

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

Thursday, April 10, 1941.

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

Prayer by the Rev. Dr. McWhorter of Augusta.

Journal of the previous session read and approved.

Senate Reports**Leave to Withdraw**

Report of the Committee on Sea and Shore Fisheries on Bill "An Act relating to the Legal Length of Lobsters" (S. P. 461) (L. D. 936) reporting leave to withdraw.

Report of same Committee reporting same on Bill "An Act relating to the Gathering of Kelp and Sea Moss" (S. P. 460) (L. D. 935)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Ought Not to Pass**Report Tabled**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act requiring Owners of Motor Vehicles to Furnish Security for Their Civil Liability on Account of Damage Caused by their Motor Vehicles" (S. P. 349) (L. D. 665)

Came from the Senate, read and accepted.

(In the House, on motion by Mr. Leveque of Lewiston, tabled pending acceptance of Committee Report)

Final Report

Final Report of the Committee on Agriculture.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Ways and Bridges on Bill "An Act to Provide for Reissuance of State Highway Bonds" (S. P. 181) (L. D. 216) reporting same in a new draft (S. P. 542) (L. D. 1126) under same title and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence, and

the Bill read twice, and tomorrow assigned.

Senate Divided Reports

Majority Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution providing for a Four Year Term for Governor (S. P. 294) (L. D. 503) 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.

PAYSON of Portland

GRUA of Livermore Falls

MILLS of Farmington

BRIGGS of Hampden

HINCKLEY of So. Portland

—of the House.

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

Report was signed by the following members:

Messrs. McGLAUFILIN of Portland
WILLIAMS of Bethel

—of the House.

Came from the Senate with the Minority Report accepted.

In the House:

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

Mr. McGLAUFILIN: Mr. Speaker, I move the acceptance of the Minority Report.

There is no demand for this change. There is no necessity for the change. We have not the slightest assurance that there will be any improvement made by the change.

Finally, I call your attention to the fact that in spite of the fact that there was a unanimous Judiciary Committee from the Senate—

The SPEAKER: The Chair will remind the gentleman that he must not refer to any action of the other body.

Mr. McGLAUFILIN: I will allow the members to see what happened themselves. (Laughter)

The point that I want to make is that in order to pass this measure, to get it before the people, you have got to have a two-thirds vote. Now, it is very evident, if you look at a certain vote, wherever it was cast, you will find that you will never get a two-thirds vote through

a certain body. I do not think you can through this body.

The SPEAKER: The gentleman from Portland, Mr. McGlaflin, moves that the House accept the Minority Report "Ought not to pass."

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

Mr. GRUA: Mr. Speaker and Members of the House: Your Committee gave this matter careful attention. The major reason we are proposing this change is that we think it would be beneficial to the State of Maine.

As I understand it, in the last fifty years, there has been only one occasion when a Governor did not serve two terms, which amounted to four years in all.

Now, we know, as well as we know anything, that if a Governor is in office a first term, and knows that at the end of two years he has got to begin a campaign for re-election, that a very large portion of his activities during the second year of his first term is going to be occupied with preparing the way for re-election.

We also know that if he has occasion—as he does have—to make appointments to various offices throughout the State of Maine, consciously or unconsciously he would be led to make such appointments as would be most inducive to his re-election at the end of his first term.

For both of those reasons, we feel that it would be a decided improvement on the present set-up, if the Governor could be elected for one term of four years, without the power to succeed himself.

We feel that he would make a better line of appointments and that he would not be making so many appointments from political motives.

We feel that he could settle down to the work of his office as Governor and give it his undivided attention and support. We believe that it is decidedly for the interest of the State of Maine to make this change.

I hope that the motion of the gentleman from Portland, Mr. McGlaflin, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Gould.

Mr. GOULD: Mr. Speaker: I would like to call the attention of the gentleman from Livermore Falls,

(Mr. Grua) to the fact that Governor Fernald served but one term; Governor Plaisted served but one term; Governor Haines served but one term; and Governor Curtis served but one term.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I recognize the varying high motives which prompted the introduction of this bill.

They are apparently based upon the assumption that Governors have played politics. Possibly that is true.

If they have, and this bill would prevent their doing it, I would be very much in favor of it, but I have analyzed this situation rather carefully, and have come to the conclusion that we even open the door wider by passing a measure such as this.

In the first place, if we do get a Governor who is not qualified for the office, we only get him for two years. We can then re-elect another Governor.

In the second place, as the gentleman from Livermore Falls, Mr. Grua, pointed out, most of our Governors, if they were good Governors, have been returned to office.

I think that we go a long way when we assume that the only office a Governor wants to be re-elected to is the office of Governor. Not too long ago, we had a Governor who aspired for another office. We have at the present time a former Governor who is in another elective office.

I am wondering if you are going to improve this situation any by putting a man in a position where he will be playing politics, and will need to take into account only if he wants to be elected to the Congress—either the lower House, the House of Representatives, or the Senate.

Also, if we assume,—which apparently is being assumed by those sponsoring this measure,—that a Governor will play politics with his appointments,—let us suppose that a Governor comes from the City of Bangor, or the City of Portland or the City of Auburn. He is in for Governor for four years. The only thought, politically, he needs to have in mind is that he wants to go to the House of Representatives or Congress. Now, if he is going to

play politics, obviously the way to go to Congress is to make appointments in whatever district he comes from. If he is in Portland, he would make appointments from Oxford and Cumberland County. If he were in Bangor, he would make appointments from Penobscot County or Aroostook.

If we are going to assume a Governor is going to play politics with his appointments, and is going to make appointments solely with the thought in mind of being re-elected, would not that same type of Governor play politics on a four year term, and make his appointments with the thought of his election to Congress or the United States Senate?

I hope the motion of the gentleman from Portland, Mr. McGlauffin, will prevail.

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

Mr. LAMBERT: Mr. Speaker and Members of the House: I had planned on opposing vigorously this measure before the committee. I was away at the time that they had their meeting, and did not have a chance to oppose it.

However, I will state my position concerning this amendment to the Constitution proposing a four year term for the Governor.

I am in favor of a four year term for the Governor, very much in favor of it; but I am opposed to this here. As I see it, under this bill here the election would be on the first Wednesday of January. I believe that if we are going to make a change,—if we really mean to save money, if we really mean to call a spade a spade, that we should have a four year term for the Governor but that he should be elected on the same day as the Federal election is held. Then you will be saving money by having one election for the whole thing, which is done in other states. I believe that Massachusetts has the election of the Governor at the same time as the election for the Federal government. You might say that I was probably bringing up a political issue at this time. You might think so because the Federal government is Democratic. Being a minority member of the House here as a Democrat, I am going to tell you this: I do not expect the Federal government to be Democratic all the time, any

more than in the past. I do not expect the State of Maine to be Republican all the time. (Laughter) I expect they will want to change once in a while, sometime, anyway. (Laughter)

So I believe that if we are honest with ourselves, and want to save some money, that we should have a four year term for Governor, and that he should be elected the same day that the President of the United States is elected. I thank you.

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

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

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

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Denny of Damariscotta, be excused from attendance today because of death of a relative.

Reports of Committees

Ought Not to Pass

Mr. Bragdon from the Committee on Claims reported "Ought not to pass" on Resolve in favor of the town of Norridgewock (H. P. 1072)

Same gentleman from same Committee reported same on Resolve to reimburse the city of Portland for the Support of Albert Mattson, and his wife, Ruth Mattson (H. P. 766)

Mr. Fuller from same Committee reported same on Resolve to reimburse the city of Portland for the Support of Theodore Powers and Family (H. P. 780)

Mr. Welch from same Committee reported same on Resolve in favor of Raymond Warren of Millbridge (H. P. 758)

Same gentleman from same Committee reported same on Resolve in favor of the city of Gardiner (H. P. 1091)

Mr. Willey from same Committee reported same on Resolve in favor of Thomas Fournier of Eagle Lake (H. P. 15)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass in New Draft

Mr. Slosberg from the Committee on Legal Affairs on Bill "An Act relating to the Licensing of Dogs" (H. P. 1534) (L. D. 873) reported same in a new draft (H. P. 1911) under same title and that it "Ought to pass"

Mr. Race from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Lobster Fishing Licenses" (H. P. 1616) (L. D. 960) reported same in a new draft (H. P. 1912) 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. Lackee from the Committee on Ways and Bridges reported "Ought to pass" on Resolve in favor of the towns in the Hancock Sullivan Bridge District (H. P. 1222) (L. D. 439)

Report was read and accepted.

Ought to Pass With Committee Amendment

Mr. Sayward from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Transportation of Lobsters" (H. P. 1556) (L. D. 847) reported "Ought to pass" as amended by Committee Amendment "A".

Report was read and accepted.

First Reading of Printed

Bills and Resolves

Bill "An Act Permitting Lebanon to Apply for Aid under the Bridge Act" (H. P. 480) (L. D. 214)

Bill "An Act relating to Lobster Truckmen's Licenses" (H. P. 1555) (L. D. 846)

Bill "An Act relating to Gathering of Kelp" (H. P. 1557) (L. D. 848)

Bill "An Act Incorporating the Maine Vocational School" (H. P. 1867) (L. D. 1079)

Bill "An Act relating to Penalties for Violation of Ordinances of the city of Bath" (H. P. 1903) (L. D. 1134)

Bill "An Act relating to Acceptance of Zoning Laws" (H. P. 1904) (L. D. 1135)

Bill "An Act to Authorize the city of Bangor to Remove the Remains in a Burying Ground in Hampden" (H. P. 1908) (L. D. 1139)

Bill "An Act relating to the Dig-

ging of Clams in the town of Woolwich" (H. P. 1906) (L. D. 1137)

Resolve in favor of the town of Charleston (H. P. 516) (L. D. 1142)

Resolve relating to Fishing in Penobscot Bay (H. P. 1905) (L. D. 1136)

Resolve in favor of the town of St. George (H. P. 1907) (L. D. 1138)

Resolve Authorizing the Improvement of Fort Knox Reservation (H. P. 1889) (L. D. 1086)

Resolve in favor of the city of Rockland (H. P. 1909) (L. D. 1140)

Resolve in favor of the town of North Haven (H. P. 1910) (L. D. 1141)

Bills were read twice, Resolves read once, and tomorrow assigned.

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

Mr. DOW: Mr. Speaker, I move that the House reconsider its action whereby it assigned H. P. 1904, L. D. 1135, Bill "An Act relating to Acceptance of Zoning Laws" for its third reading tomorrow morning.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the House reconsider its action whereby it assigned Bill "An Act relating to Acceptance of Zoning Laws," H. P. 1904, L. D. 1135, for its third reading tomorrow morning at ten o'clock.

Thereupon, the motion prevailed; and on further motion by Mr. Dow, the Bill was tabled pending its assignment for third reading.

Amended Bill

Tabled

Bill "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers" (H. P. 1783) (L. D. 1033)

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

Committee Amendment "A" to H. P. 1783, L. D. 1033, Bill, "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers."

Amend said Bill by inserting after the words "classified or unclassified officer or employee in a department," in paragraph (4) of section 227-A thereof, the words "including teachers in the state normal schools and Madawaska training school, including such teacher or teachers as have retired since March 1, 1920, and superintend-

ents of schools in service as such prior to July 1, 1924.'

Further amend said Bill by adding thereto a new section to be numbered 227-T to read as follows:

'Sec. 227-T. R. S., c. 19, sec. 228, par. (1) amended. Paragraph 1 of section 228 of Chapter 19 of the revised statutes is hereby amended to read as follows: '(1) "Teacher" shall mean any teacher, principal, supervisor, school nurse, school secretary, or superintendent, employed in any day school within the state; also a teacher or principal of a normal school, the commissioner of education or his assistants and teachers who teach in any school which is supported at least 3-5 by state or town appropriations.'

Further amend said Bill by adding thereto a new section to be numbered 227-U to read as follows:

'Sec. 227-U. Effective Date. This act shall become effective January 1, 1942.'

On motion by Mr. Welch of Chapman, the amendment, together with the bill, was tabled pending the adoption of Committee Amendment "A".

Passed to Be Engrossed

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

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Conant of Auburn, tabled pending third reading and specially assigned for tomorrow morning.)

Bill "An Act Amending the Financial Responsibility Law" (S. P. 531) (L. D. 1094)

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

Amended Bills

Bill "An Act Defining and relating to Narcotic Drugs and to Make Uniform the Law with Reference thereto" (S. P. 344) (L. D. 661)

Bill Tabled and Specially Assigned

Bill "An Act to Prevent Fraudulent Advertising" (S. P. 345) (L. D. 662)

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

and specially assigned for Tuesday morning, April 14th.)

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

Bill Tabled and Specially Assigned

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

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Richardson of Strong, tabled pending third reading and specially assigned for tomorrow morning.)

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

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

Passed to Be Enacted Emergency Matter

An Act to Incorporate the Carmel School District" (S. P. 515) (L. D. 1092)

The SPEAKER: 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 pass 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.

One hundred and twenty-seven having voted in the affirmative and none in the negative, 127 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 Teachers' Retirement System (H. P. 1187) (L. D. 482)

An Act Concerning the Teachers' Retirement System (H. P. 1247) (L. D. 529)

An Act to Define Internal Combustion Engine Fuel (H. P. 1483) (L. D. 610)

An Act relating to Registration of Motor Vehicles and Trailers (H. P. 1891) (L. D. 1106)

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

Enactor Tabled

An Act relating to the safety on Highways (H. P. 1892) (L. D. 1106)

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

Mr. WILLIAMS of Bethel: Mr. Speaker, I would like to call the attention of the members of the House to Legislative Document 1107, which I must admit escaped my attention entirely and I did not realize we had such a bill before us. We had a similar bill before us two years ago which was somewhat more far-reaching. I will at this time move the indefinite postponement of the bill and, in so doing, will state what I understand the bill does do. I am going to read to you what the bill says, because it is contained in only one sentence:

"No minor person, except within the scope of his employment, shall ride upon any part of a street car or motor vehicle not designed or intended for the conveyance of passengers."

For example, a farmer in a small community has a little vegetable garden and he runs a little truck gardening business and in connection with his business he has a truck which is his sole means of conveyance, and this farmer also has a family of some four or five children. Not having a passenger vehicle for their conveyance, his only means of transportation is with this little truck; and, as very frequently happens in smaller communities, when the family on Sunday morning wants to go to church, a blanket is placed in back of the truck and the children get into the truck and go to church, or they go to a picnic, or they take some of the neighbors' children, or the Boy Scouts are taken on an overnight camping trip, as I have done myself on many occasions with boys. Under

this proposed bill that would be absolutely illegal.

I have wondered as I have read this bill whether they really intended to make it illegal for a person to do that particular thing. I wondered if we did intend to go so far as to say that a person could not take his own family in the back of a truck or could not take a truck or take a bunch of Boy Scouts or Girl Scouts off for a picnic. That is what this bill would prevent; therefore I move its indefinite postponement.

The SPEAKER: The gentleman from Portland, Mr. Williams, moves the indefinite postponement of Legislative Document 1107, being House Paper 1892, "An Act Relative to Safety on Highways."

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

Mr. MCGLAUFLIN: Mr. Speaker, I do not care to discuss this measure, but I want to say that I think the argument presented by Mr. Williams is sound. I am with him on this indefinite postponement.

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

Mr. PAYSON: Mr. Speaker, I cannot help but agree with the gentleman from Bethel, Mr. Williams, on this proposition, but I do note the absence of the gentlewoman from Brunswick, Miss Bangs, who is the author of this bill. I suggest that it lie on the table pending the motion of the gentleman from Bethel, Mr. Williams, to indefinitely postpone.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that this bill lie on the table pending the motion of the gentleman from Bethel, Mr. Williams, that the bill be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the bill was tabled, pending the motion of the gentleman from Bethel, Mr. Williams, that the bill be indefinitely postponed.

On motion by the gentlewoman from Whitefield, Miss Grady, House Rule 25 was suspended for the remainder of today's session.

Passed to be Enacted (Continued)

An Act relating to Farm Tractor Trailers (H. P. 1893) (L. D. 1108)

An Act to Encourage Safety on School Buses (H. P. 1894) (L. D. 1109)

An Act relating to Veterinary Surgeons (S. P. 106) (L. D. 147)

An Act relating to the Teachers' Retirement System (S. P. 396) (L. D. 633)

An Act to Apportion Representatives to Congress (S. P. 528) (L. D. 1091)

Finally Passed

Resolve Dividing the State into Senatorial Districts (S. P. 526) (L. D. 1093)

Resolve for the Purchase of One Hundred Copies of "Sesquicentennial History of Greene" (H. P. 105) (L. D. 1111)

Resolve to Repeal a Resolve providing for a State Pension for Elizabeth McNaughton of Bangor (H. P. 107) (L. D. 1112)

Resolve in favor of the town of Farmington (H. P. 924) (L. D. 1110)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves 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 tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Relating to Compensation of Justices Upon Retirement" (H. P. 101) (L. D. 56) tabled by the gentleman from Anson, Mr. Fenlason, pending acceptance.

The Chair recognizes the gentleman from Lincoln, Mr. Lane.

Mr. LANE: Mr. Speaker, due to the fact that Mr. Fenlason is not here this morning, I would like to table this matter.

The SPEAKER: The gentleman from Lincoln, Mr. Lane, moves that this report and accompanying papers lie on the table pending acceptance of the report. Is this the pleasure of the House?

The motion prevailed and the bill and report were so tabled.

The Chair lays before the House the second tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims." (H. P. 1517) (L. D. 858); both reports were tabled by the gentleman from Hampden, Mr. Briggs, on April 8th, pending ac-

ceptance of either report; and the Chair recognizes that gentleman.

Mr. BRIGGS: Mr. Speaker, judging by the action of the House recently insofar as divided reports from the Judiciary Committee are concerned, it is with pleasure and some confidence that I move the acceptance of the minority report on this bill "Ought to pass." (Laughter)

Small claims procedure in origin and theory is designed to and does benefit a litigant of small means whether he be a plaintiff or a defendant.

The first small claims procedure was adopted in Cleveland in 1913. Since that time some form of small claims procedure has been established in 20 states and the District of Columbia. It is interesting to note that it has been adopted in every state in New England except Maine.

The bill before you has been drafted after a thorough study of the laws of other New England states and is based upon laws and rules of court now successfully in operation in Massachusetts and Vermont.

As a member of the Bar and your Judiciary Committee, I consider it a great forward step in the modernization of our judicial machinery. I consider it as such because, through the medium of a new procedure in our present municipal courts, it brings justice to the small claimant or debtor without the delays, costs and vexations now too often met.

Under the terms of the bill a small claim is defined as one under \$50.00. There is no particular magic in that amount. It approximates the small money account range within which small merchants now have claims that the present procedure make too expensive to collect. It was suggested also by a labor representative that this limit included most claims which workingmen would have to collect, claims which they would need to collect quickly. It seems to set a just dividing line between claims which should be collected under this procedure and claims which, because of the amount involved, may profitably be collected as they are at present.

Let me briefly contrast the procedure as it now exists and as it would be under this bill. All of you are more or less familiar with the

present process of collecting small accounts. You know that an attorney must be engaged to prepare the writ and declaration, that the deputy sheriff's fee for service or attachment must be paid. The writ is made returnable on a given return date. If the defendant enters an appearance there is a delay until a date for hearing is set. After hearing the plaintiff or defendant may appeal to the Superior Court and have the whole case tried over again. Many delays are entailed.

