

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

April 17, 1941.

The Senate was called to order by the President.

Prayer by the Reverend A. N. Bickmore of Augusta.

Journal of yesterday read and approved.

From the House:

Bill "An Act Conferring Jurisdiction of the Public Utilities Commission Over Vessels or Boats Propelled by Other Motive Power than Steam." (H. P. 1283) (L. D. 549)

(In the Senate on April 15th indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed, and now asking for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

SLEEPER of Rockland

OTTO of Dexter

LAFLEUR of Portland

In the Senate, on motion by Mr. Bridges of Washington, that Body voted to insist on its former action and join with the House in a Committee of Conference.

Subsequently the President appointed as Senate members of such committee Senators Bridges of Washington, Morse of Waldo and Chamberlain of Penobscot.

From the House:

Bill "An Act Relating to Taxation of Shore Property in Wild Lands." (H. P. 1599) (L. D. 924)

(In the Senate on April 15th "Ought Not to Pass" report read and accepted in non-concurrence)

Comes from the House, that body having insisted on its former action whereby the bill was substituted for the report and passed to be engrossed, and now asking for a Committee of Conference and the Speaker having appointed as members of such a committee on the part of the House:

Representatives:

ROLLINS of Greenville

HARVEY of Sangerville

MARTIN of Rumford

In the Senate, on motion by Mr. Chamberlain of Penobscot, that

Body voted to insist on its former action and join with the House in a Committee of Conference.

Subsequently the President appointed as Senate members of such committee Senators Chamberlain of Penobscot, Libby of Cumberland, Batchelder of York.

From the House:

Bill "An Act Relating to the Salary of the Attorney General." (H. P. 1464) (L. D. 740)

(In the Senate on April 15th bill substituted for the report, and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the "Ought Not to Pass" report of the Committee was accepted, and now asking for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

LAFLEUR of Portland

DOWNNS of Rome

COUSINS of Old Town

In the Senate, on motion by Mr. Chase of Washington, that Body voted to insist on its former action and join with the House in a Committee of Conference.

Subsequently the President appointed as Senate members of such committee Senators Chase of Washington, Sanborn of Cumberland, Farris of Kennebec.

From the House:

Bill "An Act to Incorporate the Reef Point Gardens Corporation." (S. P. 481) (L. D. 998)

(In the Senate on April 15th indefinitely postponed in non-concurrence)

Comes from the House that body having insisted on its former action whereby the bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence, and now asking for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

MacLEOD of Bar Harbor

HINCKLEY of South Portland

GRUA of Livermore Falls

In the Senate, on motion by Mr. Bridges of Washington, that Body

voted to insist on its former action and join with the House in a Committee of Conference and the President appointed as Senate members of such committee, Senators Bridges of Washington, Libby of Cumberland, Dow of Franklin.

From the House:

Bill "An Act to Incorporate the Patten School District." (S. P. 525) (L. D. 1089)

(In the Senate, on April 2, passed to be engrossed)

Comes from the House, passed to be engrossed as amended by House Amendment A in non-concurrence.

In the Senate, on motion by Mr. Haskell of Penobscot the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment A was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

House Committee Reports Ought to Pass

The Committee on Public Utilities on Bill "An Act to Incorporate the Wilton Water District." (H. P. 1196) (L. D. 490) reported the same in a new draft (H. P. 1916) (L. D. 1154) under the same title, and that it ought to pass.

In the House, passed to be engrossed as amended by House Amendment "A"

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. House Amendment A was read and adopted in concurrence, and under suspension of the rules the bill as so amended was given its second reading and passed to be engrossed in concurrence.

The Committee on Library on "Resolve for the Purchase of Two Hundred Fifty Copies of 'The Old Man of the 103rd.'" (H. P. 1184) (L. D. 1113) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A".

In the Senate, the report was read and accepted in concurrence and the resolve was given its first

reading. Committee Amendment A and House Amendment A were read and adopted in concurrence and under suspension of the rules the bill as so amended was given its second reading and passed to be engrossed in concurrence.

Joint Order

From the House:

ORDERED, the Senate concurring, that the use of the First Floor Corridors and the Museum be granted to the Assembly Committee on Thursday evening." (H. P. 1922)

Which was read and passed in concurrence.

Paper from the House referred in concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act Relating to Licensing of Dogs," (H. P. 1534) (L. D. 873) reported the same in a new draft (H. P. 1911) (L. D. 1144) under the same title and that it ought to pass.

Which report was read and accepted in concurrence, the bill read once and under suspension of the rules read a second time and passed to be engrossed in concurrence.

From the House:

Bill "An Act Relating to the Safety on Highways." (H. P. 1892) (L. D. 1107)

(In the Senate, on April 8th passed to be engrossed in concurrence.)

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

In the Senate, on motion by Mr. Elliot of Knox that Body voted to insist on its former action and ask for a Committee of Conference.

Subsequently the President appointed as Senate members of such committee Senators Elliot of Knox, Libby of Cumberland, Haskell of Penobscot.

From the House:

The Majority of the Committee on Judiciary on Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims," (H. P. 1317) (L. D. 858) reported that the same ought not to pass.

(signed)

Senators:

LAUGHLIN of Cumberland
FARRIS of Kennebec
HARVEY of York

Representatives:

McGLAUFN of Portland
GRUA of Livermore Falls
WILLIAMS of Bethel
HINCKLEY of So. Portland

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed)

Representatives:

PAYSON of Portland
BRIGGS of Hampden
MILLS of Farmington

Comes from the House, the Minority Report read and accepted, and the bill passed to be engrossed.

In the Senate:

Mr. FARRIS of Kennebec: Mr. President, I move the acceptance of the Majority Report in non-concurrence. This is Legislative Document 858 and I wish to speak briefly in defense of the majority report "Ought Not to Pass" which came from the Judiciary Committee a short time since. I was one of the signers of the majority report and feel that I should explain my position at this time. Section 1 of this bill defines a small claim as any right of action not involving the title to real estate in which the debt or damage does not exceed \$50.

Section 2 provides an alternative form of procedure and it proposes to set up a speedy, informal and inexpensive procedure which a plaintiff may pursue in an action commenced in a municipal court for the determination according to the rules of substantive law, of a small claim and I want you to note right here that this is a plaintiff's bill and is established for the convenience of the plaintiff, and throughout all the arguments of the proponents of this bill I have not heard anyone raise a voice in behalf of the poor debtor who may come within the provisions of this act. Now this bill is sponsored by the Portland Chamber of Commerce and several mercantile agencies who have their places of business outside the state of Maine, and in my opinion is not a bill adapted to the present needs of the state of Maine.

Section 3 of the bill provides that the plaintiff shall state the substance of his claim either orally or in writing to the Judge or recorder of the municipal court and the Judge or recorder shall cause the

same to be reduced to writing in a docket kept for that purpose in concise, untechnical form and he shall pay an entry fee to the Court of \$1.85. This is all that a plaintiff will have to do if this bill becomes a law in order to get in Court on a claim which does not exceed the sum of \$50.00.

Now, Section 4 of this bill provides for notice to the defendant. The defendant does not have anything to say about the matter until he gets a notice from the Judge or recorder of the Municipal Court and I will presently show you how little he would have to say when he gets into a small claims court under the provisions of such a bill as we have before us. The Judge or recorder fixes the time and place of hearing on the claim and then mails notice of the hearing to the defendant at one or more of the addresses supplied by the plaintiff, as the recorder may deem necessary, by registered mail with a return receipt requested. I presume the fee for the registered mail will come out of the entry fee of \$1.85, although the proposed statute is silent on that matter. The notice will say to the defendant that John Doe asks judgment against you in this court for blank number of dollars upon the following claim and the recorder will set forth in the notice the claim as it appears on the docket but it may not be itemized. Then the notice will read that the court will give a hearing on this claim at such a time and place and the notice will state (which sounds to me like a paragraph taken from a collection letter which comes from some of these mercantile agencies outside our state) and here is what it says: "If you deny the claim in whole or part you must not later than on such a day and date personally or by authorized representative state to the Judge or recorder orally or in writing your full and specific defense to said claim and you must also appear at the hearing."

Now under our present law a defendant does not have to appear at any hearing. He can let the matter go by default and we are asked to enact a law authorizing a Judge or recorder of the Municipal Court to say to a poor debtor "You must also appear at the hearing."

The law is so plain on that matter that this piece of Legislation is

superfluous. The notice will further read as follows: "Unless you do both, judgment may be entered against you by default. If your defense is supported by witnesses, account books, receipts or other documents, you should produce them at the hearing. The judge or recorder, if requested, will issue summonses for witnesses without fees." I hope that the Senate has not come to the point where it will vote to abolish witness fees. I know that we have been asked to abolish payment of real estate taxes and now they are asking us to cut out fees for witnesses. I presume that witness fees will be paid out of the entry fee of \$1.85, although the proposed statute is silent on that question. You will also note that the small claims court will issue summonses and someone will have to pay the constable's and Deputy Sheriff's fees for serving same on the witnesses and I presume that the fees for the Deputy Sheriff will be paid out of the entry fee of \$1.85 although no provision is made for same.

Now here is the next article in the notice which will be sent to the defendant under this law "Take notice also that if you are found indebted, upon hearing or default, the court may order payment at a time stated or by instalments and that failure to comply with such order may be treated as a contempt and subject you to punishment." In other words this law attempts to make it a contempt of court for a man that owes less than \$50 if the case is defaulted against him. That sounds like the outside collection agencies.

Now under our constitution all persons have a right to trial by jury and a right of appeal from decisions of all inferior courts but in this proposed court of small claims if the defendant does not claim his right of trial by jury he shall have waived his constitutional rights. Then in the next to the last paragraph of Section 5 of this plaintiff's bill the law provides as follows: "Upon request of the plaintiff the defendant shall be made to recognize as provided in Section 20 of Chapter 97 of the Revised Statutes." Now, how many of you Senators know the provisions of Section 20 of Chapter 97 of the Revised Statutes? Well, if you do not know how should we expect the poor debtor to know if this bill should become a law?

Section 20 of Chapter 97 of the Revised Statutes provides as follows:

"If so requested by the adverse party, the appellant within one week after notice of such request or within such further time as may be allowed by the court, recognize to such adverse party in a reasonable sum, with condition to prosecute his appeal with effect, and pay all costs arising after the appeal."

