

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

# Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

**HOUSE**

Thursday, April 17, 1941.

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

Prayer by the Rev. Mr. Stiles of Augusta.

Journal of the previous session read and approved.

**Papers from the Senate****Final Report**

From the Senate:

Final Report of the Committee on Sea and Shore Fisheries.

Came from the Senate, read and accepted.

In the House, was read and accepted in concurrence.

**Non-Concurrence Matter**

From the Senate:

Bill "An Act relating to Licenses and Permits for Outdoor Advertising" (H. P. 1153) (L. D. 357) on which the House accepted the Minority Report of the Committee on Judiciary reporting "Ought to pass" on April 4th, and passed the Bill to be engrossed as amended by House Amendment "B" on April 15th.

Came from the Senate with the Majority Report of the Committee reporting "Ought not to pass" accepted in non-concurrence.

In the House, on motion by Mr. Megill of Belgrade, 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. MEGILL of Belgrade  
GRUA of Livermore Falls  
MILLS of Farmington

**Non-Concurrent Matter**

From the Senate:

Bill "An Act relating to School Tax in Unorganized Territory" (H. P. 1341) (L. D. 569) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 5th.

Came from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Dutton of Bingham, the House voted to recede from its former action and concur with the Senate in the indefinite postponement of the Bill.

**Non-Concurrent Matter**

From the Senate:

Resolve relative to Game Preserve on Munroe Island (H. P. 469) (L. D. 205) which was recommitted to the Committee on Inland Fisheries and Game in the House on March 13th.

Came from the Senate, the "Ought not to pass" report accepted in non-concurrence.

In the House, on motion by Mr. Sleeper of Rockland, the House voted to recede from its action whereby this Bill was recommitted to the Committee on Inland Fisheries and Game.

The House then concurred with the Senate in the acceptance of the "Ought not to pass" Report.

**Non-Concurrent Matter**

From the Senate:

Bill "An Act to Aid Agriculture by Providing for the Organization of Rural Electrification Cooperatives" (H. P. 350) (L. D. 137) which was passed to be engrossed in the House on April 11th as amended by House Amendment "A".

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

In the House:

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

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

Amend Section 26 of said bill as Amended by House Amendment A, so that the same shall read as follows:

**Sec. 26. Cooperatives not public utilities.** Cooperatives shall not be deemed to be public utilities; except with the consent of the public utilities commission, no premises shall receive services from any cooperative if such premises were on the date of the organization of such cooperative receiving or prior thereto had been receiving electric service from a public utility, or which are situated on those portions of roads or ways along which the distribution lines of an existing utility are located, nor if such service from the cooperative is to be rendered in the territory in which an existing utility is authorized to

render such service unless and until such service has been requested of the existing utility by various persons whose premises are so located as to be fairly representative of the route or routes of the proposed distribution lines or line of the cooperative to be built in such territory and the utility has either refused or neglected for an unreasonable length of time to furnish such service; any existing utility may give its consent to a cooperative to serve any portion of the territory which said utility is authorized to serve. Any person who has been refused membership in or service by a cooperative may complain of such refusal to the public utilities commission which may after hearing upon finding that such service may reasonably be rendered order such person to be served.

Thereupon, on motion by Mr. Downs of Rome, the House voted to recede from its action whereby it passed this Bill to be engrossed.

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

#### Non-Concurrent Matter

From the Senate:

An Act relating to Caucuses in the city of Waterville (H. P. 1856) (L. D. 1118) which was passed to be enacted in the House on April 11th and passed to be engrossed as amended on April 8th.

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

In the House, on motion by Mr. Poulin of Waterville, the House voted to recede from its former action and concur with the Senate in the indefinite postponement of this Bill.

#### Senate Insisting — Conference Asked

From the Senate:

Bill "An Act to Prevent Fraudulent Advertising" (S. P. 345) (L. D. 662) which was indefinitely postponed in the House on April 15th 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 Committee Amendment "A" and asking for a Committee of Conference and

with the following Conferees appointed on its part:

Messrs. HILDRETH of Cumberland  
FELLOWS of Kennebec  
Miss LAUGHLIN of Cumberland

In the House:

On motion by Mr. Conant of Auburn, 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:

Messrs: CONANT of Auburn  
BRIGGS of Hampden  
MILLS of Farmington

#### Senate Insisting — Conference Asked

Bill "An Act to provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment" (S. P. 193) (L. D. 506) on which the House accepted the Majority Report of the Committee on Education reporting "Ought not to pass" on April 15th in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Minority Report of the Committee reporting same in a new draft (S. P. 537) (L. D. 1095) was accepted and the new draft passed to be engrossed, and with the following Conferees appointed on its part:

Messrs. BATE of Kennebec  
LIBBY of Cumberland  
CHAMBERLAIN of Penobscot

In the House:

On motion by Mr. Pratt of Turner, the House voted to insist on its former action and join in a Committee of Conference.

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

Messrs. PRATT of Turner  
McKUSICK of Parkman  
OSGOOD of Bradford

The following Report:  
From the Senate:

April 15, 1941.

To the Honorable Senate and House of Representatives, of the Ninetieth Legislature of the State of Maine:

The Judiciary Committee to which was referred the initiative petitions proposing to the Legislature "An Act to Provide a Police Commission for the city of Biddeford" (I. B. 1), reports that said petitions were filed in the office of the Secretary of

State on March eighth and tenth, that the total number of legal signatures on all petitions proposing the above-mentioned act is 13,955, and that, therefore, said petitions are sufficient for the purpose of submitting said act to the voters, for their acceptance or rejection; and the Committee recommends that said act, "An Act to Provide a Police Commission for the City of Biddeford" (I. B. 1), be submitted to the voters of the State in accordance with the provisions of the State Constitution, for their action thereon.

Respectfully,  
(Signed)

GAIL LAUGHLIN,  
Chairman.  
Committee on Judiciary.

Came from the Senate, read and accepted.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and Members of the Eighty-ninth Legislature: I move, Mr. Speaker, that the House substitute the bill for the committee recommendation that the initiated act be submitted to the voters of the State, for their action thereon. This recommendation is in effect an "Ought not to pass" report.

By section 18 of Article 31 of the Constitution, 12,000 or more electors may propose to the Legislature for its consideration any act or modification or repeal of same. That section further provides that any act thus proposed may be enacted by the Legislature without change, and unless so enacted, the proposed act is to be submitted to the voters of the State. These petitions contain a request to the Governor to call a special election not less than four months nor more than six months after the day of adjournment of the Legislature. The State Constitution provides for the election unless the Legislature passes the bill. I have been informed that this special election will cost the State between ten and fifteen thousand dollars and the cities and towns a like amount. That money can be saved to the State by the enactment of this legislation.

What does the proposed bill attempt to do?

First: It permits the citizens of

Biddeford to elect their own police commissioner.

Second: It permits the citizens of Biddeford, under the general laws relating to cities and towns, to say whether or not they desire to establish a pension plan for the police department.

Third: It provides for the control of departmental expenditures in that department by requiring approval of expenditures by the Finance Committee, as is now applicable under the city charter to all other departments of the city.

Fourth: It represents the wishes of approximately all the taxpayers of the city because it means that this department can be run for \$20,000 per year, instead of almost \$60,000 under the provisions of chapter 110 of the Laws of 1939.

At the hearing before the Legal Affairs Committee this year, on a similar bill, the proponents included the Vice President of the First National Bank, the Chairman of the Board of Trustees of another bank, and many other business men of the city who are interested in keeping the tax rate at its present level, and lowering it, if possible, but not increasing it.

At the last September election, the citizens of Biddeford voted by an overwhelming majority for the law as it then stood, and which this Legislature seeks to restore to the statute books. This house has passed several bills relative to water districts, school districts and the like, subject to local referendum.

In behalf of the taxpayers and citizens of Biddeford, and to save the expense of between ten and fifteen thousand dollars to the State, which will be the cost of holding the special election, I hope that the bill will be substituted for the committee recommendation.

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

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

The SPEAKER: The gentleman may have that privilege.

Mr. MCGLAULIN: Mr. Speaker and Ladies and Gentlemen of this House: I am speaking on this bill in favor of the motion of the gentleman from Biddeford, Mr. Donahue, solely in the interest of fair play. This is the fifth year I have

been in this Legislature. Four years ago there was introduced in this House a measure similar to the one that has caused all this trouble, and I opposed it, and fortunately, at that time it was defeated.

Two years ago this matter came up again, and I was lobbied more on that measure than any other measure that has come up in the House since I have been here, and this is what they told me: They frankly told me this was a Republican measure to handicap and hinder the Democrats in Biddeford, and they wanted me to go along with it. I said flatly that I would not, but that I would not oppose it.

And then politicians came to me and said, "You are a Republican. You should go along with a Republican measure." And I told them that the Republican Party had not yet got such control of me that I would do a rotten thing to please anybody. Then they sent me to an attractive-looking woman. You know that always interests me. (Laughter)

And they argued for this measure, that as a Republican I ought to support it. I did not support it; I spoke against it, as the record shows.

Now let me tell you something else. There was man after man came to me and said, "I think you are right." But what did they do? Those same men voted for that damnable measure because they had a collar on their neck and they did not have the independence of true men to stand on their feet and vote according to their conscience, and that bill went through. It was rotten from the start; it was unfair; it was trying to put Biddeford in a class by itself, just to help rotten politics. That is a fact.

Now you know what the consequences are. You cannot do things without having some reaction, and this one had its reaction. You know the history that followed it. It has been before the courts, it has been before the people, had to go to a referendum before the people. I am telling you that the people did not know about what they were voting on. Those that thought it was a Republican measure voted for it, and so it was a very close vote.

Now here is the situation: More

than thirteen thousand people who are interested in Biddeford, and perhaps more in the surrounding territory, feel that Biddeford has a right to choose their own Police Commission, and I agree with that. It is a matter of local self-government.

They were so much interested in this that they got up their own initiative, signed by all these people, and they set forth the law that they want. That comes up here; it is referred to the Judiciary Committee, and I note that the Judiciary Committee decides this should be referred to the people. I am on that Judiciary Committee, and I am going to tell you right here and now I did not sign any such report. When that vote was taken I did not happen to be there. If I had been there I should not have signed it. So you can put down one as against that report right now.

Why should the motion of Mr. Donahue prevail? For these reasons: If you pass the recommendation of the Judiciary Committee, that means a referendum. That is going to cost the State of Maine at least \$25,000, and again the people are voting on a subject they do not know anything about.

Now here is a measure that meets the approval of the people who are interested, and I say we should not dodge that issue. It is up to us to decide right here, not for the Judiciary Committee but for this House, and the other body, to pass our judgment on this thing after discussion. We are in a better position to decide than the people possibly can be. I am willing for this measure to go through just as they have drawn it. I do not think we should pass the buck; I think we should settle it here and now. I think there is merit in the position taken by some of the people of Biddeford. I am for the motion of Mr. Donahue.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House substitute the bill for the report of the Committee. The Chair recognizes the gentleman from Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, my argument will be along the lines that have been presented by the gentleman from Portland (Mr. Hinckley). I too believe in home

rule of cities and towns. I think when the great majority of the people in a city or town feel that they want to govern themselves in a certain way we ought to allow them to do it. It is for them to decide what kind of government they want; and it is my belief that if the government becomes too bad the people themselves will overturn it. I think Biddeford should have that right.

Now it has been pointed out that two years ago the bill that was passed was clearly and admittedly a political measure; it was not a fair bill, and I for one am willing now to change what we did two years ago. The bill before us would do that very thing. Biddeford has voted by a petition that they want the law changed. They have introduced before this Legislature a bill for our consideration. Now the Judiciary Committee is divided on just how it shall be voted on, whether or not we shall do it in this House or send it on to the people.

It has been pointed out that if we pass it then it need not go to the people, but if we do not pass it then we must send it on. I do not think we ought to subject the cities and towns in the State to that expense. As long as I believe that the bill should have a passage, I, for one, am willing to take the responsibility and act on it here rather than cause this unnecessary expense.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the bill be substituted for the committee report. The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Members of the House: I want to say that I heartily concur with the remarks of the gentleman from South Portland (Mr. Hinckley). I believe that this is a matter where principle prevails largely over matters of politics, and I certainly hope the motion of the gentleman from Biddeford (Mr. Donahue) will prevail.

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: Just one minute is all I am going to take. Two years ago I felt this was rotten politics, and I want to say that the same thing is again before the House. I

believe the gentleman's motion should prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the bill be substituted for the report of the committee. The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen: The question as it presents itself to me—and I am wondering if the situation is not the same in the minds of other legislators as it is in mine—is that it is a peculiar situation, and perhaps I might be accused of not having a proper understanding of what I intend to say. The idea involved, as I see it, is: Why should we, a Republican Legislature in large majority, try to dictate terms to a city that is 95 per cent Democratic? We have some good, outstanding and square shooting Democrats in this House, and I propose to go along with the motion of the gentleman from Biddeford (Mr. Donahue).