Under the proposed procedure the claimant himself may start his own case, notice is sent by registered mail with return receipt requested and the defendant must appear on the date set for hearing. If he wishes to appeal he can appear before the hearing, ask for a trial by jury and the case is immediately removed to the Superior Court. There are no unnecessary delays or useless trials.

How does this bill operate to the benefit of a plaintiff? In the first place, he can go in before the judge or recorder of a municipal court and state his case in ordinary, every-day language and that starts the case. No complicated rules of pleading need be observed; it is not necessary to hire an attorney either to start the case or to try it. The plaintiff may still employ an attorney, however, if he sees fit. So long as the case is not contested, the original entry fee of \$1.85 is all that is required to take the case to judgment. The expense of service through the Sheriff's office is eliminated in most cases by service by registered mail, return receipts requested. This method of service has proven effective and fair in the many states in which it has been tried. In fact, I understand that in some states they have even decided to use the regular mail and not even bother to use registered mail.

A small plaintiff may thus get into court without the present expense which makes collection of small claims a hardship on him.

In the second place, the plaintiff gets a speedy hearing on the return day of the notice sent to the defendant. There are no delays while the defendant enters an appearance, employs an attorney or gets a date set for hearing. In other states municipal courts set aside one day a week for hearing small claims. Few of them come to trial. Either they

are speedily settled before the day of hearing or the debtor appears, admits he owes and asks for time to pay and the court so orders. Further proceedings are necessary only in cases where the debtor doesn't propose to pay although able.

If the defendant wishes an appeal or wishes to contest, he can immediately claim a trial by jury and remove the case to the superior court. If he does not do so he and the plaintiff are bound by the decision of the municipal court judge. The plaintiff and defendant both thus get a speedy decision on the merits. The wage earner or small business man is thus enabled to collect his wages or small accounts which he needs to support his family or business without delay.

This procedure also benefits the defendant. It was primarily designed as a method of helping the poor debtors; it gives them an opportunity to appear themselves and be heard not only on the merits but also on the question of their ability to pay. It is all heard before the same judge who thus has a complete knowledge of the justice of the claim and of the debtor's ability to pay. A debtor will know that he can appear and defend his own cause even though he doesn't know the rules of evidence. He knows excessive costs will not be charged against him. He knows further that he can ask to pay by instalments and that if he shows present inability to pay due to circumstances beyond his control, the case will be dismissed until he comes to better days. No poor debtor's oath is here to embarrass a poor but honest debtor.

Whom does this procedure hurt? The only ones it can possibly hurt are those debtors who, having had three hearings before the judge, being found able to pay and ordered to do so, still refuse to pay. In that case the judge may have them brought before him on a *capias*, and if they fail to show why they should not be punished for contempt, may punish them by a fine or imprisonment. The limit in one case is not exceeding \$20 and in the other not exceeding 14 days. They are notified of this possible punishment in the first notice sent them under this procedure.

This would seem to be no hardship, because it is only applicable

to the defendant who is able to pay but who refuses to do so.

The power of the court to thus punish is necessary to this procedure as it is, necessarily, alternative to the present methods. Unless speedy justice is possible against that class of debtor who has been found able to pay, and given every opportunity to pay, plaintiffs will continue to use the present method with its fictitious costs, delays, appeals and disclosure costs. Thus the honest but poor defendant would not benefit by this new form of procedure.

This new procedure will not cost the state anything more for running the courts. The forms needed for notices and orders may well replace those now printed. The costs actually paid to the court remain the same under this bill so that no loss of revenue for operating expense takes place. It is to be anticipated that the work of our municipal court judges and recorders may well be increased. To meet this contingency it has been provided that each \$1.00 entry fee shall be added to their salaries in the same proportion they now receive.

To my mind the procedure set up in this bill is far more just and far better fitted to our present-day needs. The honest but poor debtor is given every opportunity to pay and may get the proceedings dismissed if he is unable to pay. It will be here as it has been in other states, only the debtor who can pay, and won't, may be called before the court for contempt. And he will soon raise the money when he finds himself faced with punishment for contempt of the municipal court.

The argument has been raised by some attorneys in objecting to procedures of this kind that it makes the courts a collection agency. Such has not proven to be the case. It is purely and simply a new form of procedure in courts already established designed to make justice more accessible to the small claimant, within his reach as to cost, responsive to his needs in quick determination. The claimant bears the initiative in seeking justice through proper procedure but justice moves quickly, not sluggishly and expensively, in response.

I hope my motion to accept the minority report will prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker and Members of the House: This certainly is not a matter that I can get greatly excited over. I do not have any ax to grind one way or the other on this bill because it does not make ten cents' worth of business in my income for any year. I am not in the collection business, and therefore I do not care very much about it.

The argument of the proponents has been very well stated by my brother, the gentleman from Hampden, Mr. Briggs. I want to point out to you what the feelings of those who oppose this bill actually are.

In the first place, I believe that it will be an added expense to the counties if such a bill is adopted. The cases at the present time are being handled by the municipal courts. This will undoubtedly increase the burden on those courts, and I do not believe the eighty-five cents provided for will take care of the extra expense that will be put upon the counties, because the courts have got to send out these notices and I believe they have got to employ extra help to do it. That may or may not be a valid argument, but I have pointed out to you that it is my conviction that it will be an added expense to the counties.

In the next place, it is my further conviction that judges of municipal courts, if this bill is adopted, will, two years hence, come down here and ask for an increase in salary. Now it is true that this bill provides that they shall get one dollar, to be divided among the judge of the court and the recorder; but, regardless of that, I believe they will come down here and say, "We have had extra work put upon us by reason of this bill because of the enormous amount of collections that have been presented in the office and we are entitled to extra salary." I think they will have a very logical argument for that proposition.

In the third place, I think we are giving judges of municipal courts too much authority. This bill says that if a debtor comes in upon summons by the judge and fails to carry out the order of the court relative to the payment of the bill, the judge has absolute discretion as to the punishment that shall be provided. He may order him to pay the total amount of the bill at once,

may order him to pay it in installments, or any other way that may seem fitting to the judge. It puts quite a lot of authority on him and is quite a departure from our present system. If the debtor says "I won't" or if he fails to carry out the order of the judge, then the judge, without any appeal on the part of the defendant, may send him to jail or make him pay a fine. Now that is putting into the hands of the municipal court judges of our State the right to say whether a debtor shall go to jail or pay a fine, and the debtor has absolutely no right of appeal. The only right of appeal he has is in the first instance to go to the Superior Court rather than to submit himself to the small claims.

Those are my reasons. I do not care what way the House votes on it, but I am going to present to you the thing as I see it and let you decide for yourselves.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: As the author and principal proponent of this bill, I am very glad to take this opportunity to explain it.

I have sat here or stood here and voted for measure after measure for which I have been criticised. I voted for Mr. Mills' measures and have been criticised from one section, and I voted for other measures and got criticised by the other section. But I have tried every time I have voted to do the way I thought it might help the greatest number and do the greatest good for the greatest number of citizens.

This bill is my bill. I will admit the bill is very much like the same bill in other states, but I feel that this bill is going to affect and help and aid every man, woman and child in this State. It is very safe to assume each one of us owes or is owed money, and this bill is going to take the unpleasantness out of bill collecting and paying bills. That is the only object of it, to take the nasty part out of our credit system — and the Twentieth Century is getting to be run almost entirely on a credit basis.

I introduced this bill because while I was in college I used to go around with a fellow who was about as big as I was and even harder-looking, if such a thing was possible. (Laughter) He was a big

bruiser, even larger and harder-boiled than I was. Of course immediately after leaving college he got a position with the C. I. T. as a collector. And he was a good one. I understand his collections amounted to almost ninety-nine per cent. In no time at all he and another equally aggressive chap started a collection agency in Boston, and they did well. They would rip out and seize a car while the poor laborer was at his place of employment, sit in his car, or walk into a crowded restaurant and chuck a bill in a man's face and yell, "How about this eleven dollars that you owe?" They used all those tactics and were doing a whale of a business. Then all of a sudden the Commonwealth of Massachusetts passed an act similar to this and they put into effect in Massachusetts a small claims court, and my friend now is practically in the bread line and his collection business is all gone.

The average merchant, and especially the smaller one, does not like to embarrass people who owe him money, because in most cases, so far as we are concerned, our grocer is our personal friend. Our man whom we buy our shoes from — we meet him on the street every day, and he does not like to embarrass us by these harsh collection methods and we do not like to embarrass him by dodging him too much.

I maintain this bill is going to put that whole thing on a calm, placid, dignified basis. The bill cannot hurt anyone.

I was just a little bit skeptical as to the outcome of this bill going to a committee composed wholly of lawyers. I felt they might feel it might hurt them. It does not, and the signers of the other report admit it does not, because the average attorney is not in the least interested in collecting small bills. He does not want to collect them and he will be very glad to have this collecting of small bills taken out of his hands and put onto the court where this bill puts it.

This bill does not harm anyone and it helps everyone. It helps the plaintiff, who in most cases is a worker trying to get his wages from his employer who has not paid him, or the small business man or the farmer who delivers produce. It is the ordinary sort of person.

Under the terms of this bill, he goes to the clerk of the city court and posts \$1.85 to cover expenses. He states his claim against John Jones or Al Jones or some other person. He merely states the case and that so and so owes him twelve dollars. The clerk of that court sends by mail, in some cases merely under an ordinary stamp, and notifies a certain person that his grocer or his creditor has notified the court that he owes him twelve dollars. The debtor has his choice of appearing at once, which is almost always the case.

I took the trouble to go to Boston to see the way the thing worked in Boston, and Judge Barry of the Small Claims Court in Boston, told me that almost ninety out of a hundred cases were settled even before the date set for hearing.

The clerk sends a notice to the debtor and tells him that a claim has been entered against him, and he also sets a date for hearing. At that time the debtor, in his own language, states his case. He does not have to hire an attorney, doesn't have to go to any expense, and he is assured of the privacy of the Judge's chamber. If the bill is just, he presents the reasons why he cannot pay, if he cannot pay. If he can pay, he arranges for payments.

The criticism of—I cannot call him my Brother, because I am not a lawyer—but the criticism of the gentleman from South Portland, Mr. Hinckley, about the power of the judge is a sound one, but it ought to react in favor of the debtor. He has it at his discretion. If he does not think it is justified, he can throw it out then and there. If he thinks the debtor has been imposed upon, he can throw it out. If the debtor can prove he is out of work and his wife is in the hospital, the judge can then throw it out or he can make arrangements for payment at a later date. It is a very fair method of procedure. And then again, of course if the debtor cannot get all the satisfaction he wants, he can always appeal to a trial by jury. The bill does not hurt anybody.

The objections of Mr. Hinckley are perhaps sound. The judge is empowered to punish. But of course if the judge does not have a little power to punish, the debtor or the man called into court will not have any respect for this system and he

will not pay any attention to it. But the powers of punishment I do not call very bad. The absolute limit he can fine a man is twenty dollars, and the limit of time he can imprison him is fourteen days. In the hundreds of cases in the Boston court I do not think there has ever been a man in prison for debt on account of a claim in the small claims court. I can say to you that Judge Barry told me that himself.

I really think that every small business man in this House, every small wage earner who contracts bills that perhaps he cannot pay right on the dot—and all of you have constituents in that same category—I really think this bill should prove a boon to all those people and to every person in the State.

I will admit right now, however, that it might not help the big stores or the chain stores, because the chain stores operate on a cash basis and there is no credit system there. And right there again is another reason why we ought to help the small merchant, because, in his endeavor to do a little business against the chain store competition, he has to extend credit and he puts himself in a hard spot; and the smaller business man, in order to exist, has to extend credit. This bill ought to prove a further boon to him. So, with the possible exception of the chain stores and the mail order houses and large stores that are able to maintain a credit department and find out all about the prospective customers before they extend credit, this bill ought to be a distinct boon to everyone who sells or buys.

I hope the members of this House will realize this is not a fly-by-night scheme. All the states in New England have it except Maine, and they have it in twenty other states. The only possible objection to the bill—and I will say the only opponent who appeared against the bill happened to be a collection lawyer. I do not blame him because that is his way of making a living. I have not any doubt but what he can find plenty to do, because a merchant, even in this case, can have all the details attended to by a lawyer. It only goes up to fifty dollars, and of course the average claim is a lot higher than that.

This bill is to protect principally the working man, because his average debts do not aggregate much

more than fifty dollars; and this bill is to protect the smaller merchants. I think even the smallest merchant can have his business endangered by debts of fifteen or sixteen dollars, and when in the aggregate they mount up to a thousand dollars, it makes it pretty hard for him to carry on his business. I sincerely believe this bill will help every man and woman and in this House as well as the workers whom we are interested in. I sincerely hope that the motion of the gentleman from Hampden, Mr. Briggs, to accept the minority report, will prevail.

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

Mr. JACOBS: Mr. Speaker, I am one of these small merchants trying to get a living from the public. Ninety per cent of the bills I lose from my customers are small bills. I feel that this bill if passed will help every dealer in this State, every person who is trying to do business in this State.

Knowing a great many of the judges of municipal courts in Maine, I think they rank high in integrity and character and good judgment. I think it is to the interest of our citizens to have the law enforced in this as well as in other matters. It seems perfectly proper that this small claims act should pass and give us who are in business a chance to collect these small bills from customers who are able to pay and will not pay unless they are forced to do so.

It is rather expensive to go to the Superior Court with a small claim. I feel we are justified in supporting this measure, because I feel that we who are doing business with the public ought to have our pay when we give them credit, where we have confidence in people that they will pay and for some reason or other they will not.

I would not, as a member of this House or as a dealer in business, force a man to pay who was unable to pay. I would not have him go to jail, because that is no satisfaction. I believe that it is proper and right that this small claims bill should have a passage.

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

Mr. MCGLAUFLIN: I was one of those who signed the bill "Ought not to pass." I do not sign reports

that I do not have some good reason for my position.

I was very much interested in the splendid remarks made by the gentleman from Hampden, Mr. Briggs. He made a fine address. I was also interested in the remarks of my friend, the gentleman from Rockland, Mr. Sleeper.

I am not greatly concerned with what you do with this bill. I am going to tell you why I oppose it, and then I am perfectly contented to leave it in your hands.

In the first place, I have been a Judge of the Portland Municipal Court. I estimate that the Judge ought to have his salary increased at least a \$1,000 in Portland alone, if you put this work upon him. I estimate that you will add at least \$500 to salary of the Recorder of Portland alone, if this bill becomes a law. And you may be sure that the next Legislature will have bills aplenty for increases in salary.

Now, they say that this has been enacted in some other states. I have no doubt but these small claim courts are necessary and desirable in large industrial cities, but I think there is no need of them in Maine at all.

The strongest proponent of this bill that I know of, in Portland, is the owner of a corporation. Now, in the State of New York corporations are not allowed to put their claims into these small claims courts because they are intended for such people as my friend, the gentleman from Auburn, Mr. Jacobs, a man who has just small claims and not for corporations.

As I see it, the corporations are the ones that are going to get the greater benefit from these small claim courts, because they dump all their small claims into the court, so that they will not have to pay a lawyer.

Now, that does not concern me personally, for I think I have had but two claims in the Municipal Court in the last year.

It has been stated by the gentleman from Rockland, Mr. Sleeper, that these lawyers do not want these claims. I do not know of any lawyers, except those that have much business, that are not willing to take claims for collection. Young lawyers need those claims, for that is about the only kind of business they have for the first few years of their practice.

I cannot see that this is any advantage to people that it should assist, if the bill should become a law.

I want to add that I think the gentleman from South Portland, Mr. Hinckley, made a very strong point when he pointed out to you that a debtor has no right to appeal. That is putting a pretty severe penalty upon the poor man who is placed under the absolute control of the Court, and, if you will observe, the Judge—while he only sends him to jail for a short period of time for contempt in the first instance—he can renew the contempt proceedings, over and over, as I remember the bill.

I think this is an unwise bill, and I shall vote against it.

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

Mr. MILLS: Mr. Speaker and Members of the House: As rather a young lawyer with only a few years experience before the Bar, I want to say that the small claims business—small debts—I think for a good many of us are more detrimental to our practice than they are of benefit. It is one of the surest ways of making enemies, to go around chasing these fellows and pushing them and causing them the trouble which you have the power to cause them under the present procedure.

I think that one of our objectives should be in Maine to simplify judicial procedure, to make justice readily available to anyone who seeks it and to cut as much of the red tape as possible.

The Federal courts of the country have done that, within recent years. They have simplified the procedure so that technicalities are frowned on a great deal, and a man's case is gotten in before the Judges more expeditiously. I think we should follow the tendency of other states in making this justice readily available to people who have small claims, and also ease the burdens which the present system imposes upon the debtors who owe these small bills.

I would like to refer, first, to the remarks which have been made by the gentleman from South Portland, Mr. Hinckley, and the gentleman from Portland, Mr. McGlauffin.

I think that paramount among their objections is the objection that the court expense would be added to

the counties, and that in Portland alone the Judge of the Municipal Court would ask for \$1,000 more, and the Recorder would ask for \$500 more.

I think it was hardly considered that the Judges are allowed, under this bill, \$1.00 apiece for each claim that comes before them, and that in itself constitutes a salary raise, and certainly should be full compensation to the Judge. Probably in Portland there would be at least 1500 claims during the course of the year. So that this bill itself would provide \$1500 increase in the salaries of the Judge and the recorder combined.

It was suggested, too, that there is not enough appeal provided in the statute. It was suggested that there should be further appeal.

I think that if the gentlemen who are in opposition to the bill wish to amend it and will later suggest and provide further protection, that the House probably, would be willing to give the additional protection to debtors in the way of appeal.

I hope we will not throw this bill out on that type of technicality, and that we will consider it fully on its merits.

Now, the thing that has impressed me most about the burden on the debtor under the present procedure is the high cost to him when he is finally able to pay or go to jail.

At the present time you go into a lawyer's office and will have a bill for, say \$4.00. It may be a bill you are very bitter about and hire a lawyer to collect at all costs. So he goes ahead, first, and sends out a kind of a mild letter, saying: "John Doe has left a bill against you in the sum of \$4.00. Please see us at your earliest convenience in regard to it." And you will set it on your calendar for ten days hence. At that time you have not heard from him, so you give him another letter, a little stronger letter, saying—or if you are using two letters, you may send him what we call the "Hell Letter" right then—telling him that he either must pay the bill or that you are going to sue him; and telling him that if he does not come in, the court will be after him. If he does not pay then, you serve a writ on him. You send an officer up to serve it on him. That runs up to some expense.

You go to court, and supposing

he does not appear in the municipal court, you get an execution. Then your costs against this fellow may be something like this. I have here a copy of an execution in a court right handy to our location. It was a \$4.00 bill and the costs, after that judgment in the Municipal Court on a \$4.00 bill, amounted to \$8.96. Then there is a fifteen cent charge for issuing the execution, so that it would run about thirteen dollars and some odd cents for this \$4.00 bill.

But that is not the end of it. If you tell him you have got an execution against him, he will still laugh, and say, "What are you going to do about it?"

You then petition the Disclosure Commission, so that the Disclosure Commissioner will cite him in to disclose, and the cost of disclosure would run like this:

Subpoena	.25
Entry	.25
Capias	.25
Certificate	.25
Hearing	3.00
Default	.25

That is a total of \$4.25, added onto what was only a \$4.00 bill when you started.

