

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 24, 1941.

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

Prayer by the Rev. Mr. Dunn of Gardiner.

Journal of the previous session read and approved.

Mr. Newcomb of Carmel, presented the following Report:

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on H. P. 1560, L. D. 849 "An Act relating to the Manufacture and Sale of Cider" reporting that the Senate recede and concur with the House.

(Signed)

Messrs. GOODRICH of Palmyra
AYER of Cornish
NEWCOMB of Carmel
—Committee on part of House.

ELLIOT of Knox
BATCHELDER of York
—Committee on part of Senate.

The Report was read and accepted.

Mr. Rollins of Greenville, presented the following Report:

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Imposing an Additional Gasoline Tax" (H. P. 1475) (L. D. 615) reporting that the House recede from its former actions whereby the Bill was passed to be engrossed as amended by House Amendment "A", and whereby House Amendment "A" was adopted, indefinitely postpone House Amendment "A", adopt Committee Amendment "A" submitted herewith, and pass the Bill to be engrossed as amended by Committee Amendment "A"; that the Senate recede from its former action whereby the Report of the Committee on Taxation reporting "Ought not to pass" was accepted, substitute the Bill for the Report, adopt Committee Amendment "A", and pass the

Bill to be engrossed as amended by Committee Amendment "A".

(Signed)

Messrs. ROLLINS of Greenville
DOWNS of Rome
BREWSTER of Presque Isle
—Committee on part of House.

SNOW of Piscataquis
BROWN of Aroostook
BRIDGES of Washington
—Committee on part of Senate.

The SPEAKER: The Clerk will read Committee Amendment "A".

Committee Amendment "A" to H. P. 1475, L. D. 615, Bill, "An Act Imposing an Additional Gasoline Tax."

Amend section 1 of said bill by striking out the figure and word "5 cents," and inserting in place thereof the figures "4½c" and by striking out the figure and word "4 cents," where they appear after the figure and word "3 cents" and inserting in place thereof the figures "3½c".

Further amend said bill by striking out the figures "4/5" and inserting in place thereof the figures "7/9".

Further amend said bill by adding thereto the following:

Sec. 3. Duration of tax. This act shall be in force and effect until July 1, 1943. On July 1, 1943, this act shall cease to have any force and effect. It is declared to be the legislative intent that until July 1, 1943, the present provisions of sections 79 to 89-C, inclusive, which are in contradiction to the amendments herein, shall be suspended during the effective period of this act.

Thereupon, the Conference Report was accepted.

The House then voted to recede from its action whereby it passed this bill to be engrossed, and to further recede from its action whereby it adopted House Amendment "A".

House Amendment "A" was indefinitely postponed.

Committee Amendment "A" was then adopted, and the bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

On motion by Mr. Holman of Dixfield, the bill and accompanying papers were ordered sent forthwith to the Senate.

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

Mr. PAYSON: Mr. Speaker, once again I ask unanimous consent that

the Clerk be authorized to forward after the House recesses this morning all papers acted upon to the Senate, and the right of reconsideration as to the immediately preceding action shall be deemed to be waived unless the Clerk is notified of intent to make such motion within one hour of the time the House recesses.

This is the normal procedure that has to take place at the end of the session in order for the two branches to exchange papers forthwith and without a motion in every case to send to the Senate forthwith.

If this motion is adopted, anyone who wishes to reconsider on any action that has been taken this morning can notify the Clerk and he will be protected in his right to reconsider. If he does not, of course the right of reconsideration is waived. Unless this action is taken, all papers acted upon in this House will have to be held in the Clerk's office until tonight, and cannot go to the Senate until tomorrow.

It is not in any way an attempt to deprive anyone of any of their rights; it is just something that is absolutely necessary to speed up the work of the House and Senate.

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

Mr. LaFLEUR: Mr. Speaker, may I address an inquiry to the gentleman from Portland through the Chair? I would like to ask through the Chair of the gentleman from Portland if a particular measure should be passed within a particular hour with the limitation, how can we reconsider?

The SPEAKER: The Chair can reply to the gentleman that his question may perhaps be answered by reading the request for unanimous consent: "That the Clerk be authorized to forward after the House recesses this morning all papers acted upon this morning to the Senate, and that the right of reconsideration as to the immediately preceding action shall be deemed to be waived unless the Clerk is notified of the intent to make such motion within one hour after the House recesses."

The gentleman from Portland, Mr. Payson, asks that by unanimous consent the Clerk be authorized to forward after the House recesses this morning all papers acted upon this morning to the Senate and that

the right of reconsideration as to the immediately preceding action shall be deemed to be waived unless the Clerk is notified of the intent to make such motion within one hour after the House recesses. Is there objection? The Chair hears no objection.

Senate Reports

Conference Committee Report

From the Senate:

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Proposing Amendments to the Constitution Repealing the Constitutional Provisions relating to the Office of Treasurer of State and Ratifying and Approving a Legislative Enabling Act providing for Appointment of the Treasurer upon Approval of this Resolve (S. P. 75) (L. D. 49) reporting that the Committee is unable to agree.

(Signed)

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

—Committee on part of
Senate.

WILLIAMS of Bethel
McGLAUFILIN of Portland
GOOD of Monticello

—Committee on part of
House.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Conference Committee Report

From the Senate:

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Prevent Fraudulent Advertising" (S. P. 345) (L. D. 662) reporting that a majority of the Committee from each branch recommend that both branches recede from their former action, and that the new draft (S. P. 567) submitted herewith "Ought to pass".

(Signed)

Messrs. HILDRETH of Cumberland
FELLOWS of Kennebec

Miss LAUGHLIN of Cumberland
—Committee on part of
Senate.

Messrs. MILLS of Farmington
BRIGGS of Hampden

—Committee on part of
House.

Came from the Senate with the Majority Report accepted and the new draft (S. P. 567) (L. D. 1169) passed to be engrossed.

