

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Tuesday, April 3, 1945.

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

Prayer by the Rev. Gilman Lane of Madison.

Journal of the previous session read and approved.

Papers from the Senate**Senate Reports of Committees Placed on File**

Remonstrance for Defeat of S. P. 206, L. D. 478, Bill "An Act relating to Registration of Motor Vehicles" (S. P. 419)

Came from the Senate ordered placed on file.

In the House, ordered placed on file in concurrence.

Leave to Withdraw

Report of the Committee on Post War Planning on Resolve to Provide for Construction of a State Garage" (S. P. 261) (L. D. 626) reporting leave to withdraw.

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to State Personnel Law" (S. P. 203) (L. D. 481)

Report of same Committee reporting same on Bill "An Act relating to Responsibility of Parents for Juvenile Delinquency" (S. P. 286) (L. D. 723)

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Tabled and Assigned

Report of the Committee on Welfare reporting "Ought not to pass" on Bill "An Act relating to Old Age Assistance" (S. P. 331) (L. D. 820)

Came from the Senate read and adopted.

In the House, on motion by Mr. Hawes of Vassalboro, tabled pending acceptance of Committee Re-

port in concurrence and specially assigned for tomorrow morning.

Ought to Pass in New Draft

Report of the Committee on Claims on Resolve in favor of Velma Norton of Caribou (S. P. 306) (L. D. 843) reporting same in a new draft (S. P. 403) (L. D. 1042) under same title and that it "Ought to pass"

Report of same Committee on Resolve in favor of Alphonso S. Dube of Togus (S. P. 341) (L. D. 898) reporting same in a new draft (S. P. 402) (L. D. 1043) under same title and that it "Ought to pass"

Report of same Committee on Resolve in favor of Mrs. Doris G. Cummings of Perry (S. P. 303) (L. D. 846) reporting same in a new draft (S. P. 401) (L. D. 1041) under same title and that it "Ought to pass"

Report of the Committee on Legal Affairs on Bill "An Act Amending An Act to Authorize the Incorporation of Credit Unions" (S. P. 388) (L. D. 928) reporting same in a new draft (S. P. 389) (L. D. 998) under same title and that it "Ought to pass"

Report of the Committee on Motor Vehicles reporting "Ought to pass" on Bill "An Act Permitting Members of the Armed Forces to Receive Operators' Licenses Without Payment of Fee" (S. P. 325) (L. D. 826)

Report of same Committee reporting same on Bill "An Act relating to Applications for Operators' Licenses by Members of the Armed Forces" (S. P. 326) (L. D. 825)

Came from the Senate the Reports read and adopted and the Bills and Resolves passed to be engrossed.

In the House, Reports read and accepted in concurrence, the Bills read twice, the Resolves read once, and tomorrow assigned.

Refer to Committee on Appropriations and Financial Affairs

Report of the Committee on Post War Planning on Resolve Providing for Certain Construction at the Augusta State Hospital (S. P. 291) (L. D. 720) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report of same Committee reporting same on Resolve Providing for Certain Construction at the Bangor State Hospital (S. P. 292) (L. D. 719)

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Report of Committee on Post War Planning

From the Senate; Report of the Committee on Post War Planning on the following Bills and Resolves:

Bill "An Act to Construct a Toll Bridge between Old Town and Indian Island" (S. P. 334) (L. D. 817)

Bill "An Act Establishing a Forest Products and Industrial Research Laboratory" (S. P. 333) (L. D. 818)

Bill "An Act Appropriating Funds from the Maine Post War Public Works Reserve for State House Improvements" (H. P. 1211) (L. D. 762)

Bill "An Act Appropriating Funds from the Maine Post War Public Works Reserve for Certain State Departments" (H. P. 1276) (L. D. 919)

Resolve providing for Construction and Repair of Houses on the Passamaquoddy and Penobscot Reservations (H. P. 986) (L. D. 549) reporting that the same be placed in the custody of the Secretary of the Senate until the next Regular or Special Session of the Legislature.

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Ought to Pass with Committee Amendment

Reports of the Committee on Judiciary on Bill "An Act relating to State Board of Arbitration and Conciliation" (S. P. 347) (L. D. 893) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

Committee Amendment "A" to S. P. 347, L. D. 893, Bill "An Act Re-

lating to State Board of Arbitration and Conciliation."

Amend said bill by inserting in the 12th line thereof, after the underlined word "shall", the underlined words "be chairman of the board and shall".

And further amend said bill by striking out in the 15th line thereof the last word "a", and by striking out in the 16th line thereof the first two words "chairman and".

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

Report of the Committee on Legal Affairs on Bill "An Act relating to Use of Drugs or Appliances in Horse Racing" (S. P. 290) (L. D. 721) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

Committee Amendment "A" to S. P. 290, L. D. 721, Bill "An Act Relating to Use of Drugs or Appliances in Horse Racing".

Amend said bill by striking out in the sixteenth line thereof after the underlined word "doped" the the underlined words "or the driver of such has worn, carried or had available during a race any stop watch, clock or timing device whatever that might be used to, or attempt to, regulate the speed or time of a horse".

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

Ought to Pass With Senate Amendment

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to the State Police Retirement System" (S. P. 76) (L. D. 71)

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

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

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

Senate Amendment "A" to S. P. 76, L. D. 71, Bill "An Act Relating to the State Police Retirement System."

Amend said Bill by adding before the period at the end thereof the following:

provided he has served at least 4 years as chief; otherwise he shall receive thereafter ½ of the pay per year that was paid to him as a member at the time he was appointed chief.

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

Recommended

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Incorporate the General Mortgage Company" (S. P. 140) (L. D. 345)

Came from the Senate recommitted to the Committee on Judiciary.

In the House, Report was read and recommitted to the Committee on Judiciary in concurrence.

Mr. Burton of Milo, was granted unanimous consent to address the House.

Mr. BURTON: Mr. Speaker and Members of the House: On March 28th you directed the Clerk of the House to convey to me your regrets as to my illness and expressed your hopes for my recovery.

On March 31st I also received a beautiful bouquet of spring flowers from members of this body.

I now wish to convey to you my sincere appreciation and thanks for your kindly expressions of good will. (Applause)

The SPEAKER: The Speaker is very happy to see the member from Milo, Mr. Burton, back in his seat, fully recovered.

Orders

On motion by Mr. Lacharite of Brunswick, it was

ORDERED, that Mr. Welch of Mars Hill, be excused from attendance for the remainder of the week because of business; and that Mr. Pascucci, of Sanford be excused from attendance because of illness.

House Reports of Committees Leave to Withdraw

Mr. Ward from the Committee on Judiciary on Bill "An Act relating to Jurisdiction of Probate Judges to Grant Administration on Estates" (H. P. 814) (L. D. 422) reported leave to withdraw.

Mr. Williams from same Committee reported same on Bill "An Act relating to the Lincoln Municipal Court" (H. P. 1315) (L. D. 964)

Mr. Boulier from the Committee on Ways and Bridges reported same on Bill "An Act relating to Maintenance on State Highways" (H. P. 220) (L. D. 85)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Mr. Carpenter from the Committee on Aeronautics reported "Ought not to pass" on Bill "An Act relating to Town Air Fields" (H. P. 915) (L. D. 607)

(On motion by Mr. Sweetser of Cumberland, tabled pending acceptance of Committee Report and specially assigned for Thursday morning, April 5th)

Mr. Connellan from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Joint Tenancies in Real Estate" (H. P. 813) (L. D. 421)

Same gentleman from same Committee reported same on Bill "An Act Reallocating the Laws relating to Private Hospitals for the Mentally Deranged" (H. P. 1136) (L. D. 680)

Same gentleman from same Committee reported same on Bill "An Act Revising the Teachers' Pension Law" (H. P. 1072) (L. D. 665)

Same gentleman from same Committee reported same on Resolve relating to Retirement Status of Charles Sumner Bates of Pownal (H. P. 644) (L. D. 316)

Mr. Haskell from same Committee reported same on Bill "An Act relating to Order of Names of Candidates on Ballots in Primaries and Elections" (H. P. 1299) (L. D. 944)

Same gentleman from same Committee reported same on Bill "An Act relating to Discharge Chattel Mortgages and Conditional Sales of Record" (H. P. 1190) (L. D. 703)

Mr. Perkins from same Committee reported same on Bill "An Act relating to Proofs Required Under the Financial Responsibility Law" (H. P. 815) (L. D. 423)

Same gentleman from same Committee reported same on Bill "An Act relating to Hearings upon Petitions for the Support of Parents" (H. P. 1165) (L. D. 686)

Mr. Ward from same Committee reported same on Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Attorney-General by the Governor, with the Advice and Consent of the Council, Upon Nomination by the Chief Justice of the Supreme Judicial Court (H. P. 1195) (L. D. 754)

Same gentleman from same Committee reported same on Bill "An Act relating to Judges of Municipal Courts Not to Act as Counsel" (H. P. 1141) (L. D. 684)

Mr. Williams from same Committee reported same on Bill "An Act relating to Setting Aside of Verdict by Presiding Justice" (H. P. 1273) (L. D. 916)

Same gentleman from same Committee reported same on Bill "An Act relating to Bidding for Institutional Supplies" (H. P. 1069) (L. D. 688)

Same gentleman from same Committee reported same on Resolve relating to Retirement Pension for Arthur Irish of Rangeley (H. P. 186) (L. D. 64)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Donahue from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Board of Registration for Professional Engineers" (H. P. 1274) (L. D. 917)

(On motion by Mr. Haskell of Bangor, tabled pending acceptance of Committee Report and specially assigned for tomorrow morning)

Mrs. Ellingwood from the Committee on Library reported "Ought not to pass" on Resolve for the Purchase of One Hundred Copies of "History of Hartford" and One hundred Copies of "Directory of Mexico, Dixfield and Rumford" (H. P. 1085) (L. D. 776)

Mr. Stillings from the Committee on Motor Vehicles reported same on Bill "An Act relating to Registration of Certain Vehicles" (H. P. 1275) (L. D. 918)

Mr. Rollins from the Committee on State Lands and Forest Preservation reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Washington County to Irvin G. Lincoln, of Carroll (H. P. 1152) (L. D. 731)

Mr. Dean from the Committee on Ways and Bridges reported same on Bill "An Act relating to Construction of Addition to State Police Barracks" (H. P. 1220) (L. D. 770)

Mr. Lackee from same Committee reported same on Bill "An Act relating to Highway Bond Issue Funds in Compact Portions of Towns" (H. P. 94) (L. D. 40) as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

The SPEAKER: At this time the Chair recognizes the gentleman from Clifton, Mr. Williams, and appoints him Speaker pro tempore and requests the Sergeant-at-Arms to conduct him to the rostrum.

Thereupon, the Sergeant-at-Arms conducted Mr. Williams to the rostrum, where he assumed the Chair amid the applause of the House, and Speaker Barnes retired.

First Reading of Printed Bills

Bill "An Act relating to Keeping Certain Animals Confined" (H. P. 1426) (L. D. 1106)

Bill was read twice and tomorrow assigned.

Tabled and Assigned

Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals (H. P. 1427) (L. D. 1107)

Resolve had its second reading, and on motion by Mr. Berry of Livermore, tabled pending assignment for second reading, and specially assigned for Thursday morning, April 5th.

Resolve for Maintenance and Development of Public Park Facilities (H. P. 1428) (L. D. 1108)

Resolve was read once and tomorrow assigned.