When you get that, you can really act. You take that capias, and that means you can say to an officer, "Mr. Officer, you go get him and put him in jail." And you can take an officer, any officer, and he goes after the fellow. He says to him, "Either you pay or you will have to go to jail." If he is not able to pay, he may be able to take the Poor Debtor's Oath. If he does not, you pay the sheriff his board, and he goes in jail.

You see that that procedure is very long and complicated, while this is beneficial to the debtor, inasmuch as costs mount sometimes several-fold the original bill.

It seems to me that anything which this Legislature can do to shorten that up, and to make the courts more readily available to both sides, I think we should consider seriously before we throw it out.

We have talked about cost to the debtor in regard to court costs.

We have not talked about the creditor's costs; what it is going to cost him.

We are supposed to abide by what we call commercial law league rates in collection cases. I think there is

one error here. But in the first bracket as I understand it, we are supposed to charge the creditor fifty per cent on the basis of the bill, if it is anything under \$15.00, and then it goes to fifteen per cent from there to \$300.00; eight per cent on the excess up to \$1,000; and four per cent on any excess.

So you see that those are not exorbitant. They may be exorbitant on small claims but they are not exorbitant in regard to the work that a lawyer has to do. It hurts a creditor if he has to pay the greater percentage of his bill to a lawyer for collecting it for him; but the lawyer, in order to collect it, has to put in a great deal of time.

This bill which the gentleman from Rockland, Mr. Sleeper, has put in, would expedite that. It would enable you to get quicker to court. I think it is in favor of us lawyers. It would help us. It would give people more confidence in the courts. It would show you that you do not have to go through all this legal procedure. Anything of this nature which does so simplify, I think should be given favorable consideration.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker and Members of the House: It is evident that the minority reports are receiving careful consideration by this Legislature.

I had a great deal of ammunition to place before you in regard to this bill in its favor, after receiving so many requests from the small and large business concerns of Penobscot County to support the bill of the gentleman from Rockland, Mr. Sleeper.

The gentleman from Hampden, Mr. Briggs, has carefully outlined it. It is not a vicious bill. It is intended wholly and solely to do away with an antiquated means of taking small claims into our courts.

If there ever was a time for this Legislature to do something for the small man, for the twenty odd thousand small and large retailers of the State, this is their opportunity.

Rather than go along with the many facts and figures that I have compiled here, I think I will yield the floor. I will just say that I am in favor of the motion as made by the gentleman from Hampden, Mr.

Briggs, to accept the Minority Report.

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

Mr. JONES: Mr. Speaker and Members of the House: Not being myself a member of the Bar, I am like the fellow who was asked, "What do you know about electricity?" His answer was, "I know enough about it to leave it alone." (Laughter) That about sums up my knowledge of the law.

I have heard the remarks of the gentlemen who were talking for the the small business man, and, as I understand this bill, there are things in here for the poor man — the man who is not poor because of being brought up poor, but who is poor because of the conditions that we have gone through in the past years. It is due to those conditions that he is poor.

It is going to help that man, because he is not going to be served with a summons at his home or place of business, or wherever he works—in a ditch, or in a store, or behind a counter.

It is going to eliminate any possible chance of taking that fellow—who has had a tough break — before the courts and making him take the Poor Debtor's Oath. I think that if it only does that one thing, it is going a long way toward helping the fellow who is down. I have always been led to feel that it is nicer to take a man by the arm and help him along, then it is to step on the back of his neck and push him down a little further.

I am whole-heartedly in favor of the motion that this bill has a passage.

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

Mr. SOUTHARD: Mr. Speaker and Members of the House: I am a lawyer, and therefore biased. I therefore, ask you that you pay no attention to me, but I would like to have you listen to my reasons.

Our judicial procedure perhaps does need some correction. This Legislature has also taken the first step to correction in the passage of Legislative Document 516, which empowers the Chief Justice to appoint a committee to study the practice and procedure of our courts.

This bill, I am afraid, is quite

likely to result in the abrogation of a great many of our statutes enacted for the protection of poor persons.

Under Section 3 of this bill the claim may be brought before any judge having jurisdiction over the matter. The Municipal Judges under our statutes have jurisdiction over defendants anywhere in the county in which the court is located.

I am just going to suggest to you that creditors will place their small claims before a Judge who will deal most harshly with the debtor.

The gentleman from Farmington, Mr. Mills, says that I should amend this thing and fix it the way I want it. I rather dislike the idea of my Brother, the gentleman from Farmington, Mr. Mills, putting in the principle and for me to be amending it. I think we should vote on this bill as it is. I think there are sufficient objections to it as to destroy the value of the entire measure.

The right of appeal of a plaintiff or defendant is denied in Section 5.

"A plaintiff beginning a cause under this act shall be deemed to have waived a trial by jury and any right of appeal."

In lieu thereof, the defendant, if there is a question of facts involved, may appeal directly to the Superior Court. That is the only way he can get out of under a Judge who may be harsh. He has no choice. The creditor is the only one who can pick the Judge who is to exercise his authority upon this matter.

In connection with this matter of appeal, I further call your attention to the fact that no other party to the case shall be entitled to appeal.

Under Section 10 it states: "No process of mesne attachment shall issue under this procedure, except upon the order of the court. Such order shall state the amount of the attachment and the property or credits to be attached."

I do not know, but I suspect very strongly the use of the words "or credits" suggests that trustee process may be made.

A harsh Judge may issue a trustee process, saying, "John Jones owes the defendant, and shall keep that amount and shall pay the plaintiff in the case of that judgment." That trustee has no right of appeal if

the Judge decides unfavorably. He does not have any right of appeal and he has nothing to say about it at all.

Further than that, I am assuming again, that there is a Municipal Judge before whom that claim may be brought who is extremely favorable or partly favorable to the creditor. I know you find one in most counties.

Under this bill the debtor is ordered to pay without any regard to exemption from execution.

Now we have gone quite a long way in exempting property. We have exempted from trustee process the sum of \$20.00; we have exempted from attachment and levy \$200 worth of household furniture; we have exempted the produce of farms until harvested; we have exempted farm stock and necessary tools of trade and a number of other matters.

The Judge need pay no attention whatever to that. He can nullify that if he sees fit by saying, "You can pay; now pay." If the debtor is required to pay and does not pay, he then may go to jail for contempt. There is no provision for appeal from the decision of the Judge. There is no provision for taking the Poor Debtor's Oath. He goes to jail for contempt, and there he is supported at the expense of the county.

Now, today before a creditor presses a debtor too hard, he is reasonably sure that that debtor can pay, because he himself has a reasonably large amount of money invested in trying to make that debtor pay. The creditor today can sue the debtor through the court and use legal process to collect, if he believes the debtor can pay, and not otherwise. Otherwise, he is throwing his money away. The old remedy remains and the new one can be used at no expense to the creditor; and in combination with a harsh judge—and you can get them—the creditor who cannot collect bills by the old system will use this cheaper method.

For these reasons, I hope the motion of the gentleman from Hampden, Mr. Briggs, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker and Members of the House: I am

afraid I must read a paper that I have here, because, in a way, it explains several of the facts and statements brought out by the gentleman from Augusta, (Mr. Southard) who spoke just now.

As a layman I have often wondered why our court system required a citizen who had a small, simple claim to collect, to go through so much rigmarole. He must first hire a lawyer to transcribe his simple claim into the tedious, not concise, complicated, phraseology required by civil pleading, and must pay the cost of service by a deputy sheriff. That is an antiquated system. If the case is contested he must have an attorney to guide him through complicated rules as to just what facts he can prove. If he gets a judgment and the defendant does not pay, he must again have the services of an attorney and pay the costs of service in order to get the defendant before a separate court, the Disclosure Commissioner. By the time he gets through, the small merchant or workingman wishes he had never started. Undoubtedly many of them do not start because of the delay and expense involved, and to that measure justice is denied them under our present system.

There is another angle to this proposed measure which appeals to me from the standpoint of the layman. How many laymen know that they can be imprisoned for debt? Take the case of an honest but impoverished debtor who gets a summons from a municipal court. He knows that he owes the bill and cannot pay it in full. He knows also that the fact he is not able to pay it, is no defense. As a result, he lets the matter slide. The case goes to judgment and costs varying from approximately \$5.56 to \$8.60 are added to his original bill. Of this approximately \$4.66 to \$7.70 is eventually paid to plaintiff's attorney. The next thing he receives is a summons from a Disclosure Commissioner. Because he does not want to take a Poor Debtor's Oath he lets it slide. Costs of from \$4 to \$6. are again added. The next thing he knows a sheriff calls around with a writ calling for his imprisonment on an amount for in excess of the original debt.

Under the bill proposed the debtor is given every opportunity. In the original notice he is informed that he may ask for time to pay

and pay by installments. He knows that costs on judgment will be only \$1.85. He knows that if the Judge finds him unable to pay he may dismiss the proceedings without a Poor Debtor's Oath. The debtor is informed that if he fails to take advantage of these opportunities and abide by the court's decision and orders, he may be punished for contempt. That is a very important part of the bill.

To me, speaking as a layman, nothing could be fairer than this. It brings justice within the reach of the small claimant in speedy, uncomplicated fashion. It gives to a defendant every chance to be heard, prevents the taxing of oppressive costs and punishes only those defendants in the dead beat category who can pay and won't. Again as a layman, I feel that this bill would do much to increase respect for our courts by giving to the average citizen, in the words of our Maine Constitution "right and justice . . . freely and without sale, completely and without denial, promptly and without delay."

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker and Members of the House: I think this has been pretty thoroughly discussed, and I think it is pretty thoroughly in the minds of everyone that this bill is not going to hurt the debtor but will help the debtor and also the creditor. I move the previous question.

The SPEAKER: In order for the Chair to entertain the motion for previous question requires the consent of one-third of the members present. All those who are in favor of the Chair entertaining the motion for previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the previous question will be entertained. The question before the House is shall the main question be now put.

Mr. PELLETIER of Sanford: Mr. Speaker, I ask that when the vote is taken it be taken by a division.

The SPEAKER: As many as are in favor of the main question being put now will say aye; those opposed no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is on the motion of the gentleman from Hampden, Mr. Briggs, that the House accept the minority, "Ought to pass" report of the committee.

The gentleman from Sanford (Mr. Pelletier) asked for a division or the roll call?

Mr. PELLETIER: Mr. Speaker, I asked for a division.

The SPEAKER: All those in favor of the motion of the gentleman from Hampden, Mr. Briggs, that the House accept the minority report of the committee "Ought to pass" 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 three having voted in the affirmative and 12 in the negative, the motion prevailed, and the minority report "Ought to pass" was accepted.

The Chair lays before the House the first tabled and unassigned matter, Final Report of the Committee on Inland Fisheries and Game, tabled by the gentleman from Standish, Mr. Hanold, on March 31st, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. HANOLD: Mr. Speaker, we have got another game preserve around this House somewhere and I cannot find it. I move that this matter be retabled.

The SPEAKER: The gentleman from Standish, Mr. Hanold, moves that the report lie on the table pending acceptance in concurrence. Is this the pleasure of the House?

The motion prevailed and the report was tabled pending acceptance in concurrence.

The Chair lays before the House the second tabled and unassigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass in new draft" of the Committee on Legal Affairs, on Bill "An Act Creating a State Lottery Commission." (H. P. 113) (L. D. 61) (New draft H. P. 1860) (L. D. 1074) tabled by the gentleman from Camden, Mr. Dwinal, on March 31st, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. DWINAL: Mr. Speaker, I will

promise I will not take up too much time as it is getting near dinner.

This is another one of these minority reports, and I wish I might be as successful as some have been in the past. However, I simply want to call the attention of the House to the fact that in voting on this measure you are not voting for a State Lottery; you are voting simply to allow the people to decide whether they desire to raise money in that way.

Now I presented this bill at the request of a large number of business men in my section of the State who felt that we should have some relief on account of the large Federal taxes that we are now getting and are going to get—and this year's taxes are going to be nothing compared with next year's taxes, both income and inheritance and sales taxes from the Federal government. In other words, most of our State forms of income are going to be dried up by Federal taxes, and the boys who are paying the freight, the business men of the State, or a large number of them, feel we should go into a new form of raising revenue—in other words the State Lottery. The money has got to be raised; the State has got to have new money, and we have got to devise some way of raising it. If we do not have something in the form of a lottery, then we have got to go into additional taxes.

According to the Gallup poll taken on this matter—and I do not have the figures for the State of Maine segregated from the rest of New England—it showed a small majority in favor of having a lottery. The figures I can give you from this poll show the northern half of Kennebec County a little over three to one in favor. I do not say that the State of Maine would vote favorably on it, because I do not know; but I feel, in accordance with the demand I have received, and in accordance with the figures received from the Gallup poll, that the demand is sufficient, so that we should give them the opportunity to say whether they desire to have it.

I have here on my desk a telegram from the Chamber of Commerce in Bar Harbor requesting that we pass this measure. That is an example of the fact that the business men and the boys who are paying the freight are in back of it.

Now as to the amount of money that such a measure would raise, it is really impossible to get any exact figure nationally. You can not tell exactly how much the State would net on it. But from such figures as I have available, and from sources that should be reasonably reliable, it will range between one and a half and four million dollars per year. I have had some more enthusiastic estimates than that, but I want to be conservative in the matter, so I am sticking to the middle ground. So, from sources which I say are conservative, I should say there would be somewhere from a million and a half to four million a year.

Under the proposed set-up, tickets would be sold simply through town offices and the town in return would receive a sales commission, which sum would be used in helping the Welfare Department of each town, thereby relieving some of our town tax bills. The remainder would be split up between the State and the ticketholder.

The State at the present time is in the pari-mutuel business. Now I cannot see anything any more harmful in a State Lottery where a person spends a dollar every month than for them to spend eight, ten or twelve or more dollars in an afternoon betting on the horse races. Yet the State is in that line of business. We certainly are not lowering our moral standard any when we extend it into this line of business.

I might point out further that practically every civilized country in the world today has a legalized State Lottery. The State of Maine in the past has had it. It is no new thing.

Now I am not going to take any more time except I want to reiterate that you can agree with every argument that can be advanced against it, you can agree with any moral argument or anything the proponents may say and you can still vote in favor of this measure, because you are only voting to give the people of the State a chance to have their say as to whether or not they want it; and I think most of you agree that we are here trying to represent the will of the majority of our people.

The SPEAKER: Does the Chair understand that the gentleman does not make a motion?

Mr. DWINAL: Mr. Speaker, I move the acceptance of the minority report.

The SPEAKER: The gentleman from Camden, Mr. Dwinal, moves that the House accept the minority report "Ought not to pass." The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. McGLAULIN: Mr. Speaker, I would like the privilege of facing the House.

The SPEAKER: The gentleman has that privilege.

Mr. McGLAULIN: Mr. Speaker and Ladies and Gentlemen of the House: This is a measure in which I am most concerned. If you pass this measure you are going to reverse the whole policy of the State of Maine for the last one hundred and twenty years.

What is this Legislature for? What is the reason that we are here? I will tell you. It is to promote the welfare of the people of Maine.

We pass some laws that effect the whole people. And why? Because we think the law that we adopt is going to be a better law than now prevails.

Just a moment ago you expressed your opinion on the small claims act. Why? You did it because you believed in what was said, that it was going to benefit somebody by passing such an act. And so it is true with every measure that is passed in this Legislature.

We do not always agree. I sometimes think one way and you think another; but I say positively that every last one of us are here to try the best we know how to better the conditions of the citizens of this great State of Maine.

I have said that to adopt this bill is going to reverse that policy, and I am going to tell you why.

First, let us take note of the class of people that want this lottery, this State lottery. Mr. Dwinal does not want this lottery so that he can invest his money with a view of making a profit on it. I venture to say that is true; but he represents a class of people who want the lottery, and, strange to say, he represents a class of intelligent people who want the lottery. I have talked with many of these people, bright, intelligent citizens. And why do they want a State lottery? I will tell you why. It is from a purely selfish motive. They want the State lottery because they want the other

fellow to pay the bill. That is a fact. They just do not want to do their part. They want to throw it over onto the other fellow.

Now I said that we are reversing our policy if we adopt it. Why? Instead of working for the welfare of our people we are trying to work for the good of the men and women who will profit from this lottery business.

Before I take up the definite arguments on this matter which I propose to present, let me touch briefly on the history of lotteries.

The first lottery that I know anything about started in ancient Rome; it extended to France, and history tells us that the State lottery in France had a most demoralizing effect upon the people of that nation and it was finally repealed. It was tried in England and there was repealed. It was tried in the early history of the United States and they found it was so detrimental that it was outlawed by the Federal government. Some of us are old enough to remember the famous Louisiana lottery. That continued for some time until it got so bad that the Federal government passed a law that is still on the statute books, that you cannot use the United States mails for the promotion of a lottery. And, if you should adopt this State lottery, the State officials themselves today cannot use the mails to carry on this lottery throughout the State. I read only two weeks ago that in New Jersey in one day seventy-one people had been arrested in that State for violating the Federal law in regard to lotteries.

Let us come to the State of Maine. It has been said that the State of Maine has had lotteries. It has — not State lotteries, but I find that it had had two private lotteries.

In 1823 the State Legislature provided for a lottery to enable the promoters of a canal from Portland to Sebago Lake to raise \$50,000, and they had ten years in which to raise it, and in the ten years they were unable to get that \$50,000 and the State Legislature had to come in and help to build that canal.

The other case that has come to my attention was where a man by the name of Sargent built a bridge at Sullivan Ferry in Washington County, and in 1826 the Legislature set up a lottery to enable him to raise the sum of \$4,000 to reimburse

him for the money he had paid out for that bridge. They issued tickets here at the State House. They were not able to sell many of them, and the question arose as to who was to lose, and suit was brought against the people that had issued the tickets and had not got the money back. That case is recorded in 4 Maine. The court finally decided that the men who sold the tickets and did not get the money back—I should say the men who issued the tickets; they didn't sell them—would not have to pay. So, so far as I am able to learn, Mr. Sargent never got his money.

Tracing the matter a little further along, in the Revised Statutes of Maine for 1840 you will find that after the experience they had had with lotteries in the early history of Maine, they prohibited lotteries and made a penalty of one thousand dollars for even holding lottery tickets in your possession. If you sold or advertised or held a ticket or a part of a ticket, you could be fined one thousand dollars. So it is quite evident that the people of the State had come to the conclusion that lotteries were not a good thing.

Now to get back to my argument. This bill provides that about thirty-five per cent shall go for prizes. That would be, for practical purposes, one dollar return for each three dollars received. Now notice this: Let us assume for a moment that you sell one hundred thousand tickets at a dollar apiece, and let us further suppose the State puts up as prizes one thousand one dollar bills—they do not do anything as good as that, but let us suppose they did. Then what would you have? You would have one chance in three of getting something? Oh no. You would have one chance in three of getting your money back.

What do they do? They will put up a prize of five thousand dollars or ten thousand dollars. All right. Let us have a good prize while we are at it, a prize of ten thousand dollars. What is that for? That is to lure the people to invest their money, to take a chance on getting that ten thousand dollars. How much of a chance do you think you have got? Well, if you had just one prize it would take the sale of thirty thousand tickets to get the money for that ten thousand dollar prize,

in which case, if the sale of the tickets were limited, each investor would have one chance in thirty thousand of getting that prize.