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

Mr. LAMBERT: Mr. Speaker, a week ago I was very much interested in this bill concerning fraudulent advertising. I want to say, at the outset, that I attended the hearing before the Judiciary Committee, and I heard the pros and cons on this bill. This bill now comes from the Committee of Conference reported out in New Draft L. D. 1169.

I have read the new draft, and I find it still to be unnecessary and ridiculous. I tell you now that I object to this Act, because I believe it is unnecessary and because I believe it can be used to injure advertisers and legitimate merchants.

The terms of this Act are very broad, and it could be spread out to include almost all advertisers as fraudulent advertisers. For instance, this Act would make any person guilty of a misdemeanor who published an advertisement which contained "any assertion, representation, or statement of fact, which is untrue, and designed to be deceptive or misleading."

But who is going to decide what is untrue, what is deceptive or what is misleading? There is a decided difference of opinion as to what is untrue, or what is deceptive. For instance, it may depend upon your point of view. It seems to me that it would be very easy, under this Act, for a merchant who wants to take a crack at a competitor to do a real job on him.

For instance, he might enter a complaint against his competitor, for some statement or headline or description of stock which he claimed to be untrue, deceptive or misleading. The merchant who had the advertisement could be summoned into court and charged with fraudulent advertising. He might be found innocent and discharged, but I tell you, Ladies and Gentlemen, the damage has been done to the merchant. The public will be talking about the fact that So-and-So has been hailed into court charged with fraudulent advertising. His business would be damaged and his reputation in the community would also be damaged. In addition to this, he would be put to

considerable expense for legal defense. I am not in favor of subjecting our merchants to the danger and nuisance of such an unnecessary Act.

Under this Act, a picture of a movie star in an advertisement might be claimed to be deceptive or untrue, because the readers might, directly or indirectly, be led to think that by using the advertised preparation or by smoking the advertised cigarette, they would get to look like the movie star. Under this Act, it could be considered misleading, deceptive or untrue. This would not mislead me—because I know better. (Laughter)

I have had some experience in the newspaper business, and from my point of view, this Act, even in new draft, is unnecessary and ridiculous.

I hope it will not be approved.

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

Mr. MCGLAUFFIN: Mr. Speaker, I would just like to point out that this provision is that it not only shall be untrue, but that it is designed to deceive. The gentleman from Lewiston (Mr. Lambert) who just spoke said: "Who is going to decide?" The Courts are going to decide. It has got to be proven in the courts that it was not only untrue but that it was designed to mislead the public.

For example, when they advertise a fountain pen to be worth \$5.00, when the same fountain pen can be bought anywhere from twenty-five cents, and it will not write anyway, that is a deliberate untruth, and they know it; but the public is constantly being deceived by just such advertising.

This is a good bill and it ought to receive a passage.

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

Mr. LAMBERT: Mr. Speaker, I still do not see any need of this Act going by, and I am going to move that the Conference Committee report be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Lambert, moves that the Conference Committee report be indefinitely postponed.

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

Mr. BRIGGS: Mr. Speaker, as a member of one of those unusual

bodies, an agreeing Conference Committee, I think perhaps I ought to say something about this new draft.

The Conference Committee met and agreed on the new draft, which we thought incorporated provisions which would take care of all objections that were raised to the bill.

One of the chief objections to the original bill was that it might work a hardship on the publisher of a newspaper, magazine or other publication, and it was felt that the exemption was not adequate, so we redrafted that, to provide that the publisher who printed an advertisement without actual knowledge of its falsity will not be liable under the act.

We also added a clause providing that it is necessary for the plaintiff to prove that the publisher had actual knowledge.

In other words, it is not up to the publisher to defend himself but the proof must be given that he did have actual knowledge.

It seems to me that with these amendments, the bill cannot possibly hurt anybody who is honest.

I do not think that we ought to go around tilting at wind mills as to what might possibly happen on the bill, nor do I think that we ought to be afraid to pass a law which might help destroy some of the false advertising that is going around the State.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Lambert, that the Conference Committee Report be indefinitely postponed.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I have already remarked considerably about this bill, and I do not propose to weary you with a repetition of what I have said before.

I will say simply this, however, that these amendments do not remove any of the objections which I had to the original bill, and they do remove some of the virtues which the bill may have had.

I am still opposed to its passage.

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

Mr. CONANT: Mr. Speaker and Members of the House: As appears

from the calendar this morning, while I was on that Conference Committee, my name was not affixed on the report. I do desire to state my reasons for not affixing my name thereto.

If you will recall the remarks which I made upon the floor of this House, when this bill was up for consideration, you will recall that I stated that the matter of securities should not be included in Section 1, for the reason that the matter is adequately covered by the existing so-called "Blue Laws" of this State. That has been deleted, of course. I did not hear all of the remarks of the gentleman from Hampden, Mr. Briggs, but I imagine he told you that that had been deleted. That was one of my objections to the bill.

While I can see much to be offered by the bill in a certain form, I am still not in favor of this draft.

You may recall, also, that as regards Section 2, the matter of exemptions, I stated that the Federal Trade Commission already takes care of the matter of fraudulent advertising, so far as relates to radio stations.

I stated, also, that the Postmaster General of the United States has had authority, since 1873, to forbid the use of the mails to newspapers which employ fraudulent advertising.

It was my suggestion, in Committee, after more mature deliberation than we had in the few minutes which the Conference Committee had, that the objections which I raised on the floor of the House would probably be covered, for the most part, if we had stopped after the word "printer", the second line in Section 2, for the reason that that subject matter is already adequately covered by Federal legislation. Those are the reasons why I did not sign the Conference Committee Report.

