of today will increase these diseases; they may be the deciding factor of a great war, not ships or arms.

Rarely, in the field of medicine, has such a triumph been accomplished as the control of Small Pox by vaccination. The disease called "Grease" on the heels and legs of horses is modified smallpox; it can produce cow pox, or vaccinia in cows, which, in turn, can produce vaccinia in the human. It is all modified smallpox, and it all gives immunity, for a greater or lesser time, against the virulent smallpox.

Let me quote Gen. Leonard Wood's record of two Battalions of United States soldiers in Cuba in 1898. "These soldiers, all recently vaccinated, went into a country infected with the most virulent type of small pox, where the death rate was heavy and all sanitary conditions were against them, and, although living for months in towns heavily infect-

ed, and being constantly exposed, not a single case occurred in the regiment." This is small part of the history of vaccination.

In closing, let me say, no matter what you believe personally—it may not be what your child believes at maturity—your duty is to protect young life with all the safeguards that science discloses.

If you believe in quarantine against disease, quarantine the child against smallpox by vaccination, for, as sure as death and taxes, smallpox, in its virulent form, will come again in our large unvaccinated population. Present world conditions will bring it about.

Yours is the great responsibility, to take the credit, or the blame, when it comes.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bangor, Miss Clough, that the House accept the majority report, "Ought to pass". The Chair recognizes the gentleman from Chapman, Mr. Welch.

Mr. WELCH: Mr. Speaker, I wish somebody would just put me right on this. One proponent says it is not compulsory and the other says it is going to compel children to be vaccinated. I do not know where I am at. Up in my district when it comes to marketing potatoes we console ourselves by saying the price will either go up or down, it can not go sideways. This is either for or against, and I would like to know which it is.

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

Mr. GOOD: Mr. Speaker, I am opposed to this bill. I do not believe we need any more law. I have here the law relating to public schools, and I will read from Section 44, Paragraph 5:

"May exclude, if they deem it expedient, any person not vaccinated, although otherwise entitled to admission, unless a parent or guardian of such person shall present a signed statement that such parent or guardian is opposed to vaccination, in which event such person may only be excluded in the event of an epidemic of smallpox."

Now the school board can only exclude a child in case of an epidemic of smallpox. As Mr. Welch just stated to you, some say it is compulsory and some say it is not. If they exclude that child, there is

a law that says that the truant officer can bring that child back to school or punish the parents. Now they have got to do one of two things: Either they have got to have that child vaccinated or else the truant officer will come after the child and they may have to pay a fine. So it is not very hard to determine whether it is compulsory or not.

Children are of different make-up. You can vaccinate some children four or five times and it will not make a bit of difference; they would probably know they had been vaccinated and that is all. I have five children. One or two of them are real nervous, while the others these things do not bother them very much. You take some children and compel them to be vaccinated and they probably would not sleep a wink for a week. That is probably an exaggeration because they probably would not go a week without sleep, but they would probably lose some sleep. There are a good many children who just cannot stand such things as that.

There has been something said about loopholes. We have not got to have any loopholes, because we have got the law right here. If there is an epidemic in the schools they can exclude those children.

I believe in vaccination, I believe it is right, but I think we have got all the law we need. I do not think we need any more law. They have spoken about soldiers. Soldiers are in a different category altogether. Soldiers are taken from one place to another all over the United States. Children are in their own community at home, and the parents at home who have any interest in their children would not expose them to smallpox but would have them vaccinated rather than take any chances.

I do not think it is fair to put on any more law to clutter up the books and compel these children to be vaccinated. Some people may have the feeling they do not want their children vaccinated. If they do feel that way, I think they have a right to determine whether they shall be vaccinated without an officer coming along and saying, "You have got to vaccinate your children". It looks to me as if it has got to be one of two things: The parents have got pay a fine or the child has got to be vaccinated.

Therefore, I hope that the motion of the gentlewoman from Bangor, Miss Clough, does not prevail.

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

Mr. PAYSON: Mr. Speaker, now that the subject has been opened up I want to tell you about my three children. They are really awfully cute. My son sat here the other day and made more successful motions than his father has since he has been here. (Laughter).

I am heartily in favor of the motion of the gentlewoman from Bangor, Miss Clough. Ordinarily we do not wait to have food around until we starve. We do not wait to prepare roads for traffic we know is coming; we get them ready in advance; and we do not wait in this country for Hitler to come over and attack us before we make arrangements to repel him.

It is a scientifically true fact that vaccination does protect. I do not care whether this bill is compulsory or not—and I have been swamped with letters—why should I have my children as I have to create a pool of safety to help people who won't have their children vaccinated. They ought to have their children vaccinated as a safety measure.

So far as the story which the gentleman from Chapman, Mr. Welch has told you, if that were one of my three children I would take the chance of that child dying from vaccination on the greater chance it would protect that child and all the other children in the neighborhood, because I know that the scientific laws are very much in my favor. I sincerely hope that this measure does go through.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bangor, Miss Clough, that the House accept the majority report "Ought to pass".