But do not think for a minute it is anything like that. If you sell three hundred thousand tickets you are going to have just one chance in three hundred thousand of getting that prize. Take it further, and if you can get four million, as my Brother, the gentleman from Camden (Mr. Dwinal) suggested, you will have one chance in four million of getting a prize.

Now is there any schoolboy in this State who cannot figure that that is not a good investment? I tell you these men that know their business are not going to invest their money in these chances. They have not any idea of doing it. Here and there they will spend a dollar just for the fun of it, but they are not investing any money on that unsound basis.

Now who are going to buy these tickets? I will tell you who. It is the simple-minded fool who does not know any better—that is, excepting a few of these fellows who do it for fun. You are going to take the dollar out of the fellow who is working for wages, who thinks that he will risk that dollar; rather than pay for groceries or shoes he is going to risk that dollar, hoping he can get something to help him to a better condition, and he is sure to lose.

Now lotteries may be all right—I do not think so—but let me point out that this is the State of Maine, and the State of Maine is taking advantage of the people that it should protect. That is where you are reversing the whole policy of the State to protect the general welfare of the people. You are going farther; you are luring these simple-minded people, and you are holding out temptation for them to go wrong. You are taking advantage of your people. It is wrong; it is dead wrong in every sense it is wrong. This State should protect these people. This State should pass laws for their welfare and not for their detriment. You are picking out the most helpless class of people in this State and casting this tremendous burden upon them to help people from the Chamber of Commerce of Bar Harbor who are foolish enough to want somebody else to pay and

let them go Scot free. It is a damnable proposition.

Have I not made it plain that this is not a sound investment? But there are other reasons why I am opposed to it. I was talking with a man in Portland recently who favored this lottery. He said, "It is not any use for you or anybody else to discuss the moral issue in the Legislature; the people no longer have any morals." Be that as it may, I am going to discuss it.

I am one of the men who feel very proud of the State of Maine. I feel proud of its motto, "Dirigo"—"I Lead." Lead in what? We lead in high principles. There is no State in this Union that stands above the State of Maine on high ideals. I for one do not want the State of Maine, which tells me what my conduct shall be and tells me for one hundred and twenty years that it is illegal to gamble, to reverse its entire position and go into the gambling business itself. I do not like it. I want to be able to look up to the State of Maine. I want this State to be on a high level. I want it so that I can feel that the State of Maine that makes laws governing the conduct of every one of its citizens shall itself live up to these same principles.

The SPEAKER: The Chair wishes to call the attention of the House to the fact that there is a mistake in the printing on the calendar in that this bill is printed as No. 1076 when it is in fact No. 1074.

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

Mr. PAYSON: Mr. Speaker, I can see no less than twenty splendid orations coming up on this bill. I therefore move that the House recess until two o'clock this afternoon.

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

The motion prevailed and the House so recessed.

Afternoon Session—2 P. M.

The SPEAKER: The House is proceeding under Orders of the Day. The pending question before the House is on the motion of the gentleman from Camden, Mr. Dwinal, that the minority report "Ought to pass" on Legislative Document 1074, Bill "An Act Creating a State Lot-

tery Commission" be accepted. The Chair recognizes the gentleman from Bar Harbor, Mr. McLeod.

Mr. McLEOD: Mr. Speaker and Members of the Ninetieth Legislature: I had not intended to speak on this bill, but as both the proponent, the gentleman from Camden, Mr. Dwinal, and the opponent, the gentleman from Portland, Mr. McGlauffin, have mentioned Bar Harbor in connection with it, I feel that some explanation from me might be expected, because I thought perhaps the members present would want to know how Bar Harbor feels about it.

Two weeks ago, when I went home to Bar Harbor, I was requested to attend a meeting, by the directors of the Chamber of Commerce, for the purpose of discussing some of the bills which have since been presented before us concerning Bar Harbor, and also to oppose most of the sales tax measures.

Number one on their list to give the State additional revenue to pay Old Age assistance was this State Lottery Commission. Later this same group communicated with the Chairman on the Hancock County delegation, Senator Emery, and asked for the support of this group on this measure.

Now I could not say whether the majority of the voters of Bar Harbor would support this measure, but I have had a great many more people ask for the support of this bill than for its defeat. Personally, I shall probably vote "No" on this referendum, if this bill is adopted, but I do not feel qualified to decide for the people whom I represent, so I think it is my duty to give them a chance to decide for themselves on whether or not they want a State Lottery. If we were voting for a State Lottery today I would vote against it, but I wish to support the motion of the gentleman from Camden, Mr. Dwinal, giving the voters of the State a chance to decide for themselves.

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

Mr. HINCKLEY: Mr. Speaker, let me say first, in answer to the last remarks of the gentleman from Bar Harbor, Mr. McLeod: If this House votes to send this bill to the people for their approval or disapproval, you are in fact putting your stamp of approval on this bill, because you

are saying that it has enough merit in it to warrant their support. I do not believe we should relieve ourselves of the responsibility on this measure which I believe is put upon the members of this Legislature. That is all I have to say is regard to that.

I think perhaps my feeling on this bill might better be expressed in the form of a story. I told this story to the members of the last Legislature, and those members who heard it need not listen, and, as far as I am concerned, if you are not called to order by the Speaker, you may read your newspapers.

It seems that there was a gentleman in a small town who sent to a mail order house for a bill of goods. The goods arrived in time and they were not satisfactory and he refused to pay for them. They began to demand payment, and, not receiving any satisfactory replies from him, they wrote to the express agent in the town to see if the goods had arrived all right. They then wrote to the president of the bank, asking as to the financial standing of the purchaser. They also wrote to the mayor of the town, asking if he would recommend a good lawyer to handle the case. In due time they received a reply as follows:

"I received your various letters. As the express agent of this town, I can assure you that these goods did arrive all right. As president of the local bank, I can assure you that my financial standing is above reproach. As mayor of the town, I hesitate to recommend a lawyer because I happen to be the only member of the bar in this vicinity, and, I tell you further, if I were not the pastor of the local church I would tell you where to go." (Laughter)

Now I do not have any hostility toward the proponents of this bill; they are my friends as well as yours. This is not a personal matter. But I do detest the bill that has been introduced because I think it is vicious and iniquitous and never should have the support of any member of this House.

This bill has been before many Legislatures. I can remember four years ago it showed its head here, two years ago it showed up, and it has shown up in practically the same form this session. I hope that when we kill this, as we will kill it, that we shall then call in our two

estimable funeral directors, Mr. Dorsey and Mr. Bowers, and have them give it such an injection of embalming fluid that it will never show its head in this House again. That is the way I feel about this bill.

Four years ago I suggested to the proponents of such a measure as this an amendment which they might add if they saw fit. On account of the supersensitive nature of my friend, Mr. Donahue, that amendment was not printed in the record. Perhaps that was wise. The gentleman from Camden, Mr. Dwinal, asked me if I had that amendment this year, and I assured him I did not; and so, of course, we have lost for all posterity a fine piece of literature. But, regardless of that proposition, if we should adopt this measure, is there any reason why we should not go a step further? Let me suggest to you that we might authorize the theft of automobiles, which is just as reasonable.

Now we can say to the people of this State that we are going to authorize the theft of automobiles, and if you are clever enough to get the automobile to a police station before you are detected, then the State will confiscate the automobile and the State will then sell it, retain fifty per cent of the proceeds for itself, give twenty-five per cent to the thief and twenty-five per cent to the original owner of the automobile.

You see that would do several things: First, it would teach the thief to be very crafty, because he would have to get to the police station without detection. Second, it would place the responsibility upon the automobile owner, because he would have to be careful to lock his automobile.

We can go a step further and we will say it will help all insurance dealers, because people will ordinarily take out more theft insurance. It will help automobile dealers like Mr. McLeod, because they naturally will sell more automobiles. Think what a great revenue producer it would be to the State of Maine! And the injury would fall on those best able to pay.

Now those are the arguments presented by the proponents of the Lottery bill. I say to you that one is just as logical as the other. You say my proposition is ridiculous. It

is. But it is no more ridiculous than the idea of a State Lottery.

Let me read to you, if you will, an editorial that appeared in the Kennebec Journal of January 30th, 1941:

"At the hearing on the bill to establish a lottery in this state, the opponents proved much stronger than the proponents and this probably represents the position of the majority of the citizens. This state lottery is a will-o'-the-wisp that's certain to produce more trouble than profit for us. It's a gold brick as a business proposition, for the profits are sure to be disappointing. To produce the needed volume of business such a proportion of the receipts must go to prizes; only the most efficient management will leave anything substantial for the state. No privately conducted game of chance is honest and one that is honest cannot earn substantial profits for anyone. Professional gamblers do not gamble but fleece the gullible with sure things and certainly no one wants the State of Maine to be doing that. Otherwise, however, the profits from a state lottery are sure to be negligible.

"The chief argument in favor of a state lottery, is that much money is going out of the state illegally and we may as well stop that by adding a state lottery to state liquor selling and legalized betting on horse races. No one attempts to estimate how much money goes out of the state in illegal games of chance and probably it is far less than supposed. It would have to be much larger than anyone has estimated to make a state lottery profitable. This money also is lost chiefly by people who can afford it, as would not be the case in a legalized lottery. Gambling is little less of a curse than drunkenness and so should not be encouraged officially.

"State liquor selling is not a fair parallel. That, basically, is not an attempt to make profits for the state but to better control a public evil. Had national prohibition been a success the state never would have engaged in liquor selling but failure of that forced it upon us. Our state liquor selling essentially is an attempt to find something better than prohibition for the control of a crying evil. Nothing of the sort can be said in favor of a state lottery since that, basically, is encouraging and

increasing a public evil rather than an attempt to control and improve. Profits from state liquor selling are incidental to a different major purpose while they would be the whole purpose of a state lottery."

There is another editorial in the Kennebec Journal of the 24th of February of this year. I will not take your time on that because it deals with the Massachusetts lottery. Massachusetts this very year turned down the lottery bill which was presented in the House of Representatives by an overwhelming majority; and that was in spite of the fact they had a referendum up in some localities of Massachusetts which seemed to indicate the State might be in favor of a lottery. The Senate in Massachusetts turned it down by a voice vote.

Now that shows how they feel in Massachusetts- and we think perhaps Massachusetts has gone just about as far as any State would go in legalizing things of this kind. They turned this down flatly because they believed it was a vicious measure, and I believe this House should feel likewise.

I am not going to argue any longer on this matter, Mr. Speaker. I think it is, as I said before, vicious and iniquitous, and I think this House would be making a grave mistake if we should say to the people of the State of Maine that our stamp of approval was on anything of this kind.

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

MR. RANKIN: Mr. Speaker and Members of the House: I feel I have already spoken more often than a new member should, but I am not, however, guaranteeing that I shall not speak again. My friend, the gentleman from Clifton, Mr. Williams, said that everyone spoke for some reason. He said very frankly that he spoke because he liked to speak. I do not blame him for it.

Now, I shall not go so far as to say I like to speak, but I think it will be an honest statement, perhaps, to say that I have been known to speak on very slight provocation but the provocation in this case is not a slight provocation.

I have great respect for the proponents of this bill. I like them personally. I think we all do. I agree with the gentleman from

South Portland, Mr. Hinckley, that the measure itself is iniquitous. It is sordid, it is evil, it is pestilent—that is what a state lottery is.

Now, I have seen a lottery at close range. I think the question was asked this morning if there was not somebody here who had actually seen the workings of the lottery in Cuba or in Spain. I have seen the workings of the lottery in Spain. That is why I want to tell you something about it. It was in Spain that I conceived my greatest dislike for it.

A distinguished member of this State Legislature told me, recently, that he had a letter from one of his constituents which went something like this: "I am broke; I am in debt; my wife and children are in need. For God's sake pass a lottery bill."

Now, that letter sums it all up, it seems to me, and condemns this measure one hundred per cent.

Now, would you advise that man, that head of a family, who is in need, would you advise that man—would anyone here advise that man, to invest in any lottery? No! But according to this bill we are advising the people of Maine, and what suckers we could catch from other states, to invest in this lottery.

The most thorough investigation ever made of the lottery matter was made by a Committee of the English Parliament,—both Houses.

It summed it up this way: It said that it had found by investigation that the lottery bill was the most pernicious, the most unproductive, and the most uncertain way of raising money; pernicious from an economic point of view; destructive and not constructive; pernicious from a moral point of view; and pernicious from an intellectual point of view—and also unproductive.

I can remember—I lived much nearer Louisiana when I was a small boy than I do now—I can remember something about it. I remember the frenzy of excitement of the poor people in the community in which I lived—but I never heard that anybody ever got any money in that community out of the Louisiana lottery.

Not only was this great Louisiana lottery well known all over this country but it was well known all over the world. It could use the mails then; which cannot be done

now. In one year this great lottery made as low as \$40,000.

The income is uncertain from lotteries. You heard the figure given here this morning,—that it would probably produce a million and a half dollars. Now, I am not a betting man; but if I were a betting man, I should like to bet ten to one that this lottery measure never would produce a quarter of a million dollars.

But, if I were a betting man I should be a good sport and I would not take that bet—because it is not ethical or sportsmanlike to bet on a sure thing.

It does shift the burden upon the poor people. I think the gentleman from Portland (Mr. McGlauffin) exaggerated somewhat—but rhetorical exaggeration is permissible—when he said that all the lottery money would be received from poor people. I do not think he quite meant that. Sometimes in the excitement of speaking we say things that we do not really mean. If a man has money and wants to take a sporting chance, and spend that money, while I would not approve of it, I would not think it would do a great deal of harm, unless he got in the habit of it. It is an obnoxious habit-forming thing, this lottery.

Regarding that investigation in England, I had a description of conditions there of about one hundred years ago. It referred to the slatternly women in London; the tatterdemalion men; the diseased and undernourished children, hanging around in a frenzied way about the headquarters of the lottery. Also there were many suicides every year at the time of the drawing of the lottery.

Now, I said that I saw something of it in Spain. I did, because I was in Gibraltar the latter part of the war, after the Armistice. I was there for eight months in Spain. If there is any country that I love more than Spain, except my own country, I do not know what it is. It is a very fascinating country, perhaps the most fascinating in Europe. The effect of this state lottery was exceedingly bad in every respect. It appealed to something in the Spanish temperament, because they are an emotional people, and you also know they are a reactionary people. They always have had a bad government. The Spanish used to say: "We have the most beautiful coun-

try in Europe. There is no more beautiful country in Europe than Spain. We Spanish are a fine people but we have a bad government. The government imposes this lottery." Of course it gets support, because there is something alluring, some weakness in human nature, that is appealed to by such a measure as this.

Then we used to have lotteries in this country. I have something here from the New York Evening Post of the year 1800, published just after the New York lottery drawing. It says: "Look at the crowd of poor, ragged ladies that sit beside the lottery doors; the running of the poor creatures after the day's drawing is over;" and so forth, and so forth.

I have seen arguments actually made saying that it is not so bad to take it away from these poor creatures, because they give it voluntarily, and are glad to do it. That is true. They give it voluntarily, in the rush and frenzy of it.

I remember, a good many years ago, when we used to have medical fakers, who went out on the high-ways and byways selling medicines. I remember one of them, who was dressed most immaculately—he called himself a Quaker; I do not know whether he was one or not. He had an entertainer, and after the entertainer got through with the performance, he then gave just a little speech, and hands then went out in a frenzy for this alleged medicine, at a dollar a bottle. He had two kinds, one that he called the "Oil of Joy"—the other was the "Balm of Gladness".

I do not remember how many diseases these were guaranteed to cure. I only remember that one of them was death on tape worms. (Laughter)

Now, it is proposed that the State of Maine go into that sort of business; that it be the biggest faker in the State; go out and play for suckers; and sell them down the river.

The economy of it is determined by the percentage of money that comes back to those who put their money into it,—I believe one-third—it does not matter. But this is not the way to determine the ethics of it; the decency of it; or the wisdom of it.

If you for example, yourself, should invest in it, what would be your chances of winning? In other

words, it is taking our people for a ride. The fact that they part with their money voluntarily it seems to me does not make any difference.

At the very interesting hearing we were regaled by the story of a lottery of a century and a half ago. We were told of Harvard University and Dartmouth College and the Churches—I think they even mentioned George Washington. I do not know but I guess perhaps he did invest some money that way—most people did then. Perhaps that is true. You may remember that the Chairman of the Committee very pertinently asked of the gentleman who gave us this story: "Then why was this sort of thing stopped? Why did it not go on? There was no answer to that.

We were told this morning that the ancient Romans had a lottery. I do not doubt it. I expect that the Cro-Magnons, the cliff dwellers, the cave dwellers, and the Neolithics—I suppose they all had it, too.

We are supposed to have outgrown it. As a matter of fact, when business economy got on a suitable basis, we did slip it off. That was one hundred and fifty years ago. We are not going in that direction. We are going forward, in another direction. Less than 150 years ago a boy was hanged in England because he had stolen a loaf of bread.

Two young men, not twenty years of age, were hanged, because they were found to be planning to perpetrate a robbery.

So this sort of a thing is a throw-back. There are people living in the State of Maine who can remember when we had slavery in this country, but we are ashamed of it now. We have now grown up.

It is a curious idea that people who lived long ago, the ancients, were wise. They were infants. We are supposed to be grown-ups. Sometimes I think we are not.

I mentioned Harvard University. That is the greatest University perhaps in the world. I would not say that it was the best. No one could think of Harvard University now receiving money from a lottery. Why? Because all of us would say it is beneath the dignity of Harvard University to receive money by a lottery. But what about the dignity of the State of Maine? Is that of any less value? Are we going to besmirch the dignity of the State of Maine? All serious authorities

have been opposed to lotteries—all the economists, as far as I know—and I have talked to two bankers within the last few days. One said that he could not conceive that any banker, under any circumstances, would approve of such lottery. He had never seen such a banker; because banks and insurance organizations, from time to time, declare against it.

All criminologists agree about the evil effects of this. In fact, many of them agree that gambling—and this is gambling according to all the dictionaries—they agree that gambling is the most criminal and most degrading crime of all; and that it leads people to all sorts of other crimes.

Recently the Financial Editor in the New York Times said: "The lottery is a stupid revival of a disagreeable abuse." That is not putting it too strong.

Three years ago, I made a trip out to Michigan to visit some relatives. It was a warm day; I was sitting at the window of the hotel. I had my car parked out in front. It said "Vacationland" on the plates. People going by on the sidewalk were attracted by the license plates. That is fine. That is good advertising. Now, I would suggest that if we adopt this measure, we ought to change that number plate, and that they should read: "Maine—Lottery Land." (Laughter) But even if we do not do that, that is what Maine will be known as. I never think of Louisiana to this day without thinking of the lottery in regard to it. People will forget our majestic mountains; they will forget our wonderful lakes; they will forget our magnificent scenery—our incomparable ocean shore. They will only think of Maine as "Lottery Land".

Now there is this—it is true and I think you will agree—as lotteries: They are something that you do not use your brains in. If there is any opportunity of using your brains—why it is not a lottery. It may be some other sort of gambling but it is not a lottery. I wonder what the majority of the people of the State of Maine will think of our brains, of the use that we have made of them, if we adopt such a measure as this. I think I should caution this Legislature to be very careful. We might have a rush of brains to the head.

A measure like this is corrupting to the intelligence. The famous economist of Columbia University says that it destroys the sense of civic responsibility.