You will immediately see that the burden is all upon the defendant in regard to trial by jury or appeal. The proponents of this bill have been very generous. They have not deprived him of his right of trial by jury but he has gone a long road and to a lot of expense and been obliged to file a bond to attain his constitutional rights.

Section 6 of the bill provides for the defendant to answer and state his claim orally or in writing and same shall be recorded on the docket but he is deprived of his right to file any demurrers which is a statutory right under our present practice. He can file no dilatory pleas which we are now allowed under our statutes and common law practice such as a plea in abatement which is a plea to show that a writ or declaration is defective or incorrect because under this proposed law the plaintiff is not supposed to make any mistakes, but the defendant is denied the right to file a general denial to the claim filed against him either in part or in toto. Do you call this sound Legislation, and do you now say that this legislation protects the working men and women in our state who are likely to come under the provisions of this proposed small claims court?

Under Section 7 of the bill the defendant is allowed the right to file a set-off or counterclaim and the judge or recorder shall give notice to the plaintiff—now note this—at the expense of the defendant—that is in the 5th line of the printed bill. In other words the proponents of this bill have so far placed all the burden and all the expense upon the defendant and taken away all of his constitutional rights. However, if the defendant's claim in set-off shall exceed the sum of \$50 and the plaintiff owes the defendant more than \$50 under the provisions of Section 7 the defendant cannot get judgment.

They give the plaintiff nonsuit but the defendant still has his right because the bill says so and listen to these last four lines of this bill "The plaintiff shall not further adjudicate upon the claim of the defendant whose right to sue for the same shall remain in the same manner as before the commencement of this section."

Now you can see the fallacy of this bill. After they have put the poor defendant to all this expense and trouble, and time, it appears that the defendant's claim is in excess of \$50. The proponents of this bill have been so generous as to provide in this bill to allow him the right to sue just as though the plaintiff had not brought this suit against him, which right he always has had and always will have even if this becomes a law.

Section 8 provides that if the plaintiff does not appear at the time set for hearing the court has discretion to do what it pleases about it. Now, that is a fine law, isn't it? It may dismiss the claim or it may make such other disposition as may be proper—the municipal court judge or the recorder can do anything they please about it.

Under Section 9 of the bill a provision is made for amendments and hearings. We have a right under our present system of practice to amend our pleadings and this bill provides something that we already have. In that respect it says witnesses shall be sworn. Well, they are now sworn under our present law but they can affirm under our present statute if they are scrupulous of taking oath but the proponents of this bill propose to take that right away in one full swoop for section 9 further provides that they can give the poor debtor the third degree and here is what it says:

"But the court shall conduct a hearing in such order and form and with such methods of proof as it seems best suited to discover the facts and to determine the justice of the case notwithstanding any of the present rules of practice and pleading." That is, they can take him in a room and close the door without any protection if the plaintiff could prevail upon the judge or recorder so to do and discover the facts. Do you call that

justice? Do you call that good legislation?

Section 10 provides for attachments and Section 11 provides for costs. The court has authority in Section 11 to award costs not exceeding \$25. That is if the claim was \$50 the maximum amount provided for under the provisions of this small claims court to provide for speedy justice the court could award the plaintiff an amount for costs which would be 50% of the limit of jurisdiction of the Court. If the defendant tries to hamper a plaintiff or the court in securing a speedy determination of the claim it would increase the amount of his costs to some extent.

Section 13 provides authority for the proposed court and it provides that if the debtor is able to pay in full or by installments it may order that the judgment be paid to the prevailing party at a certain date or by specified instalments. That gives collection agencies outside of our state the right to use every municipal court in the state of Maine for the benefit of whom—not the poor debtor by any means, but at the end of Section 13 after they have been so hard upon the defendant the proponents have relented and it provides as follows: "If it finds that the debtor is unable to pay the judgment in full or by instalments, it shall enter the finding in the record and dismiss the proceeding." Do you suppose that after this long drawn-out proceeding by a plaintiff or a small claim that it will be found that the debtor is unable to pay?

Section 14 provides for the arrest of the debtor as provided under contempt proceedings of section 67 of chapter 91 which is punishment for disobeying summary process which was amended by chapter 261 of the public laws of 1933. Now Section 67 of chapter 91 of the Revised Statutes provides in part that "Whenever a party complains in writing and under oath that the process, decree, or order of court which is not for the payment of money only has been disregarded or disobeyed by any person, summary process shall issue by order of any justice, etc."

Now this bill provides that failure to comply with its terms shall be subject to action for contempt substantially as provided in section 67

of chapter 91 of the Revised Statutes and that is the joker in this section because section 67 excepts orders which are for the payment of money and this bill attempts to make it a contempt of court for a poor debtor to fail to keep up his payments to the judge or recorder of the court and for such contempt of court under this act the defendant shall be punished by a fine of not more than \$20 or by imprisonment for not more than 14 days. A sentence for contempt shall not end the proceedings nor any order thereon, and if he misses the first instalment they can arrest him again for contempt so if a small claim debtor owed this proposed court \$50 and agreed to pay \$2.00 a week and defaulted each payment he could be arrested 25 times under the provisions of this bill and be fined a total of \$500 and subject to imprisonment for 350 days provided the maximum penalty was meted out for contempt of court under the provisions of this section for failure to pay an instalment of \$2.00 on a small claim.

Section 16 provides that the court may vacate the proceedings for cause shown or for any cause that the court may deem sufficient. They may order a new hearing upon such terms, costs and conditions as such court shall deem just and proper. Now, under section 17 of this bill the proponents expect all of the outside collection agencies to use our municipal courts as a medium of collecting their bills without due process of law with a provision to put the debtor in jail and knowing that business would be brisk under the provisions of this act no person shall be permitted to enter in any one court more than five small claims in any week nor more than 20 small claims in any one month. Why is that limitation made? They must expect a land office business with the outside collection agencies. That does not prevent any one person from placing five claims in the Augusta municipal court, five in the Waterville municipal court, five in the Hallowell municipal court, five in the Winthrop municipal court and five in the Gardiner municipal court in one week. Now there are five municipal courts in Kennebec County within a radius of 20 miles. They can put five in each court in each week and 20 in each month in those five courts and under this

bill the agencies can distribute their small claims for collection at the expense of the taxpayers because when a poor debtor is put in jail under this bill for contempt of court the county must pay his board. Under our present law if the creditor wants to keep a man in jail on a *capias* execution for a bill, the creditor must pay his board to the county.

Now under section 18 of this proposed bill we at last find out how the \$1.85 entry fee is going to be spent. I thought it had all been spent but it hasn't. We have some of it left. Postage for notice to the defendant or plaintiff as the case may be shall be paid from the entry fee and the balance up to 85c shall be for the fee of the town, city or county which maintains the court. You see they have made no provision for the fees for serving summonses or for the payment of witness fees, and they have made no provision for paying the debtor's board if the plaintiff sees fit to make a complaint of contempt of court for his failure to pay an instalment on the bill to the judge or recorder of any municipal court.

They have provided that the judge and recorder shall receive an additional salary and here is the way it reads: "The sum of \$1.00 from the entry fee shall be paid to the Town, City or County Treasurer and shall be by him paid out as additional salary to the judge in a court having no recorder and, in courts having both a judge and recorder, it shall be divided by him in the same proportion that the present salary of the judge bears to the present salary of the recorder."

They are going to divide the money and make an increase in salaries. That is one way of increasing the salaries.

In conclusion I want to say that I am opposed to any such legislation being placed in our Maine statute books and I don't believe this Senate is in the state of mind to do that or to pass any such legislation as this and put it on our statute books that a defendant has no right of appeal and you will note that in no way does this provide right of appeal for the defendant. However, I notice an amendment came in yesterday from the House asking for the right of appeal but I do not see it in the bill. I hope and expect that at

the proper time this Senate will accept the majority report "Ought Not to Pass" in non-concurrence with the action of the House.

Mr. LIBBY of Cumberland: Mr. President, I move that Legislative Document 858 be laid upon the table and especially assigned for next Tuesday.

A viva voce vote was had and the motion to table did not prevail.

Mr. BRIDGES of Washington: Mr. President, I rise in support of the motion that was made by the Senator from Kennebec, Senator Farris. Briefly I would like to discuss this bill upon two or three different points not mentioned by the Senator from Kennebec, although I think what he says has absolutely demolished the virtue of this bill if it ever had any.

You will note that this bill does not say what municipal judge the plaintiff may tell his story to. In 1937 this legislature passed a uniform municipal court act by which a municipal court in any county had concurrent jurisdiction with every other municipal court in the county.

This legislature in its wisdom has removed Washington County from the terms of that bill. Up in Aroostook County there is a municipal court in Fort Kent, a municipal court in Van Buren, there is a municipal court in Presque Isle, one in Fort Fairfield, one in Caribou, and one in Houlton. Under the terms of this bill a creditor in Houlton, Maine can send his claim for hearing to the municipal court up in Fort Kent a hundred and some odd miles away and the poor defendant must get himself up to Fort Kent and tell his story on the other side.

Is there any justice in a bill like that? Again, supposing that along the main street of Calais there are three store keepers doing business, what little we do there. We will call them A, B, and C. A and C avail themselves of the provisions of this bill and put their little claim before the municipal court. B has been fortunate to have an attorney attending to his collection business and he is satisfied with the attorney's work. Now, the Judge sees that A and C do not have an attorney. And the Judge says, "Gentlemen, just file your statements with me and I will take care of them. I get a dollar per. What is the matter with you, Mr. B. why don't you do that way?" And Mr. B says that

he has always been satisfied with his attorney. How does that Judge feel when the attorney for B brings the next case before him and takes away from him a dollar? You can see the attitude of the judges in the matter.

Now under Section 17 five claims may be filed in a week and not more than 26 in a month. As has been pointed out, you can file five claims in any court. But suppose a case like this—and it is a real case. A doctor dies leaving \$30,000 worth of bills on his books. Within ten days after the administrator has qualified \$20,000 of those bills would outlawed. What is he going to do about it? He can only file five a week, unless he uses all the courts in the county and then he couldn't file many. This process wouldn't avail him at all. Hundreds of the claims would have been outlawed according to this bill.