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

Mr. DOWNS: Mr. Speaker and members of the House: I have listened with marked interest to the discussion of this report. At times I wondered whether this report was from the Judiciary Committee, and then I looked on my calendar and to my surprise found it was the Public Health Committee.

I was very much surprised, because the Public Health Committee most always agrees. Now I as one who signed the majority report, "Ought to pass", feel that it is pertinent for me to explain to you perhaps some of the reasons which prompted my action.

First, I felt that it was a public health measure designed for the protection of public health, and I have not changed my mind.

Of course you must realize the fact that I have got to approach this matter purely from the standpoint of a layman; I cannot discuss it with you as an attorney and I cannot discuss it with you as a physician. I therefore approach it from the standpoint of a layman.

Now, if I have understood correctly, we have been told that there was a sufficient amount of law to control this situation at the present time. As I read the law, the school board may exclude, if they deem it expedient, any child not vaccinated although that child is otherwise entitled to admission unless—now unless what? Unless the parent or guardian of such person shall present a signed statement that such parent or guardian is opposed to vaccination, in which event such child may only be excluded in event of an epidemic.

Now let us consider that for just a minute. It has been suggested that a multitude of letters has been rained down on this Legislature. I have received some. I am wondering if the authors of these letters would be any of those parents or guardians who would write a letter of protest to the school board. I am also wondering if the authors of some of these letters would employ a reputable physician if that child was sick in their home.

Take this into consideration: It has been argued that the parents of a child might be prosecuted if their child did not attend school. I have had some little experience in these matters more years ago than I like to mention. Somewhere I got the impression that a school board for cause may excuse a child from attending school. I cannot see why a school board would not be fair if the matter were presented fairly and squarely to them that there was a good and logical reason why such child should not attend school.

Now it has also been argued that Maine is getting along quite nicely

at the present time. There is all the reason in the world why the northern part of Maine should get along pretty good, because Canada has a compulsory vaccination law at the present time.

I assume that this was designed as a protective measure, and I submit to you that none of us would lock the door, or at least we would not get any benefit out of locking the door of the stable after the horse was stolen, consequently this is an honest attempt to lock the door before somebody comes in and steals the horse.

There has been some question raised in regard to placing all this responsibility upon the school board, and I think that is proper. Let us take an illustration. A person becomes infected with smallpox; a physician is called and makes a diagnosis. What does he do? He immediately notifies the Department of Health.

Now I do believe that it would be perfectly proper to combine with this intended law somebody connected either with the State Bureau of Health or the school physician, and if this House sees fit to accept the motion of the gentlewoman from Bangor, Miss Clough, at the proper time I will be very glad to offer an amendment which I believe will be satisfactory to take care of this situation. I thank you.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bangor, Miss Clough, that the House accept the "Ought to pass" report of the committee.

The Chair recognizes the gentleman from Rockland, Mr. Jones.

Mr. JONES: Mr. Speaker and Members of the Ninetieth Legislature: I did not intend to say a word on this bill, but I am like a lot of others, first I am for and then I am against this bill. But, regardless of anything that has been said here, I am sure that someone or somebody must and shall be responsible for the health and welfare of the children and it is up to us to see that is done. The parents are not always versed in medical procedure in one way or another. Some children are brought up by rule and knowledge derived from books for prevention of disease, but I think I am safe in saying that seventy per cent of the parents of the children attending the public schools are not even

aware of preventive measures for their own children, and if this measure provides for the protection of the children of the citizens of our State I am certainly for it. If there is anything in that bill that is harmful or hurtful to these children, I am against it.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bangor, Miss Clough, that the House accept the majority, "Ought to pass" report.

All those in favor of the motion of the gentlewoman from Bangor, Miss Clough, that the House accept the majority "Ought to pass" report will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the majority report, "Ought to pass" was accepted. Thereupon the bill was given its two several readings.

On motion by the gentleman from Rome, Mr. Downs, the bill was tabled pending assignment for third reading.

The Chair lays before the House the first tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Towns on Bill "An Act to Provide a Town Manager form of Government for the Town of Millinocket" (H. P. 1216) (L. D. 363); both reports tabled by the gentleman from Portland, Mr. Payson, on April 3rd pending acceptance of either report.

The Chair recognizes the gentleman from Camden, Mr. Dwinal.

Mr. DWINAL: Mr. Speaker, I signed the minority report along with three others. However, I will say that since we had the hearing I have become convinced that there is considerable merit in the bill and eventually two years from now they will come down here and ask to have a charter submitted for a town manager form of government, and at that time I believe something will be done, consequently I am going to move for the acceptance of the majority report.

The SPEAKER: The gentleman from Camden, Mr. Dwinal, moves that the House accept the majority report, "Ought not to pass." Is this the pleasure of the House?

The motion prevailed and the "Ought not to pass" report was accepted and sent up for concurrence.

The Chair lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Relating to Sale and Use of Fireworks" (H. P. 431) (L. D. 180) tabled by the gentlewoman from Bangor, Miss Clough, on April 3rd, pending acceptance.

The Chair recognizes the gentlewoman from Bangor, Miss Clough.