Now, it has been argued that people will buy lottery tickets anyway. I do not believe that that is true. I believe that if we had a lottery, the habit would grow, and that there would be a greater sale of outside lottery tickets than there is at the present time.

It so happens that I used to be in the advertising and publicity business for about fifteen years, and I know you need the mails. I have cudgled my brains to know what kind of a publicity program one could possibly put over in the State without using the mails. I can assure you it is my conviction—I may be wrong—it simply would not be possible under the circumstances.

In other words, as in the case of the man I referred to in the beginning, the man who said: "I am in debt; I am broke; my children are in need. For God's sake give us a lottery."

Now, I think that might apply to the State of Maine as well. Have we come to that desperate expedient? Is it true of the State of Maine that that is the only way open to us to raise money?

I remember that one of our members, the gentleman from Winthrop, Mr. McNamara, said, some time ago, in my hearing, that the State of Maine might just as well quit if it did anything of this sort, and I agree. In other words, a lottery would be simply a taxation counsel of despair.

I have referred to the lottery of Spain. I was very much interested when I visited a lottery in Monte Carlo. I did not feel any attraction for it, but it was very interesting. Monte Carlo is one of the most beautiful places in the world. I said to myself, "Bad as this is, it is not as bad as the lottery in Spain." So I would make this proposal? If we are determined to have something of this sort, that we give some sort of a concession to some corporation to have a Monte Carlo down on the shores of Maine somewhere. I think that we, as the State, would not have to put any money into it. We could raise more money, and that it would be very much more attractive. Of course, I am not saying that seriously but

between the two, I would very much like to have the Monte Carlo.

The SPEAKER: The Chair recognizes the gentleman from North Haven, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of the House: Much as I dislike to oppose a member of my own County Delegation, I cannot see a proposal that Maine go into the lottery business come onto the floor of this House without registering my intense feelings against it.

Not one other state in this country has a State Lottery. The only one in recent years to let down the bars to this form of legalized gambling was Texas, who, in 1933, established a State Lottery Commission. Within an extremely short time State politics became so corrupt, and notorious gamblers of all sorts came pouring into the State so fast, that within two years it was abolished. Even the expected revenues were much lower than had been anticipated.

There was a time before the Civil War when almost every State in the Union had its State Lottery. When enlightened sentiment began its crusade against this evil, it waged an uphill fight. Finally every state abolished it but Louisiana. That state with its Lottery Commission Franchise due to expire in 1894, faced a problem that it could not cope with itself, and had to resort to Federal law to rid the State of a gambling evil that had it by the throat. A political ring that conducted the State Lottery was so firmly entrenched, and so completely owned the State Legislature, that it could afford to offer the State Treasury a flat \$1,250,000 annually for 25 years for the right to continue to debauch the people by the operation of this notorious racket.

People of Louisiana carried their fight to Washington and eventually got a Federal statute passed outlawing use of mails for sending lottery tickets and forbidding the transportation of lottery tickets across state lines.

Six bills creating a state lottery were filed in the Massachusetts Legislature this year. Hard pressed as that State is for money to pay Old Age assistance, their Ways and Means Committee rejected every one of them. I quote here in part from an editorial in the Boston Herald which vigorously opposes this

disgraceful institution. "It is anti-social, it is a racket, it offends against morality, it weakens the fibre of the people and the state, it is odious to Catholic, Protestant and Jewish leaders, and it is not made merely by using some of the proceeds for old age pensions. No more can be said for the proposed lottery than for the establishment of a State Craps Commissioner to supervise legalized crap-shooting and 'the numbers game,' the profits of which would be used to endow hospitals and colleges or to ease the task of the community fund campaign. A state lottery would be no less objectionable but more so if it brought in ten times the estimated amount of dirty money. The more a state depends on sordid devices for support, the more sordid it becomes itself."

I can see an absolute necessity for finding new sources of revenue in the State of Maine, but it seems to me a State Lottery is the worst possible way to do it. It is utterly demoralizing to the people who take part in it and it discourages what is now so greatly needed by our people and that is **thrift**. While a lottery would bring in money for Old Age assistance—and here I think I should state that revenue from such a scheme is never as great as is anticipated because its administrative costs are tremendous—the existence of such a State-sponsored gambling ring would soon vastly increase the need for Old Age Assistance.

William Cardinal O'Connell, Archbishop of Boston, brands government gambling as "an evil worse than drink".

Should the State of Maine set up a Lottery Commission, it would still be outlawed in the eyes of the Federal government and the State would be barred from the use of the mails in carrying on the business, or if lottery tickets should cross a state line, our State would be liable to prosecution from the Federal government. Does this paint an attractive picture to you, Members of the Legislature?

We believe in our State Motto, but we cannot believe that the State of Maine is going to lead a sordid parade of states back to such immorality, and to say to the world that when we need money we don't care how we raise it, even if we have to resort to methods that sap

the moral and financial strength of our people.

It is up to this Legislature to decide whether we want the State of Maine to fill the former position of Louisiana as the state with the lowest moral standards in the nation.

Mr. Speaker, I hope that the motion of the gentleman from Camden, Mr. Dwinal, does not prevail.

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

Mr. FARWELL: Mr. Speaker and Members of the House: There were many of us here who were privileged to serve in the 89th Legislature.

On coming back to the 89th Legislature, we realized the necessity of raising a million dollars, more or less, for Old Age assistance. There were some of us who felt that in raising this money it would be better to do it through a tax on luxuries and not the necessities of life.

In order to maintain the position which I took during the first part of the Legislature, I introduced the thirty-nine page luxury tax bill. The Taxation Committee gave it an "Ought not to pass" report, without the decency of a good burial. (Laughter)

There was in it an amusement tax, which would have produced about a million dollars for the State of Maine.

The Taxation Committee, in its good judgment, which I do not question, saw fit to pass this out "Ought not to pass".

Now, I say to you people here today that we cannot leave this Legislature without a new appropriation of somewhat over a million dollars.

It seems to me the question comes back to us whether or not we are going to tax luxuries, or whether we are going to tax necessities. I, for one, stand for taxing the luxuries.

In this Lottery bill, we have a referendum to the people. I believe that there is a demand for a Lottery bill in the State of Maine today from the people. If I did not believe so, I would not be on my feet here today asking you for a Lottery bill.

Now, I, for one, rather than tax the people for the necessities of life—on the sugar and flour that they need—would rather see a lottery in the State of Maine today, than to see a necessity tax, which you must

impose through a sales tax, if that is in your mind.

I am sorry that the Taxation Committee did not see fit to hold up my bill, until such time as we could determine how much money we needed, how much money was necessary to provide Old Age assistance for the people of the State of Maine. They did not see fit to do that.

Now, we have left only a few taxation measures. I say to you frankly that we cannot leave this Legislature without raising additional funds. I say this—if we have the nerve here to leave it to the people of the State of Maine, to say whether they will have a lottery tax or whether they will have a tax on the necessities of life, then that is my thought at the moment. I am willing that the people of the State of Maine, through referendum, should decide whether this State has a lottery or whether it taxes necessities.

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

Mr. LAMBERT: Mr. Speaker and Members of the House: I appeared before the committee hearing the Lottery bill. Since hearing the various arguments here today,—the eloquent address of the gentleman from Bridgton, Mr. Rankin—I deem it wise to attempt to show you some of the brighter side of this question.

The gentleman from Bridgton (Mr. Rankin) said that we might all be taken for a ride, if we accept a Lottery bill. I do not believe that I will be taken for a ride, if I vote here today for a measure that will give the people a right to decide for themselves what they want.

It was argued that the State Liquor stores were established just as a means of controlling the liquor evil. I say to you here this afternoon that the State liquor stores in the State of Maine have produced a very much needed revenue for the State. Where would the State be today if it were not for the revenues that come from the liquor stores?

The gentleman from Bridgton (Mr. Rankin) stated that this lottery proposition in Massachusetts and other states was defeated recently. He did not state to you whether or not there was a referendum attached to it. I do not know whether there was or not. I would

like to know. It might have been a different story if there was.

A prominent Lewiston lawyer approached me a while ago and told me of a wonderful lottery that was producing millions of dollars in South America. For the information of any members of this House, I can give you his name any time that you want to find out further about this.

You heard the gentleman from Bridgton (Mr. Rankin) tell you that at the committee hearing it was pointed out that Harvard University and other clubs, and also a Church, here in Maine, I believe, were built from lotteries. In fact, before the committee there was presented a clipping from a newspaper showing a picture of the place where that church is situated. That church was built by a lottery.

The argument was brought out that one hundred and fifty years ago that we had lotteries. A lot of things I know have come back to life. A lot of things that were done by our grandfathers, we have re-adopted. Maybe we should readopt lotteries. The reason why Harvard University probably dispensed with it was because they had built their University. If they had needed two Harvard Universities, maybe they would have kept on. (Laughter)

I say that we ought to try and find out what kind of a revenue producing measure it would be. If it is a good revenue measure, we should have it; if not, we could kill it in two years.

I am not going to take much more of your time.

I thought that if I were going to vote today to submit this proposal to the people—which I am convinced that I will—I would like to express my feelings, and possibly, like the gentleman from Bridgton, Mr. Rankin, has said about the gentleman from Clifton, Mr. Williams,—maybe it is because I like to talk. Anyway, I am for this proposal.

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

Mr. SHESONG: Mr. Speaker and Members of the House: I realize that it is unpopular to try to defend the position of a majority report.

This bill was presented to the Legal Affairs Committee as a revenue producing measure.

We listened to the proponents of

the bill; there were not very many of them. Then for a large part of the afternoon we listened to the opponents of the bill. Most of the opponents based their objections to this measure on moral grounds. I think the committee was not very much impressed with those moral issues; but they were impressed with the question of whether or not the passage of this bill would produce revenue for the State.

The committee took the bill under executive consideration, and kept it on the table for practically a month. During this time the proponents of the bill, and other members of the committee, tried to find out whether this bill could be made a revenue producer of any size. Up to the present time they have not been able to learn just how much could be produced from the bill.

Therefore, the majority of the committee reported the bill out "Ought not to pass". That is as far as the committee is concerned.

So far as my personal feeling is concerned, I am opposed to the bill on this ground: I think that we are here now for the purpose of raising some money to carry on Old Age Assistance. I think, in order to do that, we have got to go in the front door, and not in the back door. This measure here will try to put you in the back door, and leave to the people to decide whether or not you are going to pass this measure, for the purpose of raising revenue, the amount of which cannot be determined.

I hope that the motion of the gentleman from Camden, Mr. Dwinall, does not prevail.

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

Mr. HOLMAN: Mr. Speaker and Members of the House: I am not going to take any time to state the merits of this bill, which has been fully discussed.

I would just like to say this word in regard to the referendum. One of the finest men I ever knew asked me, not so very long ago, which I should do, when I voted on questions which came before the Legislature. He said, "How would you vote—the way you think is for the best interests of the people of Maine, or the way you think the people might vote if they had the question up for referendum?"

Before I answered him, he asked this question, "Did not your constituents elect you to come down here, having confidence in you, and that your judgment here in this Legislature, after hearing both sides of these questions, would be better than theirs back home, without their having had an opportunity to hear both sides of the question?"

I will just leave that thought with you. We are elected to represent the people. Are we not better qualified to vote on this question right here, than the people will be back home in a referendum?

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

Mr. PAYSON: Mr Speaker and Members of the House: I cannot speak on this bill on a moral ground. I do not feel myself sufficiently superior, but I do wish to speak just three minutes on an economic ground, which is my reason for my position.

My position could be best explained to you by the conversation that I had, two years ago, with a small storekeeper. He asked me— at a time I was over buying some shoes for my brats (Laughter)— "Why did not you vote for the lottery bill? It would save us storekeepers getting hit by the sales tax."

I said: "I am sorry—I did not vote for the lottery bill, because I wanted to protect you. That is the reason that I am against a lottery bill. That is the very type of people— people with small incomes, with no particular hope for the future, who think they might hit the jack-pot, who will go in and spend their money on a lottery, and your store will take a licking."

That is the reason I voted against the lottery bill, two years ago. That is the reason I shall vote against it now, because it will lick the honest merchant, selling clothing, food, and groceries. The people of small incomes, who see no hope for the future, will go out and take money that they should be spending for the necessities of life, and buy lottery tickets. That is why I am opposed to this bill.

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

Mr. DWINAL: Mr. Speaker and Members of the House: I have heard so many of the opposition mention the fact that we are going

to drag this money out of the poor people, that I want to present the other side. If there were no lottery tickets being sold today, I would not be in favor of such a proposition. But I know, and you know, that there are lottery tickets being sold everywhere in the State of Maine today.

Now, my good friend, the gentleman from Portland, Mr. McGlauffin, — I cannot remember his exact words but I think they were to the effect that only simple-minded fools bought lottery tickets. During the session I had fully one-third of the members of this Legislature come to me and show me lottery tickets that they had purchased.

In fact, I have right here a book of tickets, of a lottery being run in the State of Maine by a certain benevolent organization. It contains on the front a list of sponsors, and it contains the names of certain high officials in the State House. You pay fifty cents and you stand a chance of winning \$3,000. One of the names on the front—I do not know whether it is a relative of the gentleman from Portland, Mr. McGlauffin, or not—but the name is "E. A. McGlauffin." (Laughter)

Here is another one which was given me by a member of the Legislature, a New York lottery, being run by one of the Legion Homes. In that lottery you stand a chance of winning several thousand dollars. Another one of those simple-minded fools that the people back home send over here! (Laughter)

I personally know that other members of the Legislature participated in a national lottery very recently—in the draft. (Laughter) The question was—Who should get drafted? That was a national lottery, nevertheless.

The present lotteries that are being operated are all illegal, but they are being run by a type of people that I think will give the people, who buy lottery tickets, a much less break for their money, than an honest lottery run by the State of Maine.

It was only a few weeks ago that a certain fellow came to me,—I believe that he comes from around Boston. He handles treasury balance tickets up through here.

He wanted to know about this lottery bill that I had in.

I showed him a copy.

He said "If that bill goes through,

I will not be able to sell a ticket in the State of Maine."

I said to myself, "Are we going to have a legal lottery, rather than an illegal lottery?"

Incidentally, it provides that no sales shall be made to persons on relief or minors or persons under or not approved by Municipal Officers. So that if any ragged person should come in, who looked hungry and emaciated, I do not believe that they would sell him a ticket.

At the present time, wherever I go, I have heard of Beano, in the State of Maine. I looked in my paper the other day and saw a great big advertisement "Beano Tonight!" It is demoralizing but it still goes on, and it must be supported by public opinion.

I occasionally see a sign over a theatre saying "Bank Night." You can pay twenty-five cents, and, whether you go to the movie or not, you stand a chance of winning a door prize varying from a few dollars up to several hundred dollars. It is being sanctioned by the public, notwithstanding.

Incidentally, I have seen many of these people, who are so afraid of our morals, go into the theatre on bank night and also play Beano.

Now, the gentleman from Portland, Mr. Hinckley, says that he does not think that the people should have an opportunity to vote on this in referendum. Brother Hinckley is the same gentleman, who, if you care to look back in the papers, a few months ago, said that the papers should be muzzled. He does not believe in allowing free speech or free voting. (Laughter)

Now, personally I do not care whether the people of the State of Maine, on a referendum, vote to pass this bill or not. But there is such a demand for it on the part, perhaps, of a very large minority, that I think that they should at least have the opportunity to settle it once and for all. I think many of you members have had person after person come to you and say "Why not pass a lottery?" All right. Let us for once and all settle this thing and let them vote on it. If it is passed, that is all right. If it does not pass, that is all right too; but we will have to give them new taxes.

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

Mr. GOOD: Mr. Speaker and Members of the House: I am only going to take a few moments of your time, just to register my protest against this bill.

I do not believe that it is right from a moral standpoint even.

We legalized the sale of liquor a few years ago, against the wish and will of the church people. We legalized pari-mutuels, against the wishes of a lot of church people.

Now, we are coming to the Legislature again and asking them to legalize a lottery, that our boys and girls may be able to participate in that sort of gambling.

I do not believe that it is right, because it is not setting the right kind of a standard. It is tearing down the morals of our country, the young and rising generation, who do not care how we get money, so long as we get it.

I heard the gentleman from Lewiston, Mr. Lambert, tell you what a great revenue we do get from liquor. But he did not tell you that the Health and Welfare Department have paid out almost four million dollars more since we legalized liquor than before. We are taking it out of one pocket and putting it into the other. If that is good business, I do not know what I am talking about. They are more strict in other places than we are here, without a doubt.

We feel here if we legalize something,—no matter if it is wrong— if we legalize it, people can do as they have a mind to.

I just heard over the radio this morning that in Belgium—because somebody protected a few people,— a few people were taken out and shot and others were sent to concentration camps.

Now, I say when we legalize somebody to go out and steal from a man and woman and there is nothing said about it, I do not believe it is right; I do not believe it is fair.

They killed it so dead I hardly saw it when it came out. (Laughter) But I predict the Legislature that comes here two years from now will get some recognition.

I have a letter from the President of the Racing Commission in New Hampshire, in which he states they had to change their method, or the light harness racing would go out of business in the state. I have several letters.

You know when you go into legalized gambling, it is contrary to the morals of the country.

Therefore, I am opposed to this bill. I said before, I did not intend to take this much time, but I do not believe that this bill, in this House, has any more chance to go through than a snow ball in Hell on a hot stove. (Laughter)

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

Mr. LAMBERT: Mr. Speaker and Members of this House: I just want to reply to the remarks made by the gentleman from Monticello, Mr. Good, to the effect that four million dollars were expended by the Health and Welfare Department.

Well, I tell you right now that the Health and Welfare Department in most of the states has increased tremendously, but it is not due to the sale of liquor. The Health and Welfare Department—every department in every state—has increased, as you all know, because we have had hard times, because we have had unemployment, so, for goodness sake, I hope you do not blame it on the liquor. Liquor has brought a good sized revenue. I still maintain that if you did not have it, that this state would be in quite a tough shape, so far as getting revenues is concerned, and would have to pass some drastic taxation.

The point was also brought out this afternoon about gambling. They said a lottery is a form of gambling. I want to say to you now, in my opinion, a lottery is no more of a gamble than life insurance. Life insurance companies will gamble that I am going to live or that you are going to live. We all know that. Yet we take life insurance. I say that most everything is gambling today.

I have got a little story that I want to tell you, just before I close. This is a fact. This is to substantiate the fact that we all believe, more or less, in a little gambling. A friend of mine, a short time ago, was touring around the State selling trading cards to stores. Every customer who came into the store to make a purchase received a card. There was a red star on the back of some of the cards. If you got a card with a red star you had fifty cents given to you in trade. It was more or less stimulative to business. I do not doubt but what it was

illegal. This fellow was going around, as I say, selling these trading cards. He was telling me he got them into quite a few stores, in fact he stated 90 per cent of them. It seems that one day, when he offered it to Sam, Sam said, "Oh, no, I am against gambling." He would not buy it. Then the salesman said to him further, "I am going to tell you that when we pack those up, we keep the stars separate, and you put them in yourself, so that you control it." In ninety per cent of the cases, when he presented that argument, the people bought them. (Laughter)

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

Mr. JONES: Mr. Speaker, I am going to read this, so that I will not forget half of it. (Laughter)

Mr. JONES: Mr. Speaker and Members of the House: When I came here as a new member of this Legislature, I was in favor, not of the lottery itself perhaps, but because I thought that it would return to the State coffers millions of dollars in new revenue. Then again perhaps, and I say PERHAPS with capital letters, I could pass the buck to the people back home, that they could vote on the measure in a referendum, thereby getting out from under myself. But like being a member sitting on a Jury, I have listened to the testimony, so to speak, on all measures, since the 1st of January and my mind has been changed many, many times.