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

Mr. MILLS: Mr. Speaker, when the bill was originally before the House, I spoke against it. I went on the Conference Committee, and I do not want to be turning my coat this morning, but I feel that the new draft did take care of some of the major objections to the bill, inasmuch as it put the burden on anyone alleging there was any

fraudulent advertising, going on to prove not only the advertising was fraudulent, as it appeared in the newspaper, but that the owner of the newspaper had knowledge of it before he published it.

I feel that would be an almost impossible thing to do. Consequently, it would not be any burden upon the press. However, the provisions in regard to the fellow who starts the advertising, or orders it placed, are still as strong as they were before, and I think that was the main intention.

I would like to comment a minute on Conference Committees. We had a Conference Committee on this bill, and the people there down in the front parlor were very much interested in getting together with us, so we sat down and had a long talk. We appeased them, I think, we members of the House.

Yesterday, I went into a Conference Committee, and there was not any conference at all; there was a report signed by the two Senators: "Unable to Agree."

So, in signing a thing like that, it depends on what you want done. I think that all Conference Committees ought to sit down and talk things over, and not have someone write up a Conference Committee report, and take it around, and those that do not want it to pass sign it "Unable to Agree", before there is any meeting or conference at all.

In this instance, we got together with them.

On the Megill Bill, so-called, they did not want to get together, so they signed right off "Ought not to pass—Unable to agree."

Mr. Lambert of Lewiston, was granted permission to address the House a third time.

Mr. LAMBERT: Mr. Speaker and Members of the House: Before the vote is taken on this measure, I want to warn you all that while it is true that some of the objections to this bill concerning the press, concerning the publication or responsibility, is taken away, according to my understanding of this new draft, that is not where the main damage is.

The main damage is to the merchant himself. We have reputable merchants in the State of Maine, and your merchant today is doing business in a competitive way. I want to tell you this—that if I have

a department store on Water Street, here in Augusta, and my competitor, whom I do not like at all—in the same business, is right across the street, and I see an advertisement that he has put in his window, or in a newspaper—wherever he may put it in—in order to hurt his business, I am going to charge that he is advertising fraudulently. That man is then going to be hailed into Court on my complaint. When he gets into Court, he is found "Not guilty." But the bad publicity he got out of it is enough to finish him. Just think of that, Ladies and Gentlemen. This bill here is more far-reaching than anyone seems to realize.

Your merchant on the street today is pretty well protected, and you are pretty well protected by Federal laws on fraudulent advertising. If anyone tries to advertise something that really is not so, you can go to court, as it is now, and get fair dealing, without resorting to a bill of this kind.

In this bill here, as I said before, the objection of some newspapers is probably taken away, but the fact still remains your merchant is the one who may be made to suffer by it, by some unfair competitor, who might imply that he is using fraudulent advertising for his goods, and the publicity of a good, reputable store—the publicity of being hailed into court, although found not guilty—the damage is already done to the merchant.

As I said, when I talked previously, So-and-So tells So-and-So, "That place there is advertising fraudulently. I see where they were hailed into Court for that." The fellow is absolutely innocent, still the damage will be done. You know how long it is before the court machinery gets to working. They might be held over for the next term of Superior Court, and that would be possibly a month. During that month that man is out of business.

You want to think of it seriously, Ladies and Gentlemen. This bill, and its entire contents, to me is very ridiculous, and very harmful to our State merchants, although the title of it seems to be all right.

Anybody that is in this House will say, "Of course, I am against fraudulent advertising." So am I, but I am not in favor of any bill that might give a chance to some

cheap competitor to harm a reputable merchant.

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

Mr. MCGLAUFLIN: Mr. Speaker, I would like to say to this House that if there is any merchant in the State who knows that a thing is untrue and designedly,—as this bill provides,—designedly tries to mislead the public, he should be stopped.

Now, as to the argument that has just been presented to you that somebody might make a false charge and try to injure a merchant, let me tell you now, that any man in the State can make a charge—a false charge—against anybody right now, but he cannot get away with it. They would not get away with it in this case, unless they have got the evidence to convict. If they have got that evidence, the man should be convicted, whether he is a merchant or a newspaper man or whatever he may be.

The argument just presented by the gentleman from Lewiston, Mr. Lambert in my judgment is all bunk. (Laughter)

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

Mr. GRUA: Mr. Speaker and Members of the House: I just want to point out to you that there is no such danger to the innocent merchant as you are led to believe by the arguments of the gentleman from Lewiston, Mr. Lambert.

I think it is familiar to all of you that before you can get a warrant at any time for the prosecution of anybody, you have to first convince the Judge or Recorder of the Court to whom you apply for that warrant, that the evidence that you present is ample evidence to convict in the Court, provided there is not some logical defense at the time of the hearing.

Every Judge of the Court and every Recorder of the Court is very jealous to see that warrants are not improperly issued, and that his court, and the processes of his court, are not used for the purpose of oppressing, or for the purpose of unfair competition.

I think we can lay that aside as simply ridiculous, as it is, because no Judge is going to do that unless there is very good ground for believing that the competitor not only

was advertising falsely but that he designedly advertised falsely, purposely intending to deceive the public,—who may be, as some of you have heard, advertising a set of dishes that retails anywhere for \$11.00, advertising that for \$5.00 and throwing in one of Swift's Premium Hams in connection with it. Now, that sort of crazy advertising does have its appeal to certain unthinking persons. It is a disgrace to our community that that sort of thing should go on. I cannot conceive how anyone could reasonably object to forbidding that sort of public advertising to go on over our radios, or in our newspapers, or in all sorts of ways likely to tempt people to spend their money for things that may prove worthless after they get them.

This law puts our law in line with the law of other states, and in line with the Federal Law, in regard to the same thing.

It is no harm to the newspapers, because, if they did not know the advertising is false, they are harmed in no manner whatever. The newspapers, under the Federal law, are permitted to circulate, if they do not know the advertising in their newspaper is false. Therefore, the Federal law has no effect on what this law tries to hit—namely, the Federal law does not touch the advertiser himself when he designedly puts out false advertising.