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

Passed to be Engrossed

Bill "An Act relating to the Salary of the Judge of the Kennebunk Municipal Court" (S. P. 123) (L. D. 222)

Bill "An Act relating to the Salary of the Recorder of the Municipal Court of the City of Biddeford" (S. P. 155) (L. D. 359)

Bill "An Act relating to Expense Accounts of Deputy Fire Wardens and Reports of Chief Fire Wardens" (S. P. 161) (L. D. 364)

Bill "An Act relating to Compensation of Fire Wardens" (S. P. 265) (L. D. 622)

Bill "An Act relating to State Normal School and Teachers' College Board" (S. P. 283) (L. D. 727)

Bill "An Act Increasing the Salaries of the County Attorney and Assistant County Attorney of Androscoggin County" (S. P. 359) (L. D. 904)

Bill "An Act relating to the Salaries of the Judge and the Recorder of the Bangor Municipal Court" (S. P. 399) (L. D. 1039)

Bill "An Act to Increase the Salary of the Register of Probate in Penobscot County" (S. P. 400) (L. D. 1040)

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

Tabled and Assigned

Bill "An Act relating to Maintenance of State Highways and State Aid Roads" (H. P. 248) (L. D. 98)

Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Dutton of Bingham, tabled pending third reading, and specially assigned for Friday morning, April 6th.

Bill "An Act relating to a State Police Barrack in the county of Cumberland" (H. P. 606) (L. D. 328)

Bill "An Act relating to School Committee in town of Rumford" (H. P. 1410) (L. D. 1083)

Bill "An Act relating to Records of Educational Institutions" (H. P. 1411) (L. D. 1084)

Bill "An Act Providing for the Taking of Property by the State by Right of Eminent Domain" (H. P. 1413) (L. D. 1085)

Bill "An Act relating to Alternative Method for the Enforcement of

Liens for Taxes on Real Estate" (H. P. 1414) (L. D. 1086)

Bill "An Act relating to License Fees for Amusement Shows" (H. P. 1415) (L. D. 1087)

Bill "An Act relating to Permits for Digging Into and Opening Streets and Highways" (H. P. 1416) (L. D. 1088)

Bill "An Act relating to Pauper Settlement" (H. P. 1417) (L. D. 1089)

Bill "An Act Amending the Charter of the Calais School District" (H. P. 1418) (L. D. 1090)

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

Amended

Bill "An Act relating to the Payment of Taxes by Domestic Insurance Companies" (H. P. 1419) (L. D. 1091)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Jordan of Saco, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1419, L. D. 1091, Bill "An Act Relating to the Payment of Taxes by Domestic Insurance Companies."

Amend said Bill by inserting at the beginning of the 1st line of said bill after the enacting clause, the following:

"Sec. 1."

Further amend said Bill by adding at the end thereof, before the emergency clause, the following:

"Sec. 2. R. S., c. 14, Sec. 135, amended. Section 135 of chapter 14 of the revised statutes is hereby amended to read as follows:

"Sec. 135. Amount of Tax, how determined. In determining the amount of tax due under the provisions of section sections 131 and 133, there shall be deducted by each company from the full amount of gross direct premiums, the amount of all direct return premiums thereon, and all dividends paid to policyholders on direct premiums, and the tax shall be computed by said companies or their agents as aforesaid."

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

Passed to be Engrossed

(Continued)

Bill "An Act relating to the Salary of the Judge of the Municipal Court of Newport" (H. P. 1420) (L. D. 1092)

Bill "An Act relating to Fees of Officers for Service for Delinquent Taxes" (H. P. 1421) (L. D. 1093)

Resolve Authorizing Commissioner of Agriculture to Register Trade Marks (H. P. 959) (L. D. 528)

Resolve Regulating Fishing for Atlantic Salmon in Narraguagus River and its Tributaries (H. P. 1412) (L. D. 1094)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Somerset County to J. Russell MacArthur, of Jackman (H. P. 1422) (L. D. 1095)

Resolve Authorizing the Forest Commissioner to Advertise and Sell Certain Stumpage in the town of Ashland (H. P. 1423) (L. D. 1096)

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

Amended Bills

Bill "An Act relating to Culverts Crossing Under Roads, Streets and Ways" (S. P. 361) (L. D. 903)

Bill "An Act relating to the Assessment of Taxes" (S. P. 398) (L. D. 1030)

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

Tabled and Assigned

Bill "An Act relating to Teachers' Retirement System" (H. P. 423) (L. D. 165)

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

Mr. PAYSON: Mr. Speaker, I move that the House reconsider its action of yesterday whereby it adopted Committee Amendment "A" to this bill, and I will explain my reason for moving for reconsideration, so, if you go along with the matter, you can handle the whole thing at once and will not waste any more time than usual.

If the House reconsiders its action of yesterday whereby it adopted Committee Amendment "A," I

shall then move indefinite postponement of Committee Amendment "A".

This has to do with the Teachers' Retirement System. It is another case of special treatment for the teachers, and it is a highly discriminatory piece of legislation. The provision in the bill itself is that teachers who are in the military service, in the armed forces, under the pension system of course are not in a position to make their contribution to the retirement system while they are in the service; therefore, under the law, the State makes their contribution for them, and that money piles up there and they get credit for their period in the armed services as though they had been teaching, and their pension is based upon that proposition. The money the State puts in there for them is simply to keep the pension system sound, so they won't have to make up this contribution when they come back. It is a perfectly fair proposition and very generous on the part of the State. The same provision is made for the general employees of the State. I introduced an amendment two years ago, as I recall it, which gave the employees this same privilege.

What this amendment does, if a teacher dies in the service the money which the State has put in to keep the pension is paid to the teacher's estate. The exact opposite of this proposition is in force as to other state employees: if they die in the service or cease to become members of the system, the State retains the money which they put in, to keep the pension system sound.

In effect, this amendment sets up a cash bonus for teachers who die in the service as against any other employees of the state who do not get this cash bonus and as against any other boy or girl in the armed service who does not get any cash bonus. It is this type of discriminatory legislation which is making all the trouble you have with the pension system today: this sort of thing slipping in. The teachers get it here and the other employees want it tomorrow. This is the kind of thing I would like to see stopped until a research or recess committee can study the whole situation and set up something fair and equitable. So, with that in mind, I move reconsideration of our action where-

by we adopted Committee Amendment "A".

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

Mr. JORDAN: Mr. Speaker, I move that this matter be tabled pending consideration and specially assigned for Thursday.

The SPEAKER: Pending the motion of the gentleman from Portland, Mr. Payson, the gentleman from Saco, Mr. Jordan moves that this bill and amendment lie on the table and be specially assigned for Thursday, April 5th. Is this the pleasure of the House?

The motion prevailed, and the bill, together with Committee Amendment "A" was tabled pending motion by Mr. Payson that the House reconsider its action of yesterday whereby it adopted Committee Amendment "A", and specially assigned for Thursday April 5th.

Passed to Be Engrossed

(Continued)

Bill "An Act relating to Reports of Thefts of Motor Vehicles" (H. P. 1184) (L. D. 745)

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

At this point Speaker Barnes assumed the Chair, and Mr. Williams was conducted to his seat by the Sergeant-at-Arms, amid the applause of the House.

Passed to be Enacted

An Act relating to the Registration of Nurses (S. P. 80) (L. D. 74)

An Act relating to the Duties of Directors and Trustees of Banks and Directors of Loan and Building Associations, Regarding Insurance upon Mortgage Property (S. P. 85) (L. D. 128)

An Act relating to the Salary of the Treasurer of Kennebec County (S. P. 95) (L. D. 137)

An Act relative to Open Season on Woodcock (S. P. 136) (L. D. 341)

An Act relating to the Salary of the County Attorney of Knox County (S. P. 156) (L. D. 360)

An Act relating to Salary of the Judge of the Lewiston Municipal Court (S. P. 163) (L. D. 366)

An Act Increasing the Salary of the Judge of the Rockland Municipal Court (S. P. 167) (L. D. 370)

An Act relating to Authority of State Tax Assessor in Deorganized Towns (S. P. 184) (L. D. 378)

An Act relating to Premarital Medical Examinations (S. P. 214) (L. D. 470)

An Act relating to Prevention of Blindness (S. P. 217) (L. D. 467)

An Act relating to Salary of Recorder of Rockland Municipal Court (S. P. 218) (L. D. 466)

An Act relating to the State Prison (S. P. 221) (L. D. 464)

An Act relating to the Salary of the Judge of Western Somerset Municipal Court (S. P. 266) (L. D. 621)

An Act relating to Liquor Licenses to Hotels, Restaurants and Clubs (S. P. 295) (L. D. 716)

An Act relating to Transfer of Liquor Licenses (S. P. 296) (L. D. 715)

An Act relating to Licenses for Consumption of Liquor (S. P. 297) (L. D. 714)

An Act Imposing a Tax of One and One-quarter Mills Per Pound on Blueberries for Conducting Research and Extension Work and Otherwise Improving the Blueberry Industry of the State (H. P. 304) (L. D. 112)

An Act to Increase the Salaries of the County Commissioners of Knox County (S. P. 349) (L. D. 900)

An Act relating to the Duties of the Department of Health and Welfare and the Inspection and Licensing of Institutions and Boarding Homes for the Aged (H. P. 357) (L. D. 122)

An Act relating to Diverting Water by Canals for Mills (S. P. 387) (L. D. 988)

An Act relating to School Age and Kindergartens (S. P. 388) (L. D. 996)

An Act relating to the Redemption of United States Bonds and Certificates Issued in the name of Minors (H. P. 520) (L. D. 254)

An Act to Increase the Salary of the County Attorney of Aroostook County (H. P. 675) (L. D. 323)

An Act relating to Clerk Hire in the Office of County Attorney and Register of Deeds, Southern District, Aroostook County (H. P. 676) (L. D. 324)

An Act relating to Reimbursement to Towns for Tuition (H. P. 724) (L. D. 499)

An Act Permitting the Highway Commission to Provide for Proper Traffic Control Signals, etc. (H. P. 872) (L. D. 514)

An Act relating to Veterinary Surgery (H. P. 916) (L. D. 524)

An Act relating to Dog Licenses (H. P. 917) (L. D. 558)

An Act relating to Salary of County Treasurer of Penobscot County (H. P. 992) (L. D. 592)

An Act relating to the Sale of Liquor to Minors (H. P. 1013) (L. D. 653)

An Act relating to Dancing and Entertainment on Premises Where Malt Liquor is Consumed (H. P. 1014) (L. D. 533)

An Act relating to the Salary of the Judge of the Franklin Municipal Court (H. P. 1091) (L. D. 778)

An Act relating to the Salaries of Various Officers of Franklin County (H. P. 1092) (L. D. 779)

An Act relating to Issuance of a Receipt for Payment of Poll-Taxes (H. P. 1142) (L. D. 791)

An Act relating to Registration of Truck Tractor and Semi-Trailer (H. P. 1204) (L. D. 705)

An Act relating to Registration of Motor Vehicles (H. P. 1208) (L. D. 709)

An Act Amending the Unemployment Compensation Law as to Benefit Eligibility Conditions (H. P. 1237) (L. D. 863)

An Act Amending the Unemployment Compensation Law as to Claims for Benefits (H. P. 1244) (L. D. 869)

An Act Amending the Unemployment Compensation Law as to Appeals (H. P. 1243) (L. D. 870)

An Act Amending the Unemployment Compensation Law as to Appeal to Courts (H. P. 1246) (L. D. 871)

An Act Amending the Unemployment Compensation Law as to Unemployment Compensation Fund (H. P. 1253) (L. D. 878)

An Act Amending the Unemployment Compensation Law as to Collection of Contributions (H. P. 1254) (L. D. 879)

An Act to Increase the Salaries of Certain Oxford County Officials (H. P. 1263) (L. D. 886)

An Act to Increase the Salary of the County Attorney of Oxford County (H. P. 1278) (L. D. 921)

An Act Amending the Unemployment Compensation Law as to Employer Coverage (H. P. 1339) (L. D. 990)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be en-

acted, signed by the Speaker and sent to the Senate.

Tabled

An Act relating to Bounty on Porcupines (H. P. 1342) (L. D. 993)

(On motion by Mr. Williams of Clifton, tabled pending enactment, until later in today's session.