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House substitute the bill for the report of the committee. As many as are in favor of the motion of the gentleman from Biddeford, Mr. Donahue, that the House substitute the bill for the report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was substituted for the report of the committee.

The SPEAKER: The bill will lie on the table for printing under the Joint Rules.

The following Report:  
From the Senate:

April 15, 1941.

To the Honorable Senate and House of Representatives, of the Ninetieth Legislature of the State of Maine:

The Judiciary Committee to which was referred the initiative petitions proposing to the Legislature "An Act Relating to Elections in the City of Biddeford" (I. B. 2), reports that said petitions were filed in the office of the Secretary of State on March thirteenth, that the total number of legal signatures on all petitions proposing the above-mentioned act is 12,085, and that,

therefore, said petitions are sufficient for the purpose of submitting said act to the voters, for their acceptance or rejection; and the Committee recommends that said act, "An Act Relating to Elections in the City of Biddeford" (I. B. 2), be submitted to the voters of the State in accordance with the provisions of the State Constitution, for their action thereon.

Respectfully,

(Signed)

GAIL LAUGHLIN,

Chairman

Committee on Judiciary.

Came from the Senate read and accepted.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and Members of the Ninetieth Legislature: For the same reasons as I stated to the House when I made my motion on the previous bill, I move, Mr. Speaker, that the House substitute the bill for the committee recommendation that the initiated act be submitted to the voters of the State for their action thereon.

This proposed act merely relates to the conduct of primary elections in the City of Biddeford. At the last State election the citizens overwhelmingly voted in favor of the retention of this law. For those reasons, I hope that the House will see fit to substitute the bill for the committee recommendation.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that the House substitute the bill for the report of the committee. Is this the pleasure of the House?

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

Mr. McGLAUFFIN: Mr. Speaker, I merely want to say that the same argument that I just made also applies to this bill.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that the House substitute the bill for the report of the committee. Is this the pleasure of the House?

The motion prevailed and the bill was substituted for the report of the committee.

(Tabled pending printing under the Joint Rules.)

## Orders

Mr. Murchie of Calais, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that there be paid to Committee clerks, messengers, stenographers and others for salaries and special services the amount stated opposite their respective names on a payroll list certified to the State Controller by the Chairman of the Committee on Appropriations and Financial Affairs.

The Order received passage in concurrence.

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

Mr. MURCHIE: Mr. Speaker, I now move you, Sir, in order that we may speed up the progress of this Legislature, that this Order be sent forthwith to the Senate for approval.

Thereupon, the Order was sent forthwith to the Senate for concurrence.

On motion by Mr. Welch of Chapman, it was

ORDERED, that the Secretary of State be requested to prepare for the use of the members of the Legislature two hundred and twenty-five copies of a supplemental list of legislative counsel and agents including those registered from February 20, 1941, up to the present date.

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

## House Reports of Committees Ought Not to Pass

Mr. Seeger from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of the town of Greenville (H. P. 1088)

Mr. Hall from the Committee on Indian Affairs reported same on Bill "An Act relating to Adoptions in the Indian Tribes" (H. P. 1576) (L. D. 927)

Reports were read and accepted and sent up for concurrence.

**First Reading of a Printed Resolve**  
Resolve providing for the Payment of Certain Pauper Claims (H. P. 1919) (L. D. 1157)



The Resolve was read once and tomorrow assigned.

**Passed to be Engrossed**

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

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

**Amended Bills**

**Bill Tabled**

Bill "An Act relating to Payment of Accounts to the State" (S. P. 46) (L. D. 22)

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

Bill "An Act relating to the Duties of Superintending School Committees" (S. P. 331) (L. D. 825)

Bill "An Act relating to Vital Records" (S. P. 409) (L. D. 822)

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

**Passed To Be Enacted**

**Emergency Measure**

An Act Increasing the Powers of the city of Brewer High School District (S. P. 551) (L. D. 1145)

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-five having voted in the affirmative and none in the negative, 125 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.

**Finally Passed  
Emergency Measure**

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Forty-one (H. P. 1900) (L. D. 1124)

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

This being an emergency measure, under the Constitution requires for its final passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the final passage of this resolve 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-five having voted in the affirmative and none in the negative, 125 being more than two-thirds of the entire elected membership of the House, the resolve was finally passed, signed by the Speaker and sent to the Senate.

**Passed To Be Enacted**

An Act Relating to the Stipend for Agricultural Societies (S. P. 90) (L. D. 95)

An Act relating to Compensation of Justices upon Retirement (S. P. 547) (L. D. 1129)

An Act relating to the Game Sanctuary in the town of Standish in the County of Cumberland (S. P. 548) (L. D. 1133)

An Act relating to the Taking and Sale of Clams in the town of Georgetown (S. P. 549) (L. D. 1132)

An Act relating to St. Joseph's Convent and Hospital (S. P. 555)

An Act relating to Transportation of Lobsters (H. P. 1556) (L. D. 847)

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

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

**Enactor Tabled**

An Act relating to Annual Audits in Cities, Towns, Plantations and Village Corporations (H. P. 1859) (L. D. 1072)

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

Mr. FLAGG: Mr. Speaker, I move the indefinite postponement of House Paper 1859, Legislative Document 1072. In support of that, I would like to call your attention to the fact that this bill will have the effect of repealing the present law. There have been unnumbered shortages in various cities and towns amounting to more than seventy thousand dollars. I will say this bill means nothing to me personally. I move that this bill be indefinitely postponed, so that the taxpayers will not have further losses.

The SPEAKER: The gentleman from Portland, Mr. Flagg, moves the indefinite postponement of the bill. The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: This bill is presented to cure what has become rather an intolerable situation among the smaller towns. We have been compelled to hold up the acceptance of our town reports until the State Auditing Department sees fit to send an auditor over there to look over our town books. In many cases agreements have been made with the State Auditing Department to have an auditor there at a certain definite time, and they have failed to comply with this agreement on various excuses.

All this bill seeks to do is to permit the towns to hire a qualified public accountant to go over their books. Now is there anything wrong about that?

The towns are perfectly willing and in most cases would rather have the State Auditing Department do the auditing, but they do insist their books should be audited at the end of the year so that the town reports can be accepted intelligently by the voters of the town. The State Department seems to think if they audit the town books any time during the year they can satisfy the citizens of the various municipalities.

I feel it is desirable legislation; I know it is for the benefit of the

towns; and I hope that the motion of the gentleman from Portland, Mr. Flagg, does not prevail.

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

Mr. FLAGG: Mr. Speaker, I should like to say further there is nothing in this bill which qualifies an accountant. Under this bill anybody can be termed an accountant, provided the townspeople so desire. I therefore feel my motion should prevail. If there is anything wrong with the situation, I feel that the fault lies with the State Auditor rather than any law we have on the books. I think the situation might be corrected by legislative order rather than do away with the law entirely.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Flagg, that the bill be indefinitely postponed. The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, it seems to me this strikes right at the root of home rule of our municipalities. This does not say the town or city cannot hire the State Department of Audit to do the auditing; it says if they want to they have the option of hiring somebody else.

When the Department of Audit bill was passed in 1937 I did not believe it was the intention of the Legislature to create a monopoly on municipal auditing work; but that is what happened: they could force the State Department of Audit to audit all of them. There was hardly any choice left to the municipalities. As a result of that the towns have to wait until the middle of the summer to get them.

I feel the selectmen in municipalities after all are competent to judge as to the competency of auditors and should be given that power to choose and should not be forced against their wishes to have the State Department of Audit in all instances. I know in my town we have the State Department of Audit and it has been very satisfactory, and I know we will continue to have it; but I think it is striking right at the root of our home rule principle in Maine to say we must have it and that our selectmen and townspeople are not competent to

say somebody else is fully as competent as they to do the auditing.

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

Mr. GOLDSMITH: Mr. Speaker and Members of the House: We have complained because the Federal government has been encroaching upon the powers of the State, and now the State wants to encroach upon the powers of the towns and cities. That is just what this bill will do. This bill in a way will give the town its right to continue with its audit system, which it should have. That should not be entirely in the hands of the State Auditor and the State.

Now let us be careful and not give too much of our rights to the State. The people in a town know what they want to do, and they know who they want to audit their accounts. This gives them a leeway, so that if they are not satisfied a certain percentage of the people in the town can appeal for an audit. I go along with Mr. Grua.

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

Mr. FENLASON: Mr. Speaker, I did not propose to speak on this measure at all, but, after listening to the remarks of the gentleman from Livermore Falls, Mr. Grua, who says that the selectmen know who they want for an auditor, I will say that might be true in the larger towns, but it is not true in the smaller towns.

We audited our books every year by a very competent person, we supposed, and the books of the town of Madison under this proposed law were in terrible shape. I have been asked by the Town of Madison and other towns in Somerset to please not change this. They are pretty cautious about their books if they realize the State Auditor is going to audit the accounts.

I think there is a little town right over here that is a pretty good example, the town of Washington. They pretty nearly stole everything they had.

The Tax Commissioner is rather familiar with that work, as he has to go over the books of every town official in Maine. I have been over the matter pretty thoroughly, and I think if we repealed this act it would be a move in the wrong direction.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Robinson.

Mr. ROBINSON: Mr. Speaker and Members of the House: As a member of the Towns Committee I want to defend the report of the committee.

This bill was taken under consideration by the committee and a great many parties heard on the side of change in the existing law. Quite a bit of evidence was given of extreme dissatisfaction with the State audit.

It is a fact, as has been mentioned, that irregularities have been found in different towns, and the State audit has been very helpful in straightening out that situation.

This principle of home government and the right of towns to govern themselves which has been very forcibly and very clearly enunciated on the floor of this House throughout the session seems to be one of the cardinal principles of this bill. The committee thought the town should have that right to appoint their own auditors.

I call your attention to the latter part of the bill, L. D. 1072, in argument against the statement of Mr. Flag.

It says:

"In case of dissatisfaction with the audit made by others than the state department of audit, upon petition of 10% of the legally qualified voters of any city, town, plantation or village corporation, the state department of audit shall make another audit, and the parties making such audits shall have access to all necessary papers, books and records."

So it does give the towns the right to use whichever method they deem best. I think that clarifies that situation and shows this bill is an improvement over the old method. I hope the motion of Mr. Flag will not prevail.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Fuller.

Mr. FULLER: Mr. Speaker, this bill came before the committee, had a fair hearing, held in the Tax Commissioner's office, and only one person appeared against the measure and that was a public accountant.

Now this bill as it stands here on your books today has been taken to

the Attorney General, it has been taken to the Tax Commissioner and their advice obtained on this measure, and they have informed this committee they saw no fault with the bill and the committee unanimously passed this bill out "Ought to pass".

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

Mr. HARVEY: Mr. Speaker and Members of the House: I want to go on record as approving of this bill. My own town has been audited by the State Department of Audit for several years.

Formerly we had in our own town a man who was fully capable of auditing the books, and he always did it to our satisfaction at a very nominal cost. Under the present audit we have been to an expense of over one hundred dollars for the auditing of our town. That has been questioned a great many times. I want to go on record as approving of this bill. I hope the motion of Mr. Flagg does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, if I understood Mr. Flagg correctly, he said under this bill almost anyone could qualify as an auditor.

This bill says: "The municipal officers of every city, town, plantation and village corporation in the state shall have an audit made of its accounts annually covering the last complete municipal year by either the state department of audit or by individuals or firms recognized as competent auditors by training and experience or by qualified public accountants."

I think it would not be right to say anybody could be appointed as an auditor.

I think it is a fact all towns have had considerable sad experience in not being able to get their accounts audited in time for the annual report, and that is one reason why I am in favor of this bill.

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

A viva voce vote being taken, the motion to indefinitely postpone did

not prevail, and the bill was passed to be enacted, and sent up for concurrence.

#### Passed to be Enacted (Continued)

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

An Act relating to Lobster Fishing Licenses (H. P. 1912) (L. D. 1143)

#### Finally Passed

Resolve to Apportion One Hundred and Fifty-one Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (S. P. 533) (L. D. 1096)

Resolve in favor of the towns in the Hancock-Sullivan Bridge District (H. P. 1222) (L. D. 439)

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Forty-two (H. P. 1901) (L. D. 1125)

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

#### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today especially assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act Repealing the Personnel Board Law" (S. P. 333) (L. D. 904) which came from the Senate, the Majority Report accepted; both reports tabled by the gentleman from Bethel, Mr. Williams, on April 16th, pending acceptance of either report.

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

On motion by Mr. Hinckley, the House voted to accept the majority report, "Ought not to pass" in concurrence.

The Chair lays before the House the second tabled and today especially assigned 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 the gentleman from Carmel, Mr. Newcomb, on April 16th, pending acceptance; and the Chair recognizes that gentleman.

