

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

# Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

**HOUSE**

Wednesday, April 16, 1941

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

Prayer by the Rev. Mr. Bickmore of Augusta.

Journal of the previous session read and approved.

**Memorial from the Senate  
Tabled**

From the Senate:

Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled.

We your Memorialists, the Senate and House of Representatives of the State of Maine in the 90th Legislative session assembled, most respectfully present and petition your honorable body as follows:

WHEREAS, there is now pending before the Congress of the United States proposed legislation, designated as Senate File 860, providing for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; and

WHEREAS, the Federal Government has located in the state of Maine, and may hereafter locate in this state, forts and training camps, which may be deemed desirable in the development of the national defense; and

WHEREAS, it is desirable in the interest of the common defense to provide for the suppression of all forms of vice in the vicinity of such forts and camps, and the people of the state of Maine are greatly interested in the passage of such legislation, now, therefore be it

RESOLVED: That we, your Memorialists, do hereby respectfully petition and urge the Members of Congress to give early consideration to Senate File 860 now before the Senate, and to the enlargement of the provisions thereof in order to include the suppression of vice in the vicinity of ordnance plants or projects now or hereafter erected and maintained by the Federal Government in the development of national defense, and to enact such

legislation at an early date, and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State, by registered mail, to the proper officers and committees of the United States Senate and House of Representatives, the President of the United States and to each of the Representatives and Senators representing the State of Maine in the United States Congress.

Came from the Senate, read and adopted.

In the House, on motion by Mr. Richardson of Strong, a viva voce vote being taken, the Memorial was tabled pending adoption.

**Ought to Pass—Amended**

From the Senate:

Report of the Committee on Library reporting "Ought to pass" on Bill "An Act relating to Vital Records" (S. P. 409) (L. D. 822)

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

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

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

Senate Amendment "A" to S. P. 409, L. D. 822, Bill, "An Act Relating to Vital Records."

Amend said Bill by striking out, at the end thereof, the crossed out words and underlined words, and substituting in place thereof the following:

'the state librarian and the state historian.'

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

**Senate Divided Reports**

Report A of the Committee on Motor Vehicles on Bill, "An Act Making Uniform Registration Standards of Weight and Length of Trucks in the Northeastern States" (S. P. 120) (L. D. 150) reporting same in new draft (S. P. 532) (L. D. 1114) under title of "An Act relating to the Weight of Motor Vehicles" and that it "Ought to pass"

Report was signed by the following members:

Messrs ELLIOT of Knox  
 —of the Senate.  
 EDDY of Bangor  
 MacLEOD of Bar Harbor  
 RANKIN of Denmark  
 WESTON of Farmingdale  
 —of the House.

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

Report was signed by the following members:

Messrs. LIBBY of Cumberland  
 HASKELL of Penobscot  
 —of the Senate.  
 CONANT of Auburn  
 RACE of Boothbay  
 Miss BANGS of Brunswick  
 —of the House.

Came from the Senate with Report B accepted.

In the House, on motion by Mr. Conant of Auburn, Report B, "Ought not to pass" was accepted in concurrence.

**Senate Divided Reports**

**Tabled and Specially Assigned**

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Repealing the Personnel Board Law" (S. P. 333) (L. D. 904)

Report was signed by the following members:

Miss LAUGHLIN of Cumberland  
 Messrs HARVEY of York  
 —of the Senate.  
 McGLAUFLIN of Portland  
 HINCKLEY of So. Portland  
 GRUA of Livermore Falls  
 PAYSON of Portland  
 MILLS of Farmington  
 BRIGGS of Hampden  
 —of the House.

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

Report was signed by the following members:

Messrs FARRIS of Kennebec  
 —of the Senate.  
 WILLIAMS of Bethel  
 —of the House.

Came from the Senate the Majority Report accepted.

In the House, on motion by Mr. Williams of Bethel, the two Reports, with accompanying papers, tabled and specially assigned for tomorrow morning.

**Conference Committee Report**

The SPEAKER: The Clerk has in his possession a Conference Com-

mittee Report which does not appear on the Advance Printed Calendar.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to provide Assistance to the Civil Population of England" (H. P. 637) (L. D. 273) reporting that the Committee recommends

(1) That both branches recede from their former actions;

(2) That a new draft (H. P. 1921) submitted herewith "Ought to pass".

(Signed) Messrs.

HINCKLEY of So. Portland  
 PRATT of Turner  
 HOLMAN of Dixfield

—Committee on part of House.

Miss LAUGHLIN of Cumberland  
 BROWN of Aroostook  
 MORSE of Waldo

—Committee on part of Senate.

The SPEAKER: The Clerk will read the new draft.

Thereupon, new draft (H. P. 1921) was read in full by the Clerk.

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

Mr. LaFLEUR: Mr. Speaker, I would like to place this bill on the table, and I would like to make some observations later in the week, or next week, on it.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, moves that the Conference Committee report and accompanying papers lie on the table pending acceptance of the report. Is this the pleasure of the House? The Chair would inquire if the gentleman would like to have the new draft printed while it is on the table?

Mr. LaFLEUR: Perhaps, Mr. Speaker, we can dispose of it at this time, if I can have the attention of the House just a moment.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, moves that the House take from the table the Conference Committee report. Is this the pleasure of the House?

The motion prevailed, and the Conference Committee report was taken from the table.

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

Mr. LaFLEUR: Mr. Speaker, as far as I am personally concerned, I am not particularly interested whether you vote for this memorial

or not, but I do want to make this observation: if we finally go along with this memorial, I hope every lady and gentleman in this legislature will vote for that memorial prepared to accept his or her responsibility for another step which may well lead us into this war, and this thing, if passed, will eventually rise up to answer your objection if we finally go into it.

I personally want to do anything for Great Britain; I am willing to send these arms; if necessary, I am willing to take part in that endeavor. But I do not want the Republicans in this House to say we are not ever going into the war when in fact you are passing a memorial to send arms to Great Britain. If you are prepared to accept your responsibility, I will go along with you.

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

Mr. HINCKLEY: Mr. Speaker, do I understand there is a motion before the House now?

The SPEAKER: The Chair will state that there is no motion before the House, but the question before the House is on the acceptance of the Conference Committee report.

Mr. HINCKLEY: Mr. Speaker, first of all let me say that I think this committee has done a remarkable thing by getting the Senator from Cumberland and the gentleman from Turner together in agreement. (Laughter)

As you remember, the House, when this matter was before it some time ago, refused to go along with the bill as presented, because at that time the argument was that it would mean about \$1000 a year out of the Department of Inland Fisheries and Game. The House did not want to do that.

However, the gentleman from Presque Isle (Mr. Brewer) was rather persistent, and he said he would like to have us at least make a gesture of friendliness toward Canada and Great Britain. Now I did not want to oppose anything of that kind.

The committee that was appointed on the part of the Senate and on the part of the House considered the matter very carefully. We went down in the department, and we found there perhaps fifteen or sixteen rifles that might be serviceable in England. Those guns are there

at the present time. We picked out eight guns that we thought might be of some value to them and not of any particular value to us as far as monetary consideration was concerned, and therefore we decided as a committee that it would be a fine thing if we sent those eight guns to England. That will not hurt us very much, and it might be of some value to them; and it would certainly be a gesture of friendship. That is the reason for this committee report.

The SPEAKER: The question before the House is on the acceptance of the Conference Committee report.

All those in favor of the House accepting the report of the Conference Committee will say aye; those opposed no.

A viva voce vote being taken, the motion to accept the report of the Conference Committee did not prevail.

On motion by Mr. Brewer of Presque Isle, the House voted to insist and ask for another Committee of Conference.

The SPEAKER: The Chair will name the Conferees at a later time.

#### Non-Concurrent Matter Tabled

From the Senate:

Resolution Proposing an Amendment to the Constitution of the United States relative to Taxes on Incomes, Inheritances and Gifts (H. P. 466) (L. D. 202) on which the House accepted the Minority Report of the Committee on Federal Relations reporting "Ought not to pass" on April 7th.

Came from the Senate with the Majority Report reporting "Ought to pass" accepted in non-concurrence.

In the House:

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

Mr. McGLAUFFIN: Mr. Speaker, as I consider this matter of considerable importance, I move to lay it on the table.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that this bill lie on the table pending further consideration. Is this the pleasure of the House?

The motion prevailed, and the bill was tabled pending further consideration.

**Non-Concurrent Matter**

From the Senate

Bill "An Act relating to the Salary of the Attorney General" (H. P. 1464) (L. D. 740) on which the House accepted the Report of the Committee on Judiciary reporting "Ought not to pass" on April 10th.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House, on motion by the gentleman from Portland, Mr. LaFleur, the House voted to insist upon its former action and ask for a Committee of Conference.

Thereupon, the Chair appointed as Conferees on the part of the House:

Messrs. LaFLEUR of Portland  
DOWNS of Rome  
COUSINS of Old Town

**Non-Concurrent Matter**

From the Senate:

Bill "An Act relating to Taxation of Shore Property in Wild Lands" (H. P. 1599) (L. D. 924) on which the House substituted the Bill for the Report of the Committee on Taxation reporting "Ought not to pass" on April 10th and passed the Bill to be engrossed on April 14th.

Came from the Senate with the Report accepted in non-concurrence.

In the House, on motion by Mr. Rollins of Greenville, the House voted to insist on its former action and request a Committee of Conference.

The Chair appointed as Conferees on the part of the House:

Messrs. ROLLINS of Greenville  
HARVEY of Sangerville  
MARTIN of Rumford

**Non-Concurrent Matter**

From the Senate:

Bill "An Act Conferring Jurisdiction of the Public Utilities Commission Over Vessels or Boats Propelled by Other Motive Power than Steam" (H. P. 1283) (L. D. 549) which was passed to be engrossed in the House on March 11th.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. SLEEPER: Mr. Speaker, I move that the House insist on its

former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the House insist on its former action and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will appoint the Conferees at a later date.

**Non-Concurrent Matter**

From the Senate:

An Act to Incorporate the Reef Point Gardens Corporation (S. P. 481) (L. D. 998) which was passed to be enacted in the House on April 8th and passed to be engrossed on April 3rd.

Came from the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by Mr. McLeod of Bar Harbor, the House voted to insist on its former action and ask for a Committee of Conference.

Thereupon, the Chair appointed as Conferees on the part of the House:

Messrs. MACLEOD of Bar Harbor  
HINCKLEY of So. Portland  
GRUA of Livermore Falls

**Non-Concurrent Matter**

From the Senate:

Bill "An Act relating to the Practice of Chiropractic" (S. P. 482) (L. D. 1068) which was passed to be engrossed in the House on April 14th without amendment in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and asking for a Committee of Conference, and with the following Conferees appointed on its part:

Miss LAUGHLIN of Cumberland  
Messrs. FARRIS of Kennebec  
SANBORN of Cumberland

In the House, on motion by Miss Deering of Bath, the House voted to insist on its former action and join in a Committee of Conference.

Thereupon, the Chair appointed as Conferees on the part of the House:

Miss DEERING of Bath  
Messrs. GOOD of Monticello  
SAYWARD of Kennebunk

The following Remonstrance was received, and upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

#### Judiciary

Remonstrance of Hazel C. Lord and 114 other voters in Cumberland County against L. D. 521 to transfer from the Personnel Board back to heads of departments the Exclusive Power over Promotion in the Classified Service, Temporary and Provisional Appointments and Salary Advancements (H. P. 1920) (Presented by Mr. Payson of Portland) Sent up for concurrence.

#### Orders

On motion by Mr. Payson of Portland, it was

ORDERED, that the Clerk of the House be directed to convey to Mr. Lambert of Lewiston, the sincere sympathy of the members because of his recent accident;

AND BE IT FURTHER ORDERED, that the gentleman from Lewiston, Mr. Lambert, be excused from further attendance during his disability.

Mr. Hanold of Standish, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the use of the First Floor Corridors and the Museum be granted to the Assembly Committee on Thursday evening.

The Order received passage and was sent up for concurrence.

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

Mr. PAYSON: Mr. Speaker, I present an Order and move its passage.

This Order being in the nature of an amendment to the House Rules, I will give notice that I will ask for its passage tomorrow.

The Order was read by the Clerk as follows:

ORDERED, that all matters tabled and unassigned shall be taken from the table automatically each day under Orders of the Day.

The SPEAKER: This Order involves an amendment to the Rules. It will lie on the table for consideration until tomorrow morning.

On motion by Miss Bangs of Brunswick, House Rule 25 was sus-

pending for the remainder of today's session, in order to permit smoking.

#### House Reports of Committees

Mr. Bragdon from the Committee on Claims on the following Resolves:

S. P. 78. Resolve to Reimburse the Town of Dresden for Support of Wilmer and Arthur Bixby, Sons of Fred E. Bixby.

S. P. 79. Resolve Reimbursing the Town of Baring for Hospital Aid to Una Hanning, State Pauper.

S. P. 80. Resolve Reimbursing the Town of Baring for Hospital Aid to Baby Edna Allard.

S. P. 110. Resolve Reimbursing the Town of Orland for Support of a State Pauper.

S. P. 112, L. D. 160. Resolve to Reimburse the Town of Dover-Foxcroft for Expenses of a State Pauper.

S. P. 184. Resolve in Favor of the Town of Oakland.

S. P. 186, L. D. 219. Resolve in Favor of the Town of Jay.

S. P. 219. Resolve in Favor of the Town of Jay.

S. P. 226. Resolve in Favor of the Town of Atkinson.

S. P. 229. Resolve in Favor of the Mayo Memorial Hospital, of Dover-Foxcroft.

H. P. 36, L. D. 32. Resolve in Favor of the Eastern Maine General Hospital of Bangor.

H. P. 38. Resolve in Favor of Gwendolyn MacPherson, of Bangor.

H. P. 39. Resolve in Favor of Marjorie Barry, of Bangor.

H. P. 91, L. D. 52. Resolve in Favor of the Town of China.

H. P. 92. Resolve in Favor of Thomas Gray Harvey, M. D., of Mars Hill.

H. P. 95. Resolve to Reimburse the Town of Winterport for Support of Maurice Stillman and Family.

H. P. 231, L. D. 77. Resolve to Reimburse the Town of Millinocket for Support of Charles Roy and Family.

H. P. 232. Resolve in Favor of Milliken Memorial Hospital of Island Falls.

H. P. 233. Resolve to Reimburse the Town of Fort Fairfield for Funeral Expense of Son of Herbert Schwartz.

H. P. 234. Resolve to Reimburse the Town of Fort Fairfield for Supplies Furnished Harold Dube.

H. P. 235. Resolve to Reimburse

the Town of Fort Fairfield for Supplies Furnished Harold Dube.

H. P. 236. Resolve to Reimburse the Town of Fort Fairfield for Supplies Furnished Isaac Dube.

H. P. 237. Resolve to Reimburse the Town of Fort Fairfield for Medical and Hospital Aid to Leo Dube.

H. P. 239. Resolve in Favor of the Town of Castle Hill.

H. P. 330. Resolve to Reimburse Archie Sanborn, as Manager of the A. & P. Store in Greenville, for Supplies Furnished to Marie Guerette, State Pauper.