Tabled

An Act relating to Filling Congressional Vacancies (H. P. 1343) (L. D. 995)

(On motion by Mr. Ward of Millinocket, tabled pending enactment, until later in today's session)

An Act to Create an Airport Commission for the town of Sanford (H. P. 1344) (L. D. 994)

An Act relating to the Maine Development Commission (H. P. 1346) (L. D. 1002)

An Act relating to the Bragdon Wild Life Sanctuary and the Wells and Kennebunk Game Preserve (H. P. 1353) (L. D. 1004)

An Act relating to the Salary of the Clerk of Courts of Androscoggin County (H. P. 1356) (L. D. 1006)

An Act relating to Salary of the Treasurer of Androscoggin County (H. P. 1357) (L. D. 1008)

An Act relating to the Salary of the Sheriff of Androscoggin County (H. P. 1358) (L. D. 1007)

An Act relating to Fees for Jurors (H. P. 1359) (L. D. 1009)

An Act Creating the Caribou Utilities District (H. P. 1362) (L. D. 1020)

An Act to Extend the Charter of Kingman Water Power Company (H. P. 1363) (L. D. 1021)

Finally Passed

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to John Sharpe (H. P. 443) (L. D. 195)

Resolve in favor of Irving Crockett of Durham (H. P. 630) (L. D. 1011)

Resolve Authorizing the Forest Commissioner to Grant Right-of-way to Construct an Access Road Across the Public Lots in Township D, Range 2 (H. P. 857) (L. D. 457)

Resolve Authorizing the Forest Commissioner to Convey Argyle Grange Hall in Penobscot County to Alton Grange No. 411 (H. P. 858) (L. D. 458)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Herbert R. Dow, of Argyle (H. P. 859) (L. D. 516)

Resolve for Location of Lookout Station on Picked Mountain in the town of Clifton, Penobscot County (H. P. 1098) (L. D. 785)

Resolve in favor of Cora Porter of Mapleton (H. P. 1287) (L. D. 1010)

Resolve in favor of Harold Harvey and Henry Marsh of Corinth (H. P. 1351) (L. D. 1012)

Resolve Appropriating Money to Repair Fish Way at Aroostook Falls (H. P. 1352) (L. D. 1013)

Resolve Providing for a Fish Screen at Foot of Echo Lake in the town of Fayette (H. P. 1355) (L. D. 1014)

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

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Majority Report reporting "New Draft "A" (H. P. 1387) (L. D. 1054) and Minority Report reporting New Draft "B" (H. P. 1388) (L. D. 1055) of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Portland" (H. P. 831) (L. D. 400) tabled on March 28th by the gentleman from Portland, Mr. Payson, pending motion by Mr. Bowker that the House accept the Majority Report.

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

Mr. DONAHUE: Mr. Speaker and Members of the House: If you will turn to Legislative Document No. 1055 and Legislative Document No. 1054, you will find the two new redrafts of the act amending the charter of the city of Portland.

At the outset, permit me to say that I do not consider that the House will seriously entertain any objection to the fact that the committee saw fit to bring out two separate reports. That is not an uncommon procedure; and I might call to your attention that the original Bowker Bill as presented was not the bill that was heard by the Legal Affairs Committee in the hall of this House. The Bowker Bill, which is Legislative Document 1054,

proposes that the number of Councilors in the city of Portland be changed from five to nine, and that six districts be set up, and that six of the nine members of the City Council be residents of the several districts. However, the Bowker Bill further provides that these Councilors shall not be elected as District Councilors, but shall be elected by the voters of the entire city of Portland.

The last statement issued by the Board of Registration of the city of Portland, showed that there are approximately thirty-three thousand registered voters so that thirty-three thousand voters would be voting for a Ward Councilor from any of the six districts of the city of Portland.

Section 3 of the Bowker Bill, setting up the machinery to provide for the first election and then providing for the election of three Councilors annually, completes the provisions of the Bowker Bill.

Under the proposed Draft "B", which appears as Legislative Document 1055, all of the provisions of the Bowker Bill appear in that draft. However, there has been added an additional clause which sets up a Mayor and Board of Aldermen, and the Board of Aldermen is to consist of nine members. However, six of the Board of Aldermen are to be elected from the residents of each district and by the voters of that particular district. In other words, you are going back to a representative form of government, and not a government where, as at the present time, or as under the Bowker Bill, all of the voters of the city vote for each Councilor.

And in addition to that, under Draft "B", it was necessary to amend a section relative to nomination papers for the reason that where the nominations were to be made for District Aldermen, it was felt that the number of qualified voters required to sign a petition should not be as large as the signatures on nomination papers for councilors.

Under the Bowker bill, there would be merely two questions on the referendum ballot: "Do you favor the present form of government or do you want to increase the number of your councilors from five to nine with six of the councilors elected by the voters of the city at large, each coming from a separate district?"

Under Draft "B" there would be three questions submitted to the voters of the City of Portland: Under Plan 1, "Present form of charter with city council of 5 members elected from the city at large without regard to ward lines and without party designation." Under Plan 2, "Council manager form providing for a city council of 9 members, each elected by the registered voters of the entire city, 3 from the city at large without regard to ward lines or party designation; and 1 from each district without party designation." Under Plan 3: "Form providing mayor and board of 9 aldermen, each elected by the registered voters of the entire city; 3 aldermen from the city at large without regard to ward lines or party designation; and 1 alderman from each district without party designation."

Now those of us who were present at the hearing in the hall of this House at which there were approximately 150 or 200 residents of the City of Portland present, I believe were told by the majority of the proponents for a change that they felt that the citizens of Portland should be given a right to vote on whether they wanted a change made or not. They did not express any particular desire for the Bowker bill; in fact, many of the proponents, including Judge Pinansky, suggested to the Committee that several propositions be submitted to the voters of the City of Portland, and if they say they want a change they should be able to say what sort of change they want.

It is difficult for me to reconcile the position of those who signed the majority report or Draft "A" submitting to the voters of Portland only one opportunity to change, when, as I have said before, as I listened at the hearing it appeared to me that the majority of the proponents there present were for a change back to the Mayor and the board of aldermen.

Now the change back to the Mayor and board of aldermen does not in the least disturb the City Manager form of government, neither does the Bowker bill. The City of Portland, regardless of which of these three plans were adopted, would still continue to be under a city manager form of government. But, as a signer of Draft "B," I felt it was fairer to the voters of Portland to give them a

chance to vote for that which they expressed a wish to vote for at the hearing.

As I said before, there are 32,000 voters in the City of Portland. We heard there only 150 at the hearing. I believe that there is sufficient demand, even from that expressed at the hearing, to warrant the submission to them on a referendum, for their acceptance or rejection, the three plans suggested in Draft "B." I cannot reconcile in my mind why the proponents of the Bowker bill insist on submitting only the Bowker bill to the people. They know the citizens of Portland in their judgment elected them to this Legislature; they know their intelligence; and I do not think for a minute they believe that the citizens of Portland would not be able to vote for three plans instead of two. I therefore hope that the motion of the gentleman from Portland, Mr. Bowker, will not prevail.

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

Mr. BOWKER: Mr. Speaker and Members of the House: I would like to explain first to the members of the House why this bill was introduced. In the past few years, we, the people in Portland, I believe, felt that the present term of the City Council had been too long. We elect one Councilor at large each year for five years.

Now it has been suggested to me by former members of the City Council that the term of office might be shortened to three years, and we might increase the Council to seven. That was the original intent of the bill. At the time of the hearing — the hearing was going to be on a Wednesday — and the Saturday previous to the hearing several people asked if the Legal Affairs Committee would be able to come to Portland, on account of travel conditions, and present this measure in the City Hall.

Due to the fact that several other matters pertaining to other charters of other cities were to be held, it did not seem advisable to send the Legal Affairs Committee to Portland, so, through the press, we agreed that the committee members of the House and the three members from the other body, should go down to the City Hall in Portland and listen to anybody that wished to speak.

I explained my bill and the reasons for it. I thought the term of the Council was too long. I would like to state that I think we are very fortunate in having the men on the Council that we have. I do not have anything personal against any one of them but I do believe that men would run for the City Council for three years who would not run for five.

Now I explained this bill in the City Hall that Saturday afternoon before two hundred and fifty people, and they did not seem to like it very well. The majority of them wanted districts represented. They all wanted a change. At the conclusion of the afternoon, the Chairman asked for these people that would favor my bill that would give them a Councilor from a district.

The following Tuesday, when we came back here, I had drafted the new draft that would give them the districts.

The hearing lasted three hours. As Mr. Donahue says, we had a good hearing. I was sorry that Mr. Payson had another hearing that particular day and had to leave. That night seventeen proponents spoke for my bill. Judge Pinanski said personally he would like to see a Mayor bill, but he would like to see this bill too. A Mayor bill had not been introduced in this Legislature.

The opponents numbered three. I feel that the opponents of the bill would like to see five different questions put on the bill, therefore they would like to see the vote split up so they would retain just what they have there, and that is not what the majority of the people want.

Mr. Speaker and Ladies and Gentlemen, I hope that the motion will prevail.

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

Mr. ALLEN: Mr. Speaker, it is truly unfortunate that we must take the time of this Legislature in discussing a purely local matter. However, our State laws call for such a proceeding, and therefore we are down here with a problem that is most important to the people of Portland. It is our job not to decide what type of government the people of Portland will have—it is our job to decide if, first, we feel there is sufficient interest to warrant sending some proposal to

these people, and, secondly, what proposal it shall be.

There were two hearings, as Mr. Bowker has mentioned, one before the Portland delegation for the benefit of citizens who could not get here to Augusta, and the other before the Legal Affairs Committee.

The Legal Affairs Committee, as you know, reported eight to two in favor of this so-called amended Bowker bill, and at least five of Portland's seven representatives in this House are heartily in favor of the bill. Why? Because, in my humble opinion, we have found the feeling to be true, first of all, that a great number of the people of the City of Portland want some kind of a change. Secondly, they wish to retain—the majority of them—the City Manager form of government, which, in the last twenty-two years, has shown efficiency and has been very economical in the handling of the city's affairs. Thirdly, they want this amended so that they will feel they have a representative from their own particular district of the city at City Hall rather than merely five at large as we have today. Fourth, despite the statements of the gentleman from Biddeford, (Mr. Donahue) the majority of the people of Portland—and we representatives come from various sections of the city—did not want a mayor and alderman set-up. Therefore, we felt that the amended bill as presented to the Legal Affairs Committee is what the most of the people of Portland wish. We feel that two proposals before the voters is a fair way of doing it: first, the plan which seems to be the plan that most of our people want; and, second, what we have now. In that way, obviously, more than fifty per cent of your people will decide what form of government they want.

I am not doubting the sincerity of the gentleman from Portland my friend Mr. Payson, or the gentleman from Biddeford, Mr. Donahue. They no doubt firmly believe that their plan is the best. But let me say here now: I know the small group of people in Portland who want no change at all are just waiting for us to send three or four proposals to them in order that a minority may keep in office the set-up as it is at this moment. Thirty-four per cent under Plan "B" would be able to vote and retain this form of government or elect a new one. I

do not think that is fair. I think that this Plan "B" is merely an attempt to confuse the issue, and, if you take the smokescreen away, it is merely an attempt to destroy this bill before it gets to the people rather than have it destroyed at the polls.

The gentleman from Biddeford (Mr. Donahue) mentions the fact of representation elected at large from the districts as called for in the Bowker bill. I would merely say this plan is in use in the City of Portland and many other cities. It is designed to give representation from districts and yet secure adequate representation by our best citizens from all parts of the city.

I sincerely believe that this amended Bowker bill, so-called, No. 1054, is what the people of Portland want; and I furthermore believe it is our duty here in the Legislature to send them this proposal. I certainly hope that the motion of the gentleman from Portland, Mr. Bowker, prevails.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Bowker, to accept the majority report.