Mr. NEWCOMB: Mr. Speaker, I

move that we substitute the bill for the report.

The SPEAKER: The gentleman from Carmel, Mr. Newcomb, moves that the House substitute the bill for the report of the committee. Is this the pleasure of the House?

All those in favor of the motion of the gentleman from Carmel, Mr. Newcomb, that the bill be substituted for the report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was substituted for the report of the committee.

On further motion by Mr. Newcomb, under suspension of the rules, the bill was given its first two readings and tomorrow assigned for third reading.

The Chair lays before the House the first tabled and unassigned matter, Senate Report "Ought not to pass" of the Committee on Pensions on Bill "An Act Relating to a Retirement Pension for Frank P. Washburn of Perry." (S. P. 70), tabled by the gentleman from Calais, Mr. Murchie, on April 7, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. MURCHIE: Mr. Speaker and Members of the House: Our original desire in regard to this resolve was to return it to the Committee for another hearing. The Committee was willing to do this and the Chairman was ready to set a date for one day this week.

As we look into the resolve itself, we found that it does not set up any pension for Mr. Washburn. It merely makes his case eligible for hearing and consideration before the Governor and Council for determination whether or not Mr. Washburn should go on the regular retirement list. If they should decide that he was eligible for the retirement list, he thus takes his place on an equal footing with all retired State employees and his case stands on its merits from the point of view of length of service and age at retirement.

The Governor has on his desk at the present time several similar cases which are waiting legislative action on appropriations and on the new retirement plan which would probably affect them all, and which would change the eligibility of some.

If this Legislature should not be able to devise a means of finding

money enough, none of these people could have anything. On the other hand, if it should make the necessary appropriation, they would all receive the same consideration.

Since this is merely an enabling act, making this case eligible for hearing before the Governor and Council, it seems a waste of time at this late date to ask for still another hearing before the Pension Committee. We therefore release them from their kind offer to give it another hearing, and ask this Legislature to substitute the resolve for the committee report that it may go before the Governor and Council for hearing.

If the granting of a pension to Mr. Washburn establishes a precedent, we believe it is time that the State establish such a precedent to take care of employees who have long and faithfully served the State and whose services are dispensed with when they are over sixty years of age.

I therefore move we substitute the bill for the report.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that the House substitute the bill for the "Ought not to pass" report of the committee.

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

Mr. McGLAUFFLIN: Mr. Speaker, I should like to face the House.

The SPEAKER: The gentleman may have that privilege.

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: I just want to say one word on this matter. This House is the fairest House that I have ever seen.

On several occasions, emergency measures have been introduced in the House, and when you have found what the emergency was, not a voice was raised against it.

As I have sat in this seat, when those things have happened, I have said to myself, "What a fine bunch of men and women,"—because in the past, time and again, I have seen worthy measures killed because somebody who did not know anything about it, and did not care anything about it, got up and made an objection.

Now, why I am saying that, is just to bring out this thought:

Mr. Washburn is up here for consideration. I am merely asking this House to vote on that measure according to its merits.

If you honestly think that he does not deserve any compensation—after serving twenty years here in this State House, and giving service which has been praised from one end of this country to another, why, that is all right. But if you believe, as I do, that he is entitled to something, all that I am asking you is not to turn him down, simply because it is going to cost a few dollars to pay him, but to deal according to his merit.

The State of Maine wants us to economize, but the State of Maine wants us to be fair, and when we do the fair thing, the people will back us.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I feel that we all are grateful for the high compliments that the gentleman from Portland, Mr. McGlauffin, has given this House.

But I feel in this instance that Mr. Washburn, during his twenty years of service to the State of Maine, has amply been repaid for that service. I do not believe that the citizens of this State of Maine or this House should go on record to give Mr. Washburn a pension for life at \$40.00 a week.

There are many people in this State who are needy and deserving, and they should receive recognition. There are some six thousand people waiting for pensions from this body, so that they may live in some degree of comfort. Mr. Washburn is not in that class. Mr. Washburn has served his State well, but I believe now that we should not compensate him further. I believe, thoroughly, that this money which you propose to pay to this man would take care of six needy persons in this State and give them a \$30.00 a month pension.

I believe in being fair, but Mr. Washburn is not suffering for this pension. He is not needy. He may be worthy, but I do not believe the people of this State want to go on record to pay this man \$40.00 a week for the rest of his life, and I am opposed to substituting the bill for the report.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Martin.

Mr. MARTIN: Mr. Speaker and

Members of the 90th Legislature: This is the first time I have risen to my feet to speak on any matter that has been brought before this body. I want to defend the Committee on Pensions, of which I am a member. I am not acquainted with Mr. Washburn, but I understand that he is man of very fine character, and that he is an outstanding farmer in the community in which he lives. But the Committee on Pensions does not consider the ability or character of an applicant for a pension; it must consider the need of that applicant.

Our committee went into this and analyzed the thing very carefully, and I want to bring to your attention some figures I obtained regarding the Commissioner of Agriculture:

During the past twenty years that he served in that department, he received from the State of Maine \$73,309.80.

After deducting the cut which all the employees of the State took from July 9, 1932, to October 8, 1932, and from April 12, 1933, to December 5, 1934, there was \$73,309.80 that the State paid him for this twenty-year period. In 1932, on January 1st, when every one of us did not know what was going to happen—that was the period of the bank holidays—he was granted an increase from \$3,500 to \$4,500. Over the period of twenty years that he served as Commissioner of Agriculture, his average yearly pay was \$3,665.49.

I hope that the motion to substitute the bill for the report does not prevail.

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

Mrs. GRADY: Mr. Speaker and Members of the House: Just a bit of memoranda to bring out the point that Mr. Washburn has helped agriculture along educational lines.

Mr. Washburn is now serving his 13th year as member of the Board of Trustees of the University of Maine. During his term of service he has been instrumental in securing for the University two new buildings—one for Home Economics and one for Agriculture. He is at present a member of a state-wide committee which is trying to obtain funds for building a new Animal Industry Building. He has

been appointed Trustee by Republican and Democratic Governors alike, and serves without any pay or even his expenses.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: Here is a man who has given the best years of his life to the State. If anybody deserves a pension, that man does.

What about our retired Chief Justices pulling down \$4,000 or \$5,000 a year? Do not forget about that.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I do not want to dwell upon my personal feelings for Mr. Washburn, to defend the substitution of the bill for the report, because I have a great deal of respect and admiration and liking for him, but I thought we ought to know the real picture there.

Of course, we all know that it is the custom of every successful business—and certainly the Department of Agriculture has been run as a successful business—I am pretty sure it is safe to say it is going to continue to be one of the best run departments in the State. Of course, I realize there are lots of arguments against the granting of pensions, but I think, in the case of Mr. Washburn, that here is a man who has given the best years of his life to the State. He worked for the State twenty years. He is now a man sixty-five years of age.

We have heard a great deal about the amount of pay he was granted. When he started with the Agricultural Department, it was one of the smallest departments in the State. He started for \$2,000 a year, and, as additional duties were added to the department, the inspections and those things, greatly adding to the work of the Department, his pay was gradually increased, little by little.

I want you to know just how well Commissioner Washburn ran his Department.

In the twenty-one years that he was Commissioner of Agriculture, his Department was run so well that he lapsed back to the State \$414,535—almost a half a million dollars that man saved for the State of Maine, in the twenty years he

was Commissioner. On that basis, I should think he ought to be entitled to some sort of pension or salary grant.

As I understand this bill, there is not any arbitrary figure set up. The bill does not ask or demand that Mr. Washburn be paid \$40.00 a week for the remainder of his life; it merely asks the Legislature to grant an Act, to enable the Governor and Council to determine if he shall be put on a pension list, the same as other State employees in a similar capacity.

Every business that is successfully run always pensions off the older men, as they get older. It is looked upon as some sort of a reward for giving faithful service. I think he should be granted something—perhaps not \$40.00 week—but I certainly think he should be granted a pension.

All this bill does is to simply ask that this matter be referred to the Governor and Council, and they can, if they see fit, give him a pension for the rest of his life. He is now sixty-five years of age; his record shows the faithful service he has rendered to the State; and he has saved the State \$414,000.

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

Mr. MCKUSICK: Mr. Speaker and Members of the 90th Legislature: As a member of the Committee on Pensions, I wish to defend my position that I took, by reading a Pomona Resolution, which influenced my position very strongly:

“WHEREAS, the tax burden in our State has reached an unprecedented high, to a point which means almost confiscation of real property,

BE IT RESOLVED, that we, the members of Piscataquis Pomona No. 11 vigorously protest the granting of pensions to any and all political office holders who fail to be reappointed.

BE IT FURTHER RESOLVED, that a copy of this resolution be mailed to our State Master who is in the Legislature, also that our Legislative Committee be instructed to place a copy of this resolution in the hands of our Representative in Augusta.

Signed, M. E. FAIRBROTHER.”

That is what we got from the people back home, and I must say

that influenced my position very strongly.

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

Miss DEERING: Mr. Speaker and Members of the House: There must be something very unusual about a public worker that will cause your most conservative group of people, your farmers, to express alarm and interest in that man's future.

One of the first questions I had put to me by some of the farmers, after the change in our Agricultural Commissioner, was the question, "Will Mr. Washburn get his pension?" They were very much interested in that, and they wanted the man to have it. He must have given them some very good service, for them to be that much interested in it.

I think that if we were very honest and courageous on this question of pensions, when we look over the record of a man who has served the State as conscientiously and as honestly as Mr. Washburn has, it might be well if you and I would look at the book of pensions and assistance in the Clerk's office. I think, if we probably had the courage, six or eight of us could go in there, and take back some of the pensions that we have granted for a few little favors or possibly a rosy future, and find the reward for this man, who has really done the work as he should have.

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

Mr. HANOLD: Mr. Speaker, yesterday several of my friends came to me and asked me if I would speak on the Frank Washburn pension bill, and I answered them "No". I will say to them now that I have changed my mind.

I have known Mr. Washburn a great number of years. He has been a very good friend of mine, as he has been to most of you people here. I have known him for a long period of time.

As has been said before, he certainly is a man who has served the State of Maine faithfully and well. He has got along in years, and, as you all know, his health is not too good.

I do not look at it from a sympathetic point of view, but wholly as the result of a man who has given

the best years of his life, working for the farmers. We all acknowledge that he has done a good job. I think he is entitled to some serious consideration on our part, and, particularly so in view of the fact, as I understand it, that if it were not for the action of this group at the caucus this year, he would again be serving the State of Maine. There is a political angle, to be sure, but, as I understand it, had he been re-elected by the men and women of this Legislature, he would, within a very short time, have been eligible to a pension, under the pension set-up of the State. I do hope that serious consideration will be given to a man who has served his State well, and that he will receive additional compensation for that service.

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

Mr. SHESONG: Mr. Speaker and Members of the House: This matter has been discussed on the basis of fair play. As a Representative of the State, I want to come to the defense of Mr. Washburn. I think that he should receive his pension, or at least that we should give the Governor and Council the opportunity of deciding if he is entitled to receive that pension.

We have ample precedent in such matters. It was only a few years ago that the Superintendent of the State School for Boys, after twenty years of service, retired and received a pension. He lived for three or four years after that time. Last year the Eighty-ninth Legislature granted his wife a pension. Now, she had rendered no service to the State. She had been his companion a great many years. But that Legislature did not hesitate to grant her a pension. I hope that Mr. Washburn receives a pension.

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

Mr. DOWNS: Mr. Speaker and Members of the House: Perhaps I am getting confused, and, if I am, I certainly hope that somebody will set me right.

I was much impressed by the remarks of the gentleman from Calais, Mr. Murchie. And this is what I gathered from his remarks: That this was actually an Enabling Act, which would confer upon the Governor and Council the right to grant



pensions in cases which to them seemed deserving, and that it was up to them to determine the amount which should be paid. I feel at the present time, I want to go along with that.

I have the highest respect for Mr. Washburn. It was my privilege to be associated with him in a small capacity for some years. It was my pleasure and privilege to help elect him the first time he was elected Commissioner of Agriculture.

But, in considering the matter of Mr. Washburn, I cannot be unmindful of certain other cases, upon which I have no right to speak at this time, which I believe might be corrected, if we so vote to pass this bill.

Perhaps I might be justified in saying that I have always been opposed to the retirement pension, as it has existed, but we hope that it is going to be corrected. But I have in mind, if I may be allowed to say this, that other officials, who have labored long and faithfully for the State of Maine, due to purely a technically, are deprived under our existing law of receiving what I believe are their just, rightful desserts.

I hope that under this bill, if I understand it correctly, what I believe to be another injustice might be corrected. I certainly trust that the motion of the gentleman from Calais, Mr. Murchie, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Carmel, Mr. Newcomb.

Mr. NEWCOMB: Mr. Speaker, as House Chairman of the committee, I feel that I should say a word regarding this pension matter.