Now, there is another point. There are a good many poor boys who have an ambition to become lawyers. They don't graduate from the law schools with sufficient knowledge of the machinery of legal procedure to be employed in big cases. They aren't trial lawyers. They have to learn that, step by step. And they begin down in the little court, in the bill collection court. The young doctors have an internship in the hospitals and get something out of it but the lawyers don't graduate full fledged lawyers.

I wonder back in the happier days what I would have done if this bill had been a law; struggling with a family, a poor fellow, having borrowed an immense sum to get through college and law school. I would have been a town pauper in a matter of two or three months. And I don't believe this Senate is going to put its stamp of approval upon a bill that handicaps the poor young boy who is trying to make a success in the legal profession.

Mr. LIBBY of Cumberland: Mr. President, in opposing the motion of the Senator from Kennebec, Senator Farris, I did want some time to read over a pamphlet which was left on my desk this morning by one of the collection lawyers' lobby in Kennebec. It is rather lengthy and I haven't had an opportunity to glance at it before. However, with the very short notice there is I would like to explain my position with reference to this bill.

We have just heard the Senator from Washington, Senator Bridges, tell us that if this bill is passed it would adversely effect young lawyers. Well, I was under the naive impression that we were here to legislate in the interests of the people of the state of Maine, not for the legal profession and not for some young lawyer who may have a hard time getting strated when he gets out of law school.

The Senator from Kennebec, Senator Farris, has told us about all the dire things that may happen if you enact this bill into law. May I say, in the first place, that I served four years as Recorder of the municipal court in Portland and four years as Judge of that court and I know a little something about this collection business.

In the first place, less than 1% of all collection suits ever go to trial. 99 times out of 100 it is simply a matter of a man owing a bill which he is unable to pay and the creditor starts his due legal process to try to collect and it is simply a question of working out an amicable adjustment of that account about which there is no question. They are not cases to be tried before a jury, they are simply bills to be collected. So all these grave Constitutional questions that the Senator from Kennebec raises don't amount to a Hannah Cook.

In my days in the municipal court, Tuesday was our civil day. We came in on Tuesdays week after week and these men would come in with summonses where somebody was suing them for a bill. They would have no money to hire a lawyer and my first question would be whether or not they owed the bill and 99 times out of 100 they would say of course they owed it and were simply unable to pay it. And at the first opportunity I would get the attorney for the plaintiff into chambers and sit down with them and work out something, perhaps a dollar or two a week, simply by voluntary agreement; which is the exact purpose that we desire claims court bill. Those things work out that way in practice now, and the merchants all over the state that I have heard from, the merchants association, both large and small merchants, your farmers who have small accounts, your dairy concerns, all want this bill.

I have talked with the labor representatives here who represent, in so far as they can be represented, this debtor class who are unfortunate enough to contract bills which they are unable to pay, and they want this bill.

Now, the only people I know of who don't want this bill are the collection lawyers and perhaps the constables who are getting what I call gravy out of it. I told you the way it worked out in Portland at least and I presume it is something like that all over the state.

The way it is working out now, your collection lawyer brings his action into municipal court and your debtor who owes the bill and has no defense lets it go to judgment. Then your next step is, your collection lawyer brings disclosure proceedings before a disclosure commissioner, and I would tell you gentlemen right here that in the courts of Maine, at least, your disclosure commissioners are nothing more nor less than partners of the attorney.

I have never yet seen a poor debtor get an opportunity to disclose before one of these commissioners. They are served with a petition to appear at the commissioner's office and if they do appear, though usually they don't, if they do appear, if they have nerve enough to appear before the disclosure commissioner they ask, "What do I do now?" And they are told, "Oh, we will continue it and you can come back again later on; we will telephone you" and the next thing the poor fellow knows he is in the hands of an officer and is on his way to jail with a *capias* execution.

That is going on in Portland and it is nothing more nor less than a racket. My brother talks about constitutional questions. These fellows that come in on these cases never heard of constitutional questions.

I don't care if there are defects in every section of this bill, it is a vast improvement on what is going on today. It benefits both classes, and it is rarely I see a piece of legislation which has that effect. This benefits both classes, and, as I say, the only people opposed to it that I know of are those financially benefitting from the present system.

And now, with reference to the question raised by the Senator from Washington that they may cause you to travel some miles to another municipal court. He knows today if I have a claim for a Cumberland County plaintiff and if the debtor is in Washington County I can commence my action in Cumberland County and make him come way up here to defend it.

I wish that I did have an opportunity to go over more of these things that have been referred to. There is one question which the Senator from Kennebec raised and that is the right of appeal. I think that right should be in and if this motion does not prevail and the bill is adopted I propose to offer an amendment providing for that right of appeal, both from the original order of the Judge and from any possible contempt.

This bill is an improvement on the present system. It is sponsored and advocated by both classes that it affects, the creditors and the debtors, and it seems to me that it is our duty if we have a piece of progressive legislation here to forget the collection lawyers and the future young lawyers and enact this piece of legislation which is a benefit for both creditors and debtors.

I hope the motion of the Senator from Kennebec (Senator Farris) does not prevail.

Mr. FARRIS of Kennebec: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the Senate accept the Majority Report "Ought Not to Pass" in non-concurrence, and the same Senator has asked for a division. Is the Senate ready for the question?

A division of the Senate was had.

Nineteen having voted in the affirmative and twelve in the negative, the motion to accept the "Ought Not to Pass" Majority Report in non-concurrence prevailed.

Sent down for concurrence.

Report "A" of the Committee on Taxation on Bill "An Act Exempting Homesteads from Taxation," (H. P. 1558) (L. D. 827) reported the same in a new draft "A" (H. P. 1917) (L. D. 1146) under a new title, Bill "An Act Providing for Funds

for Old Age Assistance and Homestead Taxation Relief, and Imposing a Consumer's Tax therefor," and that it ought to pass.

(Signed)

Senator:

CHAMBERLAIN of Penobscot

Representatives:

WORTH of Stockton Springs

TOZIER of Fairfield

MORRISON of Winter Harbor

DORSEY of Fort Fairfield

Report "B" of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Senators:

FELLOWS of Kennebec

BOOTHBY of York

Representative:

WARREN of Westbrook

Report "C" of the same Committee on the same subject matter reported the same in a new draft "B" (H. P. 1918) (L. D. 1147) under a new title, Bill "An Act Providing for Funds for Old Age Assistance and Homestead Taxation Relief, and Imposing a Gross Sales Tax Therefor," and that it ought to pass.

(Signed)

Representatives:

RICHARDSON of Strong

JORDAN of Saco.

Comes from the House, Report "B" read and accepted.

In the Senate:

Mr. BROWN of Aroostook: Mr. President, I move that the bill and the several reports be laid upon the table.

Thereupon, a viva voce vote was had, and the motion did not prevail.

Mr. FELLOWS: Mr. President, I move that the Senate accept Report B of the committee in concurrence.

Mr. BROWN of Aroostook: Mr. President, I would very much like to lay this on the table and especially assign it for this afternoon. I have come here without my documents because I thought the Senate would extend the usual courtesy which it has been extending, for the privilege, of laying the matter upon the table. I would like to ask that the Senate reconsider that motion and assign it for a later time.

The PRESIDENT: The Chair will declare a short recess.

After Recess

The Senate was called to order by the President.

Mr. FELLOWS: Mr. President, I would like to withdraw my motion for the reason that I wish to extend the courtesy to the Senator from Aroostook, Senator Brown in order that he may have a little time to prepare his notes and I hope that it may be especially assigned for this afternoon.

The PRESIDENT: There being no objection, the Senator may withdraw his motion.

Thereupon, on motion by Mr. Brown of Aroostook the bill and the reports were laid upon the table pending acceptance of Report B in concurrence and this afternoon assigned.

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Provide Assistance to the Civil Population of England," (H. P. 637) (L. D. 273) have had the same under a consideration and ask leave to report that (1) both branches recede from their former actions: (2) that a new draft submitted herewith, ought to pass.

Comes from the House, report read and rejected and that body having further insisted and asked for another Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House: Representatives:

WILLIAMS of Bethel
DAVIS of Buxton
CROCKETT of No. Haven

In the Senate:

Mr. HINMAN of Somerset: Mr. President, I move that Legislative Document 273 be indefinitely postponed.

Miss LAUGHLIN of Cumberland: Mr. President, I hope that the motion of the Senator from Somerset, will not prevail. The House has asked for another committee of conference. It is very rarely, in fact, I have never known it in this legislature that a report upon which both sides agree is rejected. That seems to have been the action and then they repented or something and asked for a Committee of Conference. I hope, therefore, that we will not indefinitely postpone this bill but will be ready for other action.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Hinman that the bill be indefinitely postponed.

A viva voce vote being had, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Miss Laughlin of Cumberland, the Senate voted to insist and join with the House in another Committee of Conference and the President appointed as Senate members of such committee Senators Findlen of Aroostook, Sanborn of Cumberland and Snow of Piscataquis.

First Reading of a Printed Bill

"Resolve in Favor of the Children's Aid Society." (S. P. 557) (L. D. 1156)

Which was read once, and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

Joint Order

From the House:

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. (H. P. 1923)

Mr. CHASE of Washington: Mr. President, I will say that this payroll as made up carries the amounts recommended by the various committees for their clerks and messengers and the amounts are the same as recommended by these committees, with no changes.

Thereupon, the order was passed in concurrence.

Senate Committee Reports Final Report

Mr. Snow from the Committee on Public Buildings and Grounds submitted its Final Report.

Ought Not to Pass

Mr. Emery from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to State Aid for Academies," (S. P. 232) (L. D. 392) reported that the same ought not to pass as covered by other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve Proposing an Amendment to

the Constitution to Provide for the Appointment of the Secretary of State by the Governor with the Advice and Consent of the Council, for a Term of Four Years." (S. P. 354) (L. D. 669) have had the same under consideration and ask leave to report that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Mileage of State Employees," (S. P. 107) (L. D. 149) have had the same under consideration and asked leave to report that they are unable to agree.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Chase from the Committee on Appropriations and Financial Affairs on "Resolve Authorizing the Purchase of Property for the State," (S. P. 327) (L. D. 691) reported the same in a new draft (S. P. 557) under the same title, and that the same ought to pass.

Which report was read and accepted, and the resolve laid upon the table for printing under the joint rules.