MISS CLOUGH: Mr. Speaker and Members of the House: I put this bill upon the table because I believed it had great merit and before it was forever assigned to the limbo of forgotten things growing out of this Legislature, I wanted to be sure that it was given every consideration. In order that it may not be forgotten, may I now speak briefly upon the bill, telling you my interest in it and why I believe it has merit? My interest was engendered by no selfish motive. It was aroused by the demands of many of our citizens from all corners of the State that something be done to cut down on the number of injuries and accidents incurred as a result of fireworks on our Fourth of July Celebration.

We are one of the thirty states that has permissive legislation known as local option, and I think it is fair to say that the exercise of that local option has not seemed to do anything very constructive by way of reducing accidents caused by the use and abuse of fireworks.

It seems apparent that something of a State-wide legislative proposal would be the only remedy for this problem. This was not my bill, but I felt that one which was introduced offered the vehicle for incorporation of that legislation which I sought and that I could support it very gladly and I went along with it. I want to tell you something about this bill because it has received considerable onus through some subterranean channels.

The bill was drawn up by the National Fire Protection Association and is the bill which is in operation in, I believe, ten of our states.

I feel somewhat like the rooster in the barnyard with all the hens around him when he found an ostrich egg and said, "Girls, this is not to criticise you but just to show you how other communities are doing it." (Laughter)

I like to feel that Maine is living

up to her motto, "I lead". I think it is a very good yardstick to go by, when we are attempting legislation of so broad a scope as this, to show what other states are doing. The states that have this legislation are: New York, New Jersey, Michigan, Iowa, Pennsylvania, Utah, Delaware, Indiana, West Virginia and Ohio. These states have been able to show very appreciable results from such statewide legislation.

It was for these reasons I supported this measure and so did the members of the Maine Municipal Association, many of the fire chiefs of the State, humane societies, educators, physicians and many of our private citizens. And then the bill fell on stony soil. Through some subterranean channel it soon acquired the onus that it was a subversive measure designed to wrest our ammunition from us in time of crisis, a right which the people held under the Constitution and, by the wording of the Constitution a right which shall never be questioned. This misinterpretation was made possible through the loosely defined section on "Fireworks". I assure you it was designed and supported as a safety measure purely and offered as such and supported by me as such.

I am convinced, however, after very careful consideration, that this measure does need a great deal of study and further consideration and education in order that all of our citizens may know of its intent. The Legal Affairs Committee gave it very careful consideration and a fair hearing. It was their opinion that the bill ought not to pass.

Without saying any more on the subject, I yield to that opinion, satisfied that they had every good reason for so voting. Therefore, Mr. Speaker, I move that we accept the "Ought not to pass" report of the committee.

THE SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that the House accept the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed, and the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

THE SPEAKER: The House is proceeding under Orders of the

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

On motion by the gentleman from Unity, Mr. Farwell, the House voted to take from the table the fourth tabled and unassigned matter, Bill "An Act to Provide for the Issue of State of Maine Agricultural Bonds for the Eradication of Bang's Disease and other Contagious Diseases". (H. P. 1516) (L. D. 842) tabled by that gentleman on March 31st, pending third reading.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Denny.

Mr. DENNY: Mr. Speaker and Members of the House: After Mr. Farwell tabled this bill the other day, he stated that he felt that a measure of this size should be explained on the floor of the House.

In spite of the fact that we had a very complete and good hearing on this bill, a very well attended hearing on this bill, attended by members of the Maine Veterinary Medical Association, who were also proponents for it, and a committee from the Maine Livestock Breeders Association, who were proponents, and a representative of our State Department of Health, and representatives of the Financial Department of the State of Maine, and also representatives from the Agricultural Department. In spite of that, and in spite of the fact that the very careful and very much respected Appropriations Committee has given it a clean slate in reporting it unanimously "Ought to Pass" I agree with Mr. Farwell that perhaps an explanation on the floor of the House might be in order.

Bang's Disease is a disease of cattle transmitted to human beings through milk, causing what is known as undulant fever in human beings.

At the hearing on this bill we had as a speaker, as a proponent, Dr Roscoe L. Mitchell, Director of the State Department of Public Health in this State.

I want to read you just one paragraph from his testimony:

"Bang's Disease in cattle is not only of great economic importance to the dairy industry, but is also of great public health importance, because the same bacillus which causes the disease in cattle also causes what is called undulant fever in humans, and may be transmitted

to humans through raw dairy products."

The fact also that the Federal Government recognizes this as a public health problem and participates in at least a fifty-fifty financial appropriation with each state in the United States, it seems to me definitely puts it in the category of a public health measure. That is the justification, and the only justification, for such a bill as this.

Since 1934 and 1935, this State has spent something like \$300,000 in the control or trying to eradicate Bang's Disease. This has been by appropriation up to \$50,000, and, in fact, in one year I believe \$66,000 a year was used.