Therefore, I think that enough has been said on this. Your Conference Committee has worked strenuously to bring in something that will really do what we are after. I hope that their efforts will be rewarded and this bill passed.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Lambert, that the Conference Committee report be indefinitely postponed.

All those in favor of the motion of the gentleman from Lewiston, Mr. Lambert, that the Conference Committee Report be indefinitely postponed, will say aye; those opposed no.

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

Twenty having voted in the affirmative and 76 in the negative, the motion did not prevail.

Thereupon, on motion by Mr. McGlauffin, the majority report of the

Conference Committee was accepted in concurrence.

The House then voted to recede from its action whereby it indefinitely postponed this bill, and further voted to substitute the New Draft, L. D. 1169, for the original bill.

Thereupon, the bill had its first two readings, and under suspension of the rules was given its third reading, and was passed to be engrossed without reference to the Committee on Bills in the Third Reading, in concurrence.

Final Reports

From the Senate:

Final Report of the Committee on Legal Affairs.

Final Report of the Committee on Library.

Came from the Senate read and accepted.

In the House, were read and accepted in concurrence.

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

Senate Report on a Consolidated Resolve—Amended

From the Senate:

Report of the Committee on Pensions reporting a Consolidated Resolve (S. P. 545) (L. D. 1131) under title of "Resolve providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons" and that it "Ought to pass."

(The complete list of these Resolves, by Paper Numbers, will be found in the Senate Proceedings of the Legislative Record under date of April 8th.)

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

In the House, Report read and accepted in concurrence, and the Resolve had its first reading.

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

Senate Amendment "A" to S. P. 545, L. D. 1131, entitled: "Resolve, Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons."

Amend said Resolve by striking therefrom the line which reads as follows:

"Alfred Skofield, East Corinth, \$12 per month."

Senate Amendment "A" was adopted in concurrence.

Thereupon, Mr. Morrison of Winter Harbor, offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 545, L. D. 1131, "Resolve providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons."

Amend said Resolve by striking out the words "Winter Harbor" after the name "Wesley Fernald" and inserting in place thereof the word 'Franklin'.

House Amendment "A" was adopted, and under suspension of the rules the Resolve was given its second reading and passed to be engrossed in non-concurrence and sent up for concurrence.

Recess Committee Report

Report of the Recess Committee created by chapter 47 of the Resolves of 1939 to investigate and consider use of the plant of the Eastern Maine State Normal School at Castine for purposes other than the training of teachers, reporting their findings and recommending passage of "Resolve permitting the Use of the Eastern State Normal School Plant as a Nautical Training School" (S. P. 566) (L. D. 1168)

To the Ninetieth Legislature of the State of Maine:

Under a resolve, chapter 47, the resolutions of 1939, a recess committee was authorized and created to investigate and consider using the plant at the Eastern State Normal School at Castine for desirable purposes of education of youth other than the training of teachers.

The committee has had several meetings and on September 6, 1939, a public hearing was held at the Eastern State Normal School at which time all interested parties were given opportunity to voice their opinions and offer suggestions. The committee has studied the feasibility of vocational and industrial courses in various states which might be applicable to the situation and has arrived at the conclusion that the geographical location of this plant is not suitable for a strictly industrial or vocational school.

Suggestions have been offered to the committee that the plant could accommodate additional courses of instruction supplementary to the courses for teachers which would utilize to a greater extent the physical property.

It is the opinion of the committee that additional courses could be given advantageously and the plant of the Eastern State Normal School, as a whole, due to location seems particularly well suited for such an institution as a Nautical Training School, and we submit herewith a Resolve to permit the carrying out of that objective.

Respectfully submitted,

(Signed)

RAE D. GRAVES, Chairman
EDSEL G. PRATT, Secretary
HERVEY R. EMERY, Member

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

In the House, Report was accepted in concurrence and the Resolve had its first reading, and under suspension of the rules, the Resolve was read the second time and was passed to be engrossed in concurrence.

Orders

On motion of Mr. Rankin of Bridgton, it was

ORDERED, that the Clerk of the House be directed to send flowers to Mrs. Robbins of Harrison, and express to her the sympathy of the members and their wishes for a speedy recovery from her recent accident.

On motion by Mr. Murchie of Calais, it was

ORDERED, that the Superintendent of Printing be hereby authorized to purchase Mimeograph equipment to supplement equipment purchased by the 87th Legislature, to insure the continuance of the furnishing of duplicate copies of such requirements of the Legislature as may be necessary from time to time, the cost of the same to be paid out of the contingent expenses of the Legislature.

House Committee Report Ought Not to Pass

Mr. Ayer from the Committee on Ways and Bridges reported "Ought not to pass" on Resolve in favor of the town of Camden (H. P. 457)

Report was read and accepted and sent up for concurrence.

First Reading of Printed Bills

Bill "An Act to Provide for a Pension for Members of the Fire Department for the City of Auburn" (H. P. 1930) (L. D. 1171)

Bill "An Act to provide a Pension for Members of the Police Department of the City of Auburn" (H. P. 1931) (L. D. 1170)

Bills were read twice and tomorrow assigned.

Passed to be Engrossed

Bill "An Act relating to the Parole Board" (S. P. 372) (L. D. 688)

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

Bill "An Act to Provide a Pension for Members of the Police and Fire Departments of the City of Waterville" (H. P. 831) (L. D. 345)

Was reported by the Committee on Bills in the Third Reading.

Mr. Rodrigue of Waterville, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 831, L. D. 345, Bill, "An Act to Provide a Pension for Members of the Police and Fire Departments of the City of Waterville."

Amend said bill by adding after the words "60 years" in the second line of the paragraph numbered 2 in section 4 thereof, the following words 'or shall have served 25 years in said department'.