Passed to be Enacted

Bill "An Act Permitting Lebanon to Apply for Aid Under the Bridge Act." (H. P. 460) (L. D. 214)

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

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

Finally Passed

"Resolve in Favor of the Town of Charleston." (H. P. 516) (L. D. 1142)

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

"Resolve in Favor of the Town of St. George." (H. P. 1907) (L. D. 1138)

"Resolve in Favor of the City of Rockland." (H. P. 1909) (L. D. 1140)

"Resolve in Favor of the Town of North Haven." (H. P. 1910) (L. D. 1141)

Emergency Measures

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

Which bill being an emergency

measure and having received the affirmative vote of 31 members of the Senate, and none opposed was passed to be enacted.

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

Which bill being an emergency measure, and having received the affirmative vote of 31 members of the Senate, and none opposed was passed to be enacted.

Orders of the Day

The President laid before the Senate, Senate Report from the Committee on Sea and Shore Fisheries, Majority Report, "Ought to Pass in New Draft" (L. D. 1155), Minority Report, "Ought Not to Pass" on bill An Act Revising the Regulation of the Clamming Industry (S. P. 414) (L. D. 644) tabled on April 16th by Mr. Harvey of York pending acceptance of the Majority Report, and today assigned.

Mr. HARVEY of York: Mr. President, I first move the indefinite postponement of the majority report. Now, members of the Senate, this is a very important matter and I propose to take a little time, and perhaps it may be that you will feel I am taking undue time in the presentation of the reason why we should here indefinitely postpone this matter.

Now, in the first place, I would like each and every one of you to take your docket and look at Legislative Document No. 644. The reason why I ask this is because you will note that we are here considering a matter in a new draft and it becomes incumbent upon us, in order that we may understand the situation entirely, that we go back to Legislative Document 644. This particular measure was given its proper notice and publication. Some five or six weeks ago we had a hearing of such a size and consequence that it was necessary for us to obtain the House chamber and at that time it was proposed that some measure with reference to revising the regulation of the clamming industry be passed and the proponents went into that hearing and they gave our committee eight sections to consider. The first section was already on our statute books. That was true with section 2, 3, 4, 5, 6, 7, 7-A, 7-B, 7-C and 7-D, but when we got down to the crux

of this whole thing, although they said to us, "We want to have an act regulating the clamming industry and do everything in our power to safeguard the clamming industry Section 8 provided this, "that all public and private laws and all resolves heretofore passed relating to the opening and closing of clam flats or beds within the jurisdiction of this state and the digging, possession, transportation or sale of clams therefrom, are hereby repealed." In other words, it was merely a repealing measure to wipe aside every private and special law we had with relation to our clams along our coast. They wanted to repeal everything. Of course, that was an impossibility. We tried to find out why they wanted such a drastic move and such a drastic measure. We were not able to find out. We all knew if you were going to protect the clamming industry it would not be by opening up the flats in the state to dig, take and ship regardless of whether they were residents of the state or not. Of course, the measure did not meet with the approval of the committee.

Now, I have two honorable colleagues who served and did serve on that committee and were there at the time and I believe they will agree with me on everything I say with reference to this particular matter. Then we were asked this, "Will you leave the matter standing, not reported—let the matter go along?—when we should have taken action immediately in our executive committee and reported this particular measure out as "ought not to pass" unanimously. The committee was gracious and it allowed the matter to stand tabled in the committee. We were asking one another all the while, what it was all about, and why we should leave the matter stand, and that there must be something behind it.

Well, I take you down now to that which they want to substitute, that which is asked for your consideration today, Legislative Document No. 1155, which is entirely different from anything said or proposed or even mentioned at the first meeting. And then what happened? Week before last, I believe it was, while in executive session—and if I am wrong, I stand to be corrected,—in comes your commission-

er of sea and shore fisheries and he said, "I have some petitions of people of Lincoln county and they want something done. They want to open up Lincoln County." He was asked where the petitions were. As I understand it, he informed us that he forgot to bring them. Then this matter was left for another few days and he did come with some petitions. He came with a request for you to open up Lincoln County so that the date of taking and transferring of clams during the time between the 15th day of May and the 1st day of October can take place in Lincoln County, but can not in any other county. There are only eight counties along the coast but in the other seven counties it cannot happen. Why? Because we have a law,—and that makes me go back to the law which was passed four years ago.

I am informed four years ago all of the fisher-folks along the coast were called here and had a meeting with reference to a measure that affected vitally their industry and I am informed that through that legislative session it was one of the greatest and the largest attended meetings held. They got together, all of those fisher-folks, representing all of the eight counties. It was an extended meeting. It was a bitterly fought meeting and they finally all agreed that for the preservation of the clam industry in this state, Washington, Hancock, Waldo and Lincoln county would not have any right whatsoever to ship clams out of the state. Neither would they have the right to ship clams during that time into Sagadahoc, Cumberland or York County. They knew what they were doing. They understood the situation. They agreed to it and they have gone along until last summer and then last summer some of the outside industries, some of the large canning companies, especially one from Ipswich, and you all know the flats of New Hampshire and Massachusetts are pretty well sucked dry, but these smart fellows come to this state and they work upon the commissioner and the commissioner, although not authorized at all under this law passed in 1937, opened up the flats in Lincoln county for shipment, for digging and taking and shipping clams out of the state.

And so we have today a request to eliminate Lincoln county alone,

only Lincoln county from being held under the rules and regulations. Look at that measure. They strike out the county of Lincoln although Washington, Hancock, Knox and Waldo counties cannot ship a clam out of the state during that period of time. Neither can they ship clams into Cumberland, York and Sagadahoc counties. But Lincoln county is immune. Lincoln County can have all of the outside interests, canning outfits, the fresh clam outfits, and they need them because they have none along their shores, they can go to Lincoln county. They can pitch tents and they can dig clams and they are not confined at all, but can haul these clams out of the state of Maine but they can't haul them into our county.

If you want to pass a measure of that sort, why don't you do it, but if Lincoln County is going to have that privilege, I want to see Washington County have that privilege. I want Hancock County, I want Knox County and I want Waldo County to have that privilege. I want to see that privilege extended to the members of my own county.

Now, to pass this law inasmuch as, and for the reason that these five counties, the fisher-folks along the shores, didn't find it necessary to protect themselves by putting through any measures for their own communities—the county of York, county of Cumberland, and the county of Sagadahoc did, — but these other folks didn't, for the simple reason that they could not dig and take and transport from there anyway.

Today, if you open it up there is nothing under the sun as I say and repeat, to prevent the outsiders from coming in here, pitching their tents, bringing their crews, digging the flats of Lincoln County dry. If that is taking care of your clamming industry in this state, my reasoning is wrong,—my reasoning is absolutely wrong. So I say to you men here, inasmuch as no one has been notified as to this measure, the fisher-folks of Washington, Hancock, Waldo, Knox, Sagadahoc, Cumberland or York, were not notified of this and given an opportunity to come here and express themselves, we should not, at this time, slip a measure through which unquestionably vitally affects them, just because a few people in the

county of Lincoln, not above-board, put underhanded, crawl in here and try to get their territory opened for everything.

Now, I want my position distinctly understood, that our good chairman of that committee on Sea and Shore Fisheries, and he is an excellent chairman in every way, shape and form, and served as well as any man in this legislature could have served on that committee, and I say in all honesty and all fairness, up to the time of this request he did not, himself, know—although he came from that very county—that petitions of that sort were in the hands of anyone to request the opening of that county. If I am in error, he will have a chance to correct me. For five solid weeks why should not the man who came from that county, why should not the man who represents that county have known this thing? I don't know, but I do know this, that the folks who are responsible in having this done last summer, these people from out of the state, went down into that county and they sold a big bill of merchandise to the fisher-folks, and in turn the fisher-folks went to someone else and in turn someone else came here.

I say that for the reason that I have good cause to say it because I know something about the situation of last summer. So I say to you all, don't open up the Lincoln clam flats. I don't believe the fisher-folks in Loncon County understand and realize this situation, and when I stand here, asking you not to do this, I do it because I am, I think, even protecting them. I say that in all sincerity because by the passage of this measure Lincoln County is open to every Tom, Dick and Harry. The folks who find it out too late have not the proper local protection. They will find themselves in serious difficulty. It is an important matter, men, and Madam colleague. It is an important matter, and for that reason, I sk not only the indefinite postponement of the bill but also of the majority report.

Mr. STILPHEN of Lincoln: Mr. President, I am handicapped in trying to oppose one of the legal profession who presented one side of the picture. I have heard the remark made that there are too many lawyers in the legislature but I

have resented it. I believe the rest sit in my defense. They can see, when I present petitions of over 200 names of people in three towns, that I am presenting it honestly and sincerely, and they can also tell, one of the legal profession, if there is something behind that cannot be seen, if there is a shadow of someone not here.

Now my colleague, Senator Harvey, spoke of dividing the counties along the seacoast. When that law was passed, they went into the category they chose. Three counties west of the Kennebec went into the open territory and those to the east of the Kennebec went into the closed territory. Lincoln County is asking to go into the open. If other counties had asked this, it would have been granted. This request is only from the poor fishermen. We have granted many requests in the Senate, one from the people of Aroostook who dig potatoes. They only expect to get from their request a little, perhaps enough so they can buy a new planter or digger. These fishermen may get a little paint for their cottage or an extra window to keep out the storm.

I hope you will not go along with the motion of the Senator from York, Senator Harvey to indefinitely postpone this bill. He seems to be more interested in Lincoln County, and says he is, than those who live there and know what they want. I hope you will vote against the motion to indefinitely postpone.

Mr. HARVEY of York: Mr. President, I realize, as my colleague, Senator Stilphen has said, this is a county request, but this is a matter of state wide importance. This is not merely a little local measure where someone comes in here and says, "We would like to have you protect the shores along our town from diggers and we ask legislation for that reason." This is not that sort of a measure. This is a measure where the state, the entire coast line is affected.