H. P. 326. Resolve to Reimburse the Town of Madawaska for Support of Barthelemie Daigle, State Pauper.

H. P. 411. Resolve in Favor of the Town of Jay.

H. P. 412. Resolve Reimbursing the Town of Trescott for Burial Expenses of Aaron Mooers.

H. P. 413. Resolve Reimbursing the Town of Rumford for Medical Aid Furnished Joseph and Clara Glidden.

H. P. 458. Resolve to Reimburse the Town of Greenville for Support of State Paupers.

H. P. 459. Resolve to Reimburse the Town of Greenville for Support of Doris Magee and Family.

H. P. 580. Resolve in Favor of Presque Isle General Hospital, of Presque Isle.

H. P. 582. Resolve Reimbursing the Town of Hodgdon for Certain Pauper Expense.

H. P. 588. Resolve in Favor of the Town of Houlton to Reimburse for the Support of Goldie and Philip Clarke.

H. P. 590. Resolve in Favor of the Town of Houlton to Reimburse for the Support of John A. Armstrong, a State Pauper.

H. P. 591. Resolve in Favor of the Town of Houlton, for the Support of Irvin E. Cameron, a State Pauper.

H. P. 592. Resolve Reimbursing the Town of Paris for Poor Relief.

H. P. 593. Resolve to Reimburse the Town of Lubec for Medical Aid Furnished Maynard Denbow, State Pauper.

H. P. 595. Resolve to Reimburse the Town of Lubec for Expenses Incurred by Simeon Townsend, State Pauper.

H. P. 596. Resolve to Reimburse the Town of Lubec for Support of a State Pauper.

H. P. 597. Resolve to Reimburse the Town of Lubec for Support of State Pauper.

H. P. 598. Resolve to Reimburse the Town of Lubec for Expenses Incurred by State Pauper.

H. P. 599. Resolve to Reimburse the Town of Lubec for Expenses Incurred by State Pauper.

H. P. 601. Resolve Reimbursing the Town of Dexter for Money Expended by Error.

H. P. 603. Resolve to Reimburse the Town of Fairfield for Expense Incurred in Case of Harry Jones.

H. P. 605. Resolve Reimbursing the Town of Bluehill for Certain Burial Expense.

H. P. 607. Resolve Reimbursing the Town of Veazie for Certain Burial Expense.

H. P. 608. Resolve in Favor of the Town of Kingfield.

H. P. 609. Resolve in Favor of the Lincoln County Memorial Hospital of Damariscotta.

H. P. 610. Resolve in favor of Dr. R. W. Belknap, of Damariscotta.

H. P. 746. Resolve to Reimburse the Town of Mattawamkeag for Supplies Furnished a State Pauper.

H. P. 747. Resolve in Favor of W. A. Sampson, of Augusta.

H. P. 749. Resolve in Favor of Mars Hill Hospital for Care of Henry A. Kinney.

H. P. 750. Resolve in Favor of Mars Hill Hospital for Care of Arnold Briggs.

H. P. 751. Resolve in Favor of Mars Hill Hospital for Care of William Chambers.

H. P. 752. Resolve in Favor of Mars Hill Hospital for Care of Regina Dearborn.

H. P. 753. Resolve in Favor of Mars Hill Hospital for Care of Christine McPherson.

H. P. 754. Resolve in Favor of Mars Hill Hospital for Care of Harriet Fogg, Wife of Winfield Fogg.

H. P. 755. Resolve in Favor of Mars Hill Hospital for Care of Gloria May Fogg, Infant Daughter of Winfield Fogg.

H. P. 756. Resolve in Favor of Mars Hill Hospital for Care and Medical Treatment of Irene Gaudette.

H. P. 757. Resolve in Favor of the Town of Beddington.

H. P. 760. Resolve Reimbursing the Town of Windham for Money Expended for Certain Children.

H. P. 761. Resolve in Favor of the City of Gardiner.



H. P. 762. Resolve to Reimburse the Town of Swan's Island for Money Expended for a State Pauper.

H. P. 765. Resolve to Reimburse the City of Portland for the Support of Lewis Heath, Minor Son of William Heath.

H. P. 767. Resolve to Reimburse the City of Portland for the Support of Angele Russo, and Family.

H. P. 768. Resolve to Reimburse the City of Portland for the Support of Donald Edward Duran, Minor Son of Grace Duran Smith.

H. P. 769. Resolve to Reimburse the City of Portland for the Support of Grace R. McVane, and her Children.

H. P. 770. Resolve to Reimburse the City of Portland for the Support of Mary Jean Johnson.

H. P. 771. Resolve to Reimburse the City of Portland for the Support of Robert C. Lundy, and Children.

H. P. 773. Resolve to Reimburse the City of Portland for the Support of James A. Brown and Family.

H. P. 774. Resolve to Reimburse the City of Portland for the Support of Alpheus E. Darling, and Family.

H. P. 776. Resolve to Reimburse the City of Portland for the Support of Harland E. Curit, and Family.

H. P. 777. Resolve to Reimburse the City of Portland for the Support of Germaine E. Gallant, and Daughter.

H. P. 778. Resolve to Reimburse the City of Portland for the Support of Evelyn E. Call.

H. P. 913. Resolve in Favor of the City of Bangor

H. P. 915. Resolve in Favor of the Eastern Maine General Hospital, of Bangor.

H. P. 916. Resolve to Reimburse the Town of Richmond for the Support of John F. Bixby.

H. P. 917. Resolve to Reimburse the Town of Richmond for the Support of Herman E. Easler.

H. P. 918. Resolve in Favor of Mrs. Michael Kane, of Bangor, for Balance of Burial Expenses of State Paupers.

H. P. 920. Resolve in Favor of the Town of Caribou for Support of Paupers.

H. P. 921. Resolve in Favor of the Town of Caribou for Support of Paupers.

H. P. 922. Resolve in Favor of the Town of Caribou for Support of Paupers.

H. P. 923. Resolve Reimbursing the Town of Parkman for Money Expended for a State Pauper.

H. P. 926. Resolve in Favor of the Plantation of Caswell.

H. P. 927. Resolve in Favor of the Maine General Hospital of Portland.

H. P. 1055. Resolve in Favor of Dr. Findley Dobson, of Ashland.

H. P. 1058. Resolve Reimbursing the Town of Woodland for Pauper Support.

H. P. 1059. Resolve Reimbursing the City of Presque Isle for Certain Expense.

H. P. 1060. Resolve in Favor of the Town of Brunswick.

H. P. 1067. Resolve Reimbursing the City of Old Town for Supplies Furnished Pauper.

H. P. 1069. Resolve in Favor of the Town of Fort Fairfield.

H. P. 1070. Resolve in Favor of the Town of Fort Fairfield.

H. P. 1071. Resolve Reimbursing the Town of Bingham.

H. P. 1073. Resolve Reimbursing the Town of Norridgewock.

H. P. 1077. Resolve in Favor of the Town of Bar Harbor.

H. P. 1082. Resolve in Favor of the Town of Gouldsboro.

H. P. 1083. Resolve Reimbursing the Town of Hudson for Supplies Furnished State Pauper.

H. P. 1085. Resolve in Favor of the Town of Boothbay.

H. P. 1087. Resolve Reimbursing the Town of Boothbay for Support of William Price of Boothbay, State Pauper.

H. P. 1089. Resolve Reimbursing the Town of Greenville for Services Rendered State Paupers.

H. P. 1093. Resolve in Favor of the Town of Fairfield.

H. P. 1094. Resolve Reimbursing the Town of Merrill for Pauper Support.

H. P. 1095. Resolve Reimbursing the Town of Merrill for Pauper Support.

H. P. 1096. Resolve Reimbursing the Town of Merrill for Certain Pauper Supplies.

H. P. 1097. Resolve Reimbursing the Town of Merrill for Certain Pauper Supplies.

H. P. 1098. Resolve Reimbursing the Town of Littleton for Pauper Support.

H. P. 1099. Resolve Reimbursing the Town of Littleton for Pauper Support.

H. P. 1100. Resolve in Favor of the Town of Dyer Brook.

H. P. 1102. Resolve Reimbursing the Town of Merrill.

H. P. 1103. Resolve Reimbursing the Town of Merrill for Hospital Aid Furnished to George H. Graham.

H. P. 1104. Resolve in Favor of the Town of Easton.

H. P. 1105. Resolve in Favor of Marcotte Home, of Lewiston.

H. P. 1123, L. D. 374. Resolve in Favor of the Town of Fort Fairfield.

H. P. 1232. Resolve to Reimburse the City of Portland for the Support of Edwin F. Darling, Sr.

H. P. 1288. Resolve in Favor of Graves Furniture Company of Presque Isle.

H. P. 1290. Resolve in Favor of Jackman Plantation.

H. P. 1292. Resolve in Favor of the Town of Camden.

H. P. 1293. Resolve in Favor of the Town of Patten.

H. P. 1294. Resolve in Favor of the Town of Newcastle.

H. P. 1295. Resolve in Favor of the Town of Etna.

H. P. 1321. Resolve in Favor of the Town of Eastport.

H. P. 1323. Resolve Reimbursing the Town of Berwick for Medical Services and Care for Cora Pike Scribner.

H. P. 1513. Resolve in Favor of the Town of Hiram.

H. P. 1572. Resolve Reimbursing the City of Auburn for Support of State Pauper.

H. P. 1606. Resolve in Favor of the Houlton Furniture Company, reported a Consolidated Resolve under title of "Resolve providing for the Payment of Certain Pauper Claims" (H. P. 1919) and that it "Ought to pass"

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

#### Passed to be Engrossed

Bill "An Act providing State Services for the Blind" (S. P. 540) (L. D. 1115)

Bill "An Act relating to Cruelty to Animals" (S. P. 552) (L. D. 1148)

Bill "An Act Creating and Establishing a Body Corporate and Politic to be Designated and Known

as the Maine State Office Building Authority" (S. P. 553) (L. D. 1149)

Bill "An Act relating to the Licensing of Dogs" (H. P. 1911) (L. D. 1144)

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

#### Amended Bill

##### Tabled

Bill "An Act to Appropriate Monies for the Expenditures of State Government" and for Other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943" (S. P. 488) (L. D. 1014)

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

#### Passed to be Enacted

##### Emergency Measure

An Act Making Certain Welfare Appropriations "Carrying Accounts" (S. P. 544) (L. D. 1128)

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 requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and twenty-eight having voted in the affirmative and none in the negative, 128 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.

##### Emergency Measure

An Act to Authorize the city of Bangor to Remove the Remains in

a Burying Ground in Hampden (H. P. 1908) (L. D. 1139)

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 requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and thirty having voted in the affirmative and none in the negative, 130 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.

#### Emergency Measure

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

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 requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and twenty-eight having voted in the affirmative and none in the negative, 128 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 Permitting Lebanon to Apply for Aid Under the Bridge Act (H. P. 480) (L. D. 214)

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

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

#### Enactor Tabled

An Act relating to the Taking and Sale of Clams in the town of Woolwich (H. P. 1906) (L. D. 1137)

(On motion by Mr. Race of Boothbay, tabled pending passage to be enacted)

#### Finally Passed

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 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)

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

#### Orders of the Day

The **SPEAKER**: Under Orders of the Day the Chair lays before the House the first tabled and especially assigned matter, Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims." (H. P. 1517) (L. D. 858) tabled by the gentleman from Auburn, Mr. Conant, on April 14th, pending third reading; and the Chair recognizes that gentleman.

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

House Amendment "A" to H. P. 1517, L. D. 858, Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims."

Amend said bill by striking out all of Section 5 and inserting in place thereof the following:

**'Sec. 5. Appeal.** The defendant if aggrieved by the decision of the judge or recorder of a municipal court in a cause brought under the

provisions of this act, shall have the same right of appeal and under the same terms and conditions as are provided under the practice in ordinary civil actions in municipal courts.'

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

Mr. BRIGGS: Mr. Speaker, this bill, as its title says, is one to provide for the speedy and inexpensive adjudication of small claims. In my opinion, and in the opinion of the sponsors of the bill, this amendment would go far toward wrecking the purpose of the bill.

If you are allowed an appeal from the decree of the judge, it would probably mean that the man who has money or the corporation would be the man to appeal, not the poor man who has no money.

Massachusetts, when they passed the law in the first place, had this appeal provision in it, and subsequently they discovered that the law was not accomplishing its purpose because of this appeal.

Now already in the bill there is provision for appeal. When the case is first brought into court the defendant or plaintiff can, if they wish, immediately remove the case to the superior court where they will get a trial by jury. If they do not do that, they are held to have waived their trial by jury and the judgment of the judge of the municipal court thereupon becomes final.

If the appeal from the judgment of the judge of the municipal court is allowed, it would, in my opinion, mean that the man or the corporation who has the money and who wants to object, wants to hold up just claims, would appeal, because that would hang over for a couple of terms of court and perhaps the thing would die a natural death.

I believe this amendment hurts the wage-earner and the poor man more than it does anything else.

In the Superior Court, or in any of our courts for that matter, there is not today any procedure which would permit rendition of judgment for payment in installments. Now this bill does provide that a municipal court judge on a small claim case, after investigation, if the circumstances of the debtor warrant it, can provide that he can pay in installments, which seems to be a just thing.

Now if the appeal is allowed and it goes up to the Superior Court, even if the judgment is sustained it would mean that the judgment would have to be for the payment of the entire sum. In my opinion, this amendment would go far toward defeating the primary purpose of the bill.

I am very frank to state I have talked this over with Mr. Conant, and if, after a fair trial, it is discovered that an appeal provision is necessary, the sponsor of the bill, and certainly myself, would be the first ones to ask for an amendment to the present law or the law as proposed. I believe, however, that we should give it a fair trial and see if it does not accomplish the purpose for which we are working.

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

Mr. CONANT: Mr. Speaker and Members of the House: In support of the position which I have taken this morning in offering for your consideration Amendment "A", I would like to submit to you the following facts as I see them, and something of the theory which is concerned with this amendment here.

My Brother, the gentleman from Hampden, Mr. Briggs, has told you that under the existing provisions of this act there is an opportunity for appeal. That is correct. As a matter of fact, I will read you just one line in regard to that matter. This applies to the defendant. It reads:

"\* \* \* such party may, prior to the date upon which he is notified to appear, file with the judge or recorder of the municipal court where the cause is pending a claim of trial by jury and his affidavit that there are questions of fact in the cause requiring such trial, with specifications thereof, and that such trial is intended in good faith, together with the fees required for transfer to and entry in the Superior Court."

Now so far as my amendment affecting the little fellow, I would like to assure you right here and now, if I thought this act would tend toward that direction I would attempt to kill it myself. What I do want to bring to your attention is this: Under the terms of the act as it exists now the right of appeal is not open to a defendant

unless he expressly, before the trial of the cause of action, makes a reservation for a subsequent trial by jury.

I am going to ask you to draw upon your experience for just a moment. I am going to ask you to think back to some court proceeding in which you might have been a party one way or another, and ask you if the proposition Brother Briggs has presented to you is a proper one with regard to this matter of appeal. Until the judge acts upon the matter, how are you going to know whether you want to appeal or not? And, drawing upon your own experience again, you will find as a matter of practice it is almost impossible to get a defendant to come into court before the trial of a cause of action. Now, drawing on my own experience in which I have acted as attorney in which the amount involved was less than fifty dollars, I will say I think we have some excellent judges in our municipal courts, but even our judges sometimes err. That is borne out by the fact that there are these juries of one's peers, and when these municipal court proceedings are taken before the Superior Court it sometimes results in upsetting the decision of the judge of the municipal court.