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

Mr. BOWKER: Mr. Speaker, I have a letter I would like to read to the members of the House, written by Mr. George H. Meloon, who is at home, ill.

April 2, 1945

"Mr. Dana Bowker,
Augusta,
Maine

Dear Dana:

Because of illness I shall not be present when the "Bowker Bill" comes off the table.

I am entirely in favor of the so-called Bowker Bill as amended by Amendment "A". I believe this amendment voices the wish of our people here in Portland. Please see that I am so quoted and registered.

I am not in favor of any amendment which would return Portland to the Mayor form of government.

(Signed) GEORGE H. MELOON"

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

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

Mr. HASKELL: Mr. Speaker and Members of the House: As a member of the Portland Delegation, I realize full well that the present

discussion is not of too great interest to the majority of the members of this House. However, I would assure you that it is of real importance to the citizens of the city of Portland.

As one who has to live and operate under whatever form of government our city has, I feel a right to speak very briefly to you, and all that I wish to convey is this: That this matter has had serious and conscientious discussion by the Portland Delegation, and as a result of that, the majority of the Delegation appear definitely to be in favor of the Bowker Bill as amended, or in other words, Draft "A" of the committee report. Further than that, the report of the committee, after consideration, bears the majority report along the same line, and I trust that these two reports will be sufficient to have this House go along with the motion that the gentleman from Portland, Mr. Bowker, has made.

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

Mr. PAYSON: Mr. Speaker and Members of the House: The gentlemen from my delegation are too decent to bring personalities into this proposition.

I think it may be only fair for me to say what my position is, in order that you may judge of the fairness with which I speak or the prejudice with which I speak.

At the present time I am not from South Hope; I am the Corporation Counsel of the City of Portland, its paid attorney and in City Hall. This bill gets to the place where I work.

Now it may be because of selfish personal reasons I am so prejudiced that my judgment in this case is not good, or it may be because of my eight and a half years' experience in City Hall that I have a clearer insight into what this is all about than some of the members of the delegation. In any case, it is fair for you to know what my personal position is, so that you may judge.

You can see already that this is not a studied attempt to improve the city government of Portland at all; it is not an attempt to change it in accordance with what the Portland delegation think is the public sentiment. If they wished to improve the city government of the City of Portland, they would have

been studying the flaws and faults in the city government—and there are flaws and faults in it, because no city government is perfect. They would have studied the Dow-Hormel report, made in 1940, which showed some of the weaknesses that exist in our present city government.

The City Manager is made the administrative head of the city, but he is not given the tools to work with, as set forth clearly in that report. He is the administrative head of the city and is charged with the duty of handling the business of the city, but five or six rather important city officials are not under his control at all—my position for example. The City Manager does not appoint me: I am elected by the City Council and I am not responsible to the City Manager. The same is true of several other important city officials. Some of the other city officials who are appointed by the City Manager have to be confirmed by the City Council.

You can see there is a direct fault in the existing charter, but there is no attempt made to remedy that fault. The power is not given to the City Council to integrate and consolidate departments, a very important proposition. There is another fault existing in our charter, but the gentlemen who are working on this proposition are not attempting to eliminate this fault: they are simply riding a wave of discontent which has been created by a newspaper in Portland.

The gentleman from Biddeford, Mr. Donahue, has explained to you the two bills. I do not need to go into that. I would like to show you, as briefly as I may, what has happened in Portland that is back of this proposition.

Here is an editorial from the Portland paper of January 23, 1945: "Mayor or Manager" is the heading: and toward the end it says: "Well, it is, in the last analysis, up to you, John Citizens. Would you prefer to go 'back' to having a mayor who could be fired by the citizens if he stood consistently in the way of progress? And do you honestly think, after more than 20 years of this other system, that returning to the older form of government would really mean going 'back' at all?"

Here is an editorial of January 31, 1945: "Moreover, rumors persist to the effect that the above pro-

posal may be supplemented—or sup-
planted—by a bill calling for a
much more drastic change: a pro-
posal that Portland again consider
the advisability of reverting to the
mayor-and-council form of govern-
ment * * * *"

This is from an editorial of February 9, 1945, in part: "Portland currently is considering three propositions: 1. Keep the Council-Manager form of municipal government which we have had for the past 20 years. 2. Change the present form of government to the extent of having seven—that is when we were talking about the original Bowker bill—"rather than five City Council members, serving three-year instead of five-year terms. 3. Return to the mayoralty form of government."

A further editorial of February 26th: "One powerful, organized group of citizens at Saturday's legislative delegation hearing on the proposed charter changes here insisted that the present form of Municipal Government amounts, in effect to taxation without representation. This group advocates a return to the mayor-and-council form of government and would not be content with a mere increase in the number of City Councilors, or with a mere shortening of the Councilors' terms."

Another editorial in March, which says in part: "Perhaps a bigger (and consequently more representative) City Council would be a sufficiently beneficial change. Perhaps a return to the mayoralty form of government would be the best remedy."

Another editorial in March: "Let our legislators note carefully that there is a three-way division of sentiment here: 1. Many voters would retain, without any change, the present form of government by a City Manager and a City Council of five members. 2. Many voters would prefer a slight change; they would have the Council membership enlarged from the present five to nine,—with six members elected by districts and three elected 'at large', and serving three-year terms rather than the five-year terms now in effect. 3. Finally, many Portland citizens would return to the mayoralty form of municipal government, with its admitted disadvantages but with its one great advantage of giving the people opportunity to re-elect, or reject, the

City's chief executive every two years.* * * Let our legislators make sure that ALL THREE choices are made available to the people."

Another editorial in March: "As stated here repeatedly, there are the three choices enumerated above—not TWO choices; THREE choices. Merely permitting the people to approve or reject the proposal for a larger City Council would be to give them only a partial choice. There is ALSO — let our representatives bear in mind — the alternative proposal of choosing between the manager form and the MAYORALTY form of government."

That is the way that these gentlemen have been riding when they come down here and ask you to submit only the Bowker bill when the popular demand, as I heard it at the delegation meeting in Portland of about 200 people, was 90 per cent in favor of the mayor and alderman form of government.

Let me make this plain: I want something to go back to the people of the City of Portland to be voted upon. I do not think either of these bills is a good bill, but as a representative here in this Legislature it is my duty to attempt to help send back to the City of Portland what I think the people of the City of Portland want to have a shot at. When I get in the voting booth, I will vote against both of these forms because neither of them is workable or useful; but it is up to the people of the City of Portland to decide that, and here as a legislator I shall ask to see something goes back for the people to vote upon; but it is my belief sincerely that the majority of the vociferous people asking for a change in the form of government of the City of Portland want the mayor and alderman bill, and Redraft "B" gives them a chance to vote on that proposition: the Bowker amendment alone does not. That is the reason I am opposed to the motion of the gentleman from Portland, Mr. Bowker.

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

Mr. CONNELLAN: Mr. Speaker, I won't take much time, because what I have to say is brief. Let us throw the smoke screen to one side and let us get down to the issue. The people of Portland want a chance to vote on a change. Not

only that, but the people of Portland want a change. If Committee Amendment "B" goes back to the people, with three questions, they will not get a change. Sixty per cent of the people could vote for a change and forty per cent vote against a change, and we still would have no change. If Committee Amendment "A" goes back to the people, we will have a change. That is what the people want; that is what they said they wanted; that is what we should give them, a chance to vote out the present set-up in Portland and vote in something that is representative.

I hope the motion of the gentleman from Portland, Mr. Bowker, prevails.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, it is quite evident from the members who have spoken here that this is something that purely concerns Portland, and, I believe, should be left up to Portland. It is quite evident from the way the representatives from Portland have spoken that had the people of Portland wanted a mayor and alderman type of government they would have instructed their representatives so to vote here. There may be a chance some of them want to go back to the mayor form of government. They would be going back. It is conceded in city government today that the mayor and alderman form of government is more or less passe. That is not the issue. The issue is if the constituents of the gentlemen from Portland, Mr. Bowker, Mr. Allen, Mr. Meloon and Mr. Haskell, wanted that type of bill put through they certainly would have put it through. I suggest we get along with the business of the day and vote on the proposition of Mr. Bowker.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Bowker, to accept the majority report. The gentleman has asked for a division.

All those in favor of the motion of the gentleman from Portland, Mr. Bowker, will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had. Seventy-five having voted in the affirmative and four in the negative,

the motion prevailed and the majority report, reporting New Draft "A" (H. P. 1387) (L. D. 1054), was accepted. This being a printed bill, under suspension of the rules it was given its two several readings and tomorrow assigned for third reading.

The **SPEAKER**: The Chair lays before the House the second tabled and today assigned matter, Senate Report reporting New Draft (S. P. 363) (L. D. 962) of the Committee on Inland Fisheries and Game on Bill "An Act relating to Free Hunting and Fishing Permits for Veterans" (S. P. 54) (L. D. 22); in Senate report accepted and leave granted to withdraw the bill; in the House, tabled on March 29th by the gentleman from Oxbow, Mr. Anderson, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Anderson, the "Ought to pass in new draft" report of the Committee was accepted, and the bill was given its two several readings and tomorrow assigned for third reading.

The **SPEAKER**: The Chair lays before the House the third tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Claims on "Resolve to Reimburse the town of Moscow" (H. P. 795) (L. D. 416) tabled on March 29th by Mr. Dutton of Bingham; and the Chair recognizes that gentleman.

Mr. **DUTTON**: Mr. Speaker, I wish to state that in my mind this is as just a resolve as ever was presented to the Maine Legislature. The substance of it was that the State of Maine owed the town of Moscow four times as much as the town of Moscow owed the State of Maine. The result of the matter was that the town of Moscow did not pay the amount due the State, believing that they had a just cause to be reimbursed. The State, in course of time, paid the town of Moscow four times the amount that the town of Moscow owed them. The State charged the town of Moscow interest on all the money which Moscow owed the State of Maine, which was only one-quarter the amount that the State owed the town of Moscow, with the result that the town of Moscow paid the State and asked for reimbursement of the money which they had

paid in interest. The State paid the town of Moscow no interest.

This measure was presented to your committee, and I understand that the attitude of the committee is that they will pay no measures of this kind; that is, the State having got the money, they will keep it. That is the situation, and, as I understand, that is to be the policy on all matters of this kind presented at this session. If that is to be the policy of the State at this time, I expect to go along with the same policy that you adopt; but I hope I have been informed correctly that no matters of this kind are to be paid. If that is what you are going to do on that proposition — and I have been assured that no matters of this kind will be paid at this time — I move to accept the unanimous report of the Committee, "Ought not to pass."

The **SPEAKER**: The gentleman from Bingham, Mr. Dutton, moves that the report of the Committee be accepted. Is this the pleasure of the House?

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

The **SPEAKER**: The Chair lays before the House the fourth tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Claims on Resolve to Reimburse the City of Biddeford (H. P. 622) (L. D. 285) tabled on March 29th by Mr. Donahue of Biddeford, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. **DONAHUE**: Mr. Speaker and members of the 92nd Legislature: The Legislature in 1933 increased the number of teaching positions subject to the school union law from fifty to seventy-five teaching positions. At the same session, the Legislature granted to the City of Biddeford a city charter, and the provisions of that city charter provided that the superintendent of schools should be elected by the school board, elected by the voters of the City of Biddeford. They were given a right to contract with him for a term of years, and there was no mention in the city charter that it was to be subject to the general change of the school union law at that time.

From 1933 until the early spring of 1944, the City of Biddeford con-

tinued to elect its superintendent of schools through its superintending school committee, and during those eleven years received from the State of Maine a state stipend of \$1200. In the early spring of 1944, we were informed by the State Commissioner of Education that we were to join a school union or else we would not get any state money. However, the then Attorney General and your present State Commissioner of Education were unaware of the fact that our city charter prohibited us from joining a school union, and, as evidence of the recognition of that fact, your State Commissioner of Education at this term of the Legislature has had introduced this legislation on which a hearing was held before the Legal Affairs Committee, a bill presented by my good friend from Gorham, requesting a revision of the City Charter of the City of Biddeford, so that Biddeford could be compelled to join a school union.