Why, can you imagine—if you will read this bill carefully—Washington, Hancock, Knox, Waldo and Lincoln could not ship out of the state and neither could they ship into Cumberland, York or Sagadahoc during that period of time. Now, by striking out Lincoln County alone, Lincoln can ship out of the state. They

don't have to bother with the other three counties at all. They can do as they see fit. You must realize the importance of this. It isn't merely a local situation. It is a situation fought out here bitterly four years ago by all the counties together, taking into consideration your canning factories and other industries with reference to clams. If this was a measure where some town like Bristol would like to have rules and regulations regarding digging clams in a certain locality, I would be for it. But this is opening the door to shipping clams promiscuously out of this state. We know they are sucked dry and we want to protect, as much as we can, our clam flats.

Mr. STILPHEN: Mr. President, just one more word, as far as this being anything outside of Lincoln County—it is between the clam buyer and the clam digger of Lincoln County. That is the question you have before you today.

Mr. BRIDGES of Washington: Mr. President, I wish to ask a question through the Chair of the Senator from Lincoln, Senator Stilphen.

The PRESIDENT: The Senator may ask a question of the Senator from Lincoln, Senator Stilphen, and that Senator may answer if he wishes.

Mr. BRIDGES: I ask this question, under the proposed law, is the Commissioner of Sea and Shore Fisheries given authority to open Washington County to clam digging during the breeding season?

Mr. STILPHEN: I do not understand it is. It doesn't make any change whatever, except in Lincoln County.

Mr. BRIDGES: So if the law passes, the law as it relates to Washington County remains as it is now?

Mr. STILPHEN: That is right.

Mr. HARVEY: Mr. President, in answer to my colleague from Washington County, Senator Bridges, it doesn't leave it exactly as it is now because Washington has no right during that time to ship into other counties. Under this law, all of the closed counties can't ship into Lincoln, but Lincoln can dig wherever they want to because Lincoln is not included in that category with Sagadahoc, Cumberland and York.

Mr. BRIDGES: Mr. President, may I ask a question through the

Chair of the Senator from York, Senator Harvey?

The PRESIDENT: The Senator from Washington, Senator Bridges may ask a question through the Chair of the Senator from York, Senator Harvey, and that Senator may answer if he desires.

Mr. BRIDGES: Is it your understanding of this new bill, Senator Harvey, that during any part of the season, clam diggers from Washington can dig and ship into Lincoln County?

Mr. HARVEY: They will be able to under this, between the 15th day of May and the 1st of October.

Mr. BRIDGES: They can dig and ship into Lincoln County?

Mr. HARVEY: That is right.

Mr. BRIDGES: And Lincoln can take the clams and sell them to Massachusetts?

Mr. HARVEY: That is right.

Mr. BRIDGES: The clam industry in the county of Washington is a tremendously important industry and I believe the clam people in Washington know more about clams than the Commissioner of Sea and Shore Fisheries does. Five thousand people, it is reliably reported to me, in Washington County earn their living from digging clams and selling to factories along the shores of Washington County. They are dug in the season which is not the breeding season for clams.

I certainly am opposed to a bill which permits any diggers to dig in open season in Washington County and sell outside the county.

Mr. STILPHEN: May I ask Senator Harvey a question?

The PRESIDENT: The Senator from Lincoln, Senator Stilphen may ask a question through the Chair of the Senator from York, Senator Harvey, and that Senator may answer if he wishes.

Mr. STILPHEN: I would like to have Senator Harvey show in this new draft where this law would allow the county of Washington to dig any different than what they dig today.

Mr. HARVEY: I will show it, Senator Stilphen, by reading, "No person, firm or corporation shall between the 15th day of May and the 1st day of October following, ship, transport, offer for shipment or transportation either directly or indirectly any clams either in the shell or shucked taken from the clam flats of Washington, Hancock,

Knox and Waldo counties beyond the limits of the state, and-or to the counties of Sagadahoc, Cumberland and York." In other words, under the old law these five counties could not ship out of the state and neither could they ship to our counties. They have a right to ship in the confines of the state but not out of the state and could not ship to the counties of Cumberland, Sagadahoc and York. Lincoln is entirely eliminated from any rules or regulations. They can ship approximately anywhere. That is why they can ship in and out.

Mr. STILPHEN: It is true Lincoln can ship in or out but it doesn't say Washington can, anywhere in the bill that I can find.

Mr. BRIDGES: The present bill, Legislative Document No. 1155, it has been called to my attention by my colleague from Washington, Senator Chase, that clams may not be shipped during the closed season.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Harvey, that the bill, An Act Revising the Regulation of the Clamming Industry, be indefinitely postponed.

Mr. HARVEY: Mr. President, I ask for a division.

A division of the Senate was had. Seven having voted in the affirmative and thirteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion of Mr. Stilphen of Lincoln, the "Ought to Pass in New Draft" report of the committee was accepted and the bill was given its first reading, and under suspension of the rules, was given its second reading and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The hour is approaching twelve o'clock, and the Chair would suggest that we recess until two o'clock.

Thereupon, on motion by Mr. Friend of Somerset

Adjourned until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

The President laid before the Senate, House Report from the Com-

mittee on Legal Affairs, "Ought Not to Pass" on bill, An Act to Incorporate the Ellsworth School District (H. P. 1589) (L. D. 911) tabled by Mr. Bridges of Washington on April 16th pending motion to substitute the bill for the report, and today assigned.

Mr. BRIDGES of Washington: Mr. President, I yield to the Senator from Cumberland, Senator Sanborn.

Mr. SANBORN of Cumberland: Mr. President, I am led to wonder what grievance the Senator from Washington, Senator Bridges, conceals against me, that he should thus leave with me this overheated metal which he doesn't care to juggle with further.

Seriously, I said on a former occasion all I had to say on this matter. I undertook, and I hope I succeeded in making clear to the Senate the reasons which had impelled me to the conclusion that this measure was unwise and that it would be no kindness to the city of Ellsworth. If I failed in making it clear, I am sure I cannot succeed any better today. I can only say that neither further reflection nor any further information has come to me to cause me to change my own mind, and I still feel it would be unwise to give passage to this measure.

Mr. EMERY of Hancock: Mr. President, I have no further statement to make in this matter, other than what I made when it first came up.

Mr. BRIDGES of Washington: Mr. President, it is not a pleasant task to oppose a measure in which both the senators from Hancock County are in favor, and yet I feel that I am under obligation to lay before the Senate certain information given me by prominent and responsible citizens of the city of Ellsworth. Then when that information has been laid before the Senate I shall be perfectly satisfied with whatever action the Senate may see fit to take.

In the first place, I believe there will be no controversy that the city of Ellsworth is beyond its debt limit. By the terms of this bill, the city council will select the trustees for this Ellsworth School District. Now, that leads me to this proposition. We have upon the statute books of the state a provision that members of the city council, the city councilmen, shall not be financially interested in contracts on one side and

the city on the other side. For a period, all these members of the city council of Ellsworth, various members have had contracts with the city and have sold property to the city, have sold articles which later had to be paid for by the Department of Health and Welfare of the state, and the thing came to such a pass that until just a day or two ago the Department of Health and Welfare held up \$3720 of money which the city of Ellsworth had billed them, and they held it because various people in the city council were going to get this money. That has been going on for several years so that,—and I have this from the department of state—for a period of several years perhaps a hundred thousand dollars worth of merchandise and goods have been sold by various members of the council, sold to the city in contravention of the statute.

They say, the people interested, that under the law, the city has a right to recover back from those councillors all of this money so paid to them, and I believe that is the law, as the attorneys in this body will know, and if that amount were recovered back they would have enough to build an addition to the high school building.

There is a member of the city council in Ellsworth by the name of Myron Carlisle. He runs a milk business in the name of his wife, Bessie Carlisle. Now Bessie has a milk bill of \$138.25 for milk furnished to the paupers of Ellsworth, and Bessie has her bill in here. Myron Carlisle is also the Ellsworth Fuel Company. He is a member of the council. He sends in a fuel bill of \$202.50 in controversy of the law. Mr. Carlisle is also the City Chevrolet Company of Ellsworth, Maine, and he sells a truck, a fire truck, \$860.00. Another gentleman on the board sells a stoker to the school for \$699.50. That is the way it has been going on for years until the amount of illegal contracts between councillors and the city run up to practically \$100,000; every cent of which can be and should be collected back by the city. If they would do that they would have the money for this school addition.

Now, under the provisions of this bill, this same city council, with Mr. Myron Carlisle as a member is to select the trustees of the Ellsworth School District. Just what do you

think? Would Mr. Carlisle be selecting trustees of the school district that would still do business with him? Now, that is one feature.

The other day I asked this question, whether it was a two session school or one. I have no doubt, Mr. President, that conditions are over-crowded in the high school. I have no doubt some pupils are there because the tuition is not as high as it ought to be. It is less than cost to the pupils. There could be an arrangement where near-by pupils could come to school between eight and twelve, and the children who live farther away, the tuition students, might come in the afternoon, and do their work in the afternoon. That is exactly the situation in Bangor.

Besides that, the rooms in the city hall, built by the government under a project on which the city now owes \$111,000 over and above the \$168,000 they owed on another matter. I understand the city of Ellsworth says "Legally" — notice that—"Legally," we don't have to pay it because it was contracted when the city was over the debt limit." Perhaps that may be true, legally, but I do not commend the superior morality of that kind of position. If that is added to the \$168,000 you have \$279,000 above the debt limit of the city of Ellsworth. However, there are a lot of rooms in that great big city hall that could be utilized.

Men who are heavy taxpayers in Ellsworth feel they should get along the best they can now until the debt is reduced and until another council is chosen that won't have Myron Carlisle on it, and then if it becomes necessary and if they cannot obtain enough money back from illegal contracts, they may be in a better financial position to put an addition on the high school building. That is the position that prominent, influential property owners in the city of Ellsworth asked me to present to the Senate. Having done so, I have performed my duty to them.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, I am keenly interested in any measure that has to do with the higher standards of education. This matter seems to be a local matter because it does pertain to schools and the municipality's financial

condition. I have interested myself in the matter to the extent I made a telephone call,—not one, but several calls to Ellsworth, trying to clarify the thing in my own mind. One call I made was to the paper, the newspaper at Ellsworth, the Ellsworth American. Now, I have a great deal of respect for newspapers and the press and their function in the community, great respect for reporters with the exception of one or two, and I have received in answer to my call, a letter which I would like to read:

"Dear Senator Bishop: I greatly appreciated your calling me yesterday for information on the school district bill. I admire your attitude of independence of thought and action.