I would like to say also that while Massachusetts has substantially the same provision with regard to the matter of appeal, it is my understanding that in another jurisdiction, that of Rhode Island, they have substantially the same as that which I have offered to you as Amendment "A" this morning.

Working upon the thesis I do not like to take from anyone the right of trial by jury simply because of a technicality which is not followed closely, and since I believe that matters even under fifty dollars are of considerable importance to some people, the little fellow just as much as the corporation, I hope this amendment will be adopted.

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

Mr. McGLAUFFLIN: Mr. Speaker, as I tried to make it very plain the other day, I am opposed to this bill anyway, but if you are going to pass it, I certainly am in favor of the amendment that the gentleman from Auburn, Mr. Conant, has offered.

This strikes a fundamental proposition — the right of appeal. That is something that affects every last one of you. I do not believe in taking away that right of appeal on an experimentation, such as my Brother, the gentleman from Hampden, (Mr. Briggs) suggests, and try it out and see how it works, and then perhaps come back.

Under that bill, when a judge renders a decision, there is no appeal. Every last man should have the right of appeal on anything at any time.

I hope this amendment is adopted, if you are going to have the bill at all.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: As sponsor of this bill, I must explain that this amendment almost spoils the bill.

The real object of the bill — I did not say so the other day — is more to favor the small man, the small person.

Sixteen out of twenty-one states already have adopted this same measure. The bill was started by the American Federation of Labor, in the interests of the under-dog, so to speak. The bill has not been sponsored by the creditors. The bill as drawn up protects the debtor more than the creditor.

This amendment here makes it all the more evident that the small man cannot be protected.

In Massachusetts a large proportion of the cases are the small workers or other small wage earners, suing for their wages or money due them for small jobs. Now, in the event that a store or corporation or person that hired them to work does not wish to to pay him, they could appeal the case and drag it into court.

The real purpose of the bill is — "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims." — and the minute you complicate it and allow these appeals, the act is useless as "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims."

Of course you cannot have appeals, and all that sort of thing, and do it for \$1.85. The minute this amendment is put in, the construction of the bill is changed to a great extent, so I trust this mo-

tion to adopt this amendment will not prevail.

Please bear in mind that it is not a vicious thing. It helps you and me, and it helps everyone. It helps the small debtor; it helps the small creditor.

It has been tried out and found to be an excellent thing in sixteen states; there is nothing dangerous about it.

Speaking about the judgment — the appeal there — if you feel you do not owe this money, you can appeal the case. If you owe it, and admit it, and come there and a judgment is found against you, you certainly should pay. If you do not, the penalty is a fine.

But there have got to be some teeth in the bill or the bill is worthless.

I trust the amendment will not be adopted.

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

Mr. GOLDSMITH: Mr. Speaker and Members of the House: I had something to say when this bill first came before you.

Now, I simply want to add this one thing, and that is to commend the gentleman from Hampden, Mr. Briggs, an attorney, for having the courage to present a bill of this nature, entirely for the benefit of the merchant and the layman.

It takes quite a bit of courage for an attorney to get up and propose something that may hurt his profession. This is for the layman. I hope the amendment may not prevail.

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

Mr. DOWNS: Mr. Speaker and Members of the House: I regret that it is necessary to take any further time in this discussion, but to me this seems rather a serious matter.

Somehow I cannot get the reaction of my esteemed colleague from Rockland, Mr. Sleeper, that this is purely a one-sided proposition that is going to benefit the debtor.

Now, let us assume this proposition: I am notified to appear in some Municipal Court, and I have been informed that I owe John Jones \$45.00—it must be less than \$50.00 to come under this bill. I am notified to appear on this certain day. Now, if I appear and file notice

that I desire to stand upon my rights and take an appeal, I may do so.

If I do not do that,—if I fail in that—and this may be a question over which there is quite an amount of controversy may come—and after a hearing I feel that the judgment of the Court has been in error, and that I have been wronged by the decision, I have no right then to take an appeal or ask for a trial by jury. Now, I have always felt that the right of trial by jury was a sacred thing and not to be easily tampered with.

Now, I may be wrong about my idea of this, but, as I read it, in Section 5, after it provides the waiving of the right of appeal I read this: "but if said cause shall be removed to the Superior Court as hereinafter provided, the plaintiff shall have the same right to trial by jury as if the cause had been begun in the Superior Court."

Now,—the next line: "No other party to a cause shall be entitled to an appeal." Now, of course the only party that this could be is the debtor.

Now, for that one particular reason alone, the bill does not seem good to me.

I think there are other laws which should be considered very carefully indeed, but as long as this is not a subject under discussion, we will waive that at the present time.

I suspect that the debtor in most cases would be the party who would take the appeal, and it has been called to our attention that large concerns,—large business houses,—et cetera, might take advantage of this amendment.

Now, just bear this thing in mind—that no great amount of money is involved. It is only \$50.00—that is the limit which can be involved in this proceeding; but I want to submit to you that \$50.00 to some little fellow—or some old man like myself—is not a perfectly trivial thing.

Now, this morning, it seemed to me, if I heard correctly, it is the first time that I heard so much about this being so beneficial to the little fellow.

I did get the impression the other day that it was a method of collection that would do away with red tape.

Some things in the bill I am perfectly willing to go along with, but I certainly do not want to go along

with the proposition that, after a cause is heard in the lower court, and either party is dissatisfied with the findings of that court, that they shall be barred from their right of appeal, so that the case might not be heard by a jury.

I certainly trust that the amendment of the gentleman from Auburn (Mr. Conant) will be adopted.

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

Mr. **GRUA**: Mr. Speaker and Members of the House: I want to point out just one matter that I think ought to make us ready to pass this amendment.

In the bill, it is provided, you will notice, that "in lieu thereof any such party may, prior to the day upon which he is notified to appear, enter his appeal and ask for a jury trial."

Now, I submit there would not be one debtor in ten thousand that would know by this law, the provisions and know that he would have to come into court prior to the day he is summoned to appear.

In all our practice, the debtor is summoned to appear and if he appears on the day he is summoned, it is assumed that it is in plenty of time.

Here we have a law which tells him he must come in before he is even summoned in and put in his appeal and file his objections.

I do not like that feature of it. It seems to me that it is the poor debtor that is going to be hurt by this bill.

Talk as much as you like, this bill is designed to be for the benefit of the merchant in collecting his bills.

I am perfectly in accord with that. I do believe that the merchants do need relief in collecting bills. I think the bill does have certain definite merits but I do feel, very strongly, that we ought not to deny the man a right of an appeal from the findings of the lower court, if he sees fit to appeal.

They talk of it as being of benefit to the poor man to have it as it is, because a corporation might appeal. Just how many corporations do you think will be brought before the Poor Debtor's Court on this bill?

I feel that if we do not pass this amendment, this may be a very serious matter, for poor debtors that

really have—or may have—a valid defense. I feel that they will have just cause to complain. I fear that they may claim that they are being railroaded by our courts.

I do not wish any man in the State of Maine to feel that he is ever railroaded by our courts. I feel that if we can make every man understand that he has had his day in court and a fair trial, I believe we will do a great deal toward stamping out this tendency toward Communism and other "isms" directed against our government.

I hope very much that the motion of the gentleman from Auburn, Mr. Conant, for amendment to this bill, may prevail.

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

Mr. **PAYSON**: Mr. Speaker and Members of the House: I would like to speak in opposition to this amendment.

My Brother, the gentleman from Auburn, Mr. Conant, has referred to his experience. I will refer to my experience in the practice of law.

Ninety-five per cent of these small claims are absolutely uncontested, to start with. It is just a method of trying to get money out of someone that does not want to pay it, although they do not deny that they owe it. The other five per cent would probably get fair treatment from the Judge of the Municipal Court.

We come back to this appeal proposition that is in the original bill. They have attempted to demonstrate to you the difficulties of administering this matter—how the debtor would not understand, and that sort of a thing.

We come right back with the proposition if the debtor is going to take an appeal, he will have a lawyer to start with. If he contests a claim, he has got to hire a lawyer in the first place. His attorney will know how to protect his rights under the existing bill, without this amendment.

The gentleman from Farmington, Mr. Mills, pointed out to you the other day the perfectly vicious system of running up costs on the debtor.

Now, if the debtor wants the advantage of this proposition, in this bill, and if he wants to be saved those costs,—and they many times do exceed the cost of the original

bill,—he should not ask for two bites of this apple. He should not ask for his own benefits, and then try to emasculate the bill by putting in the appeal clause.

It is my experience, from what I have seen in collections, that this bill is absolutely fair to the debtor all the way through, and, if allowed to remain as it is, so it will be workable, that the debtor will profit thereby. I hope that the amendment will not prevail.

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

**Mr. CONANT:** Mr. Speaker and Members of the House: I would like to say simply these few words in regard to the statement made by my Brother, the gentleman from Portland, Mr. Payson, concerning this matter of appeal.

It is absolutely correct that in most of these cases the defendant does not put in an appearance. Many times there is absolutely no legitimate defense to his action whatsoever. In this case, as has been pointed out, in this discussion, and other discussions, the allegations ripen into judgment,—and the mechanism of those operations.

I want to point out this—that in these cases where the defendant simply defaults and lets it go and tries to skip out on his bill, he will not avail himself of this matter of appeal anyway. As a matter of court practice it has to be done in five days. If he is just trying to avoid the bill, and there is no legitimate defense, of course he will not avail himself of this amendment.

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

**Mr. McGLAUFFIN:** Mr. Speaker, I would like to say one word in this matter.

I have been in the practice of law for thirty-eight years, and in that time I have collected a great many claims.

My experience has shown me that the reason that most men do not pay their bills is because they cannot. My reason for saying that is that during the World War, when business was good, as an attorney I could collect anything — everybody paid. There was no trouble at all. But when hard times come, it is almost impossible to collect any money at all.

The average man is an honest man. He is not trying to avoid his bills. But when he gets small pay, and has a large family, he often runs up against a proposition that he cannot meet.

Now, this measure is a measure to compel him to meet a difficult situation. As has been stated it is to favor the creditor, and, by hook or crook, force this fellow to pay.

Now, the basis of this measure for this Claims Court is largely a matter of prejudice. It is a prejudice against the man whom you think does not try to pay his bills. I want to tell you that they are comparatively scarce.

Now, I do not like a measure that, as has already been pointed out, if you get an appeal, you have got to take it before the return day. And, as has been pointed out by the gentleman from Livermore Falls, Mr. Grua, there is not one in a thousand that would know the provisions of the law, and after the Judge renders his decision, he has no appeal.

Now, if by any chance he had a perfectly good defense, but was unable to procure his witnesses on time, that matter goes to judgment against him and he still has no appeal.

I do not agree with my Brother, the gentleman from Portland, Mr. Payson, and my Brother, the gentleman from Hampden, Mr. Briggs.

I think you are handling a fundamental matter that reaches vastly further than you think it does.

You are taking away a fundamental right and you should not do it.

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

**Mr. PAYSON:** Mr. Speaker and Members of the House: I would like to carry the analogy of the gentleman from Portland, Mr. Payson, a little further.

If you have a perfectly good defense to a case, and you go up to the Superior Court, and try it there, and you are not able to produce your witnesses, you take your licking just the same. You have got no right of appeal there.

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

**Mr. BRIGGS:** Mr. Speaker and Members of the House: I did not anticipate this would develop into



the argument it has. We are only talking about \$50.00—that is the maximum.

When a man is summonsed into court,—whether Municipal, Superior or any other Court—he knows what he has been summonsed in for.

If John Jones serves a summons on me that I owe him so much money, I know what his claim is. It is not anything new to me.

If a case which I think is valid, and if I think the Judge of the Municipal Court is prejudiced against me,—or if, for any other reason you decide against me, I can take an appeal up, and have it go to a jury under this bill. If, however, I have a defense, and feel that the Judge will sustain me, this bill furnishes me adequate protection.

Now, if you want to be able to get rid of small claims rapidly and speedily, I believe that you do not want this appeal provision in. When you have a small claim, the important thing is to get it decided, one way or the other—at least that is the way I feel about it.

Perhaps other people would not feel the same way, but—whether it is for or against me—I want it decided. And if you have this appeal provision in, it is quite possible that the thing would be dragged out indefinitely.

Now, it takes money to appeal. It takes money to hire lawyers, I am one; I know. It takes money to hire lawyers, and it takes money to go to higher courts, and the man who has the money is ordinarily the creditor and not the debtor. And if a debtor did have money to pay a just claim, he would pay it. Therefore, in my opinion, this appeal provision would benefit the man who already had money, and not the poor fellow who was unable to pay.

Now, under the bill as it is written, in a sense it will set up a new procedure. The Judge of a Municipal Court, if he finds that the debtor is unable to pay, can dismiss the case, and they will have to go back again.

Not only that, but if he finds the debtor is able to pay something, the debtor could pay by installment under order of the court.

Now, that, it seems to me is a very vital and very important part of this procedure.

I believe that if you permit this appeal that you are going far to-

wards destroying the very benefits that you desire in this bill.

Mr. Speaker, when a vote is taken, I ask for a division.

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

Mr. DOWNS: Mr. Speaker, I regret to have to appear for the attorneys, but somehow I cannot get it out of my head that this is going to react altogether favorably to the little fellow. I cannot visualize the large business man, contractor, road builder or corporation that is going to object to paying me if he owes me twenty-five dollars for services. You do not hear very much about that. I believe that this is a concerted action by businessmen to be able by what they term a "simple method" to collect bills which the little fellow owes and which in about ninety-nine cases out of a hundred he is always willing to pay if he can get the money to pay them with.

Now I just cannot follow the reasoning of my esteemed friend in regard to this right of appeal. I cannot get through my head that he is absolutely right, because, if I understood him correctly, he said that the defendant has a right of appeal.

Now to be accurate about it, as the layman sees it, let us go over the first paragraph, the first two lines of Section 5, the title of which is: "Trial by jury and appeal waived unless claimed; procedure." "A plaintiff beginning a cause under this act shall be deemed to have waived a trial by jury and any right of appeal; but if said cause shall be removed to the Superior Court as hereinafter provided, the plaintiff shall have the same right to trial as if the cause had been begun in the Superior Court."

Now that is all about the plaintiff so far. Now the next clause: "No other party to a cause shall be entitled to an appeal. In lieu thereof any such party may, prior to the day upon which he is notified to \* \* \*" I presume the members of the legal profession would call that the return day. According to my understanding of it, it is prior to the day in which he is ordered to come into court and answer to the claim of the man who started the suit. And what must he do? He must file with the judge or recorder of the municipal court where the

case is pending a claim of trial by jury.

Now how does he know at that time? We assume all judges of municipal courts are men of high standing and gentlemen; but his case at that time has not been heard and it is to be heard by one man. As I tried to point out to you in my feeble way before, after the cause is heard if he feels he has been aggrieved he has no right under the canopy of heaven to appeal to any jury. Now I ask you, ladies and gentlemen, what would be your rights, as I have tried to interpret this bill to you? I think that is the one thing for us to consider. I still hope the amendment prevails.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: This is all very well about this trial by jury, that precious right; but what are we standing trial for? We are not standing trial for our life. We are in there to say whether we owe John Jones \$4.40 for milk or whether we owe so and so thirty-two dollars for painting the kitchen.