Subsequent to the conference which I held with Mr. Gilson, at which the proposition was very thoroughly gone into, I held a conference with the Attorney General, and he learned for the first time that the City of Biddeford had a city charter. He had not taken the trouble to find out what the duties of our local superintending school committee were, but he advised the State Commissioner of Education that we were to go into a school union or else.

And then what happened? After I pointed out to the Attorney General that we had no right under existing law to join a school union, he conceded that that was true. However, when the City of Biddeford received from the State of Maine the various checks which are returned to the municipalities; they also received a notice from the State Commissioner of Education that the State stipend of \$1200 was withheld for the reason that, as they say, there was no law authorizing its payment.

I inquired of the Attorney General in his office here at Augusta if he could explain to me if there was no law for the payment in 1944 where the State found a law to pay from 1933 to 1944. And I attempted to point out to him that there was a partial law for that purpose; and I asked him if there was not a law why the former Attorney Generals had not advised the State Commis-

sioner of Education. But he absolutely refused to discuss the proposition. He says, "We withheld the money—that is all there is to it."

Now that is about all there is to this resolve; that is all there is to it. I say that there was ample authority for the payment of that State stipend. Under our charter, we could not join a school union. The State Commissioner of Education concedes it when he has introduced at this Legislature a bill to change our charter. Your former Attorney Generals conceded it when for a term of twelve years it was paid, yet your past Attorney General, for the purpose of compelling the City of Biddeford to do something which they had no right to do, and which they now concede we have no right to do, has, as I say, illegally withheld this money from the City of Biddeford, and the only way the City of Biddeford can be reimbursed is through the passage of this resolve.

I therefore move that the bill be substituted for the "Ought not to pass" report of the Committee.

THE SPEAKER: The Chair recognizes the gentleman from Hartland, Mr. Hamilton.

MR. HAMILTON: Mr. Speaker, this resolve has had a great deal of talk and consideration before the Claims Committee, and the Claims Committee allowed that any time the City of Biddeford complied with the State law the money was waiting for the City of Biddeford. For that reason, we reported it out "Ought not to pass." I hope the motion of the gentleman from Biddeford (Mr. Donahue) will not prevail.

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

MR. NADEAU: Mr. Speaker and Members of the House: The School Board members of the City of Biddeford, having been elected by the voters of the said city, acted in good faith when they elected a Superintendent of Schools as the laws of the city of Biddeford say it is their duty to do so. And the City Treasurer paid said Superintendent's salary in full, having in mind that the State would pay its share as has always been done for the last eleven years, as stated by Mr. Donahue.

So in fairness to the taxpayers of Biddeford, I believe the Legislature should vote to reimburse said city

and vote in favor of the motion made by Mr. Donahue, to substitute the Resolve for the report.

The SPEAKER: The question is on the motion of the gentleman from Biddeford, Mr. Donahue, to substitute the resolve for the report of the committee.

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

Mr. DONAHUE: Mr. Speaker, the spokesman for the committee amazes me when he makes the statement that the reason the Claims Committee reported out this resolve "Ought not to pass" was because they say that when Biddeford wants to comply with the State law then they are entitled to this allotment. I wonder if the gentleman ever read the report of the former Attorney General when he ruled, after I had called it to his attention, that we had no right to join a school union. I say further, the fact that we had no right to join a school union is evidenced by the bill which was introduced in this Legislature at the request of the State Department of Education, changing the charter of the City of Biddeford so we could be compelled to go into a union.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the Resolve be substituted for the "Ought not to pass" committee report. All those in favor of the motion to substitute the Resolve for the committee report will say yes; all those opposed no.

A viva voce vote was taken, and the motion prevailed, and the resolve, having already been printed, was read once and assigned for second reading tomorrow morning.

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act to Create a Legislative Research Committee" (H. P. 1272) (L. D. 915) tabled on March 20th by the gentleman from Bridgton, Mr. Rankin, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. RANKIN: Mr. Speaker and ladies and gentlemen of the Legislature: It is getting to be that time when the question of "When do we eat?" seems important, and we know it is not a favorable time

for discussion of a bill that may be more or less of a controversial nature. For that reason, and also because it will not delay the legislative process—because I understand we are to have a session this afternoon—I move we adjourn until 4:30. I may say I am not making that motion on my own account —

The SPEAKER: The motion is not debatable: the gentleman is out of order.

The question is on the motion of the gentleman from Bridgton, Mr. Rankin, that the House adjourn—I assume that he meant recess.

Mr. RANKIN: Yes, Mr. Speaker.

The SPEAKER: All those in favor will say aye; those opposed no.

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

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

Mr. RANKIN: Mr. Speaker, it is quite satisfactory to me: I was not anxious to adjourn, but I thought from an experience we had recently that perhaps the majority wished to adjourn. I am perfectly willing to stay for some time, but this is a question which I believe is important and to some extent controversial and cannot be canvassed in a few minutes. It will take some time, so we will not get to our lunch at the usual time.

I say it is an important bill. I think we all recognize that is true. It is a bill which is intended by me—and I am sure it is by those who support it—primarily as an efficiency bill, as a bill not only to produce better legislation, but as a bill also to save State money; and it is for that reason I have submitted it.

I confess that I have had a good deal of pleasure in looking into the matter of Legislative Research in various states during the last two years. I think there are abundant evidences that this is an important measure. It is a bill to continue and to give further power to the Legislative Research Committee which we have already, and to do that chiefly by setting up the office of Director of Legislative Research. I say it is important not merely because it attempts these things, but also it is important because of what I have read about it.

I have read a statement recently in the press saying that a number of states were taking this matter up at their sessions this year, and I have not read that about any other measure. Not merely that, but many authorities on this sort of thing, upon legislative matters, have said that this process of setting up the office of Director of Legislative Research is the greatest and most forward step in legislation—and goodness knows we know that is needed.

This matter of real efficiency in legislative matters is comparatively new. Astonishing as it may seem, the Congress of the United States has never had any organization for legislative research, though it disposes of billions of dollars. It has no such organization now, but it is canvassing that matter at this moment.

I have an article here which tells of some of the forward-looking proceedings in Congress, and the very first one that is mentioned is this matter of setting up this office of Director of Legislative Research.

Now there was a time when people did not believe very much about efficiency in government. Someone has said recently that government is not a matter of legislation primarily or social law, but it is a matter of who gets what, and when and how. We are getting over that; we are getting to a point where we feel we must have efficiency in legislative matters. We have it in business.

I wonder if many of the residents of Maine realize the magnitude of our state business? I know I have put this question to some, and I have found they do not realize how great the amount of business of our state is in the direction of dollars and cents. As a matter of fact, the State of Maine takes in and expends just about the same amount of money as the Maine Central Railroad, the Bangor and Aroostook Railroad, the Central Maine Power Company and the Cumberland County Power and Light Company.

Now you could not conceive of a private business as large as that which did not pursue a process of research. Research, we know, in business plays a very large part in these days, and it must do so in the future in legislation.

We know very well, of course, that the legislative process is becoming

more and more complex; people are demanding more and more services. I am not criticizing that: that may be all right; but, nevertheless, it is somewhat distressing to learn that a time when the State of Maine has increased fifty percent in population it has increased its expenditures one thousand per cent, or fifty times as much.

Now this bill, as I have said, is aimed primarily to implement the Committee on Legislative Research which was established as an emergency measure in October, 1940, and therefore has been in existence four and a half years. There has been some criticism of this committee, and that is all right—any committee is subject to criticism. I have not been one of the critics; I have believed in this measure all the time; I have believed in it primarily because I thought it led to this further development which is visualized in the bill which you have before you, L. D. 915.

That has been the history of legislative research committees in various states: they have been intended to be really temporary, without a director, and then have been intended to be implemented later by a director who devotes his whole time to the business of research and the other functions, as I shall explain.

There are three functions which would be in the hands of this office of Director of Legislative Research. We have now the office of Revisor of Statutes. This is simply what happens in the dozen states that have it: In the one office there would be the three functions of the Director, who would have a competent staff. The three functions would be research in the strict sense and the continuous revising of statutes and the writing of bills.

Now, as I have said, this law is nothing new: it is in existence in a dozen states, and a number of other states are taking the matter up.

For example, I have here a periodical called "State Government," which is issued by The Council of State Governments, in which appears a statement by the Governor of North Carolina, who has been quite prominent before the public. North Carolina is among the most progressive of the states, although we do not regard it as progressive as our own in legislative matters. Not only that, but the head of a

department here in this building said he saw Governor Broughton at the National Meeting of Governors, and he impressed him as being the ablest of all of them.

He writes: "Without presuming to suggest the system for any state, it may be observed that certain principles and policies have been widely adopted with uniform success. One of these is continuity in the legislative process. Biennial or even annual sessions of sixty or ninety days' duration are alone inadequate and unsatisfactory. Taxing and spending policies need continuous study. A permanent budget commission, or its equivalent, with legislative and public representation, aided by a well-staffed tax research agency, has been found by many states to be the satisfactory answer. In our state, such a system, adopted twenty years ago, has proved amazingly successful. In some states certain joint legislative committees, including those dealing with finance, appropriations, and institutional care, hold interim meetings with public hearings. These are innovations and experiments which have proved measurably successful. Slavish devotion to the past should not prevent changes in legislative procedure that will improve the efficiency and service of state government." "Pressure groups and lobbyists for special interests are on the job continuously. States which are charged with the duty of serving all the people should not be less zealous and efficient."

There is ample support in our own state for this measure. I have here letters from professors of history and government in three of our colleges. I solicited these, and I will just read a sentence or two from each of them.

This is a letter from Professor Dow of the University of Maine: "It is a pleasure to support your endeavor to establish a permanent research agency for the Maine Legislature. The legislative research committee has done excellent work and should be continued. Your plan would give the committee more ample facilities . . ." and so forth. "This would result in more efficient government and a more accurate interpretation of the legislature's will in administrative matters."

And this is from Professor Breckenridge, of Colby College. He said

that he had not seen the bill until he received it in the mail. "Now that I have seen the text of the bill, I feel able to answer the questions you asked me about it in your letter of February twelfth. I can assure you of my enthusiastic approval of the bill. . . ."

This is from Professor Hormel, of Bowdoin College: "I was very much interested in your letter of January 31st relative to a bill which would set up the office of Director of Legislative Research. It is in line with the best thought and more progressive action in a number of states, as you know." These letters were solicited by me.

Now I have two letters here from well-known citizens of Maine which were not solicited. One is from the eminent lawyer, Edward W. Wheeler. He says, "I have read with interest L. D. 915 to which you refer, and am in sympathy with its objectives."

I have a letter here from Edward C. Moran, Jr., of Rockland, former member of Congress. He says: "I have read with considerable interest your Research bill because I am heartily in agreement with its objective." Then he goes on at some greater length.

It occurred to me only a day or two ago to make some sort of a canvass of the heads of departments of our own state government in this building. Now I have seen several who either hold high office or who are heads of departments, and every one of them without exception is in favor of it, some with great enthusiasm. Some of them say: "How can anyone be opposed to this?" "Goodness me, heaven knows we need this sort of thing." I am not going to tell who those men are. Some of them laid an injunction of secrecy on me and some did not; but that is their point of view. I should say it would be very difficult to see any motive except the best motive, because it is quite natural to suppose that some of these heads of departments, being human beings like the rest of us, might resent the idea of someone prying into their affairs, and that of course is visualized in the bill.

This bill is intended for this purpose primarily: to exalt the prerogatives of the Legislature, to make more serious the legislative process.