From all the evidence we had before the committee, regarding this pension, I think that the "Ought not to pass" report was justified.

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

Mr. HARVEY: Mr. Speaker and Members of the House: I have nothing but the deepest regards for Mr. Washburn. I have known him for a great many years. He has visited a great many of our Granges. He has been a man very much respected in our community.

Now, at the same time, I have a thought for between 5,000 and 6,000 other friends, situated throughout

the State of Maine, who are in very much need of some help.

They are sitting back there, listening over the radio, and reading the newspapers, for some little notice of attention from us down here, and thus far we have taken no action. It is our duty to take care of those people back home. Those people are needy.

Those men and women back there are listening over their radios, and discussing the matter, and are still hoping that this Legislature may do something for them. For my part, I want to take care of them, before we grant any pensions to a man who has received the salary this man has received for the last twenty years.

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

Mr. LEAVITT: Mr. Speaker and Members of the House: I, too, am mindful of those six thousand people who need to be taken care of. I believe it is the sincere wish of everybody here to pass some tax measure before we leave, which will take care of those six thousand people. But I see no reason why, in taking care of those six thousand persons, that we should abuse one particular person, who has been a faithful servant of this State for twenty years.

When I came here, I understood that Mr. Washburn would have his pension, because he was eligible. I was one of those who voted against Mr. Washburn, because I believed he could have a pension, or that he was eligible for it.

Now, if we decided here not to give a pension to Mr. Washburn, how many of those six thousand persons do you think would benefit—if you divided the entire amount we hope to give Mr. Washburn, among the six thousand persons? It would be just a few pennies to them.

I think that we should raise money for these six thousand people and take care of them, if they need it, but I do not think that comes into this problem of pension for Mr. Washburn, at all. I think he is a man who has been a good servant to the State of Maine, and I think that we should give him his pension.

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

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

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

Fifty-four having voted in the affirmative and 62 in the negative, the motion did not prevail.

The SPEAKER: The question before the House is on the acceptance of the "Ought not to pass" report of the committee in concurrence.

On motion by Mr. Jacobs, of Auburn, the House voted to accept the "Ought not to pass" report of the committee in concurrence.

The Chair lays before the House the second tabled and unassigned matter, Bill "An Act Relating to Hours of Employment" (S. P. 524) (L. D. 1085) tabled by the gentleman from Augusta, Mr. Southard, on April 7th, pending assignment for third reading.

The Chair recognizes the gentleman from Bangor, Miss Clough.

Miss Clough offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 524, L. D. 1085, Bill, "An Act Relating to Hours of Employment."

Amend said bill by striking out the second paragraph of section 1 thereof and inserting in place thereof the following:

**'Sec. 21. Minors under 16 years of age not to be employed more than 8 hours per day. No minor under 16 years of age shall be employed in any workshop, factory, manufacturing or mercantile establishment, store, restaurant, laundry, or telephone exchange, or by any express or transportation company, more than 8 hours in any 1 day, and in no case shall the hours of labor exceed 48 in any 1 week.'**

Further amend said bill by adding after the first sentence in the second paragraph of section 2 thereof the following:

**'but at a rate of not less than the average hourly wage.'**

Further amend said bill by striking out the second sentence of the second paragraph of section 2.

Further amend said bill by striking out in the third sentence of the second paragraph of section 2 thereof the following: "The provisions

of sections 21 and" and substituting in place thereof the following: **'The provisions of section 1.'**

Further amend said bill by striking out in the third sentence of the second paragraph of section 2 thereof, after (3), the following: "employees in small telephone exchanges" and substituting in place thereof the following: **'employees in telephone exchanges wherein not more than 4 operators are on duty at any one time.'**

Further amend said paragraph by adding after the word "livestock" in that part of the second paragraph of section 2 designated (10), the following: **'(11) employees of common carriers, contract carriers and interstate carriers by motor vehicle.'**

Further amend said bill by striking out in the second paragraph of section 4 thereof the following: "sections 21 to 27, inclusive," and substituting in place thereof the following: **'section 23'**, and by striking out in said second paragraph the words "industries that" and substituting in place thereof the underlined words **'employers who.'**

Miss CLOUGH: Mr. Speaker and Members of the House: In offering this amendment, I want to say a few words about the bill it would amend, L. D. 1085. I voted upon this measure in good faith "Ought to pass" because I felt that it had merit in that it attempted to bring the hours of employment for men and women and minors—those who labor in our State in certain industries and occupation, clearly defined in the bill, into line with the 48 hour norm which has been established by fact and by precedent in many of our states. It has, as some of you know, long been my contention that men and women in industry could not be treated alike in that they seldom do the same sort of work, women needing even greater protection under the law than men by reason of their different constitutions.

However, because I felt that we must start somewhere, and in light of the F. L. S. A., which makes no discrimination between men and women, I was willing to compromise in this measure, feeling that the 48 hour ceiling was fair for both and that those who wished to work overtime might do so for compensation. The 54 hour standard for women which is on our statutes seems long by present day standards. Men, as

you know, are not limited to hours under our statutes. This 48 hour proposed standard for both men and women with compensation for overtime, seems reasonable in light of national standards which now fix a ceiling of 40 hours in certain occupations and industries of interstate character, with time and a half for overtime.

At the public hearing on the bill, the measure was not, to the best of my recollection, opposed by a single person, by labor representatives, by private citizens or by any of those who represent the industries of the State. Indeed, many of these supported the measure wholeheartedly and gave their reasons for so doing. One in particular stated that he felt that such legislation was in line with our Party promises which recognized the needs of labor and promised to support legislation which would strengthen Labor's right to certain standards. This is my belief, for to me the fact of exploitation of the worker is abhorrent to all citizens who appreciate the fact that those employers who maintain standards of decency in providing employment for their workers do so knowing that this is the way to procure the greatest efficiency on the part of those who work for them.

In reporting this measure in re-draft, the form in which the measure now appears and which was the result of great consideration on the part of the committee, the bill was expanded to include certain exemptions. It was felt that this was wise—in light of the Federal Fair Labor Standards Act which makes these exemptions for interstate industries—and in light of a possible misinterpretation of the measures, if it should become law, in the event these exemptions were not specifically set down. I think it is not too much to suggest in this regard that there is still some doubt in many instances as to how far the Fair Labor Standards Act does go in its interpretation as to what really does constitute interstate commerce. Hence, this safeguard. All in all, the measure seems to me to be fair and just and progressive, keeping faith with employer and employee alike who are engaged in intrastate occupations and industries. It therefore has my support. It was tabled with the consent of the committee in order that these

amendments, which I have offered might be added, to clarify and strengthen it further, and which do not in any way change the intent and purpose of the bill.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. Pierce offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" to S. P. 524, L. D. 1085, Bill, "An Act Relating to Hours of Employment."

Amend said Amendment by striking out the headnote to the second paragraph thereof and inserting the following in place thereof:

**'Employment of minors under 16 years of age, and females, regulated.'**

Further amend said Amendment by adding at the end of the second paragraph thereof the following: **'No female shall be employed in any workshop, factory, manufacturing or mercantile establishment, store, restaurant, laundry, or by any express or transportation company more than 48 hours in any 1 week.'**

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker and Members of the House: I wish to offer this relatively brief history—

Miss CLOUGH of Bangor: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman from Bangor, Miss Clough, rises to a point of order. The gentleman may state her point.

Miss CLOUGH: Mr. Speaker, as I construe this amendment as offered by Mr. Pierce, it is substantially the measure that was voted upon by this House and rejected on March 27th and rejected by the Senate on March 28th. We are governed by Rule 14, which states:

"Whenever any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member."

I suggest that the gentleman's amendment is out of order.

The SPEAKER: The Chair will inquire from the gentleman from Bangor if she questions the germaneness of the amendment to this particular bill?

Miss CLOUGH: Mr. Speaker, I do. It makes the bill, as I construe it, a substantially different bill in that it will now seek to regulate the hours governing the employment of females only.

The SPEAKER: The Chair will invite discussion on the part of the gentlewoman from Bangor, Miss Clough, as to her reasons for stating that the proposed amendment is not germane to the subject matter contained in the bill.

Miss CLOUGH: Mr. Speaker, if I may go back to the bill, L. D. 750, which I stated was rejected by this House and by the Senate, it contains the provision that "No female shall be employed in any workshop, factory, manufacturing or mechanical establishment more than 8 hours in any one day, and in no case shall the hours of labor exceed 48 in any one week."

The SPEAKER: The Chair will suggest that perhaps the gentlewoman from Bangor did not understand the Chair's question. The Chair's question was whether or not the gentlewoman from Bangor questioned the germaneness of the amendment to the subject matter of the bill under consideration.

Miss CLOUGH: Well, Mr. Speaker, by germaneness you mean if it is substantially the same? I do question it. It makes a different subject matter.

The SPEAKER: Then the Chair does not understand that the gentlewoman raised a point of order on the germaneness of the amendment to this particular bill, but rather raised a point of order based on the fact that a previous bill of the same subject matter had been defeated in the House.

Miss CLOUGH: Mr. Speaker, I think that is true, the fact of the rejection of a similar measure and the fact that it needs three days' notice and reconsideration for introduction.

Mr. McGLAUFILIN of Portland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. McGLAUFILIN: Mr. Speaker, I merely want to say I think the lady from Bangor (Miss Clough) misconstrues the intention of that rule.

The SPEAKER: The Chair will rule that the point is not well taken, Rule 14 stating that "When any measure shall be finally rejected, it

shall not be revised except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member."

In the Chair's opinion, the word "it" means that a measure shall not be revived, and the rule clearly states that no such measure shall be introduced. An amendment, not being a measure, does not come within that rule.

The gentleman from Bucksport, Mr. Pierce, has the floor.

Mr. PIERCE: Mr. Speaker, I am very sorry for bringing fireworks again into this room. (Laughter)

I would like to give you a very brief history of this bill.

There were six bills introduced in this Legislature which pertained to the forty-eight hour law. The proponents of this measure, together with the representatives of labor and the representatives of industry, in trying to expedite matters and make the work of the committee and the House easier, got together and tried to iron out some, and some were withdrawn. This was one of the few that was not withdrawn.

The substance of the bill is similar to the one that was rejected. I want to point out to you very briefly why I am opposed to the bill, and I will speak as an individual and not as a member of the Labor Committee.

I call your attention to Section 23:

"No person shall be employed \*\*\* more than 48 hours in any one week, unless such employee receives compensation for his employment in excess of the hours specified at a rate to be determined by agreement between such employer and his employer."

It is my personal belief that this is going against the intent of all parties interested.

As you know, the fifty-four hour law for women is in effect. It is my personal belief that if this amendment is introduced without my amendment it is going the way I believe nobody intends the law to go. It does not cut down the hours for employment of women; in fact it takes the fifty-four hour ceiling off, and the employer can work women any number of hours. True it says "to be determined". That might work where labor was well

organized and in a position to have contracts, but it would not work in the case of some of these chiseling employers.

I want to cite one illustration. This morning I had breakfast at a place where I believe every person here has eaten, down on Water Street. I got to talking with one of the girls about this bill. She mentioned the fact she was receiving for her fifty-four hours a week eleven cents an hour. If this amendment should be adopted, Filing No. 210, that employer could work her any number of hours over fifty-four for the princely sum of eleven cents an hour.

For that reason I am opposed to the bill as it is, as an individual, not as a member of the Labor Committee, and for that reason I offered my amendment, and I hope it will be adopted.

The SPEAKER: The Chair has just been informed that all of these amendments have not been distributed. The House may be at ease for a few moments while the rest of the amendments are distributed.

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

Mr. PAYSON: Mr. Speaker, I am afraid that if the discussion continues that we will have to break into the middle of arguments. I therefore move that the House recess until two o'clock.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House recess until 2 o'clock. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

#### AFTERNOON SESSION—2 P. M.

The SPEAKER: The House is proceeding under Orders of the Day. The question before the House is on the motion of the gentleman from Bucksport, Mr. Pierce, that House Amendment "A" to House Amendment "A" be adopted. The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, I move that House Amendment "A" to House Amendment "A" be indefinitely postponed.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that House Amendment "A" to House Amendment "A" be indefinitely postponed. Is the House ready for the question? All those in

favor of the motion of the gentlewoman from Bangor, Miss Clough, that House Amendment "A" to House Amendment "A" be indefinitely postponed will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed and House Amendment "A" to House Amendment "A" was indefinitely postponed.

The SPEAKER: The question now before the House is on the motion of the gentlewoman from Bangor, Miss Clough, that House Amendment "A" be adopted. All those in favor of the motion of the gentlewoman from Bangor, Miss Clough, that House Amendment "A" be adopted will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and House Amendment "A" was adopted.

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

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

Mr. ARZONICO: Mr. Speaker, under suspension of the rules, I move that this bill have its third reading at this time.