The average small claim in the history of all small claims courts is just a small claim between the small grocer and his customer, or the farmer and the man to whom he is selling milk, or someone trying to get his wages.

Big corporations do not have to sue for bills, because their credit department handles them and the bulk of them are on a cash basis. But the average creditor is the farmer asking for pay for produce or the milk man or the doctor. It really is a small claim, and when a man goes before that court he is not standing trial for his life but is just trying to show whether he should pay seven, eight, nine or ten dollars. And when you stand here and say any judge is going to be harsh in the treatment of these small claims you are making a pretty severe indictment against the judicial system of this State. Every judge should be picked for his ability, and I do not think any judge is going to make any unjust decision against his friend or neighbor on any matter of a small claim.

The bill calls for speedy adjudication of small claims. It takes the expense out of it. The small grocer

on the corner, perhaps he is collecting this nine or ten dollars from a friend or relative and he does not want to saddle that man with eight or ten dollars worth of attorney's fees when he collects a bill, because he needs his money. All these added fees of the court are paid by the debtor. The creditor does not pay them himself.

This is a speedy and inexpensive method of collecting bills. I still insist it helps the debtor as much if not more than the creditor, and that is the way it has always worked out in other states, and that is why it has been adopted in all these other states. I hope the amendment will not be adopted.

Mr. CONANT: Mr. Speaker—

Mr. FENLASON: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise.

Mr. FENLASON: Mr. Speaker, how many times can a man speak on a bill without the permission of the House?

Mr. CONANT: I will withdraw my remarks, Mr. Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Conant, that the House adopt House Amendment "A". All those in favor of the motion of the gentleman from Auburn, Mr. Conant, that House Amendment "A" be adopted 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.

Thirty-nine having voted in the affirmative and 70 in the negative, the motion to adopt House Amendment "A" did not prevail.

The bill was thereupon given its third reading, passed to be engrossed, and sent up for concurrence.

On motion by the gentleman from Wilton, Mr. Hall, the House voted to take from the table the twenty-first tabled and unassigned matter, Bill "An Act to Incorporate the Wilton Water District." (H. P. 1916) (L. D. 1154) tabled by that gentleman on April 15th pending third reading.

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

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

House Amendment "A" to H. P. 1916, L. D. 1154, Bill, "An Act to In-

corporate the Wilton Water District."

Amend said bill by striking out in the 3rd line of Section 20 thereof the words "before August 15, 1942" and inserting in place thereof the words "on or before August 1, 1942".

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

On motion by Mr. Downs of Rome, the House voted to take from the table the tenth tabled and unassigned matter, Bill "An Act Relating to the Duties of Superintending School Committees." (S. P. 331) (L. D. 825) which came from the Senate, the Minority Report "Ought not to pass" accepted. The House accepted the Majority Report, "Ought to pass", the bill was read twice and was tabled by Mr. Downs pending assignment for third reading.

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

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

House Amendment "A" to S. P. 331, L. D. 825, Bill, "An Act Relating to the Duties of Superintending School Committees."

Amend said bill by striking out all of the 2nd paragraph thereof and inserting in place thereof the following:

R. S., c. 19, sec. 44, paragraph V amended. Paragraph V of section 44 of chapter 19 of the revised statutes is hereby amended to read as follows:

**"V. Exclude, if they deem it expedient with the approval of the state director of health, any person not vaccinated against smallpox although otherwise entitled to admission, unless a parent or guardian of such person shall present a signed statement that such parent or guardian is opposed to vaccination, in which event such person may only be excluded in the event of an epidemic of smallpox, and when so excluded such child shall be considered as excused from attendance.**

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

On motion by Mr. Dow of Falmouth, the House voted to take from

the table the eleventh tabled and unassigned matter, "Bill An Act Relating to the Acceptance of Zoning Laws" (H. P. 1904) (L. D. 1135) tabled by that gentleman on April 10th, pending assignment for third reading.

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

Mr. DOW: Mr. Speaker and Members of the House: This bill was first presented as Legislative Document 868, which would have amended the present law by inserting the words "by any city" and striking out the words "town or village corporation."

I objected to that bill on the ground that the towns and the village corporations should have the same protection as the cities.

Now comes this new draft, Legislative Document 1135, which would repeal the present law and enact something which is in effect the same thing as Legislative Document 868. The only difference is in the ingeniously worded clause "by any city or town having a representative form of town meeting."

How many of you have considered just what that means? It means simply this: that it would include the town of Sanford with the cities, nothing more, since the town of Sanford is the only town in this State having a representative form of government.

Now some of my legal friends have kindly attempted to explain to me the beneficial effects to the towns if this bill is passed. These friends, with one exception, are from the cities, and this bill proposes to take from the citizens of towns what in the present law is in effect the privilege of referendum. But the cities do not propose to give up that privilege, and they have included the town of Sanford with the cities. I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the bill be indefinitely postponed. The Chair recognizes the gentlewoman from Brunswick, Miss Bangs.

Miss BANGS: Mr. Speaker, may I have permission to face the House?

The SPEAKER: The gentlewoman may have permission to face the House.

Miss BANGS: Mr. Speaker and Fellow Members of the House: I regret exceedingly that it becomes necessary to discuss this matter on the floor of the House at this time. Personally, I feel that the welfare of the State does not rest on whether or not we do accept this measure. However, since this is the only bill I have before the Legislature, aside from resolves, I certainly am interested in it, and I would like to discuss it with you so that you will know what my intentions were.

I personally had some experience with the zoning law, being on the zoning board in Brunswick. In our very careful study of the zoning laws as they now exist, we found that the act regarding acceptance of zoning laws as drawn provided only as to cities. It provided zoning laws first must have a public hearing. This is a safety measure and is of course just what should be done. Secondly, a zoning ordinance must be enacted by the city or by the town, and, third, a zoning ordinance must be accepted by the city or town.

Now when applied to a city this means that after a public hearing it can be taken to the City Board or the City Council and they can enact the law and then they can present that to the voters of the city.

Now zoning is a very important thing, and the cities and towns should be protected. But when you apply this same law to a town you find that the town must take the proposed zoning ordinance to a regular town meeting and have it enacted. It would simply mean that the town agrees to vote on it, and then at a later date it has to be voted on. This means at a later day, at a special election or at a regular election this must be voted upon.

As it applied to Brunswick, we found that we had to take it to the open town meeting, and we did vote to enact it, and now we cannot do anything further about it until our special election, and that is going to be in September. In that way the towns are not protected.

I have tried to explain the situation to Mr. Dow, to impress upon him that the reason for this is to protect the towns. That is the intention and the motive. Certainly if I was convinced by Mr. Dow's

argument that the towns were not protected I would be the first one to ask that this be indefinitely postponed. But I am firmly convinced it does protect the towns and that it is just what they need.

I am not relying wholly upon my own feeble mind in the interpretation of this law. In fact, it has been discussed with such people as the Hon. Edward W. Wheeler, the Hon. Donald Philbrick, the Hon. Assistant Attorney - General, Sanford Fogg, our honorable floorleader, Mr. Payson; and the ten members of the Legal Affairs Committee reported this out unanimously. I feel that all of these men have forgotten more law than I probably ever will know. So, with that statement, I rest my decision that this is protecting and assisting the towns in the acceptance of their zoning ordinances. For these reasons, I sincerely hope the House will go along with me in protecting these cities and towns, and that the motion of the gentleman from Falmouth, Mr. Dow, will not prevail.

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

Mr. DOW: Mr. Speaker, I had not intended to say anything more on this subject; but I will say my own town has also been through the same experience when the zoning ordinances were proposed seven years ago. They were not accepted, so that is neither here nor there. But, going beyond what happened at that time and what is being proposed at the present time in my own town, regardless of the able argument of my legal friends in favor of this, I am still of the opinion that the law as it stands is better than anything proposed in the act for no other reason than that the law as it stands can be thoroughly understood even by me, and the present one I am unable, even after able explanation by members of this House, and some of the third house, to agree with. Now there is so much interest in this change by the members of the legal profession, and it is not a matter that particularly affects the legal profession; and I think that in itself is something that should be considered.

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

Mr. SHESONG: Mr. Speaker, what the committee tried to do was to clarify the existing law. I am

glad that it is plain to Mr. Dow. It certainly was not to some members of the legal profession and some members of the court.

If you will take L. D. 1135, you will find what the committee tried to do was to place cities and towns having representative government in the same class. It so happens that the town of Sanford, which is a large town of around sixteen or seventeen thousand people, have what they call representative government, that is they handle their affairs the same as the cities do by a small group of men acting for the town as a whole.

This bill reads: "No ordinance or by-law enacted by any city or by any town having a representative form of town meeting." That puts cities and towns in one classification. Then you drop down, and in the case of towns where they have election of municipal officers it puts the towns in another section. The committee tried to separate those two, so that if the towns wanted to enact zoning laws they could do so. I think the trouble at Brunswick is something like this: The town at the annual town meeting had failed to enact the law. They found themselves in a situation where they could adopt the law at one meeting, and then some of the citizens of the town could not accept the act without calling themselves into meeting at some subsequent date. It did not seem necessary to go through all that rigmarole, so it was made so they could act and have the citizens accept the law at the same time. All the committee tried to do was to clarify the thing.

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

A viva voce vote being taken, the motion to indefinitely postpone did not prevail, and the bill was assigned for third reading on the next legislative day.

On motion by Mr. Payson of Portland, the House recessed until two o'clock in the afternoon.

#### Afternoon Session—2 P. M.

The SPEAKER: The House is proceeding under Orders of the Day.

At this time the Chair will appoint the following Conferees on

the part of the House to serve on the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide Assistance to the Civil Population of England." (H. P. 637) (L. D. 273) The Chair appoints as Conferees on the part of the House:

Messrs. WILLIAMS of Bethel,  
DAVIS of Buxton,  
CROCKETT of No. Haven.

The SPEAKER: At this time the Chair will appoint the following Conferees on the part of the House to serve on the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Conferring Jurisdiction of the Public Utilities Commission Over Vessels or Boats Propelled by Other Motive Power than Steam" (H. P. 1283) (L. D. 549.) The Chair appoints as Conferees on the part of the House:

Messrs. SLEEPER of Rockland,  
OTTO of Dexter,  
LaFLEUR of Portland.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion by Mr. Morrison of Winter Harbor, the House voted to take from the table Reports A, B, and C of the Committee on Taxation on Bill "An Act Exempting Homesteads from Taxation." (H. P. 1588) (L. D. 827) Report A reporting new draft A under title of Bill "An Act Providing for Funds for Old Age Assistance and Homestead Taxation Relief, and Imposing a Consumer's Tax Therefor." (H. P. 1917) (L. D. 1146); Report B "Ought not to pass"; Report C reporting new draft B under title of Bill, "An Act Providing for Funds for Old Age Assistance and Homestead Taxation Relief, and Imposing a Gross Sales Tax Therefor." (H. P. 1918) (L. D. 1147) tabled by that gentleman on April 11th pending acceptance of any report.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Warren.

Mr. WARREN: Mr. Speaker, I move the acceptance of Report B "Ought not to pass" on L. D. 827, and I hope that no argument is needed. I trust that my motion will prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from Portland, Mr. McGillicuddy.

Mr. MCGILLICUDDY: Mr. Speaker, I rise in support of that motion. Mr. Speaker and Members of the House: I could not, as I do, come from the County of Aroostok and be unaware of the plight of our farmers and of the farmer throughout the land. Neither could I be unaware of the burden borne by the real estate owner in support of the various functions of the state and local government through the real estate tax. In spite of these considerations, and because of the larger sense of the matter, I am opposed to this bill because it proposes a general sales tax. I must remember that in addition to our farmers and, living with them in the small town of 7,000 people that I represent, there are others. People up and down the Main Street in their filling stations, barber shops, and their stores, and all classes of labor, unorganized labor, beginning with the day laborer and on up—these are the ones that are expected under this bill to assume the additional burden presented in the sales tax. More than that, I question the ultimate return, or the ultimate benefit to the farmer and the real estate owner.

At first glance a general sales tax seems fair in that everyone is called upon to pay, but anyone who examined it at length would soon see how very heavily and disproportionately it bears upon the working people and those of low income. This is because it is based upon the family needs for food, clothing, and so on, rather than upon the income of the family bread-winner and his ability to pay a further tax.

I must remember that these people I represent all try to find labor or to do business within the restricted income that comes to our County farmers from the sale of their potatoes. You all know that these have been lean years for us in Aroostook—all of us.

I shall give you one example as this situation relates to the laboring man. Until the last three or four years, every winter several thousand men were employed in our potato warehouses steadily throughout the winter. Now due to the meagerness of the potato income, a crew is hired to load two or three cars only, and then laid off. Don't think that these people immediately

drop back on W. P. A., because each of them is confronted with the difficulties of W. P. A. certification.

A little higher in the scale we find the clerks, shoe clerk, grocery clerk, bank clerk, and so on receiving in my town a salary of from \$15 to \$25 a week. I'll just say for them, they can't relieve, that's the simple fact of the matter, they can't relieve anyone by the imposition of any tax in addition to the various unseen taxes they now bear. I will admit that many of them do not pay a real estate tax directly, but they pay rent and they certainly pay a real estate tax through their landlord. As to the people who have to abandon their property because of taxes, I submit that that is an extreme example, although I agree that the tax bill presents a problem to all. I will observe in this connection that I have seen people own real estate successfully and see them move to and own better homes as their incomes increased.

There are other speeches coming so I must conclude, but I do want to say that I am not going to try to achieve the lasting political success which has been said to have been achieved by that mythical politician who always voted for every appropriation and against every tax. I have voted for a one-half cent gasoline tax to be used on our roads—I repeat to be used on our roads.

Now I am ready to support what is said to find favor with the Governor, namely a tax on luxuries, rather than upon necessities. I do oppose a general sales tax. I hope the motion of the gentleman from Westbrook, Mr. Warren, prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Westbrook, Mr. Warren, that the House accept Report B, "Ought not to pass".

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

Mr. GRUA: Mr. Speaker and Members of the House: I want to say a few words in favor of the provisions of this bill that exempts homes from taxation. This is along the line that I have been struggling for. It seems to me it is a very desirable end to achieve. I think that the State of Maine would be infinitely better off if it could only produce enough homes for every worker, so that every man who

works in a mill would find it possible to own his own house, to sit in the shade of his own shade trees. I believe this is infinitely worth while. I think that any measure that attempts to make it easier for the people of Maine to own their homes, that holds out an inducement for men to save their money and to buy homes is a very desirable and worth while piece of legislation.

I believe it works for the interest of the State of Maine in that people who own their homes tend to remain in the locality in which they have settled. It makes for a stable population. I believe it is for the interest of the State of Maine, because the workers in the mills, if they own their own homes, are less likely to be upset by radical doctrines of the C.I.O. or other radical interference with their work. They are mostly concerned with steady employment.

I believe they make better workers, more conscientious workers, more earnest in their effort to make the mill succeed. I believe the owning of homes makes them contented people, people more interested in the welfare of their particular community and the welfare of the State of Maine.

I think this measure, if it were adopted, would make a great many workers realize that they were now in a position where instead of paying taxes through rent, as they do their landlord, they could take their money and use it to reduce the principal on a home which they could buy through some of these Home Owners Loan Corporations. I think you would find an increase in the number of homes purchased by the working class if we had this sort of legislation.