It is said in Washington—not merely by the present administration—that one reason why execu-

tive power in Washington has grown at the expense of the legislative is because the executive power has set up processes of legislative research, therefore it has a great advantage over the legislative department. And now Congress is beginning to realize this and is taking steps, which I am sure will be realized, to change that matter and to put the legislative organization upon a better and a different basis.

Now I believe this about the Legislature, that our responsibility reaches into, let me say, every nook and cranny of this building and of the State of Maine. It has been said, you know, that power is always to the last atom: it means responsibility; and the reverse is true: if we have responsibility we may be clothed with power. In two years our legislature meets twelve per cent of the time, and we cannot fulfill our responsibilities in that time. In other words, with an office thoroughly staffed, as is contemplated in this bill, it would mean in effect that in some degree the legislature would be in session all of the time.

Now there are some objections. I confess I have heard very little objection from members of the Legislature: as I have talked with them, most of them said it was a good thing. Some of them have said it with a good deal of enthusiasm. There have been some minor objections, and they are the stock, the old-time objections to all important measures, measures particularly that are forward-looking and progressive. For example, one man said that he thought there were some good things about it but it seemed to him somewhat drastic. He referred to one part of it especially. Well, I assured him that paragraph is a precise quotation from the Legislative Research Act under which we have been acting in the last two sessions, and, so far, in this session: "To study the possibilities for consolidation in state government for elimination of all unnecessary activities and of all duplication in office personnel and equipment, and of the coordination of departmental activities, and of methods of increasing efficiency and economy."

My legislative friend thought that was something new and drastic. It has been the law of this State for five years.

Certainly it is not possible for an interim legislative committee, employing a lawyer at thirty-five dollars a day for two or three weeks, to fulfill the duties that are laid down in a paragraph like that.

There are other questions. Take the matter of taxation, for instance. I repeat: I am not blaming the Legislative Research Committee that we have now. It has done as well as it could have done. It would not be possible for them to do the things which this bill requires them to do; it would not be possible for a Legislative Research Committee which is merely an interim committee and which is not in session all the time, to deal with a question like taxation.

I was told some months ago by the Chairman of that committee, Judge Sanborn, about two years ago that committee was going to take up the matter of taxation. It has not done it so far as I know. It could not do it successfully, yet it is a very vital issue.

Now another objection—which of course is a perfectly valid objection—is this: they said it would cost money. Well, it will cost money; but, as I said in the beginning, this is an efficiency measure; it is not to save money. I am perfectly sure, if it is successful—and we must assume it will be successful, as it has been in other states—it will save the state money. In other states it has resulted in better bills, resulted in more efficiency in the various departments of the state. Still, it is quite true that it will cost some money.

Some of those who make this criticism feel we are spending a great deal of money on this matter. During the last two years, for the office of Revisor of Statutes and for the Legislative Research Committee that we have had in being, we have spent an average in the current biennium of \$18,500. Now just how much this would cost in addition to that I am not sure—perhaps four or five thousand dollars. That is about the history of it in other states. The State of Kansas, which was the first state that had this organization, has a budget of \$25,000. Now our state has less than half the population of the State of Kansas, and probably we could carry on this process for less money than the State of Kansas. So I believe in the end it would be a measure that would save us a large amount of money against

the small amount that it would cost. As a matter of fact, it would cost us about one-fiftieth of one per cent of the total expenditures of government.

There is another objection which, of course in these days is a very valid objection sometimes, and that is this: that this office would set up a new department. Absolutely no! The Legislative Research Committee would exist with all of its present powers and functions; it would have more functions. The first third of this bill, which really tells what this thing means, is almost word for word identical with the law we have at the present time. I wish to say with all the force in my power, that it does not set up any new organization—quite the reverse; it consolidates the work. We now have a Legislative Research Committee who have a lawyer that they employ for two or three weeks and pay him \$35 a day, and then we have the Revisor of Statutes in addition. Under this bill, we would have one office, headed by the Director of Legislative Research, and he and his staff would carry on a continuous legislative revision, which of course is greatly needed in our state, and this same organization would assist in the writing of bills.

So I wish to insist, perhaps more strongly than on anything else, on the fact we are not setting up a new department. It is not a department at all, and the man who is the head of it is not a department head: he is an employee of the Legislative Research Committee, which is the servant of the Legislature.

Another thing that is sometimes said is this: that this may be all very well — practically everyone I have seen, even those who are opposed to it, say we should have this but it is not the time. That is old. We have had this measure five years. Will it be any more the time after seven years or nine years or eleven years? The saddest words in all of Shakespeare's writings are the words: "Tomorrow and tomorrow and tomorrow."

The objection is made that we are carrying on a war now and we must not do anything to interfere with the war. That is quite true: we should not. But there is no conceivable way in which this would interfere with the war effort. In fact, I think the water was never finer than at the present time;

there never was a time in this time of frustration and unimaginable suffering, with the social and political and economic effects, when there was a better opportunity to set up an organization of this kind. This is precisely the time, so far as we have the power, to put our house in order. I see no reason why we should be behind the other states in this matter. The other states that have it have found it very satisfactory. One governor says it has been amazingly successful in cutting down expense and creating better legislation. So I quite agree with one of the heads of our state departments when he said that he did not conceive how anybody could be opposed to this sort of legislative process.

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

Mr. WARREN: Mr. Speaker, I think that the gentleman from Bridgton, Mr. Rankin, has done the State a service in giving this matter the study that he has in bringing it before us and keeping it before us. It deals with a very important matter. I believe we all think that something should be done. Objections can always be made but it seems to me that it would be wise for us to give this very careful consideration. I would like to see a start made in strengthening that Research Committee.

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

Mr. THORNDIKE: Mr. Speaker and Members of the House: I rise to support the minority report, "Ought to pass" on this bill.

The bill before us is primarily an act to strengthen the legislative function of our State government. We, as legislators, complain that more and more law-making is being done by departmental regulation and less and less by the House and Senate.

Let us see what is happening in Washington—I don't mean in the White House, but at the other end of Pennsylvania Avenue, in Congress. I quote:

"Just before the Christmas recess the Congress passed Senate Concurrent Resolution No. 23. It provided for a committee of twelve, six senators and six congressmen, to study the organization and operation of the Congress and to recommend improvements with a view toward strengthening the Congress,

simplifying its operations, and enabling it better to meet its responsibilities under the Constitution."

"Newspaper reports from Washington said the purpose is to lift Congress out of the 'snuff box and wing era' by improving its cumbersome machinery."

"Notwithstanding the express mandate of the Constitution and the intention of the founders to vest all legislative power in the Congress, we now find that of the multitude of regulations being issued in the name of the Federal Government 90% are the product of executive bureaucracy and less than 10% are from acts of Congress."

"Let us give attention to the historical background of our form of government to see if we can suggest something that may help not only to promote efficiency but to preserve the checks and balances originally devised."

This quotation is from an article by no less a person than the President of the American Bar Association, Mr. David A. Simmons. Even we laymen, at this session where legal talent is so scarce, must be impressed when the voice of the great independent legal profession speaks out so clearly on a subject within its own field. For are we not—all of us here—makers of law, and will not lawyers be arguing our acts for years to come?

To preserve our integrity as law-makers, and the constitutional powers of the Legislature, therefore, I urge you to vote that the minority report "Ought to pass" be accepted.

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

Mr. RANKIN: Mr. Speaker, I was remiss in one matter: I forgot to move that we accept the minority report. I will say further that I have a minor amendment that will be offered in due time.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Cole.

Mr. COLE: Mr. Speaker, I hesitate to stand on my feet at this time, but it seems to me that there is something in this measure that satisfies something that is in the minds of all of us. We are heading into some sort of an era, and we know that there is a conflict between the preservation of our principles on one hand and the necessity of holding together in a

complicated and complex society. There is the conflict.

On the one hand, it would look as though this bill, while it speaks of streamlining, might drive us a little further along the line in the concentration of legislative power, which we all want to avoid, but, on the other hand, it looks to me as though this bill prepared the way for those of us who meet here to try to legislate for the whole State of Maine. It prepares the way for us to do a better job, and after all, if it does that, it is a worthy bill.

I fear that we may pass it by because there is so much other stuff occupying our minds. Personally, I know that I cannot cover and digest one one-hundredth part of the material that passes through this Legislature, and for that reason I assume that the rest of you cannot, because I don't believe I am any dumber than the rest of you.

So I would like very much for us to launch out, and I would like to support the minority report, and I hope the House will see fit to go along.

The SPEAKER: The question is on the motion of the gentleman from Bridgton, Mr. Rankin, that the House accept the minority "Ought to pass" report of the Committee. All those in favor of the motion of the gentleman from Bridgton, Mr. Rankin, will say yes; all those opposed no.

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

Sixty-two having voted in the affirmative and 32 in the negative, the motion prevailed, and the minority report "Ought to pass" was accepted. This being a printed bill, under suspension of the rules, the bill had its two several readings and tomorrow assigned.

On motion by Mr. Ward of Millinocket, the House recessed until 4:30 o'clock this afternoon.

After Recess, 4:30 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair lays before the House the sixth tabled and today assigned matter, Majority Report "Ought to pass as amended by Committee Amendment "A" and Minority Report "Ought not to pass" of the Committee on

Judiciary on Bill "An Act relating to Horse Races" (H. P. 1202) (L. D. 761) tabled by Mr. Jordan of South Portland, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. JORDAN: Mr. Speaker, I move the acceptance of the majority report "Ought to pass as amended by Committee Amendment "A".

The SPEAKER: The gentleman from South Portland, Mr. Jordan, moves the acceptance of the majority report "Ought to pass as amended by Committee Amendment "A". Is this the pleasure of the House?

The Chair recognizes the gentleman from Skowhegan, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker and Members of the 92nd Legislature: I rise in opposition to this bill legalizing the running races in Maine. I wonder just how many of our legislators here have taken this particular bill into deep consideration. It is a bill, I assure you, that permits the big time gambler and racketeer to enter our State.

In the first place, it is doubtful if there ever would have been a ban on races whatsoever had not running races been in effect today. This is the type of racing that incites the public. In many of our neighboring states where this type of races is permitted, department stores and insurance companies have posted on their billboards signs prohibiting their employees from attending these races, feeling that they are neglecting their jobs and perhaps spending the money that they should not spend. If it comes to pass and this bill is put into effect here in Maine, giving them only the few days of racing they wish at present, it will not be long before this particular gang of racing addicts have amassed a few thousands of dollars, and they will pack our halls here with lobbyists in a further attempt to get an extension of this time. This, I feel, will eventually interfere more or less with the agricultural fairs.

It is not good for the community in which it operates, and it is not good for the small better. The small better would be the sufferer. Therefore I hope, Mr. Speaker and Members of this Legislature, that the majority report will not prevail.

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

Mr. CARPENTER: Mr. Speaker, I rise to second the words of my good colleague from Skowhegan, Mr. Carpenter. I am very much opposed to this bill. Running races are a racket, and there is no question about it. Those who are in favor of this bill believe, I feel, that it will bring summer visitors to our State and hence will bring in revenue; but we want to remember that it is going to take out a lot of revenue, too. These fellows in this racket are not in there just for their health, you know. They say citizens of the State of Maine go out of the State to attend these races. That is true; but I do not believe they go out in very large numbers.

To go along with the idea of the gentleman from Skowhegan, Mr. Carpenter, another Legislature, I have no doubt, will be asked to consider a dog-racing bill, and dog racing is a worse racket than this one. Therefore, I am very much opposed to this bill, and I hope the minority report will prevail.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Weeks.

Mr. WEEKS: Mr. Speaker and Members of the House: I am sure that after the consideration of the serious legislation this morning, we all welcome this opportunity in a vicarious manner to take up the matter of horse racing. Although the odds are nine to one, I can assure you that you will not receive \$2.20 upon your bet if you support the minority report but that you will receive rich returns in the welfare of the citizens of the State of Maine.