Further amend said bill by adding thereto a new section to be numbered 11 and to read as follows:

Sec. 11. Referendum. This act shall take effect for the purpose of permitting its acceptance or rejection by the legally qualified voters of the city of Waterville at any general election held therein or at any special election called for that purpose under the provisions of law relating to calling of special elections in said city, which special election is hereby authorized. If a majority of the qualified voters vote in favor of the acceptance of this act, this act shall become finally operative. The question shall be "Shall an act entitled 'An Act to Provide a Pension for Members of

the Police and Fire Departments of the City of Waterville' be accepted." Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The city clerk shall forthwith file with the secretary of state a certificate of the action of the city thereon.

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

Passed to Be Engrossed (Continued)

Bill "An Act to Provide for the Appointment of a Board of Commissioners of Fire Department of the City of Gardiner" (H. P. 1585) (L. D. 919)

Resolve Dividing the State into Executive Councillor Districts (S. P. 527) (L. D. 1090)

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

Amended Bill

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)

Was reported by the Committee on Bills in the Third Reading.

The SPEAKER: The Clerk will read Committee Amendment "A".

Committee Amendment "A" to H. P. 1235, L. D. 497, Bill "An Act Relative to the Employment of Females in Executive, Administrative, Professional or Supervisory Capacities and as Personal Office Assistants."

Amend said bill by adding at the end thereof the following: **and who receive remuneration on an annual salary basis of not less than \$1200.**

Committee Amendment "A" was adopted, and the bill was read the third time, passed to be engrossed as amended and sent to the Senate.

Passed to Be Enacted

An Act to Provide a Police Commission for the City of Biddeford (I. B. 1) (L. D. 1158)

An Act relating to Elections in the City of Biddeford (I. B. 2) (L. D. 1159)

An Act relating to the School Equalization Fund (S. P. 293) (L. D. 504)

An Act relating to Apportionment of School Funds (H. P. 462) (L. D. 200)

An Act to Incorporate the Wiscasset Foundation (H. P. 1156) (L. D. 501)

An Act Relating to the School or Reserved Lands of the State (H. P. 1790) (L. D. 1043)

An Act relating to the Adoption of Children (H. P. 1915) (L. D. 1152)

An Act to Provide Better Government for the town of Bar Harbor (H. P. 645) (L. D. 281)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, 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 only tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Imposing an Excise Tax on Electricity." (H. P. 1472) (L. D. 606) tabled by the gentleman from Strong, Mr. Richardson, on April 23rd pending acceptance; and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, I move acceptance of the committee report.

The SPEAKER: The gentleman from Strong, Mr. Richardson, moves the acceptance of the "Ought not to pass" report of the Committee. The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I believe that this bill would provide a substantial amount of revenue, and I think that it carries with it perhaps provisions which raise that revenue from sources which would be well able to pay.

We have passed here in the House a cigarette tax, two cents on a package. That will come, of course, from the consumer, who is usually in the low-wage bracket. That is where we find the main consumption of cigarettes. I think that we ought to have a well-balanced tax program; in other words, it would be unfair for us to leave here and tax just the lower classes.

Now it has been said, through the press at least, that a tax on electricity would be passed on to the

consumer and would mean higher rates in our homes. That is something, of course, we wish to avoid, because, as we all know, the rates in the State of Maine are plenty high enough today, and they are plenty high enough in our industrial plants.

I would like to get further information before we throw this out. I would like to be shown—and I hope you will like to be shown—that this is a tax which would be passed on to the consumer. I think it ought to be definitely proven to us before we throw this measure out of the window, before we jump through the hoop for the public utilities.

Now in the year 1938 the earnings for the three largest utilities in the State of Maine were as follows: Cumberland County Power and Light Company, \$822,371, or \$13.70 per share; Central Maine Power Company, \$1,792,643, or \$9.07 per share; Bangor Hydro-Electric Company, \$699,835, or \$14.95 per share. For the total year of 1938 the earnings of these three larger companies were \$2,314,849. I won't list them separately for the year 1939 or for the year 1940; but the totals in 1939 were \$3,563,167; and in 1940 it went up somewhat and was \$3,745,352. So in 1940 the Bangor Hydro earned \$16.91 a share, the Central Maine \$9.75 a share, and the Cumberland County Power and Light Company \$13.69 per share.

Now in the year 1940, according to the records of the Public Utilities Commission, which are compiled from the reports of these companies, dividends were paid as follows by these three larger companies: Bangor Hydro-Electric, \$566,453.20 on its various classes of stock; Cumberland County Power and Light Company, \$645,372.92; Central Maine Power Company, \$1,309,682.28, or a total during the year 1940 of \$2,521,508.40.

Now, as I understand it, this tax would raise from \$200,000 to \$400,000 depending upon the figure which you determine. I think it is rather strange to say that the tax would be passed on. I may be in error here, and if I am, I hope it will be pointed out to me, but I think it is strange to say this tax would be passed on to the consumer, when the dividends last year amounted to two and a half million dollars and the tax itself would be from

\$200,000 to \$400,000, a small fraction of that two and a half million.

I think that we should not tax wholly one class, that we should try to be as fair as possible in establishing our tax program for the year. Obviously, to me, at this point at least, the power companies could afford to pay and could afford to pay without passing it on to the consumer, because it could be very well absorbed. I understand in Vermont they have an excise tax on electricity and when it was put on it was absorbed.

Now we are continually having the bait dangled in front of us in regard to the excise tax on electricity, saying if you do this we won't lower rates. The rates have come down gradually over a period of years, but I submit that the State of Maine is still in a very high rate bracket. I think when the earnings are such as I have read to you this morning that we should be perfectly ready to tax that type of utility as well as others.