I further believe it would encourage those who already own homes to proceed to repair their buildings, to put them in good shape, to paint them up, to make them presentable.

You know and I know that the man who owns a home today is fearful of doing anything that would look like improvement for fear his taxes would go up.

I think a measure of this kind would encourage them to do things to their homes to make them a more lovely place in which to live. I think people looking for a place to locate would be attracted to the State of Maine where they could have a

home and have it free from taxation, so I believe a great many of our vacant places would be taken up.

Our present system of taxation is so antiquated and so entirely improper that we absolutely discourage a man from attempting to own a home. We are encouraging him to spend his money as fast as he gets it, rather than to put it in the form of real estate, upon which he can be taxed.

Just as soon as he buys a piece of real estate and takes money out of the bank, or what not, to buy it, he begins to have to be taxed, and those taxes are entirely without any relation to the income from his real estate. You know that the owner of a home gets no income, as such, from his home. It is just a place to live.

Why should we not encourage everybody to own their own home? But we are doing the very opposite. We are discouraging people from being thrifty, because of our method of taxation.

When a man has worked hard all of his lifetime, and has acquired a home for himself,—then when he gets too old and cannot work,—his taxes go on just the same. And the first thing he knows he is turned out of his home; he is turned out on the street and made a pauper; and he is put in a position where he is bound to apply for Old Age Assistance or something of that kind.

Now, that seems to me so ridiculous—so utterly absurd. Why should we not put up an incentive to the man to save his money and buy himself a home? Why should we not reward a man who is careful enough and earnest enough and serious enough to gather his money together in a form to purchase a home?

As it is now, what do we say? We say to the man who has saved money, and has raised up children and owns his own home, "You have been a good worker; you have been a pride to your community; we are glad that you lived here; but we cannot do a thing for you. We realize that you are sixty-five years old, and that you cannot work any more, but we cannot help you. As long as you have got this property you have saved, we cannot do a thing for you."

But we go and offer to the other

fellow,—who may have drunk up his money, or only worked three or four days a week, just to make enough to keep soul and body together, and maybe his family has been on pauper relief,—we say to him: "Do not worry. You will not suffer. We will take care of you. We will give you \$30.00 a month and your wife \$30.00 a month. We will see that you get along nicely. Do not worry anything about it."

The result of that is that that family is getting \$15.00 a week,—or more than they ever earned in their lifetime, while the man who has worked all his life, the worthwhile citizen, is penalized, and made to lose his home. We kick him out in the street. We say, "Sorry—but taxes go on, and you will have to pay your taxes."

I think we ought to do something to help people. I think that we should do something to encourage people to own their own homes. I think it would be a great step forward.

Many of the states have applied these exemption laws to homes—some of these exemptions run to \$5,000, and it is working out well. It is making those states, states of home owners. I believe that something of this kind is absolutely necessary in the State of Maine. I am 100 per cent for anything that will encourage our workers in the mills to put aside money and get homes for themselves and for their children.

I think that their children are much better off, if they have a definite, positive home to return to, and not be shifted from pillar to post; if they do not have to move from one town to another, or from one street to another.

I have not so much that I can say to you about the method of providing the necessary funds to take the place of what will be lost by the towns.

You have heard the resolve that was introduced here for the adjustment of real estate taxes severely criticised, because no measure accompanied the resolve to provide the funds which it would take out of taxation.

Now, here we have a measure that does have with it a bill to provide the necessary funds to replace those that are going to be taken out of taxation. Yet the same people who criticized the resolve

amending the Constitution are likewise criticizing this.

They say, "Of course something should be provided to replace those funds, but this is not the right way." Can we ever find any tax that is going to be exactly the right way?

This is a tax—a consumer's tax, as one of the bills has termed it.

We have got to come to a sales tax or an income tax sooner or later. There is no question about that. We do not want to kid ourselves. It has got to come.

I was waited on, not so long ago, by some of the merchants. My advice to them was that they get together on some sort of a sales tax that would be the least troublesome to the merchants, and then back it.

It seems to me that is what the merchants ought to do. The sales tax, while it is not a pleasant tax, in the states where they have it the people agree that if they have to raise taxes, it is the easiest method.

We pay a few cents on the dollar. We hardly notice it in the end.

I believe that some sort of a sales tax, or income tax without any exemptions, is the fairest sort of tax that we can put on the people in the State of Maine. I am in favor of either one.

Now, I am not advocating either of the particular measures before you as to the method of taxation or collection of the taxes. But I am standing before you and urging upon you the necessity of doing something to encourage home-owning in the State of Maine.

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

Mr. JORDAN: Mr. Speaker and Members of the 90th Legislature: I hope I have not presumed too much on the good nature of this House.

It is just because that our tax system, as Mr. Grua says, is antiquated, that I should like to place a thought of mine before you.

I have come to realize that every man and woman in this House holds the welfare of this State above his or her own private interests, and is struggling to find a solution now that is the proper one for it. We are now studying Taxation and we are endeavoring to do something which will eradicate the injustice of the present system and yet raise \$2,000,000.00 more money. I know



we all realize that this is a big problem, but do we realize how big, and the handicaps this Legislature works under? And do we all realize just what is the main difficulty?

It is because that in my business, taxation is a very important item, and because of the fact that I am a new member here and for that reason have had to study the processes of this body, and finally because I have had only one committee, Taxation, on which to specialize, that I ask your permission to point out why a body of this kind is handicapped.

In the first place, it seems to me, that we are handicapped by the lack of time. We are down here for only fourteen weeks, and we have to study and pass on over 1,000 bills. I am sure that a body of this kind could well spend fourteen weeks on taxation alone.

In the second place, for a serious problem such as taxation at the present time here in Maine, we are handicapped by having to use the wrong method. The trouble with the system at present is at its foundation, and to correct it we must start with a new foundation and build upwards. We cannot build a house from the attic down. Just as I would not accuse any of you of not having at heart one good idea, neither would I expect or believe that one of you had all the good ideas. Yet by our method of bringing bills before you, one at a time, we are forced to impose on the State for taxation, the brain child of one or two men. Even granting the bill is the best of the lot, there can be no guaranty that it is the best that could be had. No private business man or corporation would ever decide such a serious problem in such a manner.

I can imagine a business executive questioning the Taxation Committee in some such manner as this:

"Have you separated the sheep from the goats?"

"Yes.

"Its foundation is wrong.

"Have you a bill that seeks to fix that foundation?"

"Yes, I believe we have.

"Will it work if enacted now?"

"No, it will require a good deal of adjustment and special study.

"Is it worth the study, and how long will it take?"

"I believe so — probably over a year.

"Can you find income while this study is being made?"

"Yes, we can patch here and there.

"A step in the wrong direction is worse than standing still. Pigeon-hole those other bills; we may need them to fill out after our foundation is laid, and get busy on your special study."

That is the way that I believe a business man or corporation head would handle just the situation we have here.

The Legislature is also handicapped by the feeling that they must accomplish something that the folks at home can see. The result of this understandable ambition is that it may pass a measure which will kill or impede future progress. By looking for some concrete success, the Legislature may miss the chance to pave the way for a much better legislation two years hence.

Personally, I feel that this Legislature has accomplished a lot. It has become unanimously agreed that Real Estate Taxation must be lowered radically. It has had presented to it a bill aimed at rearranging the foundation of our taxation system; and I am here to say that public interest has been aroused by it. This is proved not only by the petition received but by a more concrete illustration. One of our York County Representatives, the gentleman from Waterboro, Mr. Roberts, is unfortunate enough to live where they only can have a representative for one term. The representative for the next Legislature should come from Alfred. It was noticed in the paper that Mr. Roberts was interested in the Resolve of the gentleman from Livermore Falls, Mr. Grua, and so two delegates from Alfred came over to ask him to run again, even though it was Alfred's turn. That is a concrete illustration of public interest.

Now public interest is something like the dread of appendicitis. If you operate you lay that dread to rest forever completely satisfied, but if you apply cold packs, you may still that dread until the next attack without a complete cure. I feel that measure we have before us resembles a cold pack which will deaden public interest in a more progressive measure, and that some time in the future we shall have to go over the same ground we have

covered this year again. So I am personally opposed to the passage of this bill in any form at present.

I believe we should have a recess committee who would have not only the usual powers of such a committee, but also the added duty of explaining their findings and recommendations to the people direct, so that when the next Legislature convenes, it will have a full grasp of what is desired.

I was talking last Saturday afternoon with Mr. Henry A. Benoit, of the Benoit Store in Portland, and he said that he, with several of his friends, had come to the conclusion that the time had come for business men to take more of an interest in the affairs of the State; that they should not come down here year after year and oppose and not offer some constructive advice. He said he thought that the time had come when a committee of business men at their own expense should make a study of how and where to save, and how and where to get the money. And he said he was willing to pay his share. He said he did not believe that half the people realized the seriousness of the financial situation in the country today of the vast increase of Federal taxes due to be called for. He said if we did, we would realize that it was time to consider where we could save, what governmental luxuries we could get along without.

It struck me forcibly that what he wants to know and what we desire to know could in some way be joined together.

And may I add that day before yesterday I was talking with William Linnell, Republican National Committeeman, and he brought up the subject of a recess committee himself, and he agreed with Mr. Benoit that their committee should not be an entirely legislative one, but should contain prominent citizens representing all phases of Maine industry. So I feel that I have a solid foundation for my conviction.

I do not wish to be considered opposed to any tax measure in particular. I feel that Senator Brown and Representative Eddy are entitled to a great deal of credit for the work they have put in on this Homestead Bill. I do not believe it can be said that it is not a just and fair one.

In my humble opinion, however, I feel that for the benefit of the State of Maine the time has come for a radical revision of our tax system, that a radical revision requires time to work out the proper method and a period of time to educate the people.

Therefore, I feel that this measure should be filed for further study, but for the present ought not to pass.

The SPEAKER: The question before the House is on the motion of the gentleman from Westbrook, Mr. Warren, that the House accept Report B, "Ought not to pass."

The Chair recognizes the gentleman from Bangor, Mr. Eddy.

Mr. EDDY: Mr. Speaker and Members of the House: I believe that at this time you have before you a measure here that does the two things that we were sent here to do, to appropriate funds for Old Age Assistance, and provide relief to real estate.

I shall be perfectly satisfied with the decision of the House but I do hope the motion of the gentleman will not prevail. When the vote is taken, I would like to have a roll call vote.

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

Mr. GOOD: Mr. Speaker and Members of the House: I am interested in this property bill or Homestead Bill, or whatever you may call it. I live in a section of the country where, at times we have had good times, then we have had to face hard times.

There for five years, I have seen the time when taxes did not mean a thing.

Since 1930 taxes have become a terrible burden. During the War time, and shortly after, real estate advanced to a high state in Aroostook County, especially when we had potatoes at \$10.00 a barrel.

As the valuation of the real estate went up, our tax went up, and when we got a break, our tax did not come down. There was a crash in the economic system.

It has remained so high today that a large majority of the farmers—the people that own their own homes—are abandoning their homes and are going away to live.

I was talking today with a man from one of the northern towns in

Aroostook County. He said that when he was at home, over the week-end, he took a Town Report and looked it over and saw the unpaid taxes. He said there were sixteen pages of unpaid taxes in that Town Report. Now, he said that if they had been forcing some of those people to pay, they might have eliminated two pages, but he said that without doubt there were fourteen pages of unpaid taxes in that town that were impossible for that town to receive.

I do not think that you people realize the condition that we are in, in the State of Maine. Maybe you think that we are calamity howlers, from Aroostook County.

But I noticed that when we were on the Sanatorium Committee, and went to Aroostook, we discovered that many people had never been to Aroostook. When we were standing up on the hill, and looking down over the fields for perhaps a mile and a half or two miles, one man said, "I never realized it was like that in Aroostook County." He never realized it, and I suppose lots of people in the State of Maine, who have never been in Aroostook County, probably do not realize the condition that we are in up there. There are homes that used to be the finest homes in the country where today the paint is peeling off from them. When driving along the road, you see barns with the doors off the hinges, windows broken out and homes abandoned, with the grass growing up around the door.

The foundation of our country is the home, and when you drive the young men from the homes into the cities and manufacturing places, I wonder who is going to till the soil eventually.

I took pride, years ago, in trying to accumulate a little property. I have three boys, and my ambition was that they might be with me all the time, what few years were left me. But times became so hard, that I have got one boy today in Buffalo, New York, working for a big concern. I have another boy up in the northern part of the country. Another boy will probably have to go to war.

They said to me, "What is the use of staying here? You spent the best part of your life, and today what you got is slipping away from you. You cannot hold it. The only way that we can see, is to go some-

where and earn an honest living." Now, that is a terrible condition.

I hold in my hand a letter written by a man who was in the House two years ago. I would like to quote from it. I considered that man's judgment outstanding when I was here two years ago. This letter is written to a certain man here in this State House: "This letter is written to you in urging your support of pending legislation which would relieve the tax load on real estate used for private homes in the State of Maine."

Now: "Paragraph 1. Originally the owners of property used for homes were taxed for highways, common schools and police protection and the taxes were relatively small. Gradually our common schools grew in scope, so that the added burden of taxation has become particularly large for that particular item alone, and other municipal undertakings have increased the tax load, among which appears the relief expenditures, which have increased tremendously since our original scheme of taxation was adopted. I think these things are so generally known that further discussion would be unnecessary.

"Paragraph 2. The owner of a piece of property who uses it exclusively for his home obtains no income from that property and the market for real estate in Maine today is very low and extremely slow. The value of real estate is limited by a money economy so that if wages or income in a community decreases, the value of real estate immediately goes down but the tax load remains constant and even increasing when the wage or income scale levels off into a relief load. This is a ridiculous circumstance when carried out to the point where in our industrial communities we have seen, on occasions, a large relief load being supported by a depreciated real property situation, where not only the value of real estate falls but the market for the sale of real estate becomes stagnant, and yet the added load of the relief, together with all the other services, is constantly carried by the owners of homes."

And so on—I could quote a lot more to you.

I will quote from another part of the letter—in the third paragraph.

"One cannot pay his taxes by offering the municipality hay or milk.

He must transform his milk or hay into cash and pay his taxes with money. Now then, if one is unable to transform his property into cash or derives no income therefrom, then there is no money economy with which to pay a tax so far as that property is concerned, and the tax payer must obtain the tax money from some other source," and so on. I might go on and quote more to you but I am not going to take time.

We have today this problem that we have got to solve, during the next few hours—or days—in this Legislature. We know what we came here for. There is no question about it. We need not try to pass the buck. We might as well face it. There were two things—and two things only—that we came here for. One was to try to relieve real estate; the other was to try to appropriate money enough, somewhere, to take care of Old Age Assistance.

Now, taxes on homes and farms in Rural Maine have increased 277% since 1909. Now, that is a terrible increase, Ladies and Gentlemen.

Listen to this: "The Maine Real Estate tax is the highest of any State in the United States. \$2.58 per \$100 valuation, as compared with an average of \$1.16 in the United States." The State of Maine is over double the average of the United States rural estate tax.

Then, "The tax upon the people's homes is the most unjust of all taxes. Because the home owner is taxed regardless of his income or his ability to pay, and if he cannot pay, his home is taken away from him and the tax becomes a capital levy."

While the property tax in Maine has increased 30.5% in ten years, as measured by actual value of the property, other states have decreased their property tax by means of chain store taxes, income taxes, tobacco taxes,—and all other kinds of taxes.