I believe that legislation which extends the conditions favorable for gambling and all of the handmaids of gambling is not progressive legislation, and that it is not for the best interests of the State of Maine. I believe that legislation which may replace the trotting races with running races is also not for the best interests of the State of Maine.

The bill, Legislative Document No. 761, would bring running races to Maine.

Now we are often asked the question: What is the difference from the standpoint of society whether a man is mounted upon a horse and describes an all-oval course upon the face of the globe or

whether he is seated upon a sulky behind a horse and describes a similar course?

As an academic question, I do not know that there is any difference, but I think there is something more than an academic question involved.

In any horse race you have a mixture of two factors. On the one side, you have the idea of recreation, sport, the love of horses and animals and the desire to enter a contest, and on the other side you have one word—"gambling". In running races I believe that you will find more of the gambling and a minimum of the other factors.

In England they have running races and it serves my purpose very well to read the latest issue of the *Kennebec Journal*, briefly. The heading is: "England's Racing Season Opens as 20,000 Attend". And then a little way down: "... 20,000 spectators doing their best to rub out the peace time betting standards..." A little further down—this is a report from one of our men who watched the races—it says: "Lt. Wilmer Dixon of Prichard, Alabama, who is in the Eighth Air Force, said he didn't particularly care for English racing because the horses are hidden from view so much of the time." In other words, the percentage of gambling is high and the percentage of recreation and sport is low.

Most of us know men in our own communities who have raised, trained and driven trotting horses. Many of these men would be considered pure amateurs. Many of them up to the age of sixty and seventy, if they have the urge and desire, can sit upon a sulky and drive a horse around a track. But I believe we know of very few—one one, as far as I am concerned—in our communities who could pass the test to become a jockey and ride a horse around a track. It is more of a profession and a business.

If the running races should force the trotting races out of Maine, the racing of horses would almost cease to be a local sport with local interest, and would become a foreign business.

Now under the provisions of this bill, running races would be limited to the mile track, which at the present time means Old Orchard.

You have all heard of the entering wedge. At first it makes very little impression on the log, a mere

crack, but once the wedge has entered, future blows can easily split the log, and future legislatures can easily extend this so that it will cover the whole State.

Now I am going to follow the advice of the colored preacher who apparently was having great success in his preaching in his small parish church, and someone asked him what was the secret of his success as a preacher, and he said: "Well, I tells you, it is like this: First, I tells 'em what I'se a-goin' to tell 'em, then I tells 'em, and then I tells 'em what I done tell 'em."

In review, the extension of gambling is not desirable. By their nature, running races are more professional, less local, and more the instrument of gambling than are trotting races.

This bill is limited as far as the introduction of running races is concerned, but it is the entering wedge; it is the first step of the salesman within the door; it is the drop of poison which may spread and kill the trotting races.

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

The SPEAKER: The Chair recognizes the gentleman from Fort Fairfield, Mr. Dorsey.

Mr. DORSEY: Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Dorsey, moves the indefinite postponement of the bill. That motion takes precedence over the prior motion. The question is therefore on the motion of the gentleman from Fort Fairfield.

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

Mr. DUTTON: Mr. Speaker and Members of the House: I am not entirely familiar with the provisions of this horse racing bill. I do know, however, that in Somerset County we have the best County Fair, and I will say the best State Fair in the State of Maine. This we can prove to anyone who will take off a day and come to Skowhegan when they have their annual fair.

I want to say to you still further that that fair is sponsored by some of the best type of gentlemen that we have in Somerset County or the State of Maine, or in any state in the United States. They are high type men, and they put on a fair

that will please everyone, and when Mr. Carpenter rises and says that their association and his town is opposed to the passage of this bill, it makes me feel that I am decidedly opposed to it, and I believe that the members of this House could do no better favor to horse racing and the county fairs of the State of Maine than to follow Mr. Carpenter's advice and vote "Ought not to pass" on this measure.

The SPEAKER: The question is on the motion of the gentleman from Fort Fairfield, Mr. Dorsey, that the House indefinitely postpone the bill.

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

Mr. BREWER: Mr. Speaker and Members of the Legislature: I happen to be secretary of a fair—one of the bigger ones of the State, in Aroostook County, and all of our directors are very much opposed to running racing. Their argument is that it would only be a matter of time before all your horse racing would disappear from the State.

It was my privilege to attend the Fair Association meeting in Lewiston for two days the early part of January, and I believe I am right when I say that it was the consensus of opinion of all the Fair members represented there that they were opposed to this sort of racing, and I do hope that the motion to indefinitely postpone the bill is upheld.

The SPEAKER: The question is on the motion of the gentleman from Fort Fairfield, Mr. Dorsey, that the House indefinitely postpone the bill.

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

Mr. PAYSON: Mr. Speaker, I can assure you that this hurts me more than it does you, but, as a member of the Legal Affairs Committee, I think it is only fair to say to you that all these arguments you heard here this afternoon were not presented to that committee.

The bill is so drawn that it seems to have no impact upon the agricultural fairs, because the period of time for racing is between the first day of May and the first Monday of August, on the Old Orchard track, or on any mile track, and the Old Orchard track is the only one.

We felt reasonably assured that there was no interference by this bill with the agricultural fairs. We recognized the fact that the State

of Maine is in the gambling business when we have pari-mutuels.

From what I have heard of harness racing in this session of the Legislature, I have my doubts about the pure amateurishness of some of the drivers of the trotting races myself. The thing that was somewhat confusing to the Legal Affairs Committee is that we are in this business of pari-mutuel gambling, and the running races are the races that produce revenue. It is conservatively estimated that this bill, if passed, would produce for the State government of Maine approximately \$400,000. At least that will give you some idea of why the Legal Affairs Committee went along on the majority report in favor of the bill.

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

Mr. DOW: Mr. Speaker, I would like to say just a few words pertaining to this bill. In the first place, it is directed to York County, and I happen to come from York County. From what I have heard here this afternoon, I would say that personally we do not need such horse racing in York County, even at the advantage of \$400,000. Furthermore, it is just an opening door for this type of racing in the State at large; and, as has been mentioned, I hate awfully to think it will drop a drop of poison in York County to start the State off with. I hope this bill does not pass.

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

Mr. POULIN: Mr. Speaker, I think we should consider that the Committee by a nine to one vote considered this thing pretty carefully. I am in favor of this bill for the revenue the State would get out of it.

The State of New Hampshire, our neighboring state, collected \$1,723,000 last year for this type of racing. What difference is there whether a horse has a buggy or whether he has not? The state has the pari-mutuel. It is controlled and legalized. If other states are having running races, why can we not have them here in this State? Today you have a lot of measures that call for more money. Where are you going to get this money? You are either going to get it through taxation or some other means. I think this is a good opportunity for the State of Maine to

realize money they have not had in the past. In the past ten years we have had pari-mutuels, and they have produced for this state only the sum of \$500,000—\$50,000 a year; and with one of these meetings we could get almost the same amount of money we have received in ten years. I hope that the motion of the gentleman from Portland, Mr. Jordan, will prevail.

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

Mr. JALBERT: Mr. Speaker, I rise to speak in favor of Mr. Jordan's bill and not to give out Democratic oratory. Gangland! I wonder if the opponents of this bill think for one moment that when they throw the deck of cards away they will stop the game? We are in the gambling business—period. We are in the liquor business—period. Times change, and it is time for a change. You people have heard that. I heard it for six months.

The revenue is not only the direct revenue to the State of Maine. Figure out the receipts of the hotels and the restaurants. Old Orchard is the Coney Island of Maine. It happens to be in York County. I wish it were in Androscoggin County.

A MEMBER: I don't. (Laughter)

Mr. JALBERT (continuing): As has been stated, I can hardly see the difference between a horse lugging around a bike or a jockey. If we are going to go into this question of sulky racing and jockey racing, I will say that I go to both; and in the Legal Affairs room I heard proponents of the Grand Circuit sulky racing admit that the small town fairs, as far as racing was concerned, were very much apt to be crooked. I was there and heard it. I tell you now and I mean it: there are ten drivers of sulky races suspended to one jockey. That is a matter of record. As far as sulky racing is concerned, there is no evidence it is any cleaner than jockey racing.

As far as the fair associations are concerned, they will not lose anything by this. The bill is not aimed that way. As far as times changing, I visited the South last year and I fully realized that the Civil War was not over. I have been up here for fifteen weeks, and I think we think along the same

lines. I certainly hope that the motion of the gentleman from Portland, Mr. Jordan, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Fort Fairfield, Mr. Dorsey.

Mr. DORSEY: Mr. Speaker, I move when the vote is taken that it be taken by a division.

The SPEAKER: The question is on the motion of the gentleman from Fort Fairfield, Mr. Dorsey, for indefinite postponement of the bill, and the gentleman asks for a division.

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

Mr. WILLIAMS: Mr. Speaker and members of this Legislature: I did not intend to speak on this matter, but if some of us do not know that the Civil War is over I will say that the Civil War, as far as war on gambling is concerned is not over and I hope it never will be over. True, we are in the gambling business in Maine. True, we are in the liquor business; and we are in a lot of other things that maybe some of the citizens of the State of Maine do not wish. True, we have murders in the State of Maine; and so I expect some member of the Legislature will some day present a bill to do away with the law against murder in the State of Maine because someone has been murdered in the past year.

You have heard the members of the Fair Association tell you they do not want this bill. I think there is probably no group that are any better acquainted with the evils of horse racing and gambling in general than the members of the Fair Association in this State; and this, as one of the members from York County has told you, is the drop of poison. Why have we got to have these drops of poison admitted into our State?

One member said no opponents of this bill appeared at that hearing and voiced their objection against this bill. There were many reasons why we did not attend the hearing. Probably we thought the committee might act in their good judgment and report "Ought not to pass" on this bill. I am sorry they did not, because it would have done away with this argument today. But certainly let us keep this drop of poison out of the State of Maine as long as we can, and let us not decide that the Civil War against gambling is over.

I favor the motion of the gentleman from Fort Fairfield, Mr. Dorsey, and hope it prevails.

The SPEAKER: The question is on the motion of the gentleman from Fort Fairfield, Mr. Dorsey, that the bill be indefinitely postponed, and the gentleman has asked for a division.

For the benefit of the new members, the Chair will state that if the motion carries, the bill is dead.

All those in favor of the motion of the gentleman from Fort Fairfield, Mr. Dorsey, that the bill be indefinitely postponed will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Sixty-nine having voted in the affirmative and 37 in the negative, the motion prevailed, and the bill was indefinitely postponed and was sent up for concurrence.

The SPEAKER: The Chair lays before the House the seventh tabled and today assigned matter, Senate Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Relating to Powers of Attorney and Other Instruments by Persons in the Armed Forces" (S. P. 314) (L. D. 836) which in the Senate was recommitted to the Committee on Judiciary; in the House tabled on April 2nd by the gentleman from Boothbay Harbor, Mr. Perkins, pending motion of the gentleman from Millinocket, Mr. Ward, that the report be recommitted in concurrence; and the Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I tabled this bill for information, and I now join with the gentleman from Millinocket, Mr. Ward, that the report, with accompanying bill, be recommitted to the Committee on Judiciary.

The SPEAKER: The question is on the motion of the gentleman from Millinocket, Mr. Ward, that the report, with accompanying bill, be recommitted to the Committee on Judiciary. Is this the pleasure of the House?

The motion prevailed and the report, with accompanying bill, was recommitted to the Committee on Judiciary in concurrence.

The Chair now lays before the House An Act relating to Filling Congressional Vacancies (H. P. 1343) (L. D. 995) tabled earlier in today's session by the gentlemen from Millinocket, Mr. Ward, pending enactment; and the Chair recognizes that gentleman.

On motion by Mr. Ward, the House voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. Ward then offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1343, L. D. 995, Bill "An Act Relating to Filling Congressional Vacancies."