The SPEAKER: The gentleman from Yarmouth, Mr. Arzonico, moves that the rules be suspended and the bill be given its third reading at this time. Is this the pleasure of the House?

(Cries of "No", "No".)

The SPEAKER: The motion to suspend the rules requires the two-thirds vote of all the members present.

The Chair recognizes the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: Mr. Speaker and Members of the House: I note the absence of Mr. Pierce here, and I think it would be only fair to allow the matter to go along its usual course rather than try to ride it through while he is absent. I do not think we should have the third reading at this time.

The SPEAKER: All those in favor of the motion of the gentleman from Yarmouth, Mr. Arzonico, that the rules be suspended 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 less than two-thirds of the members having arisen, the rules are not suspended.

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

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

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

Mr. ARZONICO: Mr. Speaker, when I made that motion I did not know that the gentleman from Bucksport (Mr. Pierce) was not present, and that was my reason for making the motion; otherwise I should not have made it.

Thereupon the bill was assigned for its third reading tomorrow morning.

The Chair lays before the House the third tabled and unassigned matter, Senate Report "Ought to pass in new draft" of the Committee on Maine Publicity on bill "An Act Relating to Automobile Junk Yards." (S. P. 359) (L. D. 820) New draft (S. P. 539) (L. D. 1117) tabled by the gentleman from Dixfield, Mr. Holman, on April 8th, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. HOLMAN: Mr. Speaker and Members of the House: When I looked this bill over the other day, it looked like a very vicious bill to me.

I want to call your attention to the statement of purpose, in the second paragraph, where it says: "Whereas, these graveyards have become a nuisance and a menace to safe travel on public ways, often detracting the attention of drivers of motor vehicles."

It seems to me that I have heard something about developing beauty spots along our highways; and I wonder what these are for, if they are not to detract the attention of the drivers of automobiles?

I want to call your attention to some of the inconsistencies of some of the statements made in this bill.

A particular objection to this bill is found in Section 5,—Limitations to granting permits if within 100 feet of a highway.

Now, Section 3 provides that the Municipal officers may advertise a public hearing, and may give a permit to establish a junk yard.

Section 4 states that this junk

yard may not be within 500 feet of any state or state aid highway, unless there is a fence around it, or some natural object—trees or something,—to screen it from the highway.

Now, in Section 5, it says: "Furthermore and notwithstanding the provisions of section 3, no permit shall be granted for such automobile junk yard to be established within 100 feet of any public highway previously designated as such except upon compliance with the provisions of section 4 and upon payment of an annual fee of \$500 to the city or town or unorganized township within which limits the automobile junk yard is to be established, operated or maintained."

Now, that says within 100 feet of any public highway.

I have in mind one particular instance where the public highway upon which this junk yard is established is in an almost unimproved road. It simply extends, at the present time, to a set of farm buildings, one-eighth of a mile, approximately, away from the State Federal Road. This is a dead-end road at the present time. And two boys grow up on that farm and start in a junk yard business. They established one of the largest junk yards in the State of Maine, and are doing a perfectly legitimate business, a big business. They have built two garages side of this crossroad with which to do the work, and keep four or five men employed all the time.

Now, this being within 100 feet of that particular driveway, it does not concern anybody but those people.

That is why I object so seriously to this bill.

To take care of that, I have had an amendment prepared, which strikes out the words "public highway" previously designated, in that section 5, and inserts in place thereof, "State or State Aid Highway."

Now, that provision will fix it so that it may not have this junk yard within 100 feet of a State or State Aid highway, without paying a fee of \$500, but it does not require that fee to be paid on a cross road, any public way.

As far as I am concerned, if that amendment is adopted, I have no further objection to the bill.

I offer House Amendment "A" and move its adoption.

The SPEAKER: The Chair will ask the gentleman to defer his offer of the amendment until after the committee report has been accepted.

The question before the House is on the acceptance of the "Ought to pass in new draft" report of the committee. Is it the pleasure of the House to accept the "Ought to pass in new draft" report of the committee?

The motion prevailed and the report of the committee was accepted, and the bill was given its two several readings.

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

House Amendment "A" to S. P. 539, L. D. 1117, Bill, "An Act Relating to Automobile Junk Yards."

Amend said bill by striking out in the fourth and fifth lines of Sec. 5 thereof the words, "Public highway previously designated as such", and insert in place thereof the following: "State or state aid highway".

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

The Chair lays before the House the fourth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Amending the Gasoline Tax Act" (H. P. 1239) (L. D. 500) tabled by the gentleman from Standish, Mr. Hanold, on April 8th, pending acceptance.

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

Mr. RICHARDSON: Mr. Speaker, the committee report "Ought not to pass" was based upon certain objections raised to the original draft of the bill. One of these objections included the fact that the companies were entitled to deduct from the amount of tax paid to the State one per cent of such amount, that being compensation to them for the labor and expense involved in the collecting. Due to the fact the committee reported adversely on the bill as it was originally presented, a new draft was prepared which changes the date when settlement shall be made with the State Tax Assessor, namely changing it from the fifteenth to the last day of the month, to expedite the work in the office, and the one per cent provision has been eliminated. And, due to that fact, we are satisfied that the major objections to the bill raised in committee have been eliminated, and, on

that basis, we are willing that the bill should be substituted for the report, with the idea that the amendment which has been prepared takes care in a large measure at any rate of the inconsistencies in the measure as originally introduced.

On that basis, I move that the bill be substituted for the unfavorable report of the committee. We do that rather than have it referred back to the committee, because we believe we can expedite matters and not slow up the work of this Legislature.

The SPEAKER: The gentleman from Strong, Mr. Richardson, moves that the bill be substituted for the "Ought not to pass" report of the committee.

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

Mr. GRUA: Mr. Speaker, I note this amendment gives to the Tax Assessor the right to allow the distributor an even larger amount of gasoline for which they need not pay any tax than has hitherto prevailed.

I would like to inquire of the gentleman from Strong if he has any information as to how much taxes we would lose by adopting this measure, what the loss to the State of Maine may be.

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, asks a question through the Chair of the gentleman from Strong, Mr. Richardson. The gentleman from Strong may reply or not as he sees fit.

Mr. RICHARDSON: Mr. Speaker, frankly this will involve some additional change. In conference with the members of the Tax Assessors Department they stated that the one per cent in most cases did take care of it, but in some cases it was larger than one per cent. Apparently they do not question that. How much it may be I am not able to say.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Richardson, that the bill be substituted for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed and the bill was substituted for the "Ought not to pass" report of the committee.

Mr. Richardson of Strong offered

House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1239, L. D. 500, Bill, "An Act Amending the Gasoline Tax Act."

Amend said bill by striking out all of section 1 and inserting in place thereof the following:

**Sec. 1. R. S., c. 12, par. 84, amended.** Section 84 of chapter 12 of the revised statutes, as amended, is hereby further amended to read as follows:

**'Sec. 84. Reports; assessment of tax.** Every distributor shall on or before the fifteenth last day of each month render a report to the state tax assessor stating the number of gallons of internal combustion engine fuel received, sold and used in the state by him during the preceding calendar month, on forms to be furnished by the state tax assessor. Such report shall contain such further information pertinent thereto as the state tax assessor shall prescribe, and the state tax assessor may make such other reasonable rules and regulations regarding the administration and enforcement of the provisions of the Gasoline Tax Act as he may deem necessary or expedient, copies of which shall be sent to distributors, and shall have access during reasonable business hours to the books, invoices and vouchers of the distributor, which may show the fuel handled by the distributor. On or before the first day of the calendar month succeeding **At the time of the filing of said report** each distributor shall pay to the treasurer of state a tax of 4 cents upon each gallon so reported as sold, distributed or used; and if said report is not filed by the fifteenth last day of the month such distributor shall be liable to a penalty of \$5 a day for each day in arrears due on demand by the state tax assessor and recoverable in an action of debt. Each distributor shall, within fifteen days after demand made on him by the state tax assessor, pay a tax of four cents per gallon upon each gallon of such fuel upon which the tax has not been paid, which upon an audit the state tax assessor may find to have been received into the state during the preceding year by the distributor and not properly accounted for in a distributor's report or in accordance with law. An allowance of not more than one per cent from the

amount of fuel received by the distributor into the state, plus one per cent on all transfers in vessels or tank cars by a distributor in the regular course of his business from one of his places of business to another within the state may be allowed by the tax assessor to cover the loss through shrinkage, evaporation or handling sustained by the distributor; **but the state tax assessor shall make additional allowances for losses sustained by the distributor if the same is necessary to save the distributor from paying the above tax on gasoline neither sold nor used by such distributor within the state, but the total allowance for such losses shall not exceed two per cent of the receipts by such distributor into the state, and no further deduction shall be allowed unless the state tax assessor is satisfied on definite proof submitted to him that a further deduction should be allowed by him for a loss sustained through fire, accident or some unavoidable calamity. On or before the first day of each calendar month. The state tax assessor shall transmit to the treasurer of state such information as shall show all taxes due from each distributor under the provisions of sections 79 to 89-B.'**

Further amend said bill by striking out all of section 2 thereof.

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

Mr. PAYSON: Mr. Speaker, I move that this amendment be indefinitely postponed. I make this motion for the purpose of stating that I think we ought to find out before we go ahead with the adoption just what this will cost the Highway program in loss of revenue.

I now move that the amendment lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the amendment be indefinitely postponed.

The gentleman from Portland, Mr. Payson, moves that the bill lie on the table pending his motion to indefinitely postpone the amendment. Is this the pleasure of the House?

The motion prevailed and the bill and amendment were tabled pending the motion of the gentleman from Portland, Mr. Payson, to indefinitely postpone House Amendment "A".



The Chair lays before the House the fifth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Imposing a Tax on Salaries and Wages" (H. P. 1595) (L. D. 907) tabled by the gentleman from Rockland, Mr. Jones, on April 8th, pending acceptance; and the Chair recognizes that gentleman.

Mr. JONES: Mr. Speaker, and Ladies and Gentlemen of this Honorable Body: I trust that you will pardon my reading my script today. Ordinarily on my four-hour talks, I memorize, but as this is to be only of a two-hour duration, I shall have to ask your consent to read it. (Laughter) As I told you the other day, I do not want to omit anything that may be of interest to you, nor do I want to leave out anything in my summary that will be detrimental to your reaching a final conclusion to the merits of my bill.

I make my presentation to you in the form of a story. On January 1st, I took my seat, knowing very little about Legislative procedure. I was well aware of what was before me, or at least I thought I was.

One of the first things that impressed me was the Governor's Inaugural address and in that address, reference to Old Age Assistance was made.

Other interesting subjects were mentioned, but all the while "Old Age" was uppermost in my mind. As the stage each day was set, there was a different scene before my eyes—new things to draw my attention. I saw and heard the figures two and one-half million dollars. As the action of the play increased, the two mentioned factors became closely allied. I now had before me Old Age and \$2,500,000. By this time, I had gained considerable knowledge, as I thought, and I became aware that that large amount of money was what was needed to take care of Old Age Assistance. I was also aware, that that amount of money was not easy to find, it could not be manufactured, and it could not be picked off the trees as we would pick off the cherries. I was only one of many who was wishing for an Aladdin's Lamp.

On my week-end rides to and from Augusta, and even in my dreams, the two problems were always before me. I finally became conscious

of the fact that those two nemeses of mine came to being in the Budget Report—giving me accurate information, or nearly so, as to what monies were needed to keep the wheels of State in motion.

I decided to do something about it—so one Monday noon I arrived in Augusta, and stop No. 1 was at the office of the Unemployment Insurance Commission. I stated my errand, got my desired information in the form of figures, and believe it or not they were startling—for your information the figures were \$150,576,238 and that, Ladies and Gentlemen, represented the total salary or pay roll of concerns in the State of Maine, comprising eight or more employees in 1939. My next port of call was at the office of Dr. Clausen, head of Internal Revenue, and asked of him this question:—"Has the State of Maine the right to impose a tax on the salary or wage of the Federal Employee?" He assured me that they most certainly had the right. From him I also got the figures \$111,591—that amount represents the total pay roll of the Internal Revenue Department in the State of Maine.

From there, I journeyed to the State House, to make a call on the State Controller, Mr. Rodgers. I got the State's total pay roll which was \$4,500,000. I will not bore you with my other calls one by one, or as I progressed step by step, but from John Fitzgerald, W. P. A. Director, came the figures equal to our State's pay roll figures of \$4,500,000 — from Railroad Workers, \$11,000,000 — Educational Departments in the cities, towns and plantations, \$10,000,000 — Employees in the 1 to 7 bracket, \$44,000,000, making a grand total from only seven sources, of \$224,687,829. Said amount assured me that I had, on February 15, 1941, enough money to put my plan into operation and that was to impose a 1% tax on salaries and wages. You will note that 1% of the above amount would mean \$2,246,878 revenue to the State, more than enough for Old Age Benefits.