I think the Republican Party in Maine has been criticised in the past for this type of legislation that we are putting through, this legislation which hits the smaller fellow and which tends to let the larger corporations go free. I do not say they are not being taxed; they are paying property taxes; but they have a monopoly, a permissible monopoly, if you will, a monopoly which we allow them. Their profits are sure because of their rates, and I think, when they show such earnings as I have read to you, that we should give them the privilege, if you will, of bearing their full share of the tax program. I move, Mr. Speaker, that the bill be substituted for the report, if that is in order.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I hold no brief for the power interests, but I have consulted with some of the representatives of the power companies and they have informed me that this tax will be passed to the consumer.

Now, if that be so there are two large paper industries in this State, one of which will pay of this tax \$151,000, and another large paper industry which will pay \$165,000 on

the kilowatt hours which have been used in the past.

In the City of Lewiston, the mills in that city will probably pay about \$100,000 of this tax. Perhaps you may recall only a few years ago that the Central Maine Power Company took over the mills of Lewiston in order to save them from bankruptcy, and they are running these mills today, and if you impose this tax upon them, they cannot pay it.

The same applies to the City of Auburn, the shoe industry; over \$75,000 of taxes comes from those manufacturers alone. Sixty per cent of the power that is supplied by these power industries is used by the industries of Maine.

One small industry in the County of Androscoggin will have to pay for this tax \$6500, and their income last year was less than \$5000.

The industry in Rockland, the cement industry—it will impose a tax of a dollar a ton upon cement, and the cement industry is highly competitive. The same will be true of the pulp industry. It will impose a dollar a cord upon that industry. I feel if this tax is to be passed on to the consumer it is not right; it is not just. I believe it will deprive these industries from operating successfully, and I see no good reason at this time for imposing a tax like this upon the industries of Maine.

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

The Chair recognizes the gentleman from Lewiston, Mr. Roy.

Mr. ROY: Mr. Speaker, speaking of taxes, it matters not in what form you present them, it falls primarily on the farmer, who is the foundation of wealth, and then on the laboring people who produce wealth, and it falls on no one else. That is where the money will come from.

Now the electrical companies operate wholly in our State; the profit they realize remains at least seventy-five per cent in our State—and all that counts in anything is the profit—so I do not see why, if we tax these companies, we are getting their profit, because their profit comes out of the laboring people.

Sometime ago we refused to pass a tax that would have taken in those giant corporations that do business here. They said they could not do it because that would pass it on to the people. Those corporations depend wholly on the people, and when we tax them we are taking it from the people. I say if we tax these companies, we are taxing people more than if we tax outsiders. For those reasons, I hope the "Ought not to pass" report will be accepted.

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

Mr. GRUA: Mr. Speaker and Members of the House: I am not very familiar with this subject. I do know we have got to raise taxes; I know that we are considering putting taxes on the laboring population. I believe that the public utilities who get their money by reason of our protection and our giving them a monopoly are a proper subject for taxation. I am fully in accord with the sentiments expressed by my Brother, the gentleman from Farmington, Mr. Mills. I think this is a proper place for taxation. I think we will make a mistake if we throw this bill out of the window at this stage of the proceedings. We do not know what bills we are going to have from which we can raise money enough to take care of the deficiency that is presented before us. I am not one of those who is willing to go home without providing the necessary funds for the running of our government and paying the amounts that are due to our aged, as we have already heard about. I think this provides one means and not a difficult means. Even if it is passed on to the consumer, as is here threatened, I nevertheless think it would be a fair tax, just as fair a tax as the tax on cigarettes or a tax on the necessities of life as is proposed through a sales tax. I believe we ought to keep this bill alive, and I am very thoroughly in accord with the sentiments expressed that this bill should be substituted for the committee report.

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

Mr. LAMBERT: Mr. Speaker, I rise at this time to speak more in my official capacity which I hold in Lewiston as Mayor. I want to sub-

stantiate in every detail the statements made by the gentleman from Auburn, Mr. Jacobs, concerning the mills in Lewiston.

The City of Lewiston was faced with a drastic situation a few years back, and the Central Maine Power Company took over our mills, and although operating some of them for years at a loss, they kept our people in the mills working. Only a short while ago they raised the salaries of the workers ten per cent.

I believe, if this bill has a passage, and these corporations are forced to pay as the gentleman from Auburn, Mr. Jacobs, has told you, the mills would be taxed heavily, and there is a doubt in my mind as to whether or not the people working there would have a further increase in salary or whether they would have to stay on the low wages they are getting now. If anything here is going to get by and is going to mean a loss in salary to the workers, the property owners of Lewiston, I for one am personally against it, and I hope the "Ought not to pass" report is accepted.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I heard the cement plant in Knox County, in Thomaston, brought up, and I must mention the fact that what the gentleman from Auburn (Mr. Jacobs) says is absolutely true. If these taxes are assessed on these companies and they pass them on—and I note that the gentleman from Farmington (Mr. Mills) says they cannot pass them on because their earnings are so heavy—but I have seen the time, Mr. Speaker and Members of the House, when their earnings have not been so heavy; I have seen the time when they have not earned their dividends, and when that day comes these taxes will have to be passed on. Now when these taxes are passed on, and when the cost of the manufacture of cement goes up a dollar a ton, those factories might just as well close down, because, as you all know, the cement industry is highly competitive; and our plant has a hard enough time to get by as it is, because we are way down here in a corner of the country and have to pay freight both ways. Our competition is now very stiff with these cement mills in northern New York

and other states that are using the product. I maintain—and I am positive of this fact—that if the cost of manufacturing cement went up twenty-five cents, this plant could not stay open. They are now offering employment to about a hundred people and paying a third of the taxes in the town of Thomaston.

I say if you can soak these public utilities, soak them; but you cannot soak them because they can pass it along to the consumer. If the State feels they are earning too much money, the Public Utilities Commission has a right to force them to drop rates.

I claim this is an unjust tax and cannot be collected in the manner they provide, so I hope the motion of the gentleman from Strong (Mr. Richardson) will prevail.