Now, because of the limited amount—it may seem a large amount but it is a limited amount in this case—what is called "spot testing" has been necessary, because on the insistence of the Department of Public Health, the Department of Agriculture has had to test first in one part of the State, then in another part of the State, because the farmers in one part of the State and not in another part of the State have wanted to have their herds tested and cleaned. It has been necessary to use this money in this so-called "spot testing" plan, testing here and there. Then when the herds were clean—the State going through with the test and cleaning the herds—there was absolutely no provision for the State to prevent these same herds, in which they had considerable money invested, from being reinfected. They were re-infected by unscrupulous dealers sometimes, who bought cattle knowing that they were infected with the disease, and sold them to clean herds, thus infecting those herds. Sometimes good, honest dealers—as most of them are—bought from unscrupulous farmers, who did not advise the dealer that the animal was infected with this disease. They were in that way put into these clean herds, and the clean herds reinfected.

With an appropriation for the next ten years of, say, \$50,000 a year—and more would be necessary to carry on this spot testing plan—the State would spend \$500,000, and it would actually spend more than \$500,000, because it would require more.

Now, this \$500,000 might represent absolutely nothing. At the end of

ten years we would be in the identical position we are in today, except for the fact that we had spent \$500,000 in a very unsound and unsatisfactory way.

This bond issue, calling for \$450,000, would permit a different kind of testing. The type of testing that it would promote is called "area testing." Area testing means just this. Instead of spot testing, instead of just going here and there all over the state—instead of doing that, with this bond issue money available, from this bond issue, the Department of Agriculture could take a section of the State, or a county, or two or three counties, and test in those counties, clean up the herds in those counties. They could quarantine those counties from infecting animals coming into those counties from dealers, or by purchase in any way.

Gradually, as time went on, and as they were able to do it by this bond issue, they could come down through the entire State, and gradually get the disease eradicated.

Now, there have been some questions asked as to how this could be accomplished.

In the first place, Section 6 of this document provides: "The proceeds of such bonds shall be expended under the direction of the Commissioner of Agriculture who shall immediately set up a program for the eradication of Bang's disease and other contagious diseases." This program was described at the hearing.

Before we go into that, I just want to make this explanation. Some years ago, tuberculosis in cattle was a serious disease in this state and in the United States. In this State, the spot testing was done, and a lot of money spent. Not until that method was thrown over, and the method of area testing was inaugurated, was this State able to clean up this disease. Today that disease we can call eradicated, although there is an average of about 70 cases, something like that, a year found in the State; but it is under control and can be called eradicated.

Due to the announcement last December by the United States Division of Animal Industry, which has carried on an experiment from four to five years, to the effect that the vaccination of calves, from the

ages of from four to eight months, was proving satisfactory in immunizing those animals up to at least four years, and presumably for a life-time, the program of the Department of Agriculture can be made a little more elastic, a little more workable, a little better for the farmer and a little more protection to the public.

In addition to what is called the "Test and Slaughter" program, this vaccination program has been added.

The program of the Department of Agriculture will now have three divisions. First, there will be what is called the "Test and Slaughter," which means that if you have a herd of cows that needs to be tested, a veterinary comes in and checks the blood sample. If any animals are found to have the disease they are slaughtered and taken out of the herd. This is a plan that has been carried out in the past and it is today carried out in many states.

This could not be thrown overboard, but the second plan includes vaccination in calves, plus test and slaughter. The best way to explain that is to give you an example. If a farmer has a herd of, we will say, 15 cows, and he has two cows that react to the disease, rather than just to "Test and Slaughter" knowing that he has that disease in his herd, he can test and slaughter the older animals, get rid of the infected animals, and then insure himself to a certain extent by vaccinating the calves, in the hope that they will become immune, and stay immune and not become infected later on.

The third part of the program which many farmers would like to avail themselves of—although it will be limited by the Department of Agriculture, is this vaccination of calves, and quarantining temporarily other animals in the herd.

The only time that such a plan as that would be enforced or permitted would be if this herd of 15 cows had as many as ten cows as re-actors, and only five cows clean, the Department—if conditions were right, and if this herd was not a menace to clean herds, the neighbor's herd or any other clean herds in that community—would permit that farmer to hold those cattle in his herd, until such time as he decided to dispose of them, or the Department decided to dispose of

them, and so give that farmer a chance to work out his breeding program or his milk program without giving him too much of a handicap.

Now, just in answer to some questions that have been asked, or anticipating some, I would like to say a few words.

It has been asked if the Department would have any trouble going into herds of the State, in case some one or several farmers, objected to having this forced upon them. The Department has the power to do that under the laws of some time ago—they are permitted to do that for tuberculosis. There are a few farmers you might call "cranks," who object to veterinaries coming into their herds and testing them for tuberculosis. I think there is not a man or woman in this House who would not feel that this program is justified in being carried on, just the same way the Department of Agriculture go into any herd and do the testing.

We have been asked sometimes what the Federal set-up is. The Federal set-up on indemnity is about a fifty-fifty proposition. For instance, if an animal was condemned, the animal would be appraised, supposedly a fair appraisal. If the appraisal were \$70.00, for example, the slaughter value would be taken out. Just for a rough figure, suppose it is \$40.00. That leaves a balance of \$30.00. The Federal government will participate to the extent of one-third of that \$30.00, or \$10.00. The State will participate to the extent of \$20.00, in that case giving the farmer full value. Usually, it does not work out quite that way, and the farmer has to stand the loss of \$5.00 or \$10.00, or at least if he gets full value, in replacing that animal probably he will stand a slight loss. However, he is cleaning up his herd, and it is well worth it to him.