I have also been taught while here, many things. I have learned many things and have been told many things. One of the things I was told, and it has stood out in my mind, at all times, is this: If you have a bill or a measure that you wish to have supported and finally passed, you should not oppose the other fellow's bill or measure, regardless of the consequences. I cannot, in fairness to myself, sit here and say nothing. If you will recall, in all my activities and endeavors, I am vitally interested in the welfare of the working people, and by them, I might add those earning salaries up to \$18.00 and \$20.00, for they are very closely allied with old age.

The paramount issue of this Legislature is Old Age Assistance—the procuring of enough money, in round figures \$2,268,000.00, to take

care of 18,000—13,000 now receiving and 5,000 on the waiting list—or \$126.00 per person per year, and I am not in favor of any measure that will create a hardship upon the laboring people, and this Lottery Bill will do just that.

The people I have just mentioned would be the first to patronize it, and they represent at least 50% of our population. They are the ones who can least afford it. Their moneys should go to take care of their families, and we as members of this Legislature must and shall see that that is done. We are sent here to represent the people in our several communities—we are not sent here to pass the buck—and further, I am not going to be one who is going to put upon the map of our State of Maine a blot that it would take many years to rub off, and I certainly oppose the passage of this bill.

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

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

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

A division of the House was had.

The SPEAKER: Less than one-third of the members present having arisen, the motion for the previous question is not entertained. The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: The gentleman on my right, Mr. Cousins, and the gentleman on my left, Mr. Good, have been more or less intimately associated here for three or four months. As far as I can recall, there has been only one occasion when we have agreed on our vote. At this time all three of us apparently agree on the majority report. There must be some reason.

Mr. BRIGGS of Hampden: Mr. Speaker, when the vote is taken, I ask for a division.

The SPEAKER: The gentleman from Hampden, Mr. Briggs, asks

that when the vote is taken, it be taken by a division.

Mr. LaFLEUR of Portland: Mr. Speaker, I move, when the vote is taken, that it be taken by the yeas and nays.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, asks that when the vote is taken it be taken by the yeas and nays.

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

Mr. MURCHIE: Mr. Speaker, this will be only a one minute effort. We of the Ninetieth Legislature are one hundred and eighty-four men scattered over the State of Maine. We are here to find for ourselves in a sort of understanding contact the answers to the various problems and situations presented to us. I hope that in the spirit of cooperation that we have so developed, we will kill this bill.

The only thing that I have to say further is this: I cannot help but believe that having introduced this measure by request, that my friend, the gentleman from Camden, Mr. Dwinal, right down in his heart, would not prefer that this financial situation in Maine be taken care of by some other measure than this. My last thought is: Let us kill this bill here and not give "the guys in the other end of the building" the glory for having done it.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: Twice today I believe I have heard my name taken in vain.

I would like to take but one moment to tell you why I am definitely opposed to this.

In the first place, you cannot gamble the State of Maine into prosperity. Do not let any remarks that may be made lead you to think that. You know that you cannot gamble the State into prosperity any more than you can gamble an individual into prosperity.

It is time that we showed courage. It is all right to pass things onto the people—if it is a constitutional amendment or something of that kind,—but let us this afternoon show that we have courage enough to get things done as we think that they should be.

When it comes to a tax measure,

let us show some courage and show the people of Maine that if it is necessary to have a new tax, that we have the courage to do that.

Finally, one of the greatest reasons why we should not go on record favoring a lottery, is because the government of the United States of America has frowned on a lottery. They do not allow lottery tickets to be carried through the mails.

Neither should the people in the State of Maine—through their Representatives—say that we should have a lottery.

Therefore, I hope the motion of the gentleman from Camden (Mr. Dwinal) will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Camden, Mr. Dwinal, that the House accept the minority report, "Ought to pass" The gentleman from Portland, Mr. LaFleur, asks that when the vote is taken it be taken by the yeas and nays. Under the Constitution the vote shall be taken by the yeas and nays upon the request of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously more than one-fifth of the members having arisen the yeas and nays are ordered. The Chair recognizes the gentleman from Phippsburg, Mr. McIntire.

Mr. McINTIRE: Mr. Speaker, I ask the consent of the House to be excluded from voting when my name is called because of the fact I have paired my vote with the gentleman from Strong, Mr. Richardson, who is unavoidably absent this afternoon. He, if present, would have voted yes, and in my vote I would vote no.

The SPEAKER: The gentleman from Phippsburg, Mr. McIntire, asks that he be excluded from voting when his name is called because he is paired with the gentleman from Strong, Mr. Richardson, who, if present would vote "No", and the gentleman from Phippsburg, if required to vote, would vote "Yes". Is this the pleasure of the House?

Consent was granted and Mr McIntire was excused from voting.

The SPEAKER: The question be-

fore the House is on the motion of the gentleman from Camden, Mr. Dwinal, that the House accept the "Ought to pass" report of the committee. As many as are in favor of the motion of the gentleman from Camden, Mr. Dwinal, that the House accept the minority "Ought to pass" report of the committee will answer yes when their name is called; those opposed will answer no. The Clerk will call the roll.

Mr. LaFLEUR: Mr. Speaker, I think there is a little confusion in the minds of some of the members of the House as to the effect of a yes or no vote. Will you explain again?

The SPEAKER: The question before the House is on the motion of the gentleman from Camden, Mr. Dwinal, that the House accept the "Ought to pass" report of the committee. All those in favor of the House accepting the minority "Ought to pass" report of the committee will answer yes when their names are called; those opposed will answer no. The Clerk will call the roll.

YEA—Babin; Belanger, Biddeford; Bernier, Bolduc, Boyd, Briggs; Brown, Bangor; Brown, Brunswick; Brown, Corinna; Brown, Eagle Lake; Cross; Davis, Buxton; Donahue, Dwinal, Farwell, Forhan, Gowell, Hamilton, Keller, Labbe, Lambert, Leavitt, Leveque, MacLeod, McGillicuddy, Michaud, Milliken, Otto, Patterson, Pearson, Pelletier, Pierce, Porrell, Poulin, Preble, Rodrigue, Seeger, Small, Stevens, Sylvia, Wallace, Willey.

NAY—Anderson, Arzonico, Baker, Bangs, Bowers, Bradford, Bragdon, Bubar, Buckley, Buker, Clapp, Clough, Conant, Cousins, Crockett; Davis, Montville; Dean, Deering, Dorrance, Dorsey, Doughty, Dow, Downs, Dutton, Eddy, Estabrook, Fickett, Flag, Fuller, Goldsmith, Good, Goodrich; Gould, Gorham; Gould, Milo; Grua, Hall, Harold, Harvey, Hinckley, Holman, Jacobs, Jones, Jordan, LaFleur, Lane, Libby, Littlefield, Martin, McFadden, McGlauffin, McKeen, McKusick, McLellan, McNamara, Megill, Mercier, Mills, Murchie, Newcomb, Osgood, Payson, Phair; Rankin, Bridgton; Robbins, Roberts, Robie, Robinson, Rollins, Sanderson, Savage, Sayward, Shesong, Sichel, Sleeper, Slosberg, Southard, Starrett, Teel, Tozier; Walker, Warren; Welch, Chapman; Welch, North Berwick; Weston, Williams, Bethel; Williams, Clifton; Winter, Wyman.

ABSENT—Ayer; Belanger, Winslow; Boutin, Brewer, Denny, Fenlason, Grady, Lackee, Morrison, Pratt, Race,

Rankin, Denmark; Roy; Smith, Ban-
nor; Smith, Thomaston; Worth.

EXCUSED—McIntire, Richardson.

Yes—42.

No—88.

Absent—16.

Paired—2.

The SPEAKER: The Chair will state that the members must remain in their seats until after the vote is declared.

Forty-two having voted in the affirmative and 88 in the negative, the motion is carried.

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

Mr. LaFLEUR: Mr. Speaker, I move you, sir, that the majority report "Ought not to pass" be accepted.

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

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

The Chair lays before the House the third tabled and unassigned matter, Majority Report, "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Legal Affairs on Bill "An Act Relating to the School Committee for Town of Mt. Desert." (H. P. 1179) (L. D. 477) tabled by the gentleman from Long Island Plantation, Mr. Teel, on March 31st pending acceptance of either report; and the Chair recognizes that gentleman.

On motion by Mr. Teel, the Majority Report "Ought not to pass" was accepted and sent up for concurrence.

The Chair lays before the House the fourth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Attorney General" (H. P. 1464) (L. D. 740) tabled by the gentleman from Portland, Mr. Shesong, on April 1st pending acceptance; and the Chair recognizes that gentleman.

Mr. SHESONG: Mr. Speaker and Members of the House: I am going to make a motion on this matter that the bill be substituted for the report. If you are kind enough to allow that, then I propose to offer an amendment fixing the salary of

the Attorney General at six thousand dollars per year.

In making that motion, I am conscious of the fact, as I know you all are, that at the present time we have an Attorney General who is doing the job and doing it well, and I think it is the desire of most citizens that that situation should continue.

Back around 1932 the Attorney General put in about two days or two days and a half of his time on the job. Since that time the work of the Attorney General has increased very much, so that at the present time his job is of necessity practically a full-time job.

I have had prepared for me a list of the duties which the Attorney General performs, and, while all are not included here, there are thirty-eight items that I have been able to dig out. Among the duties added to the office during the past nine years are:

1. He is a member of the Baxter State Park Commission.
2. Member of the Teachers' Retirement Board.
3. Member Crop Pest Commission.
4. Instructs and advises County Attorneys. (That has not been done for quite a number of years.)
5. Handles prosecution of murder cases.
6. Has duty of requiring that all penal laws of the State be enforced.
7. Prosecutes all civil actions in the courts to recover moneys due the State of Maine.
8. Defends all actions brought against State officials in their official capacities.
9. Acts as paymaster for the County Attorneys in the State.
10. Acts as counsel and trial attorney for all departments of the State.
11. Has numerous cases involving Highway Department, Fish and Game Department, Forestry Department, Secretary of State's Department, Agricultural Department, Insurance Department and Unemployment Commission.
12. Passes on the legality of all bond issues of the State.
13. Approves all bonds of all employees of the State; all bonds filed by insurance companies, small loan agencies and the many other concerns that have to file bonds under the law.

14. Approves all contracts, deeds and leases involving properties of the State of Maine, or in which the State is interested.

15. Approves purposes and form of organization of all corporations.

16. Acts as Attorney from Military Defense Commission.

I might read the rest of this page but I am not going to do it.

Certainly, with a list of duties like that, we in Maine want to keep a man on the job who is efficient, and it seems only fair that the salary should be commensurate with the work done. It is up to you whether you want to keep such a man on the job.

Mr. Speaker, I move that the bill be substituted for the report.

The SPEAKER: The gentleman from Portland, Mr. Shesong, moves that the bill be substituted for the "Ought not to pass" report of the committee. The Chair recognizes the gentleman from Portland, Mr. LaFleur.

Mr. LaFLEUR: Mr. Speaker, I hope that the motion of the gentleman from Portland, Mr. Shesong, will not prevail. In order to give my reasons, therefore, I may state to you that I campaigned with the present Attorney General throughout the State personally and on my own account. He understood the salary he was to receive when he ran for Attorney General. There were four other candidates. I think it is rather poor taste, even though it is my good friend, Frank Cowan, who is Attorney General, and whom I helped to get that particular position, that that particular position should have an increase of two thousand dollars in salary.

I hope the motion of the gentleman from Portland (Mr. Shesong) will not prevail.

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

Mr. MCGILLICUDDY: Mr. Speaker and Members of the House: I shall identify myself as a member of the Salaries and Fees Committee and explain why we came out with an "Ought not to pass" report on this proposition.

There was practically no hearing in that there was no opposition and no one appearing in support of the measure.

The sponsor of the bill appeared. He was a good, weighty sponsor, and

he explained he had certain very definite ideas in mind with regard to the office.

You remember there was a bill here a few days ago which had to do with changing the method by which the Attorney General is selected, and the sponsor stated that he, in getting the thing in shape, found that the question of salary increase became divorced or separated at least from the general proposition he had in mind, so he said he had no further interest in the increase for the position as such. He asked us to hold it in abeyance for two or three weeks, which we did. Then, not hearing from him, we felt he did not wish to carry it any further. And so, lacking the original sponsor—and I may say the gentleman from Portland, Mr. Shesong, was not the original sponsor—we feel it is a bit irregular as to sponsorship at the present time.

I do not wish to go into the question at length or oppose the gentleman, who is a good friend of mine, getting more salary. But, after all, we have not been too lavish with the other employees of the State. We have been quite severe in the case of the restoration of a cut in the case of payment for car mileage. For that reason, I hope that the motion of the gentleman from Portland, Mr. Shesong, to substitute the bill for the report, will not prevail.

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

Mr. PAYSON: Mr. Speaker, when I spoke the other day and named some of the clinches that are used, I did not suppose I would have to say "I am neither in favor of nor opposed to this bill."

I introduced the bill in connection with my constitutional amendment to have the Attorney General appointed by the Chief Justice of the Supreme Court and confirmed by the other members of the Court, for a seven-year term. In order to carry through the program I had in mind, it was necessary to have an adequate salary provided. Lacking that bill, I have no interest in this bill at this time.

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

Mr. RANKIN: Mr. Speaker, apparently the understanding on this matter prior to election does not

have much weight. I quite agree with the gentleman from Portland, Mr. Shesong, that we should pay the Attorney General in accordance with the character and amount of work done. I have looked over the salary list, and it is my recollection that men of similar ability, holding offices of similar responsibility in the State government, are getting five and six thousand dollars. I do not know why we should discriminate against the Attorney General. While I know very little about the law business, I believe that a man who comes here as Attorney General and devotes his whole time to it, his practice is more or less shot to pieces when he returns. He will have to build up a new law business. It seems to me only a matter of justice that we pay this larger salary.

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

Mr. GRUA: Mr. Speaker and Members of the House: I think there is a great deal of merit in what my Brother, the gentleman from Portland, Mr. LaFleur, said so far as this particular matter is concerned, if it were true that the present occupant was the one seeking this increase.

I understand that this is not coming from the Attorney General but is a movement on behalf of the Attorney General made by those of us who feel that he is grossly underpaid for the duties required in that office. Sometime or other, if that office continues, as it likely will, to require full time services, sometime or other it will be necessary to increase the salary. When we do, somebody will be the incumbent. The fact that somebody may profit by it does not seem to me a very valid reason why we should vote it down at this time. If he were the one coming before us urging this measure, I should feel quite differently.

I fully agree with what the gentleman from Portland, Mr. Shesong, has said in regard to the amount of time required and the caliber of the men we have obtained for that important position. I believe that he will save the State of Maine over and above this increase in salary a great deal of money. I think several of you members have had oc-

casions to go and consult him about your bills and the effect of your bills. I think you have all found him just as free with his time as he can possibly be and just as anxious to help up in putting forward bills that are constitutional and that are legal. We have a very good man who is putting in a lot of time, I feel, in proportion to the amount of time the judges of our courts put in. He is spending a lot more time, and yet the judges are better paid.

It is perfectly true that when he gets out of office, unless he is more fortunate than most Attorney Generals, he will find his law business has gone to pieces. This is an elective office and he may have another term and he may not. I feel it is very poor business for us to keep the salary of this very important office at such a low level that we run the danger of obtaining a second-caliber man for this important position.

What happens if you get a poor man in this job is simply that we proceed to hire a good man when any important business comes up that requires a good man to do the job, and you cannot do very much hiring of attorneys without increasing the cost a great deal more than this small increase that is asked for in this man's salary.

I think six thousand dollars for a job of that kind in proportion to the other salaries paid by the State of Maine is fair enough and I am heartily in accord with it. I hope the motion will prevail.

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

Mr. LEAVITT: Mr. Speaker, I too want to go on record as in favor of the motion of the gentleman from Portland, Mr. Shesong. I know definitely that the present incumbent of the Attorney General's office had nothing to do with this bill. When he accepted the office and most probably now he is perfectly satisfied with the amount of money he is receiving. I do not think any fair-minded person who knows anything about the legal profession believes that four thousand dollars is enough money to pay the Attorney General of the State of Maine.

The SPEAKER: The Chair rec-

ognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, I believe if we are going to practice economy we had better practice it right here. The Attorney General knew very well what he was going to receive for his salary. Do not be mislead: his business in Portland will be conducted whether he is there or not, because he has a partner. I believe Mr. Cowan may be doing a good job. Of course he is busy now, but they all are. We do not want to discredit past Attorney Generals. I think we have had good men in that office, and I believe Mr. Cowan to be a good man. He knew the salary when he took the job and was glad to get the office at that price.

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

Mr. DOWNS: Mr. Speaker and Members of the House: I will identify myself as a member of the Salaries and Fees Committee and as one who went along with the report of that committee. I want to be entirely fair on this proposition, and, to be sure that I am being fair, I would like to ask of the gentleman from Portland, Mr. Shesong, a question through the Chair.

The SPEAKER: The gentleman has the floor. Will the gentleman kindly ask his question through the Chair, and, having asked his question, he must relinquish the floor.

Mr. DOWNS: Mr. Speaker, I would like to ask Mr. Shesong if the duties of the Attorney General have been materially increased since January 1, 1941?

The SPEAKER: The gentleman from Rome, Mr. Downs, asks a question of the gentleman from Portland, Mr. Shesong, through the Chair. The gentleman from Portland may reply or not as he sees fit.

Mr. SHESONG: Mr. Speaker, my reply to that would be, of course I have no knowledge as to the duties of the Attorney General and I am not Attorney General. I would say this: Of course during the period of the Legislature we all know that they have increased tremendously. So far as the permanent duties are concerned, I have no knowledge. We have laws going through here which may change the duties of the office. We all know every session of the Legislature is

passing new laws and duties onto him and other officers of the State.

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

Mr. DOWNS: Mr. Speaker, I desire to thank the gentleman from Portland for his information.

I think the committee gave this matter quite careful consideration. As I recall it, there were four candidates for Attorney General, and I do not believe the State of Maine would suffer if every one of the four candidates was elected. I also assume that the present incumbent, whom I believe to be a very, very capable man, knew and anticipated the duties of his office and the amount of salary which it carried. It seems to me that it is a little premature to come before the Legislature which created him and ask for a raise in salary at this time.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: As another member of that Committee on Salaries and Fees I would like to give another angle on this matter that has not been brought out up to this time. In this discussion in the very first place I would like to say that neither the Attorney General nor anyone connected with his office came to the Committee on Salaries and Fees and asked for an increase. I mention that because it is very outstanding, as I believe in every other case, when any salary adjustment or increase was suggested, that that department lobbied for that increase in salary. The Attorney General's department did not.

It did develop through questions asked by that committee that although the salary was only four thousand dollars that the Attorney General received—and as was stated here, there were plenty of men who were willing to take that job—the Attorney General received a little expense account in the matter of travelling expenses between his home and Augusta and also his expenses while in Augusta.