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

Mr. FARWELL: Mr. Speaker, there is one thing I want to call your attention to in regard to this bill. In Bangor the Eastern Manufacturing Company uses around 165,000 kilowatt hours a year. A mill tax on each kilowatt hour would amount to \$65,000 yearly to that one concern, which alone would put the price of paper upwards of two dollars a ton higher than it is now, due entirely to the tax. Now they have spoken of the cement industry as being highly competitive. We know that the paper industry is also highly competitive, and we have seen the State of Maine lose mill after mill that has gone south. I ask you if we in the Legislature are going to tax our industries in the State of Maine to such an extent they will not be able to compete with out-of-state mills. When we do that, then I am afraid we are sending more of our industries to other states. I hope the motion of the gentleman from Farmington, Mr. Mills, does not prevail.

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

Mr. RICHARDSON: Mr. Speaker, I think it is well to make clear the reason for the "Ought not to pass" report of the committee. We were advised very generally—and I think that knowledge was in the possession of all the members of the House, in fact of both branches—

that we needed a certain amount of revenue, and finally as bill after bill fell by the wayside, we finally reached the point where, after committee action, we had three bills on the way, apparently, to passage, namely the tax on cigarettes, the tax relating to inheritances, and the tax in regard to increasing the amount levied upon wines and liquors.

You will remember that the committee reported out "Ought not to pass" on the bill providing for the increase in the tax on liquor. I think in this body that bill was overthrown, so that bill is now in one of its several stages of passage. It was after that action was taken and after these other bills were on their way, apparently, that the committee met and made its decision in regard to this tax upon electric current. It was our feeling then that we were in a way then to realize the necessary revenue from the measures we had reported out favorably, and it was on that reason and no other that we based our decision and reported this particular measure out "Ought not to pass". I think I stated the opinion of the committee or the decision it reached in that it was not our function to find new sources of revenue beyond the minimum needs of the State, and when it became evident to us that the Legislature in its wisdom had determined to increase the tax on liquor, which we were advised would provide an amount of revenue approximating what we expected to receive if this tax on electricity became a law, we reported it out "Ought not to pass".

Yesterday I tabled this because some part of the tax program seemed to be bogging down. Personally, I was perfectly willing this morning it should remain on the table, but, realizing the vote on some motions made yesterday for similar action, I hesitated to make the motion. However, we did realize that this must go to the other body, and it was still possible for it to be tabled there or for some change to be made in the action of that other body.

That was the only reason why the committee acted as it did, and that is why I made the motion a few moments ago that we accept the "Ought not to pass" report of the committee.

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

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

Mr. MILLS: Mr. Speaker, I had hoped that out of the arguments this morning I would be enlightened as to how this tax could be passed on. It has been asserted repeatedly that it would be passed on. The only authority that I have for that is Mr. Sam Conner, of the Lewiston Journal, and that does not fully satisfy me.

It has been said here, too, this morning, it certainly would be passed on, but I want to ask you, Members of this House, how could this small pittance—which is a pittance in comparison with the earnings of the companies over the past few years—be passed on, unless the Public Utilities Commission determined it was necessary, and determined that it had to be passed on?

To show you it is not just 1940. This is 1940, 1939 and 1938: The earnings have been over two million dollars a year—\$2,300,000 in 1938; three and one half million in 1939; \$3,745,000 in 1940.

I had hoped that someone would demonstrate to me how this could be passed on, and I am waiting for that information. It is also assumed that this bill is not necessary now, because we have enough revenue.

Well, we saw what happened yesterday in regard to one tax measure, and we are still in an uncertain stage here.

I think it would be premature to kill off this bill which would raise a substantial amount of revenue.

I hope that we will not see fit to bury it at this point.

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

Mr. SHESONG: Mr. Speaker and Members of the House: I hope I am not unduly egotistical in trying to inform the gentleman from Farmington, Mr. Mills, how this tax will be passed on.

I think it is a fundamental principle of law, and also recognized in accounting, that taxes are a legitimate part of the operation of any

business, and therefore they are passed on. You take that side of the dilemma and hold it for a moment.

If a tax is not passed on, what happens to it? It is simply a tax on the stockholders of power corporations. That is all there is to it.

Now, you have a law which, I think, is part of the Constitution, that intangibles may be taxed at a rate to be fixed by the assessors or something to that effect.

Now, if that is true, you are doubly taxing the holders of power company stock.

Now, on that basis alone, it seems to me just foolish.

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

Mr. DUTTON: Mr. Speaker and Members of the House: I represent a small town which has four wood-working mills in it, and the principal motive power of those mills is electricity.

I feel that an additional tax on electric power will be an additional tax on those mills.

The mills are doing a successful business, and I very much hate to see an additional burden put on them, that would drive them out of the community.

I might say, for the information of the gentleman from Farmington (Mr. Mills) that I do not know just exactly how the burden of taxes on electricity will be passed on. I simply know that it is passed on, and that every day in the year I pay a little better than \$1.00 for electric power. I believe that every cent of taxation that we impose upon a power company is passed on—and my proportionate part to me,—and I firmly believe that I would pay it.

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

Mr. WARREN: Mr. Speaker and Members of the House: It seems to me very strange that it should be necessary to explain to any member of this House that from the set-up of the utilities those charges are bound to be passed on to the consumer whether the rate is changed immediately or a little later. It is unavoidable it must be charged on to the consumer.

Now I can speak from full knowledge of the situation and can tell you that the passage of this bill would be a very serious thing for

the industry I represent, that it would fall very unequally upon the different industries. I am very sure, if you knew all the facts, if you knew just the effect of this tax, you would realize it is absolutely out of the question and you would be doing a very unjust thing if you pass this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Richardson, that the House accept the "Ought not to pass" report of the committee. All those in favor of the motion of the gentleman from Strong, Mr. Richardson, that the House accept the "Ought not to pass" report of the committee will say aye; those opposed no.