Now, in addition to the money the Federal government is paying in indemnities, which have to do with the program, we have, in this State something like \$50,000 appropriated. We have a veterinary, with two full-time veterinaries as assistants, and he has nine per diem veterinaries working in the field. He has two laboratory doctors working in the laboratory.

This is all given you at the expense of the Federal government. In addition to that, the Federal

government supplies vaccine, and much of the equipment. The State only has to supply a place for a laboratory, and certain laboratory equipment, which cannot be supplied by the Federal government.

It will be considerably more than a fifty-fifty proposition. The Federal government will undoubtedly spend—if this \$450,000 issue is made—they will undoubtedly match it with somewhere near a million dollars.

We have also been asked if this \$450,000 bond issue will clean up the disease in this State, or if we are going to come back to the Legislature in five or ten years from now, or even two years from now, and ask for another \$450,000.

The answer to that is just this. We know the number of cattle in this State. The cattle population of this state is something like 250,000, of which 145,000 are cows. Eight per cent appears to be the rate of infection in this state. This bond issue of \$450,000 is proposed to take care of this eight per cent of the 145,000 cattle in this State who are diseased, eight per cent of this 145,000 herd of cows.

This compares with New Hampshire, which has a 12 per cent infection; with Connecticut, which has a 17 per cent infection — and, incidentally, Connecticut is receiving this year in their Legislature \$175,000 for the control of this disease, and \$175,000 for the next year — and that is just a start with them. New Hampshire has a \$700,000 bond issue to take care of it.

The work that has been done on this, in preparation for getting this program started, and in finding out the percent of cattle infected in this State, has been done primarily by the Maine State Veterinary Medical Association and the Live-Stock Breeders Association, in conjunction with the Federal Department and the Maine Department of Agriculture.

Now, in asking for this bill to have its third reading, I just want to plead with you and ask you for your careful consideration of this plan, which is a proven and sound method for control and eradication, backed by a sound financial program to take care of it, and a sufficient program to take care of it.

So, Mr. Speaker, I move that this bill have its third reading.

Thereupon the bill was given its

third reading, passed to be engrossed and sent up for concurrence

On motion by the gentleman from Houlton, Mr. McGillicuddy, the House voted to take from the table the twenty-eighth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act to Prohibit Certain Political Activities." (H. P. 1580) (L. D. 931) tabled by that gentleman on April 7th pending a motion to accept the Minority Report, "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. McGillicuddy.

Mr. MCGILLICUDDY: Mr. Speaker, I wish to make a correction, and I would have spoken to the Clerk privately if I had noticed it. The motion as given is not correct in that my motion was to table the motion of the gentlewoman from Bath, Miss Deering, on the motion to reconsider our previous action of last Saturday. May I proceed with that correction?

The SPEAKER: The Chair will state the Journal shows that the motion of the gentlewoman from Bath, Miss Deering, that the House reconsider its action whereby it accepted the minority report "Ought not to pass" was carried. The pending question is the motion to accept the minority report, "Ought not to pass."

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

Mr. MILLS: Mr. Speaker, I know that it is very unpopular in these days to attempt to defend a majority report (Laughter)—especially a nine to one majority report, such as this was.

The motion which is pending before the House is the motion of the gentleman from Portland, Mr. McGlauffin, that the minority report, which was a minority of one, be accepted, on this bill.

I do not intend to make any extended remarks at this time, but due to the fact that there were very few here, or that there was a large number absent rather—last Saturday morning; and also due to the fact that the vote was 48 to 45, I feel that in fairness to those who were absent, it would be well to take that vote over again.

I want to say that if the motion

of the gentleman from Portland, Mr. McGlauffin, prevails, it will mean that we are giving legislative sanction and invitation to the solicitation of campaign funds by State employees. We are giving legislative sanction to trips, such as the trip that Mr. Fowler took to Boston to solicit from truckmen who had been in business in the State of Maine.

I thought, in my own naive way, perhaps—that one of the things we were going to do here this session was to correct some of those evils which have been shown to us by the Investigating Committee.

I certainly hope that the motion of the gentleman from Portland (Mr. McGlauffin) does not prevail.

Also, I would like to say that, as you all know, most of our State employees today are under very much more strict regulation in regard to political activity than would prevail under this bill. Those employees in the Unemployment Compensation Commission, the Department of Health and Welfare, and in the State Highway Commission, are all under the Federal Hatch Act.

This bill only provides two things. One of them is that State employees shall not solicit campaign funds, political campaign funds, and that no person shall solicit political campaign funds of them. I think that we owe it to the State employees to give them a measure of protection in this regard.

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

Mr. MCGLAUFLIN: Mr. Speaker, I stated the other day when I spoke on this measure that it was a ridiculous measure. I am now going to show you how ridiculous it is.

This bill provides that you cannot solicit campaign funds from any State employee, and that no State employee can solicit funds for any campaign purposes. But the bill also says that this does not apply to those who are elected.