From other sources, which will increase the revenue, are doctors, lawyers, federal employees, (all branches) Colleges, Prep. and Private Schools, municipalities, which include city and town officers, policemen, firemen, office staffs and Public Works Departments, salaries

of all county officials, deputy sheriffs, janitors, office staff and judges fees. There is no need for me to elongate on this phase, as you can readily see in your mind's eye, the revenue that will accrue. Up to now you have heard a story; but from now on, I will take you up hill and down dale: the roads may be rocky and the hills steep, but truths and facts must prevail. Our job here is to produce revenue from a source or sources that will create no hardship upon any individual. If it be a tax measure, it must be fair and just,—a tax that will treat one and all alike. All should participate and upon one's ability to pay, whether he earns five dollars or fifty. This question is exhaustive of argument,—there is no doubt in our minds as to that. Let's get down to bed rock and cut out our own personal or selfish motives. Let's all pull together and cooperate. This isn't a petty situation in which we find ourselves. Its solution is of grave importance; our future, citizenry and State alike are gravely involved, and our decision must be just, in its entirety. Cooperation and sound judgment must go hand in hand. This question of taxation, and its solution is not a new one, it is older than our Constitution—the same methods that have failed are now being contemplated. Let us turn back the pages, that we may be accurately informed. What DO we find? We find (and in recent years) that legislative bodies have adjourned without completing their task. Was this due to the fact that among those bodies, there were not men with keen and brilliant minds—men who were able to meet and combat problems—men whose decisions and judgment was adhered to? Oh no, that was not the case! Many, many men have been members of this House, who have risen to heights of fame, and there are brilliant men in this 90th Legislature. But these same men, in order to be leaders of State, must have the help and advice (at times) of the plain ordinary individual. It isn't always true that the smart and capable lawyer wins his case. And that brings us now, down to the problem before us. Old methods of transportation have given way to the more modern ones. Men who rode the Pony Express in 1860 from Sacramento, Cal. to St. Joseph, Missouri, changed horses many times. The old tax-

ation mare of Maine has trod her last mile. I should say, a new vehicle must be procured and used, so why fool ourselves into believing that old methods will solve the problem of today? Legislatures in the past have been bitten by the dog, but why in common sense do we have to be bitten in the same place and by the same animal? Why persist in going to the slaughter?

From now on, I am going to call a Spade, a Spade — personalities have no part in my remarks, and I do not single out any one individual—I came to this Legislature labelled "No Strings Attached" and the label is still on. If I don't come back here as a Legislator because of my remarks, it's O. K. by me.

While I am in the mood, I may as well say what I think and believe. We have in this House, in round figures, ninety new members. Why are they here? I'll explain fully. In the several communities from which we of the 90 came, there were certain groups or factions, who up to this time have been telling their representatives what to do. But, this last election, the people as a whole insisted upon a change—a change for the better, they hope, and sent us here.

On taking our seats on January first, we all were given our tools to work with. We knew, that we had to complete a job, and it had to be well done, but as we are nearing the end, with the completion of the job in sight, what happens? I'll tell you—not because you could not guess—no, it is not a joke, it is a serious matter and perhaps I should whisper to you, that all, might not know. But I find the same situation exists here in the 90th Legislature (both branches included) that existed in our several 90 odd communities. Now, I say to you, it is a serious situation that confronts us—I repeat, at the beginning of the session, we were given our tools to work with, and we were expected—or perhaps I should say we expected, to be able to finish our job, but no, such is not the case. Now, on seeing the task nearly completed, we are shown the tool house in which we are told to put away our tools—the bosses will finish the job. Isn't that just fine and dandy—we're through, washed up and ready to go home, with a pat on the back, our pay envelope in

our pocket, and a cheery "So long, boys, we'll see you in 1943." But on receiving the aforesaid orders,— I am wondering just what these new members are going to do about it—take it on the chin and like it or go into a huddle? I'll tell you the answer to this one also—but not in perhaps the way you think it is going to be. They have been in a huddle and learned their signals. They are going to finish their own jobs. They have looked carefully, very carefully backward, and as I said before, there hasn't been a Legislative Body that has gone out of business with a job complete in years. What a beautiful record to look back upon! But enough of the past; we are interested in the present and future. If I am any judge of this 90th Legislature, it is going to finish its job. Special Sessions cost money, and the money comes from the taxpayers and (you and I) and it has been said, that "This Legislature" will be back in special session and I quote from an Editorial in the Lewiston Evening Journal: "What could be done then, that can't be done now?"

Just one more point to refresh your memory: A day or two before I appeared before the Taxation Committee with this same bill over the radio, and on the front pages of all the newspapers was the following: "U. S. Government Contemplates a 5% tax on Wages and Salaries". It must have merit of some kind in it if the Federal Government has it in mind.

The afternoon that I presented my bill before the Taxation Committee, there were only two opponents. A representative of the Communists and a representative of Labor. Up to the present time, I have been unable to find any measure that was beneficial to the State of Maine, that was ever endorsed by the Communist Party of four hundred and eleven.

I feel confident that Labor will be willing to do her share in any measure that will assist in caring for Old Age. The laboring man, and many of them have aunts, uncles, grandmothers and grandfathers in all parts of our State, who are receiving Old Age Assistance. Why shouldn't they participate in helping to care for their own?

The bill, in its original form, did not take in legal and professional

men—it had exemptions, and the money was allocated to three projects. The amendment that I have ready says: "all persons receiving monies or fees in lieu of salary or wages, shall pay 1% of their net income." There are no exemptions and the revenue derived will go for two purposes only.

So. I ask of you, try a new horse—a new vehicle—Legislative Document 907. It creates no hardship upon anyone. All pay according to their ability to pay. We are not picking out one, two or three commodities, and placing a lien upon them. My plan isn't costly to supervise and collect. It doesn't create any new departments, or department heads, and it will derive enough revenue to take care of the two major objectives before us today—Old Age Assistance for which we are in duty bound to continue and for relief of Real Estate. If you are afraid of a referendum, attach an emergency clause. I'll agree; I'll agree to any measure that will benefit all concerned.

Fidelity to our oath as Legislators requires that we complete our task. We must furnish aid to the aged. We cannot shirk our duty to raise the revenue therefor.

If my motion is successful, I plan to offer an amendment to take care of the objections that were brought up against the original bill.

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

Mr. KELLER: Mr. Speaker and Members of the Ninetieth Legislature: I am a salaried man and have been all my life. I have paid this tax to the Federal government for over three years. I like the system. A man knows what he is going to pay and how he is going to pay. It is not a hidden and under-cover tax.

Another reason I think this would be a good tax: You have your set-up for collection; you have not got to go out and hire approximately a hundred and fifty to two hundred collectors to collect this money.

Another reason is I believe the tax will raise sufficient funds to pay for Old Age Assistance and a certain amount of relief for real estate. For that reason, I wish to go on record as favoring this tax.

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

Jones, that the bill be substituted for the "Ought not to pass" report of the committee. Is the House ready for the question?

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

Mr. DWINAL: Mr. Speaker, it seems as if someone ought to speak against this bill. This is solely and exclusively taxation against the small man. All professions are exempted. Certainly I am going to vote against it.

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

All those in favor of the motion of the gentleman from Rockland, Mr. Jones, that the bill be substituted for the "Ought not to pass" report of the committee will say aye; those opposed no.

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

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

The Chair lays before the House the sixth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Relating to Compensation of Justices upon Retirement," (H. P. 101) (L. D. 56) tabled by the gentleman from Lincoln, Mr. Lane, on April 10th, pending acceptance; and the Chair recognizes that gentleman.

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

The Chair lays before the House the seventh tabled and unassigned matter, Final Report of the Committee on Inland Fisheries and Game, tabled by the gentleman from Standish, Mr. Hanold, on April 10th, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Hanold, the final report of the committee was accepted in concurrence.

The Chair lays before the House the eighth tabled and unassigned matter, Bill "An Act Relating to Inspectors in the Department of

Secretary of State." (S. P. 500) (L. D. 1024) tabled by the gentleman from Bangor, Mr. Eddy, on April 10th, pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. EDDY: Mr. Speaker, I tabled this report at the request of Mr. Brewer, in order for him to prepare an amendment. As a member of the committee, I will say I have seen the amendment and it is all right with me.

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

Mr. BREWER: Mr. Speaker and Members of the House: I now offer House Amendment "A" to L. D. 1024, and in explanation I will say to the members of the House that it was my privilege and pleasure a week ago today to sit in conference in the Attorney General's office with the Attorney General, the Chief of the State Highway Police, Mr. Weaver, and Secretary of State Robie and Senator Elliot, who fathered this bill, in order, if possible, that we might arrive at a compromise where everybody would be satisfied. I did not succeed in all I had anticipated, but there were certain salient points that we all did agree upon. This is in explanation of this amendment.

One of the points we did agree upon was the fact that these eight men, who are now in the Secretary of State's office, due to their time of service, which averaged from fourteen to nineteen years, with the exception of one man, should not be used as a political football. They were to have their choice of remaining with the department or going to the State Highway Police, and their pension rights would not be affected.

Now when a man on the State Highway Police reaches forty-five years of age, realizing, as we do, his training will be very valuable in this work, he also would have his choice of going into the Secretary of State's department.

As I say, this is a compromise that meets with the full approval of all those concerned, and I believe this amendment meets the approval of the Motor Vehicles Committee, and I move its adoption.

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

House Amendment "A" to S. P. 500, L. D. 1024, Bill "An Act Relating to Inspectors in the Department of the Secretary of State."

Amend said Bill by striking out Section 3.

Further amend said Bill by adding the following:

Present members of the state police who have attained their 45th birthday or have been incapacitated for further active service in the state police, may, without any loss of their pension or retirement rights as such state police officers, resign from the state police and accept employment as inspectors in the office of the Secretary of State. As an exception to this provision, the 8 members of the state police now acting as inspectors in the office of the Secretary of State, may resign from the state police and accept positions as inspectors in the office of the Secretary of State without loss of their present pension or retirement rights. The Secretary of State is authorized to maintain not less than 15 inspectors and may employ more with the approval of the Governor and Council. Any inspectors other than those recruited from the ranks of the state police shall be not less than 25 years of age and shall, before appointment, qualify by passing such mental and physical examinations as may be required of inspectors by the Personnel Board.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: As a member of the Motor Vehicle Committee I would like briefly to state our reasons for favoring the passage of this bill which allows the Secretary of State to appoint his own inspectors.

We had a long public hearing on this bill, and also had several conferences with Mr. Weaver of the State Police, and Mr. Robie, Secretary of State, regarding this change.

As a result of our investigation, we found that the Secretary of State office required eight State policemen permanently who received their pay from that office.

It was also called to our attention that there were times when the Secretary of State would require as high as twenty-four additional State Police, making thirty-two in all that would not be avail-

able for their regular duties of Highway Patrolmen.

At such times, they were under orders of the Secretary of State, although receiving their pay from the State Police funds.

Our new Chief of the State Police, Mr. Weaver, feels that under these trying times, to have thirty-two of his men working as inspectors when, and where, the Secretary of State requires them, would seriously affect the efficiency of his department.

He also feels that the fact that these thirty-two men have two bosses, isn't good for the moral of his department.

Now we have an argument offered by my good friend Mr. Brewer of Presque Isle, and he also spent a lot of time in conference, with Mr. Weaver and Mr. Robie in drawing up this amendment and they both are satisfied with the bill as amended.

Our Motor Vehicle Committee unanimously recommended the passage of this bill and we also favor the amendment.

I now move this bill receive its third reading.

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

Mr. WELCH: Mr. Speaker and Members of the House: I just cannot go along on this idea of taking out eight inspectors and putting on fifteen.

Now a week ago or more we passed a financial responsibility law here which it was pointed out was going to bring us in thirty or forty thousand dollars new revenue; and it seems that these eight men are taken out of the inspection office and we hire eight more; but why we should hire fifteen to get rid of that thirty or forty thousand dollars I cannot see.

I do not want to do anything to weaken the force of the State Police or the Secretary of State's Department, but this amendment saying we take out eight and we must have fifteen—if eight are doing the work now, I do not see why they must be replaced by fifteen.

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

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen of the House: I want to at least go from here with the reputation of being

consistent, and I am wondering if the members of this Legislature have a full realization of what is involved in this bill and in the amendment. I want to try and give you an idea of what is involved as I see it.

Under present conditions, eight men formerly employed directly with the State Highway Police have been assigned as Inspectors in the Motor Vehicle Division of the Secretary of State's office. These men have been placed in charge of the branch registration offices of this Department. In addition to these men, it has been possible through an interchange of service for regular State Highway Policemen to be transferred at various intervals for the use of the Secretary of State's Department in conducting drivers' examinations and the purpose of inspecting stations issuing safety stickers, and for the examination of vehicles on the road to determine whether or not these vehicles have been properly inspected at a certified station. Why, I ask you, should not this cooperation that has been extended continue?