But if you mention to this House—I will go further, if you mention in our corridors—anything about a cigarette tax or any other tax, they will cry out against it the minute you mention it.

Now, many of our states have sales taxes and cigarette taxes which turn in hundreds of thousands of dollars. I do not believe that this Legislature wants to go home this time and let the tobacco

lobbyists, or any other lobbyists, sway them, when it comes down to business.

We have got our problems to face. Are we going to go home and not do anything about it; and then have the Governor call us back? We have got to act like men. We have got to solve our problems—then in a week's time we can all go home. I am getting concerned about it and I think you are. I do not think there is any need for us to be dictated to. Some of the lobbyists have almost called by telephone and dictated to the Legislators.

If a man is a member of this Legislature, he will not lobby. The man who does the lobbying is the man who is paid to do it—not the legislators.

I am telling you members today that we are facing a situation that we never have faced before. We have got a job to do. We can do it. Now, are we going on record as though we did not want to do anything, or are we going to stand up here, like men, and fight the thing to a finish? I probably want to go home as badly as anyone, but I am going to stay here until this thing is finished.

I get letters every day from people, saying, "If there is anything you can do in the world to reduce real estate, try and do it. "We are all on the very verge of bankruptcy. I do not know what we are going to do. A lot of people are going to lose their farms this year because they cannot pay the taxes on them. A great many of our taxes are unpaid. You cannot lease or rent your ground unless you guarantee the taxes from the rent you are getting, and so forth and so on."

These are the problems that are before us. I am telling you, Ladies and Gentlemen, that this is a serious proposition that we have got to face. I believe that this House is big enough to do the job. I have said that before and I say it again. I know that I have never been in a more conscientious body of people than there are here. Some may say they talk too much. That might be so. But when a man has got gumption enough and nerve enough to get up on his feet and express his ideas, it is of great benefit. If we had had a little discussion on the Title Law, we probably never would have done what we did. I believe that it is a very

healthy situation to discuss questions.

Some people may say that you cannot change people's minds, and that it is no use to discuss it.

I believe there are people here who are able to change their minds.

I hope we will be able to do something to relieve real estate, before we go home.

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

Mr. DWINAL: Mr. Speaker: I agree with my friend, Mr. Grua, that we have got to relieve the taxpayer. I know that I pay quite a few real estate taxes myself, but Maine is a low income State.

I would like to call your attention to this fact: If we put on a sales tax of 2 per cent, the living condition and expenses of the ordinary citizen are going to go up two per cent. How many of these low incomes in the State are able now to save two per cent of their income? They are not, and we all know it.

The result is that the poor fellow is going to have to reduce his living scale two per cent. I do not think—and I am a taxpayer and have received telegrams here from taxpayers in my own town also—I do not think it is a fair thing to raise the living cost to the poor man two per cent.

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

Mr. FARWELL: Mr. Speaker, four years ago the people of Maine overwhelmingly rejected a general sales tax. They rejected it in spite of the fact that the Legislature with designed political strategy had tried to conceal it beneath the appealing objective of Old Age Assistance and increased educational benefits. The political strategists have now abandoned education for homesteads. The result will be the same. There will be a referendum, defeat, and an expensive special session. The people of Maine do not want a general sales tax. The political complexion of a Legislature that denied to the people, under the guise of emergency, their constitutional right to vote upon a measure they had so recently and convincingly rejected, would soon change. This is a political fact. I think all of us must recognize it.

To me it is quite understandable that the people of the State of Maine should reject a sales tax. A sales tax is an income tax graduated in reverse. The less a man earns the greater percentage of tax he pays. Statistics clearly show that the immediate burden of a sales tax which includes food and clothing is half again as heavy on the laborer as on the man earning \$3000.

The principal excuse for this bill is relief to real estate in the form of homestead exemptions. Persons fortunate enough to own their own homes are to be favored over other classes of property owners. At whose expense? At the expense of the laborers and wage-earners. At the expense of those of us who, too poor to own our own homes, must not only continue to pay a real estate tax in rent but must shoulder this added burden. Twenty dollars out of a one thousand dollar income means a lot and it means a lot in terms of the necessities of life.

Perhaps real estate taxes are high. We cannot remedy an unfair situation by creating another that is even more unfair.

It was my idea that we came here, at this crucial time, to raise just enough money to pay the expenses of government, including Old Age Assistance. This is a time when the Federal government must call more and more upon our citizens to meet pressing needs of aid to England and National defense. It is a time when our State government should retrench, or, that impossible, take a limited field of taxation. Advance reports from Washington already indicate that a gross income tax is in the making designed to tax low income groups.

Is this a time to attempt to revise our entire tax structure? Where will the fairness be if we impose a general sales tax on our wage-earners and the Federal government does the same? Our low income groups may then rightly demand an increased property tax to relieve wage earners.

I quote to you from an editorial in the Lewiston Sun. If you can answer some of these questions it might perhaps clear up some of the objections I have.

"See if you can estimate how many agents the tax assessor and the Treasurer will need to enforce the provisions of this act.

"See if you can estimate the cost of administration.

"See if you can estimate how large a tax bureau will have to be set up in Augusta to handle its details.

"See if you can estimate how many investigators, auditors, and clerical employees will be needed to check all the returns filed by all the retailers of the State.

"See if you can visualize how many people it will take to police every retail store in Maine, no matter how small, nor where it is located."

Furthermore, we have in this bill a "use tax" on which it would be necessary to establish ports of entry between the State of Maine and New Hampshire, so that every car coming into the State of Maine might be examined to see if they are carrying any purchases from out of the State on which taxes should be paid. They tell us in this bill we should tax these so-called mail order houses. I fail to see how we people in the State of Maine can tax any out-of-state concern doing business in this State.

Four years ago the people of the State of Maine by a vote of over three to one rejected this sales tax. To me this is a mandate to this Legislature that we as Republicans should oppose a sales tax, because, by passing a bill of this type, we are sounding the deathknell of the Republican Party for two years.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I feel our duty and our job is not to do certain things we want to do for ourselves, but to do the way we are told, as the old saying goes, "the way the folks back home feel."

I want to be honest and frank about this. This homestead exemption might help me because I pay quite a heavy real estate tax. Also, in my own personal business the sales tax would not hurt me any because I could pass it on and perhaps add another cent or two while I was passing it. (Laughter) But I want to be honest and say that although I come from sort of a rural district, a small city, while my colleague claims he comes from a large city, I think our city of Rockland is a pretty good example of the State as a whole. The back part of our city is filled up with

farmers, and in the eastern part of the city down near the waterfront people are real city dwellers; but I have yet failed to have one person come to me and say he was in favor of the sales tax. Hundreds have come to me and said they were very much opposed to it.

During the last session of the Legislature several people came to me—and I will be very frank and honest; they were bankers and people with a lot of money; and they all claimed they favored a sales tax in preference to other taxes; but at this session I do not think any of those people have come to me.

Now I will still be honest, because confession is good for the soul. I have some very good friends out in the corridor, and nine out of ten people have told me that if we did pass a tax they hoped the tax might be on tobacco, because they felt that was something people could dodge if they wanted to. New Hampshire has a two-cent tax on tobacco; Massachusetts has it; and in Canada cigarettes cost thirty cents a package. I think every state north of Carolina has a cigarette or tobacco tax. We are simply falling in line and preventing bootlegging from Maine into these other states. A few said they would favor an additional tax on liquor, and I do myself.

Our problem here is not to solve all the problems we have. Our problem is old age pensions. But I think it is safe to say that inside of five years the old age pension system is going to be taken over by the Federal government, and then, after that is done, the State can take any additional sources of taxation, tobacco taxes and liquor taxes, and perhaps eventually abolish the seven and a quarter mill tax we take in from the towns and cities with the proviso that the town abolish that seven and a quarter mills from their valuation.

I really think that is our duty here. The argument for the sales tax is a good one, because they say that old age pensions is going to be a permanent problem. I do not think it is. I think that problem in its entirety is going to be taken over by the Federal government, and the only thing we have got to do is to find money enough to pay for pensions for three or four years I believe that the next three or four years will be serious ones. I have not any doubt at all, unless

conditions change in Europe, that the United States is going to become an active participant in the European war. And then, as they say, we do not even know the meaning of taxes. I think before the House passes any law that imposes excessive taxes, they should think of that, because the government is going to raise income taxes and enact a national sales tax.

I admit the criticism is just, that we should not adopt any makeshift, patched-up system of taxation; but I think our problem is a temporary one of old age pensions, and if we can do that with a small additional tax on tobacco and liquor, I think that is the best way to do it, and then let these other problems come as they will. We all know the old age problem is a national problem and should be attended to by the national government, and we all know hard times are ahead, but we will have to grin and bear it.

I hope this House does not embark on any great revision of our whole system of taxation, because the times are not right for any definite change. I trust the motion of the gentleman from Westbrook (Mr. Warren) to accept Committee Report B will prevail.

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

Mr. GOLDSMITH: Mr. Speaker and Members of the House: Having taken part in tax problems, I feel it my duty to have a word or two to say in regard to this matter at this time, because, to me it is the most important thing we will have to face during this whole Legislature.

At the committee hearing about two weeks ago we had a full house of opponents on the tax measure as presented.

I am not a student of taxation, and yet I am interested in it for the same reason that Mr. Sleeper and Mr. Warren and Mr. Jordan and others are interested in it. I am interested from the point of view that we cannot go on levying extra taxes against real estate continually, but sooner or later we have got to face the issue that we are not in such terrible shape in the State of Maine today, we are not so bad off that we have got to make an awful fuss over the extra two million dollars we need. There are various sources from which we can derive that two million dollars.

So we come back to the period of January 22nd, when our Governor came here before us and told us, according to the budget that was then made up, we would need approximately one million, eight hundred thousand extra revenue for the first fiscal year and one million, nine hundred thousand for the second fiscal year of his administration; and he said, "If you go home without providing funds I shall call you back." And we all admitted then and there that we did not want to come back. In fact, we are all very anxious to get out of here now.

I think we ought to take all the time we can today, tomorrow and Saturday and settle this tax problem. After that, all the other measures that are before us will take their natural procedure and we will get out of here.

So we get back to the Governor's message on January 22nd, which was brief and concise, about eleven minutes perhaps. You will recall that the Governor had hardly cleared the doors of this House when pencils were sharpened and everyone interested in tax problems commenced to write a tax measure, and, as a result, numerous tax measures were thrown into the hopper.

I studied many of those measures as they came along. I did not want to write a tax bill. I think it is the most unpopular bill that a member of the Legislature can write, because he is bound to receive criticism when he gets home. I am no politician and I was not afraid of criticism. I directed the tax measure that I wrote against what I call the selective, discriminatory, vicious tax measures that were thrown into the hopper for our consideration.

I do not believe anyone in any type of business should be taxed as against another type of business; and, having that belief in mind, and being firmly convinced that was the right thing to do, I proceeded with a tax measure of a general nature.

Now what can that be if we do not want to put it on real estate? It can be an income tax; but I am told in Maine we have a selected group who live on the coast from Kittery to Bar Harbor that will fight an income tax, and, sure enough, it was fought here on the floor. The gentleman who presented it, Mr. Bubar, was right so far as I am concerned and so far as economics are concerned, but it was not accepted by the committee and was brought in "Ought not to pass."

So that left a general sales tax. Therefore I wrote a measure with two systems of collecting, one by the old-fashioned method such as is found in New York City and the various states, where every time you make a ten-cent purchase you drop down a penny.

What is the result of that one-cent sales tax? The result is that the consumer gets caught; it is a camouflage, and he pays throughout the year at least five to ten per cent on a one per cent sales tax. But our monetary system calls for the penny, so I conceived the idea of a card system.

I started reading through the tax systems in your library downstairs, and I found where some states adopted a token system, a little aluminum disc which people got tired of carrying around, and in Louisiana they threw them out last year. They still have a sales tax, but they threw out the aluminum discs. So I conceived and presented the idea of a tax card.

Under this system a consumer could start in spending money from Kittery to Fort Kent; he could take a dollar bill and everywhere he went he could spend a dime here and a dime there, and when he got all through he would have spent one cent on the dollar, because it would be broken down into mills up to the penny. I thought it was a very reasonable system, and I am at least very grateful and thankful to the committee for sending in a majority report in favor of my method.

I am opposed to a sales tax because I like an income tax.

Along with this method I was thinking of the vendor, the man who fights the sales tax because it creates a hardship on him, as it means that he must collect the tax.

Once a law is written in, it becomes a moral obligation for the people to look after. But they stole from different departments afterwards, to take care of it, because the people rejected the sales tax. The propaganda against it was entirely from the merchants. It is always from the merchants.

Look at the telegrams on your desks and the letters. How many have come from the consumers? Not one. They are all directed against you from the merchants. Why? They hated the idea of keeping tax records, and having the State of-

icials come in and examine their books from time to time. I do not blame them.

So, in my method, I also wrote it in, so that they have no records to keep. It is just a matter of presenting a card, when you buy an article, and having the card punched. It is a pre-paid tax card, for which the vendor has no responsibility.

Then I took into consideration—because we did not want a new division created here for collecting the taxes—I took the State into consideration, to save expenses. I found that it was the most economical thing in the world to do in collecting taxes—this measure of mine.

I was approached several times by Mr. Brown, who conceived the idea of giving people something for nothing—Homestead Exemption—to me a monstrosity. That is a good word for it. If an intelligent class of people—and I think you are—can sit down and analyze that bill, and think that it is a good bill, and not class legislation—then I want to get out and get home. It is undoubtedly directed to help a certain class of people, against another class. You can shoot holes all the way through it.

I will give you just one instance, alone, to show that there is hardly anything that is bad enough to say about that bill. For instance, a man owns two houses in a town. The one that he lives in would come under the Homestead exemption. It is a \$4,000 home, we will say, for all practical purposes. The assessors would assess it, we will say, for fifty per cent—or two thousand dollars.

Now, he owns two such pieces of property, or three or four such pieces, and only gets exempted for one, according to the bill. Now, he has a married son and a married daughter, we will say. He places each one of those persons in those homes, and deeds the property to them, and takes the mortgage back.

Who has title to the property? The son and the daughter have it; and they come under the Homestead exemption.

There is a chance for evasion there. I did not like it from that point of view. Of course, we all have sympathy with the farmers. But I say that if a farmer cannot make a living on his farm, that he ought to get off the farm. My father was a farmer. I was born on a farm. My mother was smart enough to tell my



father to sell the farm, because he could not make a living on it. Thank goodness, he did! (Laughter)

Now, farmers are always wanting to be subsidized. They are not taking the chances that a merchant takes. For example, down here on Water Street, in Augusta, there is an empty store. A man comes along and says: "I have got ten thousand dollars. I am going to invest it." So, he goes into business, and stays in business for two or three years, and he is a failure. He is not organized to appeal to anybody. He has no recourse. He cannot go anywhere. He has no sympathy at all. But if a farmer is not making a living, he comes down here to Augusta and asks this Legislature for this and that.

I am opposed to it for many reasons, in spite of the fact, as I said before, that I am in sympathy with the farmers.

There is only one thing that can relieve real estate. It can only be done by one thing, and that is through the sales tax or income tax.

You might say, "How can we raise a small amount of money?" It is only a small amount of money; it is only about two millions of dollars that we are short on—for Old Age Assistance.