This afternoon the Controller furnished me these figures: Last year the Attorney General received for expenses \$1138.45, which increased his total for the year to \$5121.99. Of course that does not have anything to do with our present Attorney General.

It was also suggested before that committee that there was a great deal of time when the Attorney General could still attend to his law practice.

It does not appear to me that there is any reason today why the decision of the Committee on Salaries and Fees should be run over on this matter of increasing the Attorney General's salary.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Shesong, that the House substitute the bill for the "Ought not to pass" report of the Committee. All those in favor of the motion of the gentleman from Portland, Mr. Shesong, that the House substitute the bill for the "Ought not to pass" report of the committee will say aye, those opposed no.

A viva voce vote being taken, the motion to substitute the bill for the "Ought not to pass" report of the committee did not prevail.

On motion by Mr. LaFleur of Portland, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The Chair lays before the House the fifth tabled and unassigned matter, Bill "An Act Relating to Speed Regulations" (H. P. 1552) (L. D. 843) tabled by the gentleman from Perham, Mr. Bragdon, on April 1st, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Bragdon, the bill was retabled and specially assigned for Friday morning, April 11th.

The Chair lays before the House the sixth tabled and unassigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act Relative to Recording Meters on Fuel Oil Trucks" (H. P. 1619) (L. D. 976) both reports tabled by the gentleman from Winslow, Mr. Belanger, on April 3rd, pending the motion of the gentleman from Livermore Falls, Mr. Grua, that the Majority Report "Ought not to pass" be accepted. The Chair recognizes the gentleman from Waterville, Mr. Poulin.

Mr. POULIN: Mr. Speaker, due to the absence of the gentleman from Winslow, Mr. Belanger, I move that this matter be retabled.

The SPEAKER: The gentleman from Waterville, Mr. Poulin, moves that both reports and accompanying papers lie on the table. Would the gentleman care to specially assign the matter?

Mr. POULIN: I would ask to have it specially assigned for next Tuesday, Mr. Speaker.

The SPEAKER: The gentleman from Waterville, Mr. Poulin, moves that both reports and accompanying papers lie on the table and be specially assigned for next Tuesday. Is this the pleasure of the House?

The motion prevailed and the two reports and accompanying papers were tabled and specially assigned for Tuesday, April 14th.

The Chair lays before the House the seventh tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs, on Bill "An Act to Incorporate the Ellsworth School District" (H. P. 1589) (L. D. 911) tabled by the gentleman from Ellsworth, Mr. Willey, on April 3rd, pending acceptance; and the Chair recognizes that gentleman.

Mr. WILLEY: Mr. Speaker and Members of the 90th Legislature: Early in this session I introduced a bill known as the Ellsworth School District. It was introduced because of the urgent need of our Ellsworth Schools, and at the request of our School Board, many of our parents, civic organizations and prominent citizens.

Personally I feel very seriously about the urgent need of the passage of this bill as our high school is badly over-crowded; both the gym and the auditorium have been made into class rooms which makes it impossible to offer the students the type of education which of necessity present day students should have. The fact that the present high school building was built to accommodate about 150 students, and the present enrollment is 325 and steadily increasing, makes the situation easily understood. Not only the educational advantages of our students are limited but the health and welfare of the student body is jeopardized. This is certainly an emergency, and we in Ellsworth feel that it should be given immediate attention.

I wish to make no criticism of Legal Affairs Committee. I feel they acted upon insufficient information of the true facts of the fi-

nancial situation of Ellsworth. I wish the committee might have had facts from those vitally interested in our schools rather than from a party actuated only by personal motive, a party long out of touch with the vital interest of our schools and the civic problems of our city, a party who lives in Ellsworth about two months of the year.

While at home last week-end I made it my purpose to get the true financial situation of the city from our City Manager. In the matter of debt limit we have a margin of approximately \$50,000 and I have the figures here to substantiate this fact. We have a fair valuation, our tax rate is comparatively low at £2, our credit is A-1 and we can borrow all the money we need at a very low rate of interest. Surely there can be no argument as to our financial responsibility.

This House has already introduced and passed by unanimous consent emergency bills of this nature; past Legislatures have often done likewise. We are not asking anything unusual only that the urgent needs of our boys and girls be considered, and that they may enjoy the advantages common to other communities.

This bill follows closely the Brunswick School District Act which was held legal and constitutional by our Courts. It carries a local referendum and I ask only that the bill have your approval so that it may be submitted to the voters of Ellsworth. I feel that this is purely a local matter, so I ask this Legislature, in all fairness, to extend to the citizens what I believe to be their privilege, that is, to decide for themselves. I have no fear of the results down there; they'll adopt it 3 to 1. Mr. Speaker, I move the bill be substituted for the report.

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

Mr. GRUA: Mr. Speaker and Members of the House: I am not aware on what grounds the Legal Affairs Committee rejected this bill, but it seems to me, with this referendum clause on it, referring it back to the people themselves—and they are the only people who are immediately concerned with it—that we would make a very bad mistake if we refused to let them have a chance to vote on the question of whether they want to build themselves a new schoolhouse.

I am very much in favor of the substitution of the bill, and let it go back to the people, and let them vote on whether or not they want it.

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

Mr. SOUTHARD: Mr. Speaker, I would be very glad to explain the position of the Legal Affairs Committee.

In an effort to cut down on municipal taxation, there was put through this Legislature, and the people originally adopted, a bill placing a limitation on municipal bonded indebtedness.

The Supreme Court decided that could be easily evaded by the creation of a water district, a bridge district, a pier site, or any sort of a district, identical in territory and population with the municipality in which the people lived, who had already decided they would not expend any more money than a certain percentage of the assessed valuation.

The only reason that this Legislature may avoid that Constitutional provision is by the showing of a great need, a great urgency.

Your committee did not feel that the city of Ellsworth, which is now nearly up to the debt limit, and has now repudiated a \$400,000 loan from the Federal government, shall now have a school district, and further avoid the sound Constitutional provision against excess municipal bonded indebtedness.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Willey.

Mr. WILLEY: Mr. Speaker, I do not think that the people of Ellsworth are trying to avoid a debt limit.

I feel that if we had not had in the matter of debt limit a margin of about \$50,000, that we would not be asking for this new school.

I would like to register my opinion here that I believe this thing will pass in Ellsworth. I think the majority of the taxpayers and the majority of the citizens would like to have it.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: Having many friends in the city of Ellsworth, I feel it is my duty to say a word.

I know that the people of Ellsworth want to improve their educational opportunities there. It is not a fact that they are beyond their debt limit. You have heard the gentleman from Ellsworth (Mr. Willey) tell you that they still have at least \$50,000 before they are over their debt limit. Where can you point to many cities in the State of Maine that have that record? Especially after the catastrophe that this city has been through.

In this session of the Legislature we have passed measures for water districts, light districts, sewer districts, and all kinds of districts.

I believe that it has been the opinion of the members of this House that if the people of those towns wished to come up here and ask you to give them the right to vote on it, that they should have it, and decide the matter.

I know in my own case I have not given the matter much study, but here is the city of Ellsworth, one of the finest cities in Maine, and they have come up and asked us for the same right that we have given to all the other cities, and we are attempting to turn them down. I do not know why. Apparently some influential citizen of Ellsworth has lobbied the committee.

I want to tell you that the citizens of Ellsworth are fine citizens. They can make up their minds. All that is being asked for by the city of Ellsworth is for the members of this Legislature to give them the right to decide whether or not they shall vote to increase their educational facilities in that city.

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

Mr. DWINAL: Mr. Speaker, I do not arise for the purpose of speaking for or against this bill. It is a unanimous committee report.

I will not go into detail, but I will say this, that the committee was not lobbied by any man who is a large tax-paying resident of Ellsworth.

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

Mr. LaFLEUR: Mr. Speaker and Members of the House. May I explain the reason that I went along with the unanimous report of this Committee "Ought not to pass."

This bill was given a very fair and

impartial hearing on two separate occasions. Both the proponents and the opponents of the district agreed that if we included the liability upon the Ellsworth City Hall, that the City of Ellsworth was considerably beyond its constitutional debt limit of 5 per cent. With this additional \$75,000, it would increase that figure far beyond the indebtedness of this city.

The reason why the gentleman from Ellsworth (Mr. Willey) argues to you that the city does not exceed its constitutional debt limit is due to the fact that they borrowed, in 1936, or 1937, I believe, from the Federal government rising \$100,000.

They are attempting to evade by a legal technicality that particular indebtedness.

Now, if that indebtedness is a legal obligation of the city of Ellsworth, my friend, the gentleman from Ellsworth (Mr. Willey) must admit that without this present set-up of \$75,000 it does exceed the constitutional debt limit of the city.

This committee, at the hearing, heard from the proponents, and it heard from a representative of sixteen influential taxpayers of that city, opposing this proposed increase in its indebtedness.

Now, the reason why this indebtedness is sought to be secured, is not to improve the educational facilities of the city of Ellsworth. At that hearing it was brought out that the school has approximately—and if my figures are incorrect, he may correct them—some 200, rising 200 students of Ellsworth. That condition is brought about by the students from surrounding towns who come into the city of Ellsworth.

It was pointed out in that hearing that these students from the surrounding towns are educated at the expense of the taxpayers of Ellsworth.

Now, they have referred here to the water districts, the sewer districts, and various utility districts. There is a fundamental difference between the two types of districts. A water district or an electric district has a revenue that is derived from their facilities. Necessarily, it is self-sustaining and self-supporting. In this particular case it is increasing the educational facilities, but brings in absolutely no additional revenue, and will place a tax burden upon the city of Ellsworth.

If this city, in the judgment of the Legal Affairs Committee, were not now exceeding its constitutional debt limit—even with that question as to the bond issue or the loan upon City Hall, we would have gone along with it.

But we felt that we should not permit the people of Ellsworth through this so-called vehicle, to evade that five per cent constitutional debt limit, and further increase their municipal indebtedness. That is the position of the committee. We have no quarrel with the city of Ellsworth.

I will say right here that no taxpayer lobbied that committee. We arrived at that conclusion after inspecting the financial structure of this city.

I do not believe that we, as Legislators, ought to encourage these towns and cities, by a subterfuge, to increase their indebtedness, to get out from under the Constitutional provision, even in such a case as this.

Mr. WILLEY: Mr. Speaker,—

The SPEAKER: The gentleman from Ellsworth, Mr. Willey, asks consent to address the House for a third time. Is there objection? The Chair hears no objection, and the gentleman may proceed.

Mr. WILLEY: Mr. Speaker, I would like to point out about this City Hall.

In 1933 Ellsworth had a fire, as probably most of you realize, that burned down over one half the valuation of the city of Ellsworth. During that period, there was special legislation introduced in Congress to permit Ellsworth to borrow from the R. F. C. along with the different government agencies. The R. F. C. lent a sum of money to build the City Hall, and at the time, with all the other works—the sewer works and other works—on W. P. A. money which was granted it, the city went over its debt limit.

But those governmental agencies require that you pay the interest and principal amount of anything that they loan. Now, it has been seven years, and Ellsworth has paid the interest on this City Hall and its first installment. Since then it has not paid anything to the Federal Government and the Federal Government has not asked them to.

Two of the best known law firms in eastern Maine—that of Edgar

Simpson, in Bangor, and Haley & Hammond, of Ellsworth—have handed a decision to the City Council of Ellsworth that the city is not liable for this City Hall.

But, to concede, for the point of argument, even if we were over, these school districts have been originated—not only by the City of Ellsworth but by other cities—to evade such things as that; and that has been held legal and constitutional by the courts of Maine.

So I cannot see but what it is entirely up to Ellsworth if they care to burden themselves with this thing. I cannot see that it is anyone's business in this Legislature.

I know that the people of Ellsworth—the taxpayers and the other people—are willing to pay a little more to take care of this situation. So far as the tuition of students from outside or around Ellsworth, there are less than 100. If we disposed of this group, we would still be over.

The SPEAKER: The question before the House is on the motion of the gentleman from Ellsworth, Mr. Willey, that the House substitute the bill for the "Ought not to pass" report of the Committee.

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

Mr. GOOD: Mr. Speaker, I would like to make a little explanation here in regard to these school districts. You remember, about a year ago, when we had a special session here, I came in and asked permission of the Legislature to grant Bridgewater—which had lost their high school building—a chance to incorporate a school district.

They graciously granted permission, and when Bridgewater got permission to incorporate as a School District, they had \$10,000 insurance on their building. They gave them permission to hire, I think, \$15,000 more.

They refinanced, because they could hire money so much cheaper at the present time than when they hired the other money. They refinanced, hired extra money, and when they got done, they were paying less interest than before.

Ellsworth apparently wants to do the same thing. I thought possibly that explanation might be helpful.

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

Willey, that the House substitute the bill for the "Ought not to pass" report of the committee.

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

Mr MURCHIE: Mr. Speaker, the proposition is simply this: It is the struggle of the people of Ellsworth to find school facilities.

The Representative from Ellsworth has been a very modest gentleman and has behaved himself perfectly in this House.

Now, he simply asks that we agree to a question, which is to be submitted to the people.

I do not think it is fair for us to dictate the terms, under those circumstances, to the City of Ellsworth.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Dutton.

Mr. DUTTON: Mr. Speaker, a few days ago this House passed a measure taxing a humble, unorganized township in Somerset County for school purposes against my objection.

It may be that the House was correct in that vote, but is it possible that the city of Ellsworth has elected a representative to this Legislature and sent him up here, if he does not know what the city of Ellsworth needs, and what they want?

For my part, I feel that I am fully justified, regardless of any committee report, to go along with gentleman from Ellsworth (Mr. Willey).

The SPEAKER: The question before the House is on the motion of the gentleman from Ellsworth, Mr. Willey, that the House substitute the bill for the "Ought not to pass" report of the committee.

All those in favor of the motion of the gentleman from Ellsworth, Mr. Willey, that the House substitute the bill for the "Ought not to pass" report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was substituted for the "Ought not to pass" report of the Committee.

The Chair lays before the House the eighth tabled and unassigned matter, House Report "Ought to pass" as Amended by Committee Amendment "A" of the Committee on Labor on Bill "An Act Relative to the Employment of Females in Executive, Administrative, Profes-

sional or Supervisory Capacities and as Personal Office Assistants." (H. P. 1235) (L. D. 497) tabled by the gentleman from Yarmouth, Mr. Arzonico, on April 3rd, pending acceptance; and the Chair recognizes that gentleman.

Mr. ARZONICO: Mr. Speaker, it so happens that this bill is also incorporated in L. D. 1085. Now if L. D. 1085, which, by the way, is also on the table, should pass, then there is no need of this bill and I should then ask that it be indefinitely postponed. However, if L. D. 1085 does not pass, then I shall ask that the Labor Committee's report "Ought to pass" on this bill be accepted. Therefore I move that this bill lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Arzonico, moves that the report and accompanying papers lie on the table pending acceptance of the report. Is this the pleasure of the House?

The motion prevailed and the report was so tabled.

The Chair lays before the House the ninth tabled and unassigned matter, Bill "An Act to Incorporate the Presque Isle Water District" (H. P. 1865) (L. D. 1082) tabled by the gentleman from Dexter, Mr. Otto, on April 3rd, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Otto, the bill was given its third reading, passed to be engrossed and sent up for concurrence.

The Chair lays before the House the tenth tabled and unassigned matter, Bill "An Act Relating to Inspectors in the Department of Secretary of State" (S. P. 500) (L. D. 1024) tabled by the gentleman from Presque Isle, Mr. Brewer, on April 4th pending assignment for third reading. The Chair recognizes the gentleman from Bangor, Mr. Eddy.

Mr. EDDY: Mr. Speaker, noting the absence of Mr. Brewer, I move that this matter be retabled.

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

The motion prevailed and the bill was so tabled.

The Chair lays before the House the eleventh tabled and unassigned

matter, Report A "Ought to pass" as amended by Committee Amendment "A", and Report B, "Ought not to pass" of the Committee on Judiciary on Bill, "An Act Relating to Attachment of Shares of Stock." (H. P. 1424 (L. D. 591) both reports tabled by the gentleman from Augusta, Mr. Southard, on April 4th, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. SOUTHARD: Mr. Speaker, as this matter is closely allied with the twentieth unassigned matter and the twentieth unassigned matter is the important one, I therefore move that this bill be laid upon the table and specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Augusta, Mr. Southard, moves that this report and accompanying papers lie on the table and be specially assigned for tomorrow morning, Friday, April 11th. Is this the pleasure of the House?

The motion prevailed and the report was so tabled.

The Chair lays before the House the twelfth tabled and unassigned matter, House Report, "Be Referred to the Committee on Taxation" of the Committee on Motor Vehicles on Bill "An Act Exempting Farm Tractors from Registration Fees." (H. P. 1458) (L. D. 628) tabled by the gentleman from Chapman, Mr. Welch, on April 4th, pending acceptance. The Chair recognizes the gentleman from Denmark, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, in the absence of Mr. Welch I move that the report lie on the table until tomorrow morning.

The SPEAKER: The gentleman from Denmark, Mr. Rankin, moves that the report and accompanying papers lie on the table and be specially assigned for tomorrow morning, Friday, April 11th. Is this the pleasure of the House?

The motion prevailed and the report was so tabled.

The Chair lays before the House the thirteenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Taxation of Certain Motor Vehicles for Transporting Passengers for Hire," (H. P. 1651) (L. D. 1003) tabled by the gentleman from Port-

land, Mr. Payson, on April 4th; and the Chair recognizes that gentleman.

Mr. PAYSON: Mr. Speaker, I am not going to try to retable this one. (Laughter) And it should not take very long to dispose of it. I am going to move to substitute the bill for the report, although I do it with some misgivings because I notice this is the thirteenth matter on the calendar. (Laughter)

This is a bill that proposes to get a little revenue for the cities and larger towns out of the busses that use their streets for transportation of passengers for hire. It does not affect in any way the smaller towns or country sections. It may be of interest to the representatives of Rockland, Camden, Thomaston, Bangor, Brewer, Portland, South Portland, Westbrook, Lewiston, Auburn, Gardiner, Augusta, Hallowell, Winslow, Waterville, Fairfield, Sanford and Springvale.

This proposition does not affect the small rural sections.

I want to say to this House that I have viewed with some pity and some disgust the attempt a few members of the House have made to snipe on the harmony of this House and attempt to create disaffection and hard feeling here by making reference to the representatives from large cities. I know it is generally understood by all farmers that all city people are rich and crooked. (Laughter) Such an argument to me indicates a paucity of intellect and a scarcity of knowledge on the subject.

I want to point out that only two days ago in the House you had a magnificent argument by the gentleman from Portland, Mr. LaFleur, as fine an argument as I ever heard here, presenting a point of view without any personalities or racial or geographical hatred involved, and, on that same day, you heard perhaps an equally able argument by the gentleman from Strong, Mr. Richardson, on the merits of his proposition. I think the members of this House might well think carefully before they start creating the hard feeling they do create when they make these references to the difference between the city and the country, because they do not exist.

The bill which I propose here is a bill which would tax by an excise tax busses operating for hire for the transportation of passengers

and which are taking the place of the street car lines that used to run in your cities.

The reason that I am asking that this tax be imposed is this: Your street car companies, when they used to operate in the cities, paid an excise tax to the State, and part of that excise tax was paid back to the cities and towns. They also paid to the municipality within which they operated certain moneys for the repair and maintenance of streets over which they ran. They also paid for part of the snow removal in these cities and towns.