Let me analyze that. It is all right to solicit Governor Sewall, he is elected, but it is a \$500 fine to attempt to solicit Mr. Payne, who gets a thousand dollars more salary than the Governor. That is a crime, to do that. It is all right for you to ask Frank Cowan to contribute \$100 for campaign purposes, because he was elected by this Legislature, but if you solicit twenty-five cents from

Frank Holley in this same building, that is a crime and you are subject to a \$500 fine. It is all right to solicit funds from Fred Robie, but you cannot solicit funds from Mr. Weaver. It is all right to solicit funds from Belmont Smith, but you cannot solicit funds from Mr. Woodman. It is perfectly all right to solicit funds from Mr. Hayes, but you cannot solicit funds from Frank Southard, who gets much more pay than Mr. Hayes does. It is all right for you to solicit funds from our Clerk, Mr. Pease, but you cannot solicit funds from Smith Dinnack. That would be a crime. (Laughter) You could solicit funds from Tom Foley. That is all right. He works here a few weeks in the year, but you cannot solicit funds from one of the clerks that works here all the time. That is a crime, and you are subject to a \$500 fine. (Laughter)

Now, would it not be a pity to have, right in this House, so great a contamination as that shows?

Here is another absurdity. I have not learned of a single person in the three thousand or more employees of this State who have asked to be protected, or that wants to be protected.

What are we asked to do? We are asked to pass a measure regarding a class, without even consulting the class to find out whether they want such a measure.

I happened to find on my desk just a moment ago a notice regarding the Mock Session which is to be held here Monday night. They ask for some suggestions. I want to say that I will give them a suggestion right now. I will put on a farce called "The Passage of the Little Hatch Act"—(Laughter) and if it does not hold up this Legislature to ridicule, I miss my guess. (Laughter)

I have already pointed out to you that the same logic that applies to passing this legislation for State employees, applies to every city and town, and to every county, in this State.

Now, is this Legislature ready to go on record and show such unsound judgment as this is going to show, if you pass this bill?

If I understand the present situation, the gentlewoman from Bath, Miss Deering, by request—she is going to vote with me, she told me so—

(Laughter) moved to reconsider this vote.

I am going to ask this House that when the motion is put, to vote "Yes," and when my Brother, the gentleman from Farmington, Mr. Mills, puts his motion, to kill that motion so dead that there will not be any question left in this House or in this State of where this Legislature stands.

The SPEAKER: The Chair will state that the motion for reconsideration has already been passed.

The pending question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the "Ought not to pass" report of the Committee.

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

Mr. ARZONICO: Mr. Speaker, as I understand it, we were called into session last Saturday morning to clear up some matters before this Legislature. I, and quite a large number of other members of the House who are faithful toward their duties, stayed to do just that very thing.

Now, the gentleman from Farmington (Mr. Mills) offers the excuse that the "Ought not to pass" report was accepted because of the fact that there were not very many members present, or, in other words, quite a number of members were absent. Well, I do not think that that is an excuse. Whose fault is it that they were absent? Surely not mine or the rest of the members that stayed here, at probably a great sacrifice to our own personal, business interests.

I think that the request does not have much foundation. Therefore, I hope that the bill does not pass.

The CHAIR: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the "Ought not to pass" report of the Committee.

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

Mr. MILLS: Mr. Speaker, I would not speak again, except for the fact that the gentleman from Portland (Mr. McGlauffin) in his argument to you, completely ignored the amendment which the committee drafted.

That amendment provided that the first part of the original bill, which had to do with elected offi-

cials, be entirely stricken off, so that as it would apply now, it would be employees of the State should not be solicited.

We Republicans generally applauded when the Federal Government adopted legislation much more stringent than this. But when it comes down to our own bailiwick, I think we should adopt the same policy, on a bill which is much less stringent than that.

I think it is perfectly all right, even though the gentleman from Yarmouth (Mr. Arzonico) does not think so, when there is a large number absent, to ask that the House reconsider its motion. I do not feel at all remiss in so doing.

I hope that the motion of the gentleman from Portland (Mr. McGlauffin) does not prevail.

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

Mr. MURCHIE: Mr. Speaker, I pretty well shot my bolt on this matter at the other period of the bill, and I do not propose to take up a great deal of time.

The particular thing I am delighted to find out is the Puritan politics up around Farmington. It is not the same down in eastern Maine. They come around and solicit funds and endeavor to pay the expenses of the general election, and if there are any state employees who are at home at election time they are always solicited. You know that will go on in spite of any laws that you can pass. I am only saying to you, that there has been a kind of a screwy scheme that has brought this thing on the floor again, that if you do not go along with the motion of the gentleman from Portland, you are going to be sorry some day. It is not fair or right to do otherwise.

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

Mr. SOUTHARD: Mr. Speaker, the gentleman from Portland, Mr. McGlauffin, addresses himself very eloquently and very effectively, I think, as to the absurdity of this bill. I should like to address myself as eloquently and effectively as to the needlessness of this bill.

Being unable to match his eloquence, I will call to the attention of the Members of the House that there is no necessity for this, because the only example of any

abuse of the possible power to require contributions from state employees has been one, and we know what happened to that one.