"As I explained to you, this bill is an attempt of the Ellsworth school board to dodge around the legal debt limit of Ellsworth, and add another burden of \$75,000 to \$100,000 on the taxpayers of Ellsworth. It sets up a new taxing unit, with power to make up its own budget for retirement of bonds and interest, and 'any other expenses'. The assessors of Ellsworth are required under this bill to add that amount to its regular assessment. The school district, or the trustees, are apparently responsible to no one.

"Opposition to this bill comes from the most substantial citizens of Ellsworth—Judge John A. Peters of the U. S. District Court; Martin L. Adams, chairman of the Hancock County Board of Commissioners; Howard B. Moor, for twenty years a county commissioner; Leon Brown, president of the Liberty National Bank; Embert C. Osgood, director and clerk of the executive board of the Union Trust Company, and H. Blaine Davis, a director of the same bank. These are but a few.

"Proponents of the measure say 'this is a referendum bill, and the voters will have a chance to decide'. True, but your experience must have shown you, too, what can be done with poll-tax payers who have nothing at stake, and also, you must know, the natural tendency of voters, many not informed on a question, to vote 'yes' on any proposition.

"I am enclosing an article in my paper."

I don't go on to read it but the material has been covered. The fact that they take in students from surrounding towns at a loss, and if they increase the size of the building they will take in more students and there will be more loss. I simply offer it as evidence.

Mr. EMERY: Mr. President, I would like to simply add, which may be reiterative, my stand because I feel a majority of the citizens of Ellsworth, also substantial taxpayers, feel that this matter should be decided by the citizens. When the vote is taken, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion to substitute the bill for the report. A division has been asked. Is the Senate ready for the question?

A division of the Senate was had. Ten having voted in the affirmative and eighteen opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, the report of the committee, "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, Report of the Committee on Taxation on bill, An Act Exempting Homesteads from Taxation, (H. P. 1558) (L. D. 827) tabled earlier in today's session by Mr. Brown of Aroostook, pending acceptance of Report "B", Ought Not to Pass, in concurrence, and this afternoon assigned.

Mr. BROWN of Aroostook: Mr. President and members of the Senate, perhaps it might be felt that we should go along and let this bill die a natural death on account of the action which was taken yesterday, but I feel that this matter is of too grave importance to the citizens of the state of Maine and to the members of the legislature to let this matter go without explanation.

I listened to the explanations of it yesterday but I didn't recognize any part of it as being my own bill, neither did I recognize through the arguments any men who apparently knew anything about the taxation set-up in the state of Maine. They argued over taxes from last year and taxes that we were going to have in the future and all kinds of

things but there was no argument which brought out the purposes for which this bill is intended, the relief of real estate.

Now, we have a situation in the state of Maine which a great many people do not fully realize and that is the extreme burden of taxation which is placed upon the home owners of the state. A great many people are surprised to learn that the tax upon rural real estate in the state of Maine, the homes of the people in the towns and in the villages and on the farms of Maine are the highest of any in the United States.

Now, that is something for this legislature to consider, because it puts a penalty upon a man owning a home in the state of Maine. And the result of that has been the continual diminishing of the number of homes which we have in the state of Maine. The home is the bulwark of civilization. Without homes you could have no civilization and yet our homes are being abandoned all over the state of Maine as people are giving up their homes and moving into the towns and villages and moving from place to place and from street to street and from house to house. And that disrupts the ideal of the American home but that is what is happening in the state of Maine. There is a penalty placed on the people of the state of Maine for owning farms, for owning real estate, the highest of any in the United States and that means that the Maine farmers have to compete against farmers growing their crops upon land which bears a less burden of taxation.

People are moving out of Aroostook County, the finest agricultural section of the east and are going to New York state and buying potato farms to compete with the farmers of Maine and one of the reasons—two reasons—one, because the tax burden is helping to drive them out and the other is because they can go where land is less taxed.

I have grown potatoes in Florida and I have shipped seed there for the last eighteen years. And in Florida they have a homestead exemption of \$5,000 and many farms to whom I sell seed are raising potatoes on land with no tax and yet they come into competition with us.

Do you believe the people of the State of Maine want to continue to advertise the state of Maine as the

highest taxed real estate in the United States? Is that the kind of advertisement you want to put out to try to get people to come in here and buy land with? I have never seen in any pamphlet of the Development Commission or in any other literature when they are telling about the wonderful opportunities of the state of Maine, anything to the effect that we are going to tax these prospective purchasers more than any other state in the United States.

I say that the personal property system of taxation is all wrong, a tax which taxes a man's home because it is a home, the ancient and archaic idea of taxation. It isn't anything that brings a man any income and therefore a home should be exempt from taxation as compared with other real estate which is for the purpose of making a profit.

What is to be gained by taxing a man out of his home, and we have hundreds and hundreds of situations in the state of Maine where elderly people have occupied homes all their lives and it is the fondest thing that they have in their memory, the happy hours they have had in their homes, and when you keep on taxing them regardless of their income and sooner or later the town takes it away from them you have all over the state, and rapidly increasing in every community, homes which are being abandoned, generally for tax purposes. The town takes them over and then they are taken out of taxation and there is an increased burden on all the rest of the real estate in the community because every piece of property you take out of taxation, you increase the rest of it, and in one town in our county there are 70 tax liens and deeds because people could not pay their taxes.

Go to any town in the state and ask for last year's or the last five years' tax records and see how much real estate tax is uncollected. If you and I were going to sit down and devise a new system of taxation, supposing we didn't have a single tax on the books, would you and I or any group of clear-minded men devise a tax system whereby, because a man had a home, regardless of his income, he was to pay the taxes for all of the local activities which go on in his community and allow the man who does not

own a home to go practically scot free? Yet that is the situation we have.

The towns, the small towns at least and the smaller cities, have no other way of collecting taxes except the tax upon real and personal property and a few taxes such as the excise tax on automobiles. Every bill that is incurred, every activity of the community, must be supported by a tax on their homes, and the people who don't own homes, as was mentioned by the Senator from Sagadahoc, Senator Bishop, in many cases are just the poll tax payers and have the balance of power and go in to town meetings and vote all kinds of money because they think they don't have to pay the taxes.

What are we going to do about it? Are the members of this legislature going back to the people of the state of Maine and say to them, "We are sorry that you are taxed to death, we are sorry you farmers are losing your homes and your farms, we are sorry that you home owners are taxed out of your homes, but after sitting down here for four or five months we can't do anything for you?"

Now, I believe that the most important and pressing thing before the legislature and the thing which the people of the state of Maine are facing, is this tax situation, this tax upon the homes of the people and unless we do something about it, unless we make an attempt at this time to clear up that situation, I wonder what is going to be the future of the Republican party two years from now. You may say, "Oh, this sales tax is a dangerous thing, we got licked on it four years ago and we don't want to do anything about it," but I tell you if you don't do something on the real estate taxation problem of Maine there are a lot of you people who won't come back here again.

Now, how much tax are the farmers paying in the state of Maine? Well, I have here some figures compiled by the Agricultural Experiment Station and the United States Bureau of Agricultural Economics cooperating. It comes from Orono and it is the result of figures gathered from 214 farmers who actually kept accounts under the guidance and direction of the Bureau of Home Economics. They go out to the farms of those who are

willing to keep accurate accounts every once in a while and check to see if they make the proper entries and if they have the proper division of expenses, and so forth and so on.

This is a summary sent me yesterday by Donald Reid, head of the Extension Service on the figures of 214 farms in Maine who kept records. This is a summary. I am not going to take up your time by reading the figures. I will read simply the summary: Number of farms, 214. Average real estate capital, \$4,340. Total capital including livestock, machinery and other things in which a farmer has money invested, totals \$6,177. Total farm income \$2,208. Total farm expense, \$1,756. Net farm income \$452. Note that. The net farm income is \$452 on an average of 214 farms where they kept books.

Now, if you allow 5% interest on the man's investment, which should be considered before you count what he got for his actual work, what his income was from his labor and his wife's labor and the labor of his children, if you take 5% of that you have interest on capital of \$308, and the labor income, the entire stipend which he and his family receive for their year's labor, is \$144. And the tax is \$142, leaving him \$2.00 income for his year's labor. That is the average for 214 farms. Is there any justice in that? Is there any equity in the statement of a man who stands up and says that 2% sales tax is too much to pay out total income?

What are we going to do about it? Well, let's study this tax situation in Maine as it is and let's see if something can be done about it instead of going home and saying that we are just going right on taxing the poor man out of his home so that he will abandon his farm and go out of the state and locate somewhere else in some city in the southern part of the state, and then we will wonder how the city people are going to take care of them.

Well, what can be done about it? That is the situation and I haven't exaggerated. I have given you exact figures and I might stand here an hour giving you more figures, figures which you can go out and get more of for yourselves, and they are true. What can be done about it? Well, we are ten years behind in our taxation system. In a democracy a fair system is where

every man, woman and child should contribute to the expense of government whether they earn ten dollars a week or a thousand dollars a week, according to their ability to pay. If I had my way about it and I could tax one-tenth of the people of the state of Maine for the entire tax, and they were millionaires, let them be ever so rich, and the other 90% could go scot free no matter how poor they were, I would say that is a bad, destructive system of taxation because you take away from the individual the responsibility which he owes to his state, to his government and to his local government.

Every man receives the benefit of the schools. Every man receives the benefits of good roads and the benefits of police protection and street lights and public libraries and what have you; the poorest as well as the richest. And the poorest and the richest will contribute according to their ability to spend, and that is only achieved through a sales tax.

I have been asking you what we can do about it. Well, other states have been in the same situation. I have here a pamphlet laid on our desks yesterday, which probably most of you will throw into the waste basket which is what I do with most everything that is laid on my desk, but this comes from Dr. A. R. Gans, Director of Research for the Farm Credit Administration of Massachusetts, and there are some very illuminating figures in there. I wish we could have had this earlier in the session and I wish that every member had been interested enough to put in a little time in studying it. I am just going to take a few extracts from it.