When the street cars go out they will be relieved of the excise tax on the street car lines, they will be relieved of the burden of the repair of streets, and also be relieved of the burden of snow removal. For that reason it seemed to me fair that they should pay something extra for the privilege of using the streets for the business they are engaged in.

Now I am making a differentiation between the busses that operate partly within the city and those operating out on the open highway. For example, my bill does not intend to hit a bus line operating between Augusta and Waterville, because they are operating on the open State highway and paying a gas tax for that privilege. But that same bus line may be operated between Augusta, Hallowell and Gardiner, and Augusta, Hallowell and Gardiner do not get any money; it goes to the State for gas tax. They have to maintain their own streets and they have to take care of the traffic troubles that come through the operation of busses.

This bill sets up an excise tax on the gross income of these bus companies; the State taxes ten per cent of the tax for collecting it and apportions that money back to the cities and towns in which these companies operate. It seems to me that it is an eminently fair and honest proposition for the burden they put upon these cities and towns. That is the reason that I move to substitute the bill for the report.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House substitute the bill for the "Ought not to pass" report of the Committee. The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker and Members of the House: Our Honorable Floor Leader has presented his case to you. You have heard the Committee report. I feel that I should support the Committee report with a few words, because the bill which I believe started this, came in under my name, and I should like to have this House know just how the picture looks to me. Nothing I heard at the hearing on the bill has altered it a bit.

It seems that a simple bus company has two taxes to pay, a license tax and the gasoline tax. But a street railway, if it has any rails at all, had to pay an excise tax, even though it ran busses on the majority of its routes. Most street railways, when they wanted to run busses started subsidiary bus companies to get away from this tax, but the Portland Street Railway, because of its charter, could not do this. A bill was put in under my name to equalize taxation for all bus companies whether run by street railway bus or not, and I believe has been enacted into law.

We learned at the hearing that this excise tax was formerly a tax in lieu of other taxation and was distributed to the different cities and towns where the stock was held. When the Cumberland County Power and Light Co. purchased the Street Railway Company, all the stock naturally came to Portland and with it the excise tax. So with the change from rails to busses and with the disappearance of the rails Portland loses approximately \$8,000.00 if I correctly heard Mr. Payson at the hearing. Also the Street Railway had been paying as their share of snow removal in Portland \$17,000.00. With the advent of busses, the legal right for a city to demand participation in that expense lapsed and that amount was also lost to Portland, making a sum of \$25,000.00 to subtract from Portland's income.

Evidently this situation seemed serious to Portland, and they sought means to recuperate their loss. This bill is the result. It was evident the State could not pass an excise law for one city alone, so the bill was made to include all cities having urban bus lines. That is, I believe, a fair statement of the case as I see it, and evidently Mr. Payson believes it to be a fair law. I am sorry that I disagree with him,

because I know that \$25,000.00 is quite a lot of money.

However, it seems evident to me that this is not a State but a City problem. I cannot see why the State should tax busses running in Lewiston, if Lewiston did not feel it in the best interest of Lewiston so to do. The same goes for Bangor, Saco, Augusta and every individual city in Maine. The State would have a right to tax all bus lines in the State for the benefit of the State if it so desired; but this bill specifies only urban bus lines, and it seems to me that the cities themselves should be the judge of public policy there.

I live in Saco, between Saco-Biddeford and Old Orchard. We have one of the oldest street railway companies in Maine just motorized a little over a year. I know personally that they have scraped and pinched to keep this road going; the man who runs it cutting his salary to such an extent that he has to work at another job in order to increase his income. They believe in a 5c rate between the cities and feel they are doing a public service by keeping it there. Saco has no desire to tax them and force them to a higher rate. Just because Portland has lost \$25,000.00 on revenue, is it right that the State should indirectly force Saco to tax the Biddeford and Saco Railway which it has no desire to do?

At the hearing Mr. Sweeney appeared. He was just entering the position of receiver of a bankrupt bus line, trying to put it back on its feet. Is the State going to make a hard job harder by forcing indirectly Lewiston to tax that Company when it has no desire to do so?

I believe that Mr. Payson has a good case against the Highway Department, and that it would be fair to ask that a certain amount of gas tax money be returned to towns and cities with urban bus lines to help snow removal and street repairs. But the bill does not ask for that.

I believe it would be a fair bill if it asked the State to allow the cities to impose an excise tax on bus lines if they so desired; but to arbitrarily impose a tax in an organized community is by that much usurping that city's right to govern itself.

I most strongly urge that the report of the committee be accepted,

and that the motion of the gentleman from Portland, Mr. Payson, be defeated.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Payson, that the bill be substituted for the "Ought not to pass" report of the committee. As many as are in favor of the motion of the gentleman from Portland, Mr. Payson, that the bill be substituted for the "Ought not to pass" report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the bill for the "Ought not to pass" report of the committee did not prevail.

On motion by Mr. Jordan of Saco, the "Ought to pass" report of the committee was accepted.

The Chair lays before the House the fourteenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act to Impose an Occupation Tax on Conducting a Business by a System of Chain Stores" (H. P. 1480) (L. D. 611) tabled by the gentleman from Lewiston, Mr. Roy, pending acceptance. The Chair recognizes the gentleman from Lewiston, Mr. Lambert.

Mr. LAMBERT: Mr. Speaker, due to the absence of Mr. Roy, the Representative from Lewiston, I move that this matter be retabled and specially assigned for Tuesday. I could not say whether he would be here tomorrow.

Mr. POULIN of Waterville: Mr. Speaker—

The SPEAKER: The motion to table is not debatable.

Mr. POULIN: Mr. Speaker, I do not want to debate the motion. I simply want to say that Mr. Roy requested me to have this matter specially assigned for next Tuesday, April 15th.

The SPEAKER: The gentleman from Lewiston, Mr. Lambert, moves that the report be tabled and specially assigned for next Tuesday, April 15th. Is this the pleasure of the House?

The motion prevailed and the report was so tabled.

The Chair lays before the House the fifteenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to

Taxation of Shore Property in Wild Lands" (H. P. 1599) (L. D. 924) tabled by the gentleman from Greenville, Mr. Rollins, on April 4th, pending acceptance; and the Chair recognizes that gentleman:

Mr. ROLLINS: Mr. Speaker, I move at this time that we substitute the bill for the report of the committee.

In defense of my motion, I will say it is not that I want to go along in substituting the bill for the report in every instance, but I believe there is a problem here that is worthy of consideration.

In respect to the Taxation Committee, who has passed on this bill "Ought not to pass," I will say that it is composed entirely of worthy gentlemen whose opinion I thoroughly respect.

I would like to read a section of the law, which, perhaps, as I understand from contacting many of the members of that committee, would eliminate their objections.

One member of the committee mentioned to me that possibly if I had carried an appropriation with this bill it would have been voted out by the committee "Ought to pass."

In this Legislature, where we are endeavoring, feebly, I will say, to practice economy, I advanced this measure, as a revenue measure, and not as an expense measure.

I will read from the Revised Statutes, Chapter 9, Section 9, that part of the law which will show to each and every one of you that there was no need of any revenue appropriation with this bill.

"All owners of wild lands or of rights of timber and grass on public lots shall either in person or by authorized agent appear before the board of state assessors at times and places of holding sessions in the counties where said lands are located, or at any regular meeting of the board held elsewhere on or before the 1st day of August of each year preceding the regular legislative session of this state; and render unto them a list of all wild lands thus owned, either in common or severally, giving the township, number, range, and county where located, part owned, and an estimate of its fair value; and answer such questions or interrogatories as said board may deem necessary in or-

der to obtain a full knowledge of the just value of said lands."

That, Members of the House, I claim, goes to show that it is not necessary to have any money to perform what we ask in Legislative Document 924, which reads:

"In the determination of the value of lands under the provisions of section 37 of chapter 13 of the revised statutes, consideration shall be given to the enhanced values thereof by reason of frontage upon any body of water when the lands are adaptable to development and occupancy for sporting, recreational or dwelling purposes."

I know the hour is late, but I am going to quote a few instances that were brought out at the committee hearing.

I would say of the committee hearing that it was a fair hearing, and there was very little opposition.

One gentleman who represents large timber interests sat in his seat and never rose once, because we were fair.

We claim that the land for timber growing in the area perhaps ten or twenty rods from the shores of our lakes is amply assessed now. We know something about timber and we know that \$2.50 or \$3.00 an acre is plenty to assess the land for growing timber. For that reason I think the man who would ordinarily be an opponent held his seat.

We do claim that the land on the shores of our lakes, of which we have 2465 in the State of Maine, should be assessed. We have nearly eight million acres of forest lands. And we have in our territory the greater majority, or some 1800 of these lakes.

I speak especially for Moosehead Lake to start with, because that is my home. There are 350 miles of shoreline around that lake.

I will take the township of Lily Bay. We have a township there where there is a section of land owned by the Hollingsworth & Whitney Company that is assessed at \$2.40 per acre. Right adjacent is a lot owned by Ann Gannett, assessed at \$10.00 an acre. Mrs. Gannett's land is swamp, and the other is high-grade and valuable for cottages but is not for sale.

Immediately in front of this land there are some islands, which happen to belong to my wife. They are assessed at \$100.00 an acre. There is lots of storage there.

Now, we will step back to Sugar Island which lies adjacent, and we have the same condition. This is a larger island, but an island nevertheless. We have the Hollingsworth & Whitney Company assessed \$3.00 an acre on their land, but the land owned by George Watts Hill is assessed at \$20.00 an acre.

I could go on and read to you the figures from every county in the State of Maine from that book. That is the Maine State Valuation for 1940.

I will go up to the head of the lake. I will take Big "W" Township. That appears on page 227 of that report. The reason I pick it out is because it is inaccessible by any roads and is only accessible by water. At some time someone had laid out some lots on the township. I have to take lots that have no buildings on them in order to get the comparable value of the land.

Our State Tax Assessor—I happen to be an Assessor and I separate land and buildings—but he does not practice what he preaches, so I cannot get at the fair value anywhere in the State, because the thing is just listed "Land and Buildings."

I will take Big "W" Township with 10,998 acres, assessed for \$30,338. In that same township there are 204 acres, with buildings, assessed for \$59,400; and in that same township there are fifty-five acres which are assessed for \$1100, making a total of 11,247 acres assessed for \$90,888.

What I am trying to bring out there is that you can see that when the buildings are on the land the value there is \$59,400, and is mostly buildings.

These lots are situated at the head of the lake. Perhaps some of you gentlemen know it is where William Stream comes in, just south of Seboomook, and it is accessible only by boat.

This condition is prevalent on the majority of the 2465 lakes in Maine.

It is estimated that on Lower and Upper Richardson Lakes, Mooselucmeguntic, and Kennebago Lakes that there are some 5,000 lots that are available but not for sale.

What about that great empire up in Northern Aroostook county? They have the same problem, because they have a great many lakes. Probably some of the other gentle-

men can explain that better than I can. I will read from a note from a gentleman who has worked up on the region:

"Let's see just what this valuable shoreage would bring if put on the market and sold at the same price per lot that the 6 miles of the John A. Decker property was sold for. To start with \$250 per lot 100x500 feet deep.

One mile of shoreage would amount to	\$12,500
Ten miles of shoreage would amount to	\$125,000
One hundred miles of shoreage would amount to	\$1,250,000

If and when built upon the same as the three miles from Haines Landing South—some \$300,000 in camps, these beautiful shores—these beautiful shores would eventually add some 10 million of taxable property to the State and County. Staggering, you will say, yes indeed, but suppose we reduce it by one-half, isn't 5 million worth considering?"

We have a problem up on Moosehead Lake in regard to which I have a letter in my hand. We had a development in my town. Some eighteen years ago I raised the value in the town. Probably, no doubt, many of you gentlemen have seen the same situation. We had a few big owners. If you wanted a lot, you paid their price. This is in the village that I am speaking of now.

Some twenty-one years ago I got married. At that time you could not buy a house or rent a house. You could not do a thing.

I had to build. I went out and picked out a couple of lots. I paid \$350 each—or \$700, for half an acre. That was \$1400. Immediately I got a taxbill for \$10.00, where the original owner had been paying seventy cents. That thing was prevalent all through my town and probably many others.

It was not more than two years from then that I was elected Chairman of the Board of Selectmen and also the Assessors. I took it upon myself to rectify conditions. I would take a street and I did not care who owned the property,—whether it was Joe Smith or Joe Jones. If there were so many rods on the street, it was worth just as much money if a man owned twenty lots or one lot or two lots. I followed through with it, and it is

still laying on those assessors' books today, at the same rate.

In other words, there is no question but what we have every power in the world to zone. If we had not, we would have heard about it before this,—and that as twenty years ago. It is still recorded in that manner.

I think you gentlemen remember that we passed a law just this last week on zoning.

Now, speaking of this land before it was so taxed. This piece in question was valued at \$400. Today that piece of land, with the development on it, is assessed in the town of Greenville at \$200,000.

I will quote from this letter which I hold in my hand:

"I certainly was glad to get your fine letter, and I noted with much interest what you had to say with reference to taxes on shorage on Moosehead and other lakes. This land is valuable and I believe that I have been at least one to furnish proof of that through the sales I have made in the past three years. * * * I have sold 800 feet for \$3300.00. That is a little over \$10.00 a front foot as you can see. Therefore, it would seem to me that it is valuable land. On this land so far has been invested around \$18,000.00 in improvements, plus increased taxes to the town, plus caretaker service, plus upkeep, and plus what these people have spent for food, gasoline, electric service and so forth."

That is from a gentleman who has made a development on the south part of Moosehead Lake.

I have also, in that region, been instrumental and interested in the recreational facilities and bringing people to Maine. As you know, we have the Maine Development Commission and the Maine Publicity Bureau.

I have worked in conjunction with them, and it has always been my contention that instead of spending thousands of dollars at this time of year, in going to sportsmen's shows, we should try to encourage people to come to Maine.

These men get out their fishing rods in February and they get kind of itchy to go somewhere. They take this pile of literature and go through it. But, if they own a plot of land in Maine, it would be "When are we going to Maine?" and not "Where are we going?"

Gentlemen, I leave it to you that if the three hundred and fifty miles around Moosehead Lake, and these other lakes, in our wild lands, were available for ownership and the building of cottages, our farmers in Maine would have no problem because we could not raise food enough to supply the people.

Therefore, I will leave with you my reason why I believe the bill should be substituted for the report.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the Committee.

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

Mr. JORDAN: Mr. Speaker, I did not intend to speak on this, because I thought somebody else from the Taxation Committee would jump up. But I feel I would be lax in my duty if I did not explain to you why the committee turned it down.

The gentleman from Greenville, Mr. Rollins, has been telling you what this bill means. I would like to read it:

"In the determination of the value of lands under the provisions of section 37 of chapter 13 of the revised statutes, consideration shall be given to the enhanced values thereof by reason of frontage upon any body of water when the lands are adaptable to development and occupancy for sporting, recreational or dwelling purposes."

There is nothing in there that is not supposed to be done under the present law, and that is the reason why we turned it down, because it was redundant. The Committee on Taxation went further and satisfied ourselves that the Tax Commissioner was working towards this end, and that he could do a better job if he had more money.

The Committee on Taxation felt that this bill was not necessary and that it was a slap in the face of the Tax Commissioner. They were not willing to slap the Tax Commissioner in the face, so they passed it out that way.

I hope the motion of the gentleman from Greenville, Mr. Rollins, does not prevail.

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

Mr. GRUA: Mr. Speaker and Members of the House: I happen to be acquainted with the situation on Upper Richardson Lake, and I know what Mr. Rollins has told you is true there. I know you cannot buy a square foot of land from the people that own the shore there. I do not know why the State Tax Assessor has not instituted a different system of valuation on these shoreage properties. It is quite evident there is a great difference in the way he values land of some of these large companies and the way he values land after it has been purchased by some individual.

I assume that what the gentleman from Saco, Mr. Jordan, has said is quite true, that we have all the law we need now to obtain the result that is here sought. I do not go along with him in saying it would be improper for us to pass this law in view of that fact. I think a distinct and careful statement from this Legislature, that we feel there should be special attention paid to the actual value of this shoreage property by the State Assessor's Department, would be effectual and of value, and anything that puts a fair value on real estate receives my hearty support. I think this is a fair measure, and I favor the motion of the gentleman from Greenville, Mr. Rollins.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker, in reading L. D. 984, it occurs to me that if we vote on it the way Mr. Rollins wants us to, we might be hurting the feelings of a great many people who might be ignorant of this bill coming before us at this time.

Why should I be penalized if I own a large tract of land and do not wish to sell it? Is that any reason why a disgruntled tax assessor should assess extra taxes on that piece of property? The gentleman from Greenville, Mr. Rollins, has said a great deal here about Moosehead Lake, and nearly everything in connection with this measure at this time appears to me to be more or less personal and not for this Legislature to pass upon. I trust the motion of the gentleman will not prevail.

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

Mr. HOLMAN: Mr. Speaker, I want to assure you that this matter is not personal with Mr. Rollins, because I know it has been spoken of in years past and other efforts have been made before this Legislature to remedy conditions that exist in regard to shore property on the lakes in Maine. While it may be true we need no more law to put a fair valuation on this property, nevertheless it has not been done, and I see no reason why we should not call the attention of the Tax Department to the fact that it is our wish that proper consideration should be given to the value of this property. The State law states that property shall have a fair and just valuation, and the assessors of towns are bound by their oath of office to put a fair valuation on all the property in a town. Why should not the State Tax Assessor do the same thing with the State tax?

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

Mr. BRAGDON: Mr. Speaker, this is a matter I know very little about and probably am not qualified to speak on it, but I assume from the discussion that I have heard of the matter that probably the wild land owners owning property that runs down to our shore frontages are taxed on the basis of their total holdings and not on the basis of land on the water front. I wonder if the bill of the gentleman from Greenville (Mr. Rollins) would call for the State Tax Assessor lotting this land off into shore lots separate from the other land. I do notice we have a unanimous report on this bill from the Committee on Taxation, and I feel the House should go along with that vote.

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

Mr. ROLLINS: Mr. Speaker, it seems to have been kind of an unfortunate accident that I happened to buy those islands from Mr. Shaw twenty years ago. Nevertheless, I own them. Rather than to stand here and talk about something I own and not say I own it and let somebody criticize me for it, I came out in the open and aboveboard. While I happen to be on Moosehead Lake, there are plenty of them on other lakes, Richardson Lake and Square Lake and some of the lakes in Aroostook County.

The question, members, is just this: The bill reads: "Consideration shall be given to the enhanced value thereof by reason of frontage upon any body of water." We mean by that ten or twenty rods, whatever they may presume to make on that shore. So far as the land in the area behind that which is fit for growing timber, we have no quarrel, but that land that is on the shore is worth money and it should be so taxed.

I could go on all night—I am not going to—and tell you of lands that are leased for two hundred dollars an acre and five hundred dollars an acre. You cannot find a thing in that book on buildings. The buildings would enhance the value of the land. Nevertheless, the buildings are all there. I hope the bill will be substituted for the report of the committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the committee. As many as are

in favor of the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the committee will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Fifty having voted in the affirmative and 31 in the negative, the motion prevailed and the bill was substituted for the "Ought not to pass" report of the committee.

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

Mr. PAYSON: Mr. Speaker, as the House has listened to over five and a half hours of debate today, I move that we 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.