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

Mr. GRUA: Mr. Speaker and Members of the House: I unfortunately was compelled to be absent when you started in, and did not have a chance to vote on this measure.

I want to give my reasons for signing the majority report. This takes away no particular right that the State employees now have. The only thing we had in mind at all was to protect the employees from undue solicitation. In former times, when an employee's job depended on the good will of his boss, and he was appointed to that position because he had served the public, there was justification perhaps in saying that he ought to contribute to the welfare of the party on account of which he was placed in the position that he occupied.

We have now endeavored to take the situation of the State employees entirely out of politics and place it on the merit system.

Nevertheless, if the head of that department can come to you and say, "We are getting up a fund for my re-election, and my re-election to this job is very important. You are under me and I expect you to contribute."—just what are you going to do, as an employee? You may be a clerk working for \$15.00 a week, or you may be a clerk getting \$45.00 a week.

If that sort of heat can be applied to you, you are going to be obliged to kick in and give that man something towards helping him being re-elected, whether you favor his re-election or do not.

The purpose of this act is to take away the possibility of that sort of pressure being applied to State employees. From what I have checked with the State employees, I believe they are in favor of something of this kind.

If an employee is interested in connection with his party, the law permits him to donate all that he pleases, with no limitation whatever. The only limitation this puts on, is so that they cannot come to you and say, "If you know what is good for you, you will kick in." I do not like that sort of thing. I do

not think it is good politics. I do not think it is for the best interests of the State of Maine. For that reason, I signed this report.

Now, it has come to the attention of the committee, and many others, that a great number of employees of this State, instead of working on their job for the State, have taken it on themselves during working hours, to go out and solicit funds for their particular political party, or for the passing of some particular measure they have in mind.

I have had several complaints, especially about beer inspectors, coming to places of business, places that they inspect, and saying, "See here, if you know what is good, you will kick in on this re-election program. You will furnish car transportation. You will do this or you will do that." I have had several instances of that kind come to my attention.

I do not believe that it is for the best interests of the State of Maine that beer inspectors should be able to hold that sword over beer parlor managers, and say to them "Unless you kick in, I may find something the matter with your place of business, so that you will lose your business." I do not like that. I do not think he has power to do that. I do not think it is part of their job as officials of your State. If you pass this law, it simply says they can contribute all they want to themselves, but they cannot go out and solicit others, in order to be sure that their boss or their political party will remain in office.

I think this is a very good act. I think you will make a grave mistake if you do not pass it. I think it is decidedly in line with progressive political advances. I believe the State of Maine will be better satisfied. I believe our employees will be more satisfied. I think the political situation will be cleared up, if we can have some such law as this on our books.

I believe we have experienced, even in this Legislature, political activity by some of the employees of this State on behalf of some other State official. I do not believe that sort of political activity is conducive to the best interests of the State of Maine. I very earnestly urge you to support the majority on this bill,—that it "Ought to pass" in this simplified form.

The SPEAKER: The Chair recog-

nizes the gentleman from Portland, Mr. McGlaufflin.

Mr. MCGLAUFLIN: Mr. Speaker, I want to point out again, what I did the other day, that the argument of the gentleman from Livermore Falls, Mr. Grua, in regard to the bulk of the State employees does not apply. The greater number of them are now under the Civil Service protection.

You cannot go to these stenographers now, and say, "You give some money or we will fire you." You cannot do it. They are protected right this minute.

As for the heads of departments that the Governor appoints, getting these large salaries, I think they are perfectly capable of taking care of themselves.

Now, the gentleman from Livermore Falls (Mr. Grua) says he has known of many instances. There is something wrong if he does. As far as anybody connected with this State House is concerned, you have heard of just one. That one was a police officer. He went up to Boston,—it was not the State of Maine—he went up to Boston and solicited funds. What if he did? Was that a crime? It will be when you get this bill. There is just one instance.

Therefore, if you pick out this class without consulting them and try to protect them—God help us!

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlaufflin, that the "Ought not to pass" minority report be accepted.

All those in favor of the motion of the gentleman from Portland, Mr. McGlaufflin, that the House accept the minority, "Ought not to pass" report will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Seventy-eight having voted in the affirmative and 42 in the negative, the motion prevailed and the minority report "Ought not to pass" was accepted and sent up for concurrence.

On motion by the gentleman from Belgrade, Mr. McGill, the House voted to take from the table the twenty-fifth tabled and unassigned matter Bill "An Act Relating to Licenses and Permits for Outdoor Advertising" (H. P. 1153) (L. D. 357)

tabled by that gentleman on April 7th pending third reading.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1153, L. D. 357, Bill "An Act relating to Licenses and Permits for Outdoor Advertising."