In 1930, taxation in the United States reached its peak, not only the state of Maine but all over the United States, because that was the end of the boom times. During the boom after the war we all went crazy spending money, both individuals and state and national governments, and in 1939 we hadn't yet realized that the crash of 1929 was anything permanent or amounted to very much. And especially the towns and municipalities went on spending and appropriating money. And, as I say, 1930 was the peak of taxation in the United States. At that time our

index figure in the state of Maine was 286, compared with the index figure of 100 in 1909-13. Immediately following that we began to curtail, even in the state of Maine, and the towns went without painting the school houses and cut down payments for teaching and for road expense and other things, and then we began to get back again with increased taxes. And at the present time, according to this table, we are two percent, and two percent only, below the high mark of ten years ago.

Now, other states with equally high taxes at that time began changing their methods of taxation. They realized that real estate taxes were too high and they were searching for other methods of taxation and changing the basis of taxation. And we find that in the last ten years the state of West Virginia has reduced its taxes on real property 66.5%, Indiana 62.6%, Michigan 66.7%, Georgia 52.9%, Oklahoma 48.4%, Montana 31.5%, Washington 66.7%, and the whole United States 31.4%, while we were reducing it 2%. Now, that 2% is total tax. That doesn't represent your percentage of tax because where we have reduced our tax in the ten years altogether 2%, drop in real estate has been so great that is an altogether different figure, when you compute it on the actual valuation. And therefore we find another table here, table 2, which gives the annual farm real estate levies in percent of values in farm real estate for selected states.

We find that so far as a hundred dollars of valuation is concerned of actual value the state of Maine has increased its tax 30.5%, New Hampshire has increased 10.3%. But in states where ten years ago they realized that something must be done about the tax situation they went out and found other methods of levying axes and other people to collect taxes from, and those who instituted a change in their tax methods had a marked reduction.

For instance, while we increased 30.5%, West Virginia has decreased its property tax 57.1%, Ohio has decreased 45.3%, Indiana reduced 60.9%, Michigan has reduced 56.5%, Washington 54.1% and Georgia 43.8%.

How did they do it? Well, our taxes have continually gone up to the point of confiscation where we

can no longer pay them and our tax becomes a capital levy and they have to take our property away from us. Other states have reduced their taxes from 40 to 60 percent. We are ten years behind the times.

How did they do it? They did it by their method of taxation and you will find in this same book some of the methods by which they reduced their farm tax.

In contrast to the situation in New England, several other states have made changes in their tax system which had materially reduced the tax burden on real estate, and particularly on farm real estate. In three states—Indiana, Illinois and Washington—farm property taxes in 1939 were at about the same level or lower than thirty years ago. In five other states taxes in 1939 were less than fifty percent higher than thirty years ago. Furthermore, in all eight of these states farm property taxes were high in 1930 and have since declined both in actual amount and relative to the value of the farm land. As a matter of fact, the 1930 taxes in Indiana and Michigan were higher than in Maine but are not only about one-third as high, relative to the value of farm land.

Now let us see what method they use. I am doing this because I have been accused of having something revolutionary, something never heard of before, something unworthy. But I am citing this to show you that it isn't revolutionary. It has been done before and it is working and these states have reduced property taxes to the point where people can pay their taxes.

On Page 4 of this pamphlet you will see that as an off-set to reduction in revenue from property taxes, the principle new taxes added were: In Ohio, a three percent general sales tax was enacted, with food now exempt—it wasn't at first but is now—as well as a large number of items used in production. This latter provision exempts many of the usual items of farm expense. Sales tax revenue, plus increased revenue from motor vehicle and gasoline taxes covered approximately one-half the reduction in property taxes.

In Indiana, a gross income tax of one-fourth percent was placed on manufacturers, wholesalers and jobbers and a one percent gross income tax on public utilities,

financial institutions, professional services and retail sales. In addition, new taxes on intangibles were enacted. Revenue from these new taxes plus increased yield from motor vehicle and gasoline taxes nearly off-set the reduction in property taxes.

In Michigan a three percent retail sales tax was enacted together with taxes on chain stores, liquor sales and horse racing. In 1938 the revenue from these new taxes covered two-thirds of the reduction in property taxes. In 1939, a tax on intangibles was added.

In Washington new taxes included a retail sales tax of two percent and a gross income tax of one-fourth percent to one-half percent. In addition, excise taxes were placed on public utilities, horse racing, liquor sales, cigarettes, admissions, automobiles and fuel oil.

So when a man stands up and says that this bill is a monstrosity and he never heard anything like it before, he is simply displaying his ignorance that he doesn't know anything about systems of taxation in other states. The state of Ohio isn't quoted in here but it has a sales tax, a use tax, a chain store tax, and after taking out seven million dollars for old age assistance the balance goes for homestead relief, directly back to the towns and cities according to the amount of taxes exempt, just as my bill provides; and any of you lawyers can go down into the library and you will find that mine is modeled after it.

Now, what are the objections to the sales tax? The most puerile and most futile objections that I have ever heard, the objections have come in here, telegram after telegram. From whom? From the consumer? No, from the merchant who thinks he is going to be hurt under the sales tax. And yet in twenty-three states of the United States the people are living under it.

Under the provisions of this bill the retail merchant will collect every penny of it, no matter which version you take. The two reports are different methods of collecting but the retailer will not have to absorb one penny of the tax because by either one of these reports which are reported on favorably he can collect from the consumer to the last cent. Now they say this tax falls on the poor man. Well, there should be some tax on the poor man

because he gets the most benefits from it. But, you say, he pays more in proportion to his income. That is true. He does when he goes and buys a pair of shoes. If I go to a shoe store, and my income is \$25 a week, and I buy a pair of shoes for \$5.00 I have paid twenty percent of my weekly income for a pair of shoes. A hundred dollar income man would only be paying five percent.

So if the method of collecting the sales tax is wrong then our whole system of doing business is wrong because a man ought to be charged for the goods according to his income, because after all the taxes should be so that a man pays according to the service rendered him by his state and local government. Don't forget that. A man is paying for services and for the education of his children and for all the activities of his state and local government and the dollar which the poor man gets the most dollar out of any that he spends is the tax dollar.

Now, if he wants to own a home under this exemption bill — first I had better explain the general principle of the bill. We provided a general sales tax of two percent with certain exemptions for the manufacturer and for merchandise that is going to be resold. It is a tax on the final retail sale. The farmer by the same method would be exempt for the things which he buys to produce a crop because when his crop is sold that is where the tax would be placed. The money collected from this sales tax, which amount to about six million dollars a year shall be paid into the treasury of the state of Maine to a state homestead fund. One million dollars of that we have allocated for old age pensions and the balance of it shall go directly back to the towns and municipalities in exact accordance with the amount of exempted property they have in their town, so the town loses nothing.

In fact, it gains because the town gets a hundred percent collection on a lot of the property which today they're having to take away from the owners. Nothing revolutionary about it. The state of Iowa has had that law since 1935 when it was first passed. Since then it has been amended.

Now then, supposing a young man wants to buy a home in any of the

towns of the state of Maine except two or three of the large cities. The average tax on real estate in Maine is \$58 a thousand. Suppose he hasn't got the money to build a home, as many young men haven't and they go to some credit agency, such as the Home Loan Association or to the local bank, and he starts to hire some money and build him a home. With a two thousand dollar exemption of the assessed valuation, which would be somewhere around the figure which this tax would provide if applied directly to homes and nothing else, with a two thousand dollar home exemption, he would save on an average \$116 in taxes.

That \$116 would pay his interest on his loan and even allow him to retire a part of it. And in buying a home on the long time plan, as they do, the money which goes for taxes would help him pay for his home.

Suppose he is occupying a home and is paying \$116 taxes on it and suppose he could be exempt for two thousand dollars assessment so he didn't have to pay that tax and on the other hand he paid a sales tax, and suppose he was earning \$25 a week. Two percent of that is .50 a week which he pays for the privilege of being a good responsible citizen of the state, helping to pay his share of the activities of his state and for the services he gets. And .50 a week for fifty-two weeks is \$26.00 that he is paying for his entire tax and at the end of the year his tax is paid.

But under the present system at the end of a year he is presented with a tax bill of \$116, which is the present tax. For a poor man who wants to own a home — and every normal citizen should want to own a home — this is a tax which helps a man because it distributes the burden on everyone in the state and takes it off his home.

Now, your summer visitors who come in here and spend thousands of dollars would pay taxes the same as on the gasoline tax today, to help build roads. The merchant says the sales tax is unfair because merchants outside the state can ship goods in here. Well, I have incorporated in our use tax, which it wasn't possible to put in when the first tax bill was drawn because it hadn't been declared legal. Several states had it but in no instance had

the Supreme Court said it was legal, but on the 17th of February of this year, the Supreme Court of the United States in the case of the tax collector of Iowa vs Montgomery Ward and in another case vs Sears Roebuck, the Supreme Court declared the Iowa law was legal under which they taxed everything which those companies sent into Iowa. So the use tax in the state of Iowa has been incorporated into this tax.

The State Revisor drew it just as closely as he could and that provides that anyone who ships into the state of Maine, after the goods arrive here and become the property of the individual they are subject to tax just as if they were from a merchant here, and would encourage your local merchants, and I suspect that the little merchants would just as soon be hurt a little if he could hurt the big merchants outside the state, if they could see these other companies hurt a little might.

That puts me in mind of the man who was sitting on a log with a pained expression on his face and a friend came by and asked him if he had a stomach-ache. And he said, "No, I am sitting on a hornet." "Well, why under the heavens don't you get up?" "Well, I thought maybe I would but then I thought maybe I was hurting the hornet as bad as he is hurting me." So I think the merchants might do that too.

Now I realize that this bill is not perfect. There isn't a lawyer here but what can find all kinds of holes in it. I can see a few of them myself. But if all the laws which this legislature and past legislatures have passed were perfect we wouldn't be down here very long, because about nine-tenths of the laws which we are fighting over are laws which previous legislatures have passed and we have to amend.

I am contending that this is a step in the right direction, towards relieving the terrible burden of taxation on the homes of which our state is becoming denuded, on the abandoned farm buildings, broken down farms, growing up to bushes. Our boys no longer think that they have an opportunity on a farm and they are moving away, and what is going to happen in the next ten or fifteen years? Are the members of this legislature so blind that we cannot see or so dumb that we can-

not realize the situation and do something about it the same as other states are doing?

That is the proposition. As I look at it, it is more important to the state of Maine that you rectify this situation than it is to raise more money for old age assistance. Because after all, while realizing the justice, the equality of providing money for old age assistance, we are providing more money for a lot of them than they ever earned in their lives. We are paying \$30 a month to a man and \$30 to his wife, giving them \$60 together in a month and many of them never earned that much in their lives.