This may sound like a bombshell when I come out with it, but, if you will take a pencil and paper, and listen just one minute, you will find that it is not the bombshell you think it is.

The gentleman from Calais, Mr. Murchie, on the Appropriation Committee, a short time ago mentioned the fact that the State mill rate should be advanced from 7 1-4, which it is now, to 9 1-2 mills. For all practical purposes, let us say an increase of two mills.

At the time he mentioned that, I practically shuddered. I thought it was an awful idea to come in here and tell us that. At that time, I did not take out a paper and pencil, which is what I wish I had done.

I now have—real estate and personal property—for all taxable purposes in the State of Maine, is valued at around \$684,000,000.

Two mills on that—it is not from the town that two mills—and not from the city—but the two mills is coming from our State tax, would yield another \$1,368,000.

We are told right now that the inheritance tax, as being modified

and corrected, will bring in from \$400,000 to \$600,000—I think possibly about \$500,000. That will bring you up to \$1,368,000.

Now, lop off about two per cent from all the appropriations listed here in the State of Maine—two per cent is not very much—that will give you another quarter of a million, and you will have two millions of dollars. I do not know of any easier method to collect and raise this money.

Now, you are going to say—you are putting it onto real estate again.

I am going to assume this afternoon that the "Brown Bill" has gone out of the window; and that this Legislature refuses to accept the Homestead Bill. I hope that it will fail—and fail for more than one reason at this time, because we are trying to do too much at one time.

We have the problem of Old Age Assistance, and they come along with another bill to relieve real estate—all in one year; all for one Legislature to attend to.

The last Legislature passed the buck entirely. They did not do anything. They revolted. It almost appears to me that at this time this Legislature wants to do the same thing. I am opposed to that. I hope that we will stay here long enough to do something before we go home, so that the people back home will not say that we passed the buck to the next Legislature.

Now, again with your pencils and papers before you. On real estate—and figures do not lie—the average farm, say, for exemption—I will go back to the point, first, that the Brown Bill is not here and that we never heard of it—let us go back to the point that we are faced with one thing—to raise about two millions of dollars. Let us start there.

The average farm, we will say—because they are the ones that are directing all this—we will say, is worth about \$1500, for taxable purposes—the average today throughout the State.

Put two mills on that—what would it amount to? Three dollars—that is all the extra tax he will pay.

There is an alternative, and that would be a Sales Tax. And that same farmer cannot help but spend at least \$400 a year. He cannot get by for less than that. So, if you put one per cent on that, he would have to pay \$4.00 on \$400.00, and all the

nuisance that goes along with it, on the \$400.00 he spends.

Coming down to the tobacco bill, a bill which definitely hits right at the poor man, or the man working in the mill. If he smokes at all, and it is no luxury—tobacco is no luxury; cosmetics are no luxuries; movies are no luxuries—none of those things mentioned as luxuries are luxuries any longer.

Coming back to the tobacco bill, we feel that a smoker is going to spend \$6.00 or \$7.00 a year as a tax on cigarettes. Those figures do not lie.

What is the result? As an alternative, why not take two mills on your real estate system which is already established here?

That would not cost one cent for any new department or extra help. The Town Tax Collector can collect \$8.25 as well as he can \$6.25.

Having all that in mind, I think we have a problem here that we do not want to avoid and that we do not want to dodge. We do not want to be stubborn.

Let us not put on any selective taxes. Let us be fair with all the people of the State of Maine. Let us raise this two million dollars the easiest way.

And I believe that the easiest way is my method.

I hope that the vote is taken, that in spite of the fact that my bill is woven in with this bill and woven into so many bills—I am opposed to the whole thing. (Laughter)

I hope that the motion of the gentleman from Westbrook, Mr. Warren, will prevail.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: For once I agree with the gentleman from Orono, Mr. Goldsmith.

I did not know that bill of the gentleman from Calais, Mr. Murchie, was coming up, but evidently it is right in front of us, the raising of the mill tax.

I would like to augment that statement in this way: I am opposed to a Sales Tax, because it dips into the pocket of the little fellow, who is getting only from \$12.00 to \$15.00 a week. He cannot pay any more.

I would like to have you people consider—when you consider the argument that the gentleman from Orono, Mr. Goldsmith, has just

given—that ten million acres of the State of Maine is unorganized wild land. If you put a sales tax on, you have spelled immunity for the owners of about one-half of the State.

Your mill tax, as he says—if you figure 2 1-4, in order to raise the necessary funds—would mean only 1 1-4 cents per acre to this wild land, but, in the aggregate, it means \$125,000, which a working man would have to put his hand in his pocket and pass over.

In addition to that, we have laws enough in our State, and, if you will look the record over you will find that every county but two taxes at the present time money at interest—stocks and bonds, and money held in trust. I have the figures as of December 31, 1940. It amounts, in the State of Maine, to \$444,500 and some odd dollars. In addition to the \$167,000,000 which are government bonds, and not taxable. With \$6,000,000 annual tax, and \$3,000,000 of that in Cumberland County, why is not the other \$338,000,000 taxed?

Another bill which I had before the House, which is now in conference, in committee, is on the shore properties on this wild land. I maintain in that wild land, with 1800 lakes, that there are 200,000 acres of shore property that today are not taxed, I maintain, at a reasonable value. It will not add any great amount of money to the mill tax law, because that will give us all the money we will need, and with no expense involved, and no complications. It will not dip into the big man or the little man.

What I am bringing out, Ladies and Gentlemen, now, is that it will mean two years hence, when another Legislature convenes, which will be the 91st Legislature, the State of Maine will have three bodies politic. We have three, as many have mentioned. We have another House here of 103 members, and when we convene in 1943 those three bodies will consolidate, to cut the expenses of the State of Maine.

But if you put the Sales Tax on, and knick the little fellow, I am not sure that other body, perhaps, will come in here and ask for economy.

I hope that the motion of the gentleman from Westbrook, Mr. Warren, prevails.

The SPEAKER: The question before the House is on the motion of

the gentleman from Westbrook, Mr. Warren, that the House accept Report B, "Ought not to pass."

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

MR. HOLMAN: Mr. Speaker and Members of the House: I have not got any prepared speech to make here this afternoon.

I would like to call your attention to some of the statements that have been made by the various speakers.

It seems to me the various speakers here have presented a good cause for their particular bills, and the bills have been discussed and the advantages of them are pointed out.

And I will say that it is always strategy, of anybody who is against a particular tax bill, to point out all the good points about any other tax measure that they can think of, and divert your attention from the particular bill under discussion, that they can get that bill killed, well knowing that the bill that they are pointing at as the best thing will meet the same fate, when it comes up.

This thought that I shall mention this afternoon will be rather disconnected, because I just jotted down notes, as they have come to me here.

Speaking about this increase in the tax rate on real estate, one speaker pointed out how much wild land there is in the State, and what two mills, or 2 1-4, would bring into the State.

I want to call your attention to the fact that the value on most of the wild lands in the State is about \$4.00 or \$5.00 an acre, which makes a tax of three and four cents an acre. That is the amount of tax they are paying now. All you have to do is to go to the State Tax Assessors' office and get this last valuation book, and look it up and figure it out.

Now, if you think a raise in that tax of two mills will bring money into the State, and will take care of the situation you just go and figure it out and see.

There is no necessity that I can see, for rehearsing all of the things that have been said here before, relative to other tax measures. The same argument that should be used in favor of this bill, could be used in favor of any new tax measures that we might suggest.

Your attention has been called

already to the fact that the tax on real estate in Maine is more than twice what it is on the average for the United States.

I will just remind you of the fact that the tax that our municipalities raise has gone up from \$7,000,000 in 1910 to nearly \$30,000,000 in 1938. And of that, the tax that our municipalities raise for roads has gone up from about \$1,000,000 to over \$5,000,000 in 1935. This is the money raised by the municipalities—mind you—not the State.

The amount of money that is raised by the municipalities for schools has gone up from less than a million dollars to eight million dollars in 1935.

Now, I believe that this bill, and the bill which the gentleman from Livermore Falls, Mr. Grua, introduced—the resolution—should be companion bills. They are good, constructive legislation, headed in the right direction.

You have been told this afternoon that we have not got any good tax bills; and that we have got to have a Recess Committee appointed, to study the situation and report at some other time, to some future Legislature.

I want to call your attention to the fact that just as long as you will allow people to advance that argument, and to put it across, real estate will continue to bear the burden. The time will never come when it will be necessary, in their opinion, to appoint a Recess Committee and do something which will be constructive.

The chief objection to this tax bill is the chief objection to any bill. It is the Third House. We might as well understand that, now, one time as another.

This measure is not a discriminatory measure. It exempts homes—anyone who is a home owner can be exempted.

You talk about tax measures being discriminatory. What about the present one that taxes real estate?

You talk about a cigarette tax—is not that discriminatory?

I would not pay any tax under a cigarette tax. I would not pay any tax under a liquor tax. I would pay a tax under a tax on electricity.

Now, what about an inheritance tax? Is not that a tax that requires some to pay and a lot of others to go free? Can you think of any tax bill that is not discriminatory?

If you can, and will present some

real sound reason, I would like to talk with you.

The time to formulate a tax program is right now, while we have this issue before us—not put it off to some other time. We have been doing that long enough. These people have had all the time there was in years gone by. They knew the situation was getting bad. They could have had bills prepared but they did not want to. They just wanted to keep putting it off and let real estate pay. That is their game. Somebody has suggested about the death knell of the Republican Party—that if we pass a Sales Tax, that is what it means. I wonder what it will mean if we go home and have not taken care of the situation? Have you thought about that? Have you thought what the political effect of that would be?

Another thing I want to call your attention to, is the fact that this particular measure—Home Exemptions—does not apply to any particular section of the State. It is not the country against the city or the city against the country. It is not Aroostook County against any other section. It applies to the whole State—this exemption on homes. That is, no more class legislation than any that you can think of.

I want to call your attention anew to the fact that a large proportion of people cannot appreciate the condition of the poor people. If you have never been in a position where you did not know where the money was coming from to pay for your supper, you would realize what it is to be in that particular condition.

If you owned a piece of property—real estate—and your Tax Collector presented you with a bill along in July or August for a tax on that particular piece of property, and you did not have any income from that property, and you were not able to work and earn anything, and you did not know where the money was to come from to pay that tax, and you actually had to mortgage that property to get money to pay that tax,—that is what is going to take place in our towns today. It is not all on the farms, either; the town property is being mortgaged for the same position. If you ever got in that condition, you would realize the condition some of the people are in at the present time. You would realize the seriousness of the situation.

We will never have what we call a good tax policy, as long as these opponents can keep real estate paying the bills. Just as long as they can keep putting this thing off, everything will be all right with them.

I think this bill ought to go along with the three others presented here. It should be a companion bill to the resolution favoring reduction of tax rates.

I hope that the motion will not prevail.

**THE SPEAKER:** The question before the House is on the motion of the gentleman from Westbrook, Mr. Warren, that the House accept Report B, "Ought not to pass." The gentleman from Bangor, Mr. Eddy, has requested that when the vote is taken, it be taken by the yeas and nays.

The Chair recognizes the gentleman from Westbrook, Mr. Warren.

**MR. WARREN:** Mr. Speaker, this discussion has strayed a little bit from the subject that is before us. That is all right, because this is the time for it, but I am hoping that a little later I will have a chance to say something on these other types of taxation.

In regard to this measure that is before us: I notice that all this comes back to the matter of relieving the load on real estate, on property, and with that I am fully in sympathy. I believe it is possible to evolve a tax scheme which will distribute the tax burden more justly than this tax on property and that would be a tax based on ability to pay. There is no such measure before this House that has been worked out thoroughly, and I do not think in the remaining short time we are going to be able to get it.

I am straying again from the subject, and I want to come back to homestead exemption. That is not perhaps class legislation, but it does pick out a certain section of our community. I want to say that I am greatly in sympathy with the philosophy of the gentleman from Livermore Falls, Mr. Grua, in regard to encouraging people to own homes. That has been the policy of the company for which I work, and we have done everything we could to encourage home-owning, as he mentioned in the argument he presented. Now in my company there are about three thousand workers, and we have encouraged them to own their homes, but I do not think

that over sixty per cent of them now own their homes in spite of that encouragement. There are a good many whom we would not encourage to buy homes, where it would not be a good thing for them. Moreover, there are a good many communities in this State where it would not be good policy to encourage a man to own his home, because business is too uncertain and employment is too uncertain.

Now what is the result among those constituents of mine? The man who owns his home gets an exemption. His fellow workman, who rents his house, gets no exemption. I think he is just as much entitled to it. I claim it is an unjust law in that respect.

It has not been worked out thoroughly. We do not know whether it will accomplish what it is expected to do. There are so many ways it can be juggled by the local assessors. It is not a measure to reduce property taxes; it simply singles out a certain class of property.

I am very much interested in having property pay a low rate, and I am particularly interested in industries which have a large investment, and I would like to see their taxes reduced. This measure does not do it. It takes out a very big slice of money that would be available for reducing property taxes. I do not see any propriety in passing this bill or any of the substitutes.

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

Mr. PAYSON: Mr. Speaker, it might not be out of place to discuss this bill. (Laughter)

I think I have had some experience in my own business in these matters, and I have read Section 3 of Title 3, worked it out with a pencil and tried to figure out what it means, and I have not been able to yet. That is the method of getting the money back to your cities and towns on these exemptions.

I have asked some of the proponents what it means and also checked back into the other part where it says they are going to put back sufficient money to the cities and towns so they will not lose any revenue. By way of illustration, let us assume that my friendly enemy from Livermore Falls has a tax rate of one hundred mills on the dollar and that in that wicked city of Portland we have a tax rate of fifty mills on

the dollar. If we are going to reimburse them for what they lose on their exemption—let us take it on a two thousand dollar exemption—Mr. Grua will get \$200 back, while down in the wild and wicked city of Portland we will get \$100 back. Do you think we are going to take that and like it? We won't. We know our way around too. We will cut the valuation of property devoted to homesteads and raise the tax rate on the other property up where it will offset it. That is what every city and town will do. And then you will not have money enough to pay your two thousand dollar exemption so you will be down to a one thousand dollar exemption, and your home owner will be paying exactly the same tax as before.

That is just one phase of the bill I have looked into pretty carefully, and that is what would result. That is one reason why I do not favor this tax.

The SPEAKER: The question before the House is on the motion of the gentleman from Westbrook, Mr. Warren, that the House accept Report B "Ought not to pass." The gentleman from Bangor, Mr. Eddy, requests that when the vote is taken, it be taken by the yeas and nays. Under the Constitution the vote must 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 vote will be taken by the yeas and nays.

The Chair recognizes the gentleman from North Anson, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, for the information of the House, I would like to ask—those opposing the motion of the gentleman from Westbrook will vote no? Is that right?

The SPEAKER: The question before the House is on the motion of the gentleman from Westbrook, Mr. Warren, that the House accept the "Ought not to pass" report of the committee. All those in favor of accepting the "Ought not to pass" report of the committee will say "Yes" when their names are called; those

opposed will say "No." The Clerk will call the roll.