Amend said bill by striking out all after the third line of section 2 thereof and inserting in place thereof the following:

Sec. 6. LIMITATION ON GRANTING OF PERMITS. Except within the compact section of a city or town no permit shall be granted for the erection, construction or maintenance of any outdoor advertising structure, device or display within a distance of 300 feet of the intersection or junction of a highway with another highway, or with a railway or street railway, at a point where it would obstruct or interfere with the view of a train, street car or other vehicle on the intersecting or joining highway, railroad or street railway; or within 300 feet of any public park, reservation, public forest, public playground, school, church or cemetery and in public view therefrom; or within 50 feet from the nearer line of the traveled way of a public highway and in public view therefrom; or whose area shall exceed 900 square feet; or which, in whole or in part, in its operation shall move or simulate motion, or which is or shall be painted upon or annexed to any rock or tree within the prohibited area. **No permit shall be granted for the erection, construction, or maintenance of any outdoor advertising structure, device or display on any public highway, park or other public property; or which in the judgment of the commission is or would be injurious to property in the vicinity thereof, or injuriously affect any public interest, or endanger the safety of persons using any highway; or in a place wherein the erection, construction or maintenance thereof is or shall be prohibited by any municipal ordinance or regulation; or upon real property owned by or leased to a person other than the applicant, except with the consent of such owner or lessee. No permit shall be granted or renewed for the further maintenance of any billboard, sign or other advertising device unless the front, back, braces, anchors and**

lattice work thereof are kept in proper condition.

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

Mr. PAYSON: Mr. Speaker, I think what I have to say in connection with this amendment is more or less in the nature of a feeble protest because the House has already expressed itself upon this bill, but I cannot let this pass without calling your attention to the fact that this amendment proposes to go into your compact sections where your cities and towns may already regulate and collect a fee without doing any work. You are going to have a double inspection proposition that is going to result in a lot of confusion and disruption, and your towns and cities that do regulate billboards in the compact sections are not going to know whether they are coming or going and their fee system on these billboards will be wiped out. The State will be collecting the license fee but will not be able to handle the complicated set-up in the city. I should like to get this straightened out so it would have no application to cities and towns that have proper zoning ordinances. I think it can be done. For that reason, I will make the motion that the bill and amendment lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the amendment and accompanying papers lie on the table pending the adoption of House Amendment "A".

The motion prevailed and the bill and amendment were tabled pending the adoption of House Amendment "A".

On motion by the gentleman from Augusta, Mr. Southard, the House voted to take from the table the twentieth tabled and unassigned matter, Bill "An Act Relating to Androscoggin County Law Library". (H. P. 1340) (L. D. 797) tabled by that gentleman on April 4th pending third reading.

Mr. SOUTHARD: Mr. Speaker and Members of the House: During the honeymoon period of this session I presented and the committee reported out favorably and the Governor signed a bill increasing the appropriation of the Kennebec Law Library to \$1000. This present legislation re-enacts the entire legislation, and, to be on the safe

side and be darned sure, although I think it is unnecessary, I offer House Amendment "B" and move its adoption.

House Amendment "B" to H. P. 1340, L. D. 797, Bill, "An Act Relating to Androscoggin County Law Library".

Amend the title to read as follows: "An Act Relating to Androscoggin and Kennebec County Law Libraries".

Amend the bill by the deletion of the amount "\$800" in the phrase "the sum of \$800" after the word "Kennebec" and inserting after said amount the underlined figures '\$1000'.

House Amendment "B" was adopted and the bill was given its third reading, passed to be engrossed, and sent up for concurrence.

On motion by the gentleman from Falmouth, Mr. Dow, the House voted to take from the table the thirty-eighth tabled and unassigned matter, Bill "An Act Relating to the Taking and Sale of Clams in Certain Cumberland County Towns" (H. P. 1899) (L. D. 1123) tabled by that gentleman on April 8th, pending third reading.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I tabled this bill because I wished to offer an amendment and the committee members wanted a little time to look over the amendment. I now understand they have no objection. I offer House Amendment "A" and move its adoption.

House Amendment "A" to H. P. 1899, L. D. 1123, Bill, "An Act relating to the Taking and Sale of Clams in certain Cumberland County Towns."

Amend said bill by striking out the last sentence of Section 4.

House Amendment "A" was adopted and the bill was assigned for third reading tomorrow morning.

On motion by the gentleman from Chapman, Mr. Welch, the House voted to take from the table the twenty-ninth tabled and unassigned matter, Bill "An Act Amending the Financial Responsibility Law" (S. P. 531) (L. D. 1094) tabled by that gentleman on April 8th, pending second reading.

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

Mr. WELCH: Mr. Speaker and Members of the House: I tabled this bill in order that I might obtain some information on it. I have no real objections to the bill. There are just one or two things I think it might be well to point out. This is quite a revenue measure for the State in that it is going to increase the revenue to the general fund in the amount of around \$30,000. It will cost the automobile owners about a million and a half dollars to buy the insurance which will be paid under this set-up and the Insurance Commissioner is receiving two per cent of the amount of premium paid, so that the revenue to the general fund would be in the neighborhood of \$30,000. I just wanted to point that out, that it is partly a revenue measure.

I now move that the bill be given its second reading.

Thereupon the bill was given its second reading and tomorrow assigned.

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

Mr. PAYSON: Mr. Speaker, due to the fact that several committees wish to have executive sessions this afternoon, I move that the House do now adjourn.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House do now adjourn. Is this the pleasure of the House?

The motion prevailed and the House adjourned until ten o'clock tomorrow morning.