Under the proposed change in the law, whereby all men who were formerly connected with the State Highway Police would be returned to their original status in the Highway Police Division, it would then become necessary for the Secretary of State, in the Motor Vehicle Division, to employ a group of new Inspectors to be placed in charge of the various registration offices, plus the fact that additional men would have to be employed to inspect the cars on the highway to determine whether or not they had the proper certification of inspection. In addition to the salaries involved, this latter detail would also involve the purchase of automobiles for their transportation, of gas, oil and expense of regular maintenance, also uniforming the additional inspectors and the hotel expenses incurred.

It would appear as if it would involve an increased cost to the Secretary of State's Department of about \$50,000 more than under the present system. In addition, the State Police Department would also reflect an increased cost of better than \$25,000 to absorb men who were formerly connected with the State Police and have been assigned to the Secretary of State's Department and one or two other departments.

This money, of course, does not come from the General Funds of the State of Maine but must be taken into consideration on the allotments made by this Legislature of funds from the General Highway Fund for the operation of these two divisions, namely, the Motor Vehicle Division under the Secretary of State's Department, and the State Highway Police.

The point I am trying to make is that if we need further State Police, why not put them on; but why go to an added expense of seventy-five thousand or more? The point is, for example, a State Policeman has a job in Rumford he must attend to, and he gets word from the Secretary of State's Department through headquarters that there is an inspection down there. He cannot do both jobs. The result under this bill would be that the State Police officer would go and do his job and another one of the new inspectors set up in this department would have to go too, and it is nothing more or less than duplicate inspection.

It is strange that in radio broadcasts and newspaper editorials they have encouraged the passage of this bill. It is impossible for me to understand. If I were going to put a new title on the bill, I would entitle it "An Act to Encourage Duplication of Inspection"; and one great bugbear in this Legislature has been duplication of inspection; yet here is a group encouraging duplication of inspection. I move the indefinite postponement of the bill and the amendment.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves the indefinite postponement of the amendment.

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

Mr. CONANT: Mr. Speaker and Members of the House: I had not believed that it would be necessary to defend the report of the Motor Vehicles Committee in regard to this particular measure. It was a unanimous report, and it was only after many hours and several conferences that the committee saw fit to put its stamp of approval upon this particular measure.

One thing that I would like to point out at the very outset concerning the course of the situation, which to me is a very important factor so far as passage of this amendment is concerned, is the fact

that at the present time the National Guard is no longer located in the State of Maine, and the only police protection this State has outside of the county and municipal officers is that of the State Police. In time of crisis we must call upon that body. Now let us examine the facts and find out what they really are.

At the present time there are 106 members of the State Police, and only 78 of them, because of the work of the various offices, may be placed upon the road at any one time. It does not really become necessary to point out that such a force is definitely inadequate. I will point out also in Massachusetts there is one State Policeman for every five thousand residents of the State. Under our present set-up and with a population distributed in many sectors, there is only one for over eight thousand inhabitants.

Now to come down to one of the real points that is important here: We find at the present time, or up until the present time, it has been the practice of the Secretary of State to borrow from the State Police Department such members as he found necessary for any particular type of work which came within the scope of that department. That means that as many as thirty or more men might be called out of his department at any time; and you can easily see the situation of chaos in a real time of crisis that might result.

I do not believe that this is a measure which concerns the matter of duplication of effort. I believe instead that it makes a clear-cut line of demarcation between two separate and distinct types of work. I hope that the motion of the gentleman from Calais, Mr. Murchie, will not prevail.

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

Mr. LaFLEUR: Mr. Speaker, merely in order to correct the record and to point out certain errors in the statement of my Brother, the gentleman from Auburn, Mr. Conant, as to the police forces of the State, may I suggest to him that if he will inquire, he will find that at the present time we are setting up an organized State Guard of approximately 500. We are training at the present time, not only 500 men, but they will run into from 2,000 to 2,500. So that his ob-

serva-tion that the only police protection in the State, in the event of emergency, is the State Highway Police, the Sheriffs and Constables, is an error to that extent.

I say to you that your State Guard is proceeding intelligently and speedily, and will be well organized within the next two or three weeks.

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

Mr. MURCHIE: Mr. Speaker, I submit to this House that I became a little balled up in my enthusiasm to put over this measure.

I now withdraw my motion to postpone the amendment.

My explanation is that if and when the amendment is added to the bill, I merely intend to ask for the indefinite postponement of the bill as amended.

The SPEAKER: The gentleman from Calais, Mr. Murchie, withdraws his motion to indefinitely postpone the amendment.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that House Amendment "A" be adopted.

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

Mr. PAYSON: Mr. Speaker, I cannot understand the temerity of the Motor Vehicles Committee in reporting this measure "Ought to pass", when most of the employees affected by it are opposed to it.

It seems to me that it is a terrible thing for this Legislature to go ahead and do something, when the employees do not want it. (Laughter)

If we are going along with this idea of having State Police for Inspectors, so that the Departments involved can make a showing on their financial statement, let us go the whole way with it.

Let us take our State Police and make them inspectors in the Department of Agriculture, and let the Highway funds pay for it.

Let us take them for inspectors on Old Age Assistance, and save money to Old Age Assistance, and let the Highway funds pay for it.

Let us have them for inspectors of seed potatoes, then the Aroostook farmers will not have to pay that tax, and we will have to pay them.

Let us make them inspectors of these eating places on the road in summer.

Let us make them inspectors of advertising.

Let us put the State Police into this business of inspecting, and do away with them as Police Officers on the State roads.

I am really ashamed of the Committee that they should dare to do such a thing. (Laughter)

The Chair recognizes the gentleman from Brunswick, Miss Bangs.

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

The SPEAKER: The gentlewoman may have that privilege.

Miss BANGS: Fellow Members of the 90th Legislature: I hesitated to rise this time, because I thought that my speaking career was over.

But, as long as this is another report coming out of the Motor Vehicles Committee, and since I was a member who signed that report, and since I have firm convictions that I am on the right side of the fence, I do at least want to tell you that I did sign it, and that I do consider it is a step forward.

It is simply a process of divorcing from the office of the Secretary of State some State Policemen who really, in my estimation, have no business being there in the first place.

State policemen have been called upon to do picayune jobs in the Secretary of State's office.

It seems to me that we are going to need more men on our State Police force, and if we have these men, they are all trained, and they are all ready, why should not they be used for the purpose for which they were trained? That would mean that we would need more men in the office of the Secretary of State, but it seems to me logical that that is the place where a new set-up should be made, and it seems to me that these men could be trained easier for this type of job, than they could be for the State Police work.

I do think, even though the gentleman from Portland, Mr. LaFleur, points out that we are going to soon have an adequate Guard, that nevertheless that Guard is not in force as yet, and I do think that the State Police have a larger and greater scope now of work which they must do.

I sincerely think, now that they are going ahead with the Department of Federal Bureau of Investigation along Fifth Column activities, that we need those men for those purposes.

I think that we need those men in case we should have any civil disorders or strikes.

I, personally, am very much concerned about this measure. I think that it is a step in the right direction. Our people back home have sent us here to try and straighten out some of these things that have been going on that should be cleared up. Here is just a case where the two departments—the Highway and the office of the Secretary of State—are going to be definitely defined as to where their duties are.

I sincerely hope that this bill will be adopted by this Legislature, and that the motion of the gentleman from Calais, Mr. Murchie, will not prevail.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I, too, have heard the pros and cons of this question, and I had my own personal feeling in the matter. But I thought, before I tried to say anything, or place myself very definitely, one way or another, that I ought to see the persons most concerned.

I find that only common sense tells us that the duties of the State Highway Police are related to our highways. I cannot imagine of any closer connection between the highways than in the Motor Vehicles department.

I would certainly say that a State Police Officer was more at home and more justified in the office of the Secretary of State than policing these State Fairs, for instance. And I understand the State Police asked for the privilege of policing the State Fairs.

I went further along, and asked the Secretary of State, whose efficiency has been proven by his overwhelming re-election, what he felt about it. He said that he did not want to influence the Legislature to any extent. He said that he did not want to come onto this floor, I said, "Well, are you willing to answer a few questions? Do you think the system is better the way it is now?" He said, "I am convinced that it is." He said, "It is much more efficient. The men are all trained and know their duties."

If the Chief of Police feels he needs more men out on the highways, patrolling, perhaps he ought to have eight more State Police, but not take away the men already there in their present duties.



I heartily agree with the motion of the gentleman from Calais, Mr. Murchie. I cannot see any money saved or any efficiency gained, by taking those eight men, well versed in the office they are now in, and putting them back into the Highway Police—some of them, perhaps, are not able to go back—and then hiring fifteen green men to go in and take the place of those eight.

It looks to me like false economy and I am convinced it will cost the State from \$50,000 to \$75,000 more. That is false economy.

The Secretary of State said very plainly that he did not wish to influence any laws but that he was convinced the present system is the best, and I think the bulk of us are. I do not think there should be any change.

If the State Police want any more men, let them get more. That would be cheaper than hiring fifteen green inspectors.

I, personally, think that that is the place to put the State Police, in this office, because the bulk of their work has to do with Motor Vehicles—and they ought to be the ones to have charge of those offices.

Then, again, quite a lot of money changes hands in those places, and I think it is a good idea to have a police officer in there to carry that money to the bank and to take charge of the office. They have girls in there, and, in the meantime, those inspectors could go out and attend to inspection.

Any time that a man has his license taken away for drunken driving, when he petitions to get reinstated at the end of the two year period, that petition is also sent down to the inspector who has charge of the office in the nearest district. His duty is to go out and see if this man is entitled to have his license back. That certainly is a duty of a State Police officer. It seems to me that the men in these offices—every one of them—should be a State Police officer.

I cannot quite agree that the times are going to be so troubled that we have to have any great army of Storm Troopers going around in State Police uniforms, looking for any Fifth Column activities.

I think the State Guard can handle what little needs to be done in State affairs, and that the sheriffs and deputies and local police can handle local affairs.

It looks to me as if the State were trying to take away Home Rule of the towns.

I trust, when the motion of the gentleman from Calais, Mr. Murchie, to postpone the bill comes up, that it will prevail.

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

Mr. FARWELL: Mr. Speaker and Members of the 90th Legislature: I am sorry to have to disagree with my friend, the gentleman from Rockland, Mr. Sleeper, that the Secretary of State, Mr. Robie, does not wish to influence legislation, but, for the hour and a quarter he talked before the Motor Vehicles Committee when they asked him for information—I would not be so sure. I thought that he was trying to defeat this bill. Possibly I was wrong.

I offered you positive evidence the other day that inspectors from the Secretary of State's department did hire a lobbyist, who appeared before the Committee against this bill you are considering.

It seems to me that it is about time that this Legislature stood on its own feet and spoke its own mind in regard to the bills before it, without any influence from the departments in this State House as to whether or not certain laws should be passed.

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

Mr. WESTON: Mr. Speaker and Members of the House: I beg to differ with the gentleman from Unity (Mr. Farwell).

I never saw any paid lobbyists before our Committee on this bill.

Furthermore, we were given to understand that the men had the right to stay, or go back. We find in reading the bill over, they do not have the right.

As far as I am concerned, I think it is a rather underhanded method, if you ask me.

As far as the remarks of the gentleman from Portland (Mr. Payson) are concerned, to the effect that the State Police might as well be potato inspectors, I do not think they make very good sense.

I will say that details in the Motor Vehicles department are very closely connected—their work is almost duplicated. Certainly the State Police are on the road to enforce mo-

tor vehicle laws. If that is not a part of their duty connected with the office of Secretary of State, then what is their duty?

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

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that House Amendment "A" be adopted.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I would like to clear up what the gentleman from Rockland, Mr. Sleeper, has referred to as eight men in the Motor Vehicles Department.

Now, those men, as I understand it, can have the privilege of staying in the office of Secretary of State as inspectors, or going back to the State Police, whichever they like.

And, if I am informed rightly, the majority of them will stay as inspectors with the Secretary of State, and only one or two will go back on their State Highway Police job.

In answer to Mr. Welch, regarding the question of taking off 8 men and putting on 15 or 16, as I understand, there are eight men permanently there all the time, and anywhere from eight to thirty-two part time there. So, when you put fifteen there, you have just struck a happy medium and that is about the number they employ all the time.

So I hope that you support the Motor Vehicle Committee in passing this bill.

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

Mr. BREWER: Mr. Speaker, I would, at this time, like to clear up a statement that the gentleman from Unity, Mr. Farwell, made about these inspectors hiring a lawyer.

I contacted three of those boys, and they knew nothing about this move, whatever.

Apparently this fellow who spoke, spoke for himself. I do not know what he had in mind. But I will say that the other boys did not solicit any lawyer to speak for them.