Of course many of them have earned money and spent it. I am not saying there are not deserving cases, but why tax the farmer out of his home and put him in the street in the same position, where we have to pay him old age assistance for the benefit of these few today.

So I say that if you don't wake up to this situation and if you don't start doing something about it there are going to be a lot of new faces here two years from now because the people of the state of Maine aren't going to stand having their homes taxed the way they are being taxed and have been taxed.

Some say the sales tax was turned down four years ago and it is a bad political situation and they don't want to have anything to do with it. We hear that in the corridors. Well, four years ago the Maine State Grange was opposed to a sales tax, the Farm Bureau was opposed to a sales tax, the rural communities were opposed to a sales tax, and they defeated it. But this bill has behind it—the master of the Maine State Grange is one of those who signed the ought to pass report, and the president of the Maine Farm Bureau is for it and also the Maine Real Estate Association who voted 100% at their annual meeting to endorse this measure.

So it isn't a fly-by-night proposition and if this were to go to a referendum of the home owners of the state now the sales tax would be adopted. And if you don't do something along this line there is going to be a calamity in the state a few years from now. I can assure you of that.

I might say more but I presume

that the motion of the gentleman to accept the "Ought not to Pass" report may prevail. I had hoped that this thing could stay upon the table in this Senate until the tax situation became a little more clarified because if we don't want to pass this particular bill it is at least a skeleton around which you can build a bill, and for that reason I wanted to table it this morning.

I still think it would be good policy because I know if this bill had been voted on a week ago it would have passed through both branches of the legislature but something took place in between and the merchants got up in arms about it and sent telegrams to people, but the taxpayers are not aware of the import of this bill. The taxpayer isn't aware of the conditions in Maine and therefore he has kept still. But we are responsible to the taxpayers back home. That is who we are responsible to. And the question is, are we going to shirk it?

I should like to see this bill lay on the table for another week and see what happens because if something doesn't happen about it, to my mind we are either going home without raising any of the money which we expected to raise to take care of old age assistance, or else we are going to pass a tax bill which will go to a referendum and be defeated. And this bill won't be defeated and if you have got to make yourselves unpopular, for heaven's sake let's make some friends while we are doing it.

I wouldn't expect either of these drafts as they are to be accepted. They both need amendment. Personally I favor Report C because I think the card system of collection is entirely crazy but Report C of this committee is the report I would like to see adopted. I hate to see these things thrown over-board. I hate for you people who are beginning to realize the situation to go back to your homes and say, "We can't do anything for you." And then we say, "Let's put two more mills on real estate and go home." What are you going to tell your home owners who are being taxed out of their homes today, when you go home?

So, gentlemen, I hope that the motion to accept Report B will not prevail so that we can leave this on the table until some other better or different tax measure develops. I still believe there is virtue in this.

I still believe you may need it as a backbone or as something to build your tax bill around. If you gentlemen see fit to defeat it, that is all right with me. I have given you the message. I have tried to tell you what the tax situation is. You can verify every word of it by public documents from the Department of Agriculture at Springfield or in your own state. You can verify it by looking around your own towns.

Now, are you going back home and say, "We were down there five months, we knew the situation and had it explained but we didn't think it politically expedient to do anything for you." Is that your attitude? I will leave it with you.

Mr. CHAMBERLAIN of Penobscot, it has been within the experience of most grown people to have been associated with children who have the misfortune to suffer the loss of one of their pets. It is a serious matter to them and it is within my experience, that children do not, immediately on the passing of a pet, do not immediately engage in the burial. There should be an interval of time, without measuring that time, without measuring the interval, an interval between the passing and the final disposal. Because of that and perhaps speaking as a member of the Taxation Committee, it would seem to me unseemly, having witnessed the death of a document, to bury it immediately. I trust the motion of the Senator from Kennebec, Senator Fellows, to accept the report "Ought Not to Pass" will not prevail. Let's be a little considerate and let it go over to next week.

Mr. HILDRETH of Cumberland: Mr. President, with much of what Senator Brown has said, I disagree. However, I agree very emphatically with his concluding remarks. I am in a very confused state of mind as regards taxes. It is beginning to shape up in my mind that one by one we are picking these tax items off so that we will have no choice. It seems to me the fundamental problem is, are we going to pick on this, that or the other thing, or are we going to have a broad tax program? I don't like to see these tax measures picked off one by one, leaving in the closing moments, no choice whatsoever. As Senator Brown has said, his bill is not perfectly drawn, and I would not vote

for it today but I can see looming up before this legislature a situation where there will be very little choice and this problem is so important and so vital to this legislature and to the voters of Maine, it seems to me we ought not to close these avenues one by one. I hope the motion will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Fellows, to accept Committee Report "B", Ought Not to Pass in concurrence. Is the Senate ready for the question?

The motion to accept the Ought Not to Pass report did not prevail.

Thereupon, on motion by Mr. Brown of Aroostook, the bill and reports were laid upon the table pending acceptance of Report A or Report C.

Upon motion by Mr. Stilphen of Lincoln, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed, bill, An Act Revising the Regulation of the Clamming Industry in Lincoln County (S. P. 556) (L. D. 1155).

Thereupon, Mr. Bridges of Washington presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to L. D. 1155. Amend said bill by inserting after the word 'Cumberland' in the second paragraph of said bill, the following, 'Lincoln.'"

Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

Mr. FARRIS of Kennebec: Mr. President, may I inquire if Legislative Document 668, An Act Relating to the Liability of Relatives to Support Recipients of Public Assistance, is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is in the possession of the Senate.

Thereupon, on motion by Mr. Farris of Kennebec, under suspension of the rules, the Senate voted to reconsider its action of Wednesday, whereby the bill was passed to be enacted.

Upon further motion by the same Senator, the Senate reconsidered its action whereby the bill was passed to be engrossed.

Mr. Farris presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A'. Amend said bill by striking out the word 'department' in the first line of section 2 thereof and substituting in place thereof the word 'commissioner'. Further amend said bill by inserting between the word 'proceedings' and 'in' in the second line thereof the words 'in the name of the State of Maine'."

Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hildreth of Cumberland, the Senate voted to take from the table, bill, An Act Authorizing a Bond Issue for the Building, Rebuilding and Strengthening of Bridges for Military Purposes on the Highways of the State of Military Importance (H. P. 1902) (L. D. 1127) tabled by that Senator on April 10th pending assignment for second reading; and that Senator presented Senate Amendment "A" and moved its adoption: "Senate Amendment 'A'. Amend said bill by inserting in section 5, at the end of the first sentence following the word 'purpose' the following language 'and shall be available for the purpose of this act only if, as and when federal funds are made available for the purposes hereof.'"

Mr. HILDRETH: Mr. President, that proposed amendment is so simple it practically speaks for itself. This is a two million dollar bond issue for the rebuilding of certain state highways, and as there is an emergency preamble, it would be enacted without going to the people because of the military exigencies of the present situation.

Now, the reason for proposing that amendment is that in my opinion the burden, or rather I would say the privilege of derending the state of Maine, is on the federal government just exactly as much as the burden or privilege of defending Panama, Alaska, Hawaii or even Greenland. The population of the state of Maine is about six-tenths of one percent of the population of this country, and the federal tax collections are approximately one percent.

When we passed a two million

dollar bond issue in the special session last summer, if we had borne our share in proportion to our population or wealth, it would have been something in the nature of \$20,000 instead of \$2,000,000, which is a difference of about \$980,000. The federal government participated very heavily in the expenditures incurred in the use of the proceeds of those bonds.

Now, I think if this emergency exists, and it would be a very brave man who had the courage to say it did not exist, because certainly it would rest very heavily upon anyone's conscience who made a guess or prophecy that was wrong, therefore, I am perfectly convinced that, after considerable study, it is advisable these bridges be built and I believe it is sound economics to do it. If, however, this emergency does exist, for military reasons then the federal government should join with us in building these bridges and I have not much question in my mind but what they will.

You will note the proposed amendment does not say on what basis the federal government shall participate. I do not want, in any way, to tie the hands of the highway commission. I think it would be a mistake to amend this, limiting in any way the use of the money in conjunction with federal funds on any given percentage. Therefore, it is left absolutely wide open. I do not want to tie their hands. If, however, by any quick, sudden change of events this emergency should depart, then I do not believe that a two million dollar bond issue should be assumed by the people of Maine for ordinary purposes. If that situation came to pass then I think we ought, so to speak, to "haul up the slack in our britches", build these bridges from other funds, funds that might otherwise be spent on things not as necessary as these bridges. Consequently, I merely want to recognize as a principle that defense expenditures for bridges and for roads should be assumed in conjunction with the federal government and if the emergency is not such that for military reasons the federal government does not recognize it, then I do not believe a bond issue should be foisted on the backs of the taxpayers of Maine.

Consequently, this is left wide open and doesn't state any percentage the federal government must

meet but does give some protection to the Highway Commission should the military emergency be set aside. They would be subjected to all kinds of political pressure to build a bridge here and there and some other place from a bond issue.

I have talked with some several members of the Committee on Ways and Bridges who believe the amendment helps the bill rather than obstructs it, and I trust it will be accepted.

Mr. LIBBY of Cumberland: Mr. President, may I have the amendment read again?

The PRESIDENT: The Secretary will read the amendment again.

Thereupon, the Secretary read the amendment a second time.

Mr. LIBBY: Mr. President, may I ask the Senator from Somerset, Senator Friend, a question through the Chair?

The PRESIDENT: The Senator may ask his question, through the Chair, of the Senator from Somerset, who may answer if he desires.

Mr. LIBBY: Mr. President, I would like to ask if the Senator from Somerset, Senator Friend, is able to tell us at this time whether

federal funds will be available and if so about when? Have you any estimate as to that?

Mr. FRIEND: Mr. President, I will say that federal funds are now available for highways and bridges and it is very reasonable to believe that there will be a second allotment of equal size available for strategic highways, for the construction of highways and bridges. I do not think that this amendment would delay the construction of these bridges that the two million dollars is for.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A to L. D. 1127. Is the Senate ready for the question?

A viva voce being had, Senate Amendment A was adopted.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment A.

Sent down for concurrence.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.