YEA—Arzonico, Ayer, Babin, Baker, Bangs; Belanger, Biddeford; Belanger, Winslow; Bernier, Bolduc, Boyd, Brewer, Briggs; Brown, Brunswick; Brown, Corinna; Brown, Eagle Lake; Buckley, Buker, Clough, Conant, Crockett, Cross; Davis, Buxton; Davis, Montville; Dean, Deering, Denny, Donahue, Dorrance, Doughty, Dow, Downs, Dutton, Dwinall, Farwell, Fickett, Flagg, Forhan, Fuller, Goldsmith; Gould, Gorham; Gowell, Grady, Hall, Hamilton, Hanold, Harvey, Hinckley, Jones, Jordan, Keller, Labbe, LaFleur, Littlefield, MacLeod, Martin, McGillicuddy, McGlauffin, McIntire, McKusick, McNamara, McGill, Mercier, Michaud, Mills, Morrison, Murchie, Otto, Payson, Pearson, Pelletier, Phair, Poulin, Pratt, Preble, Rankin, Bridgton; Richardson, Robbins, Robie, Robinson, Rodrigue, Rollins, Roy, Savage, Sayward, Seeger, Shesong, Sichel, Sleeper, Slosberg, Small, Southard, Stevens, Sylvia, Teel, Tozier, Wallace, Warren; Welch, North Berwick; Weston, Willey; Williams, Bethel; Winter.

NAY—Anderson, Bragdon, Bubar, Eddy, Estabrook, Fenlason, Good, Goodrich; Gould, Milo; Grua, Holman, Jacobs, Lackee, Lane, Leavitt, Libby, McFadden, McKeen, McLellan, Newcomb, Osgood, Patterson, Pierce, Rankin, Denmark; Sanderson, Starrett, Walker; Welch, Chapman; Williams, Clifton; Worth.

ABSENT—Boutin, Bowers, Bradford; Brown, Bangor; Clapp, Cousins, Dorsey, Lambert, Leveque, Milliken, Porrel, Race, Roberts; Smith, Bangor; Smith, Thomaston; Wyman.

Yes—102.

No—30.

Absent—16.

One hundred and two having voted in the affirmative and thirty in the negative, the motion prevailed, and Report B, "Ought not to pass" was accepted and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day.

Mr. LaFLEUR of Portland: Mr. Speaker, may I inquire as to the eighteenth unassigned matter, its present status?

The SPEAKER: The Chair will state that the amendment has been reproduced and is in order for action at this time.

Mr. LaFLEUR: I now move the adoption of the amendment.

The SPEAKER: The Chair lays before the House the eighteenth tabled and unassigned matter, be-

ing House Amendment "A" to bill "An Act to Incorporate the Patten School District" (S. P. 525) (L. D. 1089) which was tabled on April 11th pending reproduction of the amendment. The Clerk will read House Amendment "A."

House Amendment "A" to S. P. 525, L. D. 1089, Bill, "An Act to Incorporate the Patten School District."

Amend said bill by striking out in the 1st line of section 7 thereof the words "when approved" and substituting in place thereof the following: "90 days after the adjournment of this legislature."

On motion by Mr. LaFleur, House Amendment "A" was adopted and the bill was given its third reading, passed to be engrossed as amended, in non-concurrence, and sent up for concurrence.

On motion by the gentleman from Strong, Mr. Richardson, the House voted to take from the table Item 1 on today's calendar, "Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled" (S. P. 550) tabled by that gentleman earlier in today's session pending adoption in concurrence; and on further motion by the same gentleman, the Memorial was adopted in concurrence.

On motion by the gentleman from Portland, Mr. Payson, the House voted to take from the table the nineteenth tabled and unassigned matter, Senate Amendment "A" to Bill, "An Act Relating to the Inheritance Tax Law," (H. P. 1285) (L. D. 551) tabled by that gentleman on April 14th pending adoption in concurrence; and on further motion by the same gentleman, Senate Amendment "A" was adopted in concurrence.

The SPEAKER: The question before the House is on the adoption of Senate Amendment "B." The Clerk will read Senate Amendment "B."

Senate Amendment "B" to H. P. 1285, L. D. 551, Bill, "An Act Relating to the Inheritance Tax Law."

Amend said bill by adding thereto, after the enacting clause and before the headnote, the following: "Sec. 1."

Further amend said bill by adding thereto the following:

"Sec. 2. One-third of revenue derived from inheritance taxes to be appropriated to the support of com-

mon schools. Section 201 of chapter 19 of the revised statutes is hereby amended by inserting after the word "companies" in the 8th line thereof the following: **'together with one-third of the sum received from inheritance taxes.'**

Mr. PAYSON: Mr. Speaker, I move that Senate Amendment "B" be indefinitely postponed. This inheritance tax amendment to this bill which is before you, not this amendment here, but the bill which is before you, is intended to produce some new revenue which it is hoped will take up the slack in what we have got to raise this year if we are going to carry out any program. Senate Amendment "B" earmarks one-third of the amount to be received under the amendment and from the original inheritance tax law for educational purposes. If this amendment is adopted, the money will be diverted to education and there will be nothing to take care of our general State problem. For that reason, I hope this amendment will be indefinitely postponed.

I have been informed the Appropriations Committee intends to make some provision for the Educational Department which some member of the committee may be willing to speak of at this time.

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

Mr. MURCHIE: Mr. Speaker, let us assume that if the inheritance tax amendment passes there would be added to the general funds the amount of \$500,000. This estimate is based on that fact that over the last four or five years it has averaged some \$450,000 to \$595,000 or something like that, and for that reason we may assume at the moment that we might expect to receive \$500,000. As it appears from the information I now get, possibly we are going to be disappointed, but, with that assumption, the group on education asks us to turn over to the common schools an amount equivalent to \$333,000.

Now it was the intention of the Appropriations Committee that we would bring in our supplemental bill an item of \$150,000, and if this measure went through, it would mean the difference between \$333,000 and \$150,000, or \$180,000 we would be the poorer. In other words, they are asking from us a certain amount of money we hope to use

to patch up the measures to set up Old Age Assistance.

I do not think it is a fair proposition, and I say it should be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Payson, that Senate Amendment "B" be indefinitely postponed. All those in favor of the indefinite postponement of Senate Amendment "B" will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and Senate Amendment "B" was indefinitely postponed in non-concurrence.

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

Mr. PAYSON: Mr. Speaker, because there are several amendments that should be made to this law in order to put it in proper shape, I now move that it be retabled.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that this bill lie on the table pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

On motion of Mr. Slosberg of Gardiner, the House voted to take from the table the second 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 Payment of Accounts to the State." (S. P. 46) (L. D. 22), which came from the Senate with the Minority Report accepted and the bill passed to be engrossed as amended by Senate Amendment "A"; and in the House both reports tabled by that gentleman on April 7th pending acceptance of either report.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Slosberg.

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

The purpose of this bill, as I understand it, is to more or less legalize a practice that has been going on in the State of Maine for a great number of years, and that practice is this allowing the State to offset any claims the State might have against the city or town, to offset that claim against what the city or town owes the State.

This particular practice, as I have said, has been going on for a great number of years. The present Controller, as I understand it, does not desire to continue the practice unless we have a law allowing him to do that, and the purpose of this particular law is to legalize his method of doing business.

The way that works out in the normal case is this: A town owes the State one hundred dollars and the State owes the town one hundred dollars. The way it is done at the present time is that the State will send that town a check for one hundred dollars and the town will enter that in their books, and then the town will turn around and send the State the hundred dollars that the town owes the State. The purpose of this bill is to allow the State to offset both accounts and thereby eliminate a great deal of bookkeeping and allow the State to handle the matter in one transaction.

Some of the opposition to this bill, as I understand it, is due to the fact that the bill dealt with not only cities and towns but also with persons, firms and corporations. I will say there has been an amendment prepared which will take care of that difficulty.

The SPEAKER: The gentleman from Gardiner, Mr. Slosberg, moves that the House accept the minority report, "Ought to pass." Is this the pleasure of the House?

The motion prevailed and the minority report "Ought to pass" was accepted in concurrence.

Senate Amendment "A" was read by the Clerk.

Senate Amendment "A" to S. P. 46, L. D. 22, Bill, "An Act Relating to Payment of Accounts to the State."

Amend said bill by striking out in the 6th line thereof the words "person, firm," and the words "or corporation" and by inserting after the word "town," in the 6th line the word 'or' and by striking out in the 8th line thereof the words "him or," and by striking out the words in the 11th line thereof "person, firm," and the words "or corporation," and by inserting after the word "town," in the 11th line the word 'or', and by striking out in the 17th line thereof the words "person, firm," and the words "or corporation" and by inserting after the word "town", in the 17th line the word 'or', and by striking out in the 19th line thereof

the words "person, firm," and the word "or", and by striking out in the 20th line the word "corporation", and by striking out in the 21st line the words "such person," and by striking out in the 22nd line the word "firm," and the words "or corporation", and by inserting after the word "town," in the 22nd line the word 'or'.

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

On motion by Mr. McGillicuddy of Houlton, the House voted to take from the table the third tabled and unassigned matter, Resolve for the Purchase of Two Hundred Fifty Copies of "The Old Man of the 103rd." (H. P. 1184) (L. D. 1113) tabled by that gentleman on April 7th pending passage to be engrossed.

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

House Amendment "A" to H. P. 1184, L. D. 1113, Resolve for the Purchase of Two Hundred Fifty copies of "The Old Man of the 103rd."

Amend the title by striking out the following words, "Two Hundred Fifty".

House Amendment "A" was adopted, and the Resolve was passed to be engrossed as amended and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: Mr. Speaker, Mr. Payson tabled this matter the other day, and we talked it over at that time about taking it off today. That was the agreement. He not being here—

The SPEAKER: The Chair will inquire of the gentleman the number of the tabled and unassigned matter.

Mr. GOOD: The seventh tabled and unassigned matter.

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

On motion by the gentleman from Portland, Mr. Payson, the House voted to take from the table the seventh tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Taxes upon Wines and Spirits." (H.



P. 1474) (L. D. 607) tabled by that gentleman on April 8th pending the motion of Mr. Good of Monticello, to substitute the bill for the report.

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

Mr. GOOD: Mr. Speaker, I have not a great deal to say on this bill. You know as much about it as I do. The only reason this bill was offered was to take care of Mr. Holman's bill in case the half-cent gas tax failed. It looks as though it was on its way to the graveyard, I don't know. But this is a measure designed to get \$600,000 without any inconvenience to anyone or doing anyone any hurt. The argument that we have heard is that people will bootleg with a ten per cent additional tax on this liquor. I will say it won't make it as high as it is in New Hampshire, and I don't think as high as it is in Massachusetts. There will be no more bootlegging with ten per cent than with twenty per cent.

I know a certain place in this city, and when people want a bottle of liquor they do not walk down to the liquor store but they buy it right in the hotel. Supposing it does cost a little more, here is a chance to help real estate property owners a little bit.

It seems to be the feeling of some of the men who have spoken before me that we want to tax real estate more and break the back of the farm owner and the real estate owner. I think this is a way we can relieve them a little and it will not hurt anyone at all, so I move that we substitute the bill for the report.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that this bill lie on the table. The reason for that motion—

The SPEAKER: The Chair will have to state that a motion to table is not debatable.

The gentleman from Strong, Mr. Richardson, moves that this report lie on the table pending the motion of the gentleman from Monticello, Mr. Good, that the bill be substituted for the "Ought not to pass" report. Is this the pleasure of the House?

The motion prevailed and the bill and report were retabled pending the motion of the gentleman from Monticello, Mr. Good, that the bill

be substituted for the "Ought not to pass" report.

The SPEAKER: The Chair will state that it is of extreme importance toward an early adjournment that members remove matters from the table where possible.

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

Mr. PAYSON: Mr. Speaker, I move to reconsider our action of this morning on Item 3, "An Act Incorporating the Maine Vocational School" (L. D. 1079) whereby we passed that bill to be enacted as an emergency measure, a constitutional question having arisen on the emergency measure.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House reconsider its action taken earlier in today's session whereby it passed to be enacted as an emergency measure Legislative Document 1079, An Act Incorporating the Maine Vocational School. Is this the pleasure of the House?

The motion to reconsider prevailed, and on further motion by Mr. Payson the bill was tabled pending passage to be enacted.

On motion by Mr. Newcomb of Carmel, the House voted to take from the table the sixth tabled and unassigned matter, House Report "Be Referred to the 91st Legislature" of the Committee on Temperance on Bill "An Act Relating to the Manufacture and Sale of Cider" (H. P. 1560) (L. D. 849) tabled by that gentleman on April 8th pending acceptance; and on further motion by the same gentleman, the report was retabled and specially assigned for tomorrow morning.

On motion by Mr. Payson of Portland, the House voted to take from the table the twelfth tabled and unassigned matter, "An Act Relating to Safety on Highways" (H. P. 1892) (L. D. 1107) tabled by that gentleman on April 10th pending the motion of Mr. Williams of Bethel, to indefinitely postpone the bill.

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

Miss BANGS: Mr. Speaker and Members of the House: This being a report coming out of the Committee on Motor Vehicles, I simply rise to make an explanation of what the bill is and what the intent was. It was a bill put in by the Safety

Department to eliminate this business of trucks loading up with people going picnicing and so forth and people hanging onto those cars. The committee felt that the proposition was worth while. In discussing it, however, we felt that it was a little bit stringent by making it provide for all people, so we rewrote the bill to provide for minors only. I understand, however, that there are people who feel that even with the provision as to minors it is a little too drastic, so I will simply say we considered this a safety measure. If you feel that it is a little too severe, I know that the committee would go along with you on any amendments which you might propose. With that, I leave it up to you.

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

Mr. WILLIAMS: Mr. Speaker, I think I discussed this matter quite thoroughly a day or two ago. I will state that I do understand some amendments have been suggested, but personally I can see no special virtue in the proposed amendments. The amendments that have been suggested provide that you can take your friend's children or other children with permission. If it is designed as a safety measure, the question of whether they are your children or somebody else's children would not make any difference at all. It either is a safety measure and should be voted on as a safety measure, or else it is a nuisance. Personally I believe it is a nuisance and should be killed as such.

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

Mr. WELCH: Mr. Speaker, I just want to cite one instance where this would seriously affect our county. In many cases in the fall of the year the potato picking crews go out on trucks, and in those potato picking crews are many minors. It is probable with the shortage of labor this fall there will be more minors than ever, and in transporting those minors from one farm to another, that is about the only

means they have. I know of one case where a man in the county raises a good many acres of potatoes and he hires them entirely picked by children. He sends a truck into Caribou and the children go out onto the farm. He has a man on the truck to see the children are all seated before they start. The children pick potatoes all day and the truck takes them back at night. I think this would hurt those people. I hope that the motion to indefinitely postpone will prevail.

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

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

Mr. LaFleur of Portland was granted unanimous consent to address the House.

Mr. LaFLEUR: Mr. Speaker, I dislike very much to address this House, but if it be in order I now move you that unanimous consent be granted to the gentleman from Rockland, Mr. Sleeper, to explain to you how it feels to be a year older, because I understand it is his birthday today. (Laughter)

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, requests unanimous consent to address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. SLEEPER: Mr. Speaker, the gentleman from Rockland does not care to answer. (Laughter)

The SPEAKER: The House is proceeding under Orders of the Day. If there are no further matters to come before the House under Orders of the Day, the Clerk will read the notices.

On motion by Mr. Anderson of Oxbow Plantation,

Adjourned until ten o'clock tomorrow morning.