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

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

Mr. PAYSON: Mr. Speaker, I move that the House reconsider its action of yesterday whereby it passed to be engrossed as amended by House Amendments "A" and "C" Legislative Document 607, Bill, "An Act Relating to Taxes upon Wines and Spirits"; and I further move that the House reconsider its action whereby it adopted House Amendment "C".

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House reconsider its action of yesterday whereby it passed to be engrossed Legislative Document 607, "An Act Relating to Taxes upon Wines and Spirits." Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman from Portland, Mr. Payson, now moves that the House reconsider its action whereby it adopted House Amendment "C". Is this the pleasure of the House?

The motion prevailed.

Mr. Payson thereupon offered House Amendment "A" to House Amendment "C" and moved its adoption.

House Amendment "A" to House Amendment "C" to H. P. 1474, L. D. 607, Bill, "An Act Relating to Taxes upon Wines and Spirits."

Amend said Amendment by adding the word 'net' after the word "All" and before the word "revenue" in the fourth from the last line of said amendment.

Thereupon, House Amendment "A" to House Amendment "C" was adopted.

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

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

Mr. PAYSON: Mr. Speaker, I am informed by the Clerk that there will be nothing for the House to do, unless someone has some other measure they wish to take up now, until three o'clock this afternoon. I therefore move that the House recess until three o'clock this afternoon.

The SPEAKER: The Clerk will read the notices.

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

The motion prevailed and the House so recessed.

After Recess — 3 P. M.

Called to order by the Speaker.

The SPEAKER: The Clerk has in his possession a Conference Committee Report.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Practice of Chiropractic" (S. P. 482) (L. D. 1068) reporting that the Committee recommends that both branches recede from their former action and that the said act, in a new draft (H. P. 1933) submitted therewith, "Ought to pass".

(Signed)

Miss DEERING of Bath
Messrs. SAYWARD of Kennebunk
GOOD of Monticello
—Committee on part of House.
Miss LAUGHLIN of Cumberland
Messrs. FARRIS of Kennebec
SANBORN of Cumberland
—Committee on part of Senate.

Report of the Conference Committee accepted.

Thereupon, the House voted to recede from its action whereby it passed this bill to be engrossed.

The House then voted to substitute the New Draft for the original bill.

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

The following papers were taken up out of order under suspension of the rules.

Non-Concurrent Matter

From the Senate:

Bill "An Act Recreating the Bureau of State Institutions" (H. P. 246) (L. D. 85) on which the House accepted Report A of the Committee on Judiciary yesterday and passed the Bill to be engrossed.

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

In the House, on motion by Mr. Payson of Portland, the House voted to insist and ask for a Committee of Conference.

The Chair appointed as Conferrees on the part of the House: Messrs. PAYSON of Portland
BRIGGS of Hampden
GRUA of Livermore, Falls

Senate Insisting—Conference Asked

From the Senate:

Bill "An Act relating to the Administration of State Institutions" (S. P. 246) (L. D. 403) on which the House accepted the Minority Report of the Committee on Judiciary reporting "Ought not to pass" yesterday in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Majority Report of the Committee reporting same in a new draft (S. P. 565) (L. D. 1167) was accepted and the new draft passed to be engrossed, and asking for a Committee of Conference, and with the following Conferrees appointed on its part:

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

In the House, on motion by Mr. Payson of Portland, the House voted to insist and join in a Committee of Conference.

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

Messrs. PAYSON of Portland
BRIGGS of Hampden
GRUA of Livermore Falls

Senate Insisting—Conference Asked

From the Senate:

Bill "An Act relating to Hours of Employment" (S. P. 524) (L. D. 1085) which was indefinitely postponed in the House yesterday in non-concurrence.

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

Miss LAUGHLIN of Cumberland
Messrs. FARRIS of Kennebec
STILPHEN of Lincoln

In the House, on motion of Mr. Pierce of Bucksport, the House voted to insist and join in a Committee of Conference.

The Chair then appointed as Conferees on the part of the House: Messrs. PIERCE of Bucksport
BROWN of Brunswick
BELANGER of Winslow

From the Senate:

Bill "An Act Exempting Homesteads from Taxation" (H. P. 1558) (L. D. 828) on which the House accepted Report B of the Committee on Taxation on April 16th.

Came from the Senate with Report C of the Committee reporting same in a new draft B (H. P. 1913) (L. D. 1147) under title of "An Act providing for Funds for Old Age Assistance and Homestead Taxation Relief, and Imposing a Gross Sales Tax therefor" accepted and the new draft B passed to be engrossed as amended by Senate Amendment "A".

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

Mr. SLEEPER: Mr. Speaker and Members of the House: Please believe me when I say that this House

has acted sincerely on this bill and we have given it every consideration, both for and against it; we have argued it and we have voted on it. We voted honestly. We did not vote because we happened to have something against some other bill. We did not vote out of courtesy to some person, or this or that. We hashed and we rehashed this bill. And now it is corned beef hash and sent back to us with a dropped egg.

I do not think this House wants to roll any logs; I do not think this House wants to extend any courtesy votes; so I move, Mr. Speaker that we adhere to our previous action.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the House adhere.

The Chair recognizes the gentleman from Turner, Mr. Pratt.

Mr. PRATT: Mr. Speaker, I agree with the gentleman from Rockland, Mr. Sleeper, one hundred per cent. I think it is about time we braced up and did something.

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

Mr. MURCHIE: Mr. Speaker, I think we would be making one of the greatest mistakes that we ever made in this Legislature, if we did otherwise than go along with the motion of the gentleman from Rockland, Mr. Sleeper.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the House adhere to its former action whereby it accepted Report B "Ought not to pass." Is this the pleasure of the House?

The motion prevailed, and the House voted to adhere to its former action whereby it accepted Report "B".

The SPEAKER: The Clerk will read the notices.

On motion by Mr. Bernier of Lewiston,

Adjourned until 10:00 o'clock tomorrow morning.