Further than that, we still have a democratic form of government, and I think that if they see fit to

hire a lawyer to protect their jobs, I still think it is well within their rights.

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

Mr. WILLIAMS: Mr. Speaker and Members of this House: Duplication of inspection services seems to be the thing the people of the State of Maine condemn more than anything else. I do not believe that there is a person elected to the 90th Legislature that did have to tell his constituents that there was one thing he stood against and that was duplication of inspectors. Even heads of departments, I believe, were thrown out here on January 1st because we thought there was duplication of inspection. We were against it.

And then today we are asked to pass an amendment to a bill that gives duplication of inspection—at least nobody is satisfied it would not up to this time.

You have heard the able discourse of the gentleman from Calais, Mr. Murchie, explaining how it would give you duplication of inspectors.

Of all of the able speeches in favor of this amendment, not one said it would not do that.

Of course, it may sound reasonable that at times in the year we do not need more than eight men and at other seasons we need about thirty-two men, and that to average it, we hire fifteen men, and let it go at that.

But what are you going to do in a big season when you need thirty-two men? How are you going to get along with fifteen men? Is that the way most of us run our business? If we are going to get our peak load of thirty-two men part of the year, we hire fifteen people all of the year, and let them sit idle when we only need eight men, so that we will have fifteen men when we really need thirty-two men. (Laughter)

If that is the reasoning we are going to use, it may sound as foolish as the remarks.

I would like to ask another question of that Committee on Motor Vehicles—if our State Police are not the most able officers we have to give driving tests and other tests and the work which those inspectors do at the present time? Certainly a bill which involves somewhere from fifty to seventy-five thousand dollars is not to be monkeyed with, when it is very

easy to turn down any tax measure that comes into this House.

I, for one, would feel very guilty if I had to go home and tell my constituents that I had voted to increase duplication of facilities.

The fact we have duplication of inspection in nearly every department of the State, does not warrant us as law makers to sanction another move in this direction.

I believe the majority of the House will agree that the motion of the gentleman from Calais (Mr. Murchie) must prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that House Amendment "A" be adopted.

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

Mr. CROSS: Mr. Speaker and Members of the 90th Legislature: I have no friends in the Secretary of State Department. I do not know any of the inspectors by sight, but I think there is just one point that we should consider in this issue at stake. I think that it has been very much beclouded by the various remarks on this amendment and on the bill.

There is a tentative increase in the appropriation of the State Police of \$30,000 a year to take care of this situation. There is a tentative increase in the Secretary of State's Department of \$10,000 a year to take care of this situation, all on the presumption this bill would pass.

Now, the only point that I would like to make is, do you want to increase your State Police force.

I am not going to talk either for or against that. I simply want you to understand that you are going to vote to increase the State Police force and going to vote \$60,000 for the next two years to advance that.

Also, you are going to vote \$20,000 to help finance the change in the Secretary of State's Department.

As you know, in Special Session you bought machinery that was supposed to reduce the cost of that department, and I understand will do so, in an important degree if the present set-up is left as it is.

They are asking for an increase of \$10,000 a year to take care of the situation, which, you can clearly see, would not take care of the

number of inspectors which would be placed under this new amendment.

Therefore, there must have been some saving from that machine which will go towards financing that amendment.

That is the only thing that I think we should have in mind.

Do we wish to increase State Police or do we not? If we do, it is going to cost \$60,000. And if we increase the inspectors in the Secretary of State's Department, it will cost us \$20,000.

I do not think this is any time to increase the cost of either department.

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

Miss BANGS: Mr. Speaker and Members of the House: Again I rise. As the gentleman from Augusta, Mr. Cross, says, there seems to be somewhat of a confusion as to just what this is all about. There is talk to you of eight men, and fifteen men and thirty-two men.

Now, I would like to try and clear up that situation.

As it now exists, we have eight men who have charge of the different registration offices throughout the State, at the present time. They are State policemen and they are working in the capacity of office managers.

Now, under the amendment that the gentleman from Presque Isle, Mr. Brewer, is offering, these eight men will be given the privilege of staying with the Secretary of State's department in their capacity as office managers, or, as they are commonly called, inspectors, and they will be paid by the Secretary of State's office. They will lose their rank as State Policemen, but they will be uniformed and will be given special duties as inspectors of the Secretary of State's office.

Then the thirty-two men that Mr. MacLeod has mentioned relate to the men who are continually called in from the road to take over special assignments, and to give these drivers' examinations, so to speak.

Now, speaking of these drivers' examinations, I disagree with one gentleman who said it is necessary to have State policemen give drivers' examinations.

Now, I dare wager that there are not many people here who could not learn the fundamentals and

learn the technique of giving drivers' examinations to young people and wives, et cetera, within a matter of two or three hours.

I do not think that we need a uniformed State Police Officer—a pretty good salaried man—to do a picayune job of that type.

And continually these men have been called—for instance, a man might be in Portland, and he might be called to go to Presque Isle to conduct these drivers' license examinations once or twice a month.

Now, the fifteen men who have been mentioned will be the men whom the Secretary of State will hire, and will pay from his appropriation, and they will be specially charged with the duties pertaining to this job of giving drivers' license examinations. That will leave the thirty-two—the amount fluctuates—sometimes there might be fifteen, sometimes twenty-five, and sometimes goes as high as thirty-two—but those fifteen men will be charged with those special duties.

Now, to disagree with something the gentleman from Farmingdale, Mr. Weston, said, regarding the enforcement of the Motor Vehicle laws, this has nothing to do with the enforcement of Motor Vehicle laws. The State Police will still take care of the Motor Vehicle laws.

That is what they are hired for. That is what they are paid for. They will continue to patrol the highways and protect the laws. That is what we want them for, and what we need them for.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I was not able to listen to all of this discussion here, but, from what I heard, one thing bothered me, and before we vote I would like to be informed on that point.

In the past, if for any occasion we have wanted to find a member of the State Highway Police, we have quite naturally gone to one of our local registration places, or we have called them.

The thing about this that bothers me, if you set up an Inspector of Motor Vehicles in one of these places are we going to call him, and is he going to get a policeman, or are we going to have an Inspector of Motor Vehicles there and a State policeman also.

It looks to me as though there

were the possibility that we might find them both there. I wonder if a member of the State Police could not possibly take care of both jobs.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that House Amendment "A" be adopted. All those in favor of the motion of the gentleman from Presque Isle, Mr. Brewer, that House Amendment "A" be adopted will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Twenty-seven having voted in the affirmative and 67 in the negative the motion did not prevail.

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

Mr. MURCHIE: Mr. Speaker, I now move the indefinite postponement of L. D. 1024.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves the indefinite postponement of this bill? Is the House ready for the question?

All those in favor of the motion of the gentleman from Calais, Mr. Murchie, that this bill be indefinitely postponed will say aye; those opposed no.

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

The Chair lays before the House the ninth tabled and unassigned matter, House Report "Ought to pass as amended by Committee Amendment "A" of the Committee on Labor on Bill "An Act Relative to the Employment of Females in Executive, Administrative, Professional or Supervisory Capacities and as Personal Office Assistants" (H. P. 1235) (L. D. 497) tabled by the gentleman from Yarmouth, Mr. Arzonico on April 10th, pending acceptance; and the Chair recognizes that gentleman.

Mr. ARZONICO: Mr. Speaker, as I explained in this House last week, this bill is also incorporated in L. D. 1085, which we about an hour ago assigned for third reading tomorrow morning. Now if L. D. 1085 receives final passage, then this bill, 497, will not be necessary and I will ask for its indefinite postponement. However, should L. D. 1085 not be finally passed I will then move that

the committee report be accepted on L. D. 427, which is "Ought to pass." Therefore, in the meantime I move that this bill be retabled.

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

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

On motion by Mr. McGlauffin of Portland, the House voted to take from the table the eleventh tabled and unassigned matter, 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, and which came from the Senate with the Majority Report "Ought to pass" accepted in non-concurrence; tabled by that gentleman on April 16th pending further consideration.

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

Mr. McGLAUFFIN: Mr. Speaker, I move that the House recede and concur with the Senate; and I would like permission to face the House.

The SPEAKER: The gentleman has permission to face the House.

Mr. McGLAUFFIN: Mr. Speaker, and ladies and gentlemen of this House: This bill was introduced by me at the request of a friend of mine in Portland, who in turn asked me to introduce the bill at the request of another friend of his from Providence, Rhode Island. At that time I had not the remotest interest in the subject, but, inasmuch as I had introduced the measure, naturally I knew that I might be called upon to say something in regard to it, and so I carefully studied the measure and became firmly convinced that it was a good measure. I argued that matter on the floor of this House twice. After that argument the House saw fit to vote against the measure sixty-three to forty-nine.

Since that time I have heard by telegram that the State of Iowa has passed this Resolution by a large majority in both branches, and since that time that measure has received

endorsement twenty-eight to one. That seemed to leave me out on a limb, when it could pass one branch twenty-eight to one and I could not get a majority here. I felt, rightly or wrongly, that there would be a feeling in some quarters that if they had the right man introduce this measure into this House that it would have gone through.

That made me personally interested in the bill. I therefore lobbied for my bill, and I did not have any license either. (Laughter) I contacted some thirty men who voted against this measure, and I said to them: "Under the circumstances that have arisen I would be pleased if I could put that measure through the House," and I said to each of them, "If you can conscientiously allow me to do that I would be greatly pleased." Out of that thirty members who voted against my measure, three told me that they could not go along with me or they could not refrain from voting against me. I want to say that I said to them and I say now that I do not think one whit the less of any one of these men because they did not see fit to go along with me. But twenty-five men out of that list either told me that they would not vote against me or that they would favor the bill.

Gentlemen of the House: That was done just for me! I can hardly express to you my appreciation of that friendship. It was not done because you liked the bill; you did it for me—or you are going to do it for me.

I want to tell you that that expression of friendship means more to me than to pass any bill that I ever introduced into this House.

Two years ago I read to that House a poem that I had written on "Friends." I want to read that poem to you, because it applies.

"As we travel down life's highway  
There are places where it's rough;  
There are rocks and snares and pitfalls

That will make the going tough.

There are losses in your business;  
There is sickness in your home,  
Or you find what appeared solid  
To be nothing more than foam.

You have doubts as to the future,  
You are worried about now;  
You set out to solve your problems  
But you cannot see the how.

You have lost your dearest loved one,  
And the outlook is most drear,  
So you then become despondent  
While you look ahead in fear.

It is then a word of comfort  
Or a little bit of love  
From a friend who knows your  
trouble  
Seems like manna from above.

Give me friends in time of sorrow;  
Give me friends when I am blue;  
Give me friends who know my  
heartaches—  
Friends the kind to see you through.

Not the friends who look on coolly  
While you suffer from the strain.  
But the friends who will stand by  
you  
Till departed is the pain.

Oh! the blessing of true friendship;  
Oh! the joy that comes to stay.  
When you have a friend to love you,  
Who'll go with you all the way."

That is my own poem; and, Ladies  
and Gentlemen of the House, I have  
such friends right here.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlaulin, that the House recede from its former action whereby it accepted the "Ought not to pass" report of the committee and concur with the Senate in the acceptance of the "Ought to pass" report of the Committee and the adoption of the Resolution.

The Chair recognizes the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: Mr. Speaker, I note the absence of Mr. Conant, who was one of the signers of the minority report along with Mr. Mercier and myself. Due to that fact, I should like to retable this matter.

The SPEAKER: The gentleman from Winslow, Mr. Belanger, moves that the matter lie on the table pending further consideration. All those in favor of the motion of the gentleman from Winslow, Mr. Belanger, that this Resolution lie on the table pending further consideration will say aye; those opposed no.

A viva voce vote being taken, the motion to table did not prevail.

The SPEAKER: The question be-

fore the House is on the motion of the gentleman from Portland, Mr. McGlaulin, that the House recede from its former action whereby it accepted the "Ought not to pass" report and in the adoption of the Resolution. All those in favor of the motion of the gentleman from Portland, Mr. McGlaulin, that the House recede and concur with the Senate will say aye; those opposed no.

A viva voce vote being taken the motion prevailed, and the House voted to recede from its former action whereby it accepted the "Ought not to pass" report and concurred with the Senate in the acceptance of the "Ought to pass" report and in the adoption of the Resolution.

On motion by Mr. Payson of Portland, the House voted to take from the table the twelfth tabled and unassigned matter, House Order Relative to Clearing Table Daily, tabled yesterday under the House Rules.

The SPEAKER: The Clerk will read the order.

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

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

Mr. PAYSON: Mr. Speaker, in accordance with the notice I gave yesterday when I introduced the order, I now move its passage, and I think it needs no explanation to any member of this House. It is purely and simply for the purpose of expediting the work of the Legislature so that we may finish.

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

The motion prevailed and the order received passage.

The SPEAKER: 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. Rollins of Greenville,

Adjourned until ten o'clock tomorrow morning.