Amend said Bill by inserting in the 11th line thereof, after the underlined word "governor", the following underlined words: 'with the advice and consent of the council'

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

The SPEAKER: The Chair now lays before the House An Act relating to Bounty on Porcupines (H. P. 1342) (L. D. 993) tabled earlier in today's session by the gentleman from Clifton, Mr. Williams pending its enactment; and the Chair recognizes that gentleman.

On motion by Mr. Williams, the House voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. Williams then offered House Amendment "B" and moved its adoption.

House Amendment "B" read by the Clerk as follows:

House Amendment "B" to H. P. 1342, L. D. 993, Bill "An Act Relating to Bounty on Porcupines."

Amend said Bill by striking out the 5th sentence of that part of said bill designated as "Sec. 78." and inserting in place thereof the following:

'Said certificates and receipts shall be transmitted to the state controller, who shall audit the same and for those found correct and proper shall issue his warrant for such bounties, and they shall be paid by the treasurer of state to such towns.'

Thereupon, House Amendment "B" was adopted.

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

Mr. BREWER: Mr. Speaker, as a member of the Appropriations Committee, I would feel that I was dodging my duty in not calling to the attention of the House what this bill may involve.

I arise to tell you my story, not with any thought of changing one vote, but I do want you to know what you might expect in expenditures if this thing does go through.

From the Controller's office this morning comes a letter—I am quite disturbed over these figures because I feel that we have many things that are much more worthy of the same amount of money that this involves—and I will read a part of this letter:

"The present bill is broader than the previous one inasmuch as the old law limited the period for killing porcupines in the Forestry District from October to April. Under the old law an average of 60,000 certificates a year were received of which 50% were returned for correction.

"The clerical handling of these certificates required the full-time services of a man and two girls at an estimated cost of \$5,000.

"For outside investigators the administration required the equivalent of two men full time and 40,000 miles of travel estimated at \$10,000.

"The average payment per year for bounties was \$14,500.

"The old law contained no provision for payment of Treasurer's fees which are estimated at \$9,000.

"Total estimated cost not less than \$38,500."

Now you may say that those figures are all out of proportion. I am not arguing that point, but I am telling you that for over a period of six years I think the cost was well over \$14,000 dollars to administer, and at no time was money enough raised to cover all the noses and feet which were sent in. We know of cases where various lots of these things have been collected at three and four different times. That is why the investigation is required. I know of a little town not too far from here that paid over three thousand dollars in porcupine bounties, and of course that was a racket, but as I say, I am leaving it entirely with the Legislature, and I feel that it should be called to your

attention because with our demands that we have, our current revenue and our surplus is shrinking. When you vote upon this measure, I hope you will think this over—if this is worth the amount of money for the extra porcupines that would be killed.

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

Mr. BOWKER: Mr. Speaker, I move that Legislative Document No. 993 be indefinitely postponed.

The SPEAKER: Mr. Speaker: The gentleman from Portland, Mr. Bowker, moves that Legislative Document 993, An Act relating to Bounty on Porcupines, be indefinitely postponed.

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

Mr. DUTTON: Mr. Speaker, before action is taken on the motion I think that the members of the House should be made acquainted with what damage porcupines can really do, and I will say to you that if it would cost twice or three or four times the amount that some person has reported to this House—I say it would still be a proper measure to pass.

When a man tells you that it is going to take two men to drive, forty thousand miles per year and spend all of this enormous amount of money to administer this bill, he is talking about something that he does not know too much about. If you haven't seen the work of porcupines, you do not know anything about them; you do not know what they will do. But when I tell you that for five years I tried to raise sweet corn to serve on the table of a hotel, and the hedgehogs ate every last ear, and never an ear ever got to the table, I am telling you the exact truth.

Before our committee which heard this bill a packer of sweet corn appeared there and made the statement that they lost about thirty per cent of their crop of sweet corn to hedgehogs, and it cost them at least an average of thirty per cent of their crop.

I will tell you, in all seriousness, that it cost me a set of double harness that I paid over \$100 a pair to replace, that was eaten up or eaten to such an extent by hedgehogs that they were useless. A hedgehog will even eat up a cart, very much of it, and I could bring you pieces of farm machinery

which have been damaged by hedgehogs. I can show you a place where the hedgehogs have eaten the sill at least eight feet long out from under a barn. I can show you boards twelve inches wide that have been entirely ruined by hedgehogs.

Now when you have an industry like the corn packing business, when one of the managers take a day to come before the committee and tell you that they lose thirty per cent of their crop, it is not a matter to be laughed at. I will say that if this measure were to cost three times what some ill-advised person has told the gentleman from Aroostook (Mr. Brewer), I would still be in favor of it, because I believe it would be a good investment for the State of Maine.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Bowker, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Corinth, Mr. Elliott.

Mr. ELLIOTT: Mr. Speaker and Members of the Legislature: This bill was introduced in the Legislature by request of the corn canners of the state in the interest of the growers. In introducing the bill, we thought that probably was the only group damaged by the hedgehog or porcupine, but at the hearing we found there were men representing the timber interests of the State of Maine, men representing the blueberry interests of the State, men representing the sporting camps of the State, men representing the dairy interests of the State, as well as the corn growers, and also the apple growers, reporting damage by the porcupine. I, as a corn grower, knew our damage was terrific. When they get started it takes them only a week or ten days to ruin the whole crop when you think you have got it most ready for the factory.

We realized that probably the department heads would object to this bill since there was a bounty on porcupines which was removed in 1939. We felt if the bounty had been continued on porcupine they would have been nearly extinct at this time, but since they let up on it they have multiplied.

I am not too good at figures, because I am a farmer, but I think these figures presented to you are exceedingly cock-eyed. For instance, they say \$14,500 would be expended for bounties. I am going to say

that would allow for 58,000 porcupines to be killed. Then they have \$9,000 paid the town treasurers for making out the claims. It is definitely stated in the bill that the treasurer should only issue one claim for porcupines brought in in one day by any one man. \$9,000 would be enough to cover 58,000 claims, one for each hedgehog, and still have \$300 left not expended. Presumably that \$9,000 for claims on 58,000 porcupines is at least three if not nine times the amount which would be required. For the life of me, I cannot see how you are going to drive 40,000 miles to investigate hedgehog heads and feet that are burned before the claim is paid.

I sincerely hope, in the interests of the sweet corn growers and others who get the damage done, that the motion does not prevail.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Bowker, that the bill be indefinitely postponed.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I have rather a double duty here to speak before you as I am on the Appropriations Committee and these two gentlemen have spoken so fluently against this bill, and I certainly sympathize with their stand in trying to kill every measure taking too much money from the State. On the other hand, I happen to be the House Chairman of the Committee on State Lands and Forest Preservation which reported unanimously that this bill ought to pass.

You have heard the remarks of the gentleman from Bingham, Mr. Dutton, about the damage which porcupines do, and I believe you are acquainted with those facts.

Now I do not like this statement that is placed before you here, and I am going to tell you why. I have told the committee already. In the first place, the clerical handling of these certificates requires the full time of one man and two girls at an estimated cost of \$5,000. It seems to me someone wants to build up a large department here to handle these hedgehog accounts.

In the first place, if you understand the bill, and I think you probably all do, these porcupine feet and noses are taken to the town treasurer who is a bonded representative of the town. Why

would he require all that help. I will admit it might take one girl to punch an adding machine, adding this thing up. In the second case, the administration requires the equivalent of two men full-time and 40,000 miles of travel, estimated at \$10,000,—two investigators! Why investigate? I believe that most town treasurers know what the feet and nose of a hedgehog look like. If there is fraud—and, mind you, all of these town treasurers are the bonded servants of the people—I recommend that some of the several assistant Attorney Generals that we have investigate this matter. We have set up a sizeable amount of money in our budget for our several assistant Attorney Generals to travel over the State, so I well believe they can handle this rather than have someone like myself, not bonded, go out and say to some bonded treasurer: "I think you only have three feet for some hedgehogs." What if there should be a fraud of a few dollars? I do not think it would amount to \$10,000.

This letter states that the average payment per year for bounties was \$14,500. In the peak year, back in the thirties, in the depression, a great many people in our country towns hunted hedgehogs because they paid a bounty of 25 cents, rather than cut a cord of wood which paid them a dollar a cord. I do not blame them for doing it. In one of these years they paid out \$18,000, and several years when the bounty was on it was \$4,000 to \$6,000. I think they are conservative in their estimate, because I do not think many folks are going out and hunt hedgehogs.

The old law contained no provision for payment of treasurers' fees, estimated at \$9000. Apparently whoever made up that paper was so overcome in their zeal to kill this bill that they forgot the House had already added House Amendment "A" which says that only one certificate shall be issued to cover all porcupine or hedgehogs presented by any one claimant in any one day. That means that one man might kill twenty-five hedgehogs and take them into the town treasurer and only one certificate would be issued and fifteen cents would be paid, and they have estimated fifteen cents would be paid on every hedgehog that the twenty-five cents was paid on.

I want to point these things out to you as a member of the Committee on State Lands and Forest Preservation which reported this bill unanimously after having one of the strongest hearings and being told how much damage was being done to crops of various kinds by porcupines. I do not think there is any call for trying to build this thing up to such a large sum that it is going to scare us in passing this bill. I just want to point these facts out to you. I am not urging you to vote either way, because I think you can draw your own conclusions.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Bowker, that the bill be indefinitely postponed. All those in favor of the motion will say yes; contrary minded, no.

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

Thereupon, the bill was passed to be engrossed, as amended by House Amendment "A" and House Amendment "B" in non-concurrence and was sent up for concurrence.

The SPEAKER: Pursuant to House Order providing that all matters tabled the preceding week and unassigned will be taken from the table on Tuesday of each week, the Chair now lays before the House Unassigned Matters 1 to 27 inclusive.

The Chair lays before the House the first tabled and unassigned matter, An Act Relating to the State Historian, State History and Public Records (S. P. 55) (L. D. 26) tabled on February 21st by Mr. Jacobs of Auburn, pending enactment; and the Chair recognizes that gentleman.

Mr. JACOBS: Mr. Speaker, I move that we indefinitely postpone this bill. In support of my motion I wish to say that I am interested in all historic matters relative to this State, but I believe in establishing another bureau to do this is rather more than we need at this time.

If this bill is passed, according to the bill the Governor, by the consent of the Council, shall appoint a historian, and with this office a reasonable number of assistants to carry out the work of this historian. Now this would cost about eight to ten thousand dollars to do this. That isn't so very

much for one department or one bureau, but in the bill, if, perchance, any town in the State wishes to have a history printed or made up, the historian can accept such and we, the State of Maine, pay up to \$150 for each town report. If all the towns in the State of Maine, about five hundred, want their history printed and bound and made a part of the history of Maine, it would cost the State \$75,000. Not only that, but if, perchance, any town in the State wishes for their town to have a printed report of their town, the State shall pay one-half, and I know from experience of two years ago, when they printed the report of the town of Greene, —Plummer and Merrill, in Auburn—it cost about a thousand dollars to print this report.

Now if, perchance, we had about a hundred of these reports to be printed, you will see how this bill would accumulate in dollars and cents.

I do not believe it is a safe and proper thing at this time, when we are considering the finances of the State, to pass a bill of this kind, one which carries with it appropriations of this kind.

You have just heard the report today of the Committee on Library against printing the reports of the town of Hartford and the adjoining towns of Mexico, Dixfield, and Rumford, on account of the cost. Now costs are to be considered in this matter, not only that, but vaults would be constructed, which would be fireproof, to contain all the reports that this historian might compile in his work. Therefore I move at this time the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Members of the House: As a member of the Committee on Library, I wish to correct the impression given as the reason why we reported unfavorably upon the matter of a history of Sumner and Hartford and so on.

It seemed that all that had been prepared was a directory, and we felt the people in the vicinity might be interested in this, but we did not feel we were having value received for the work under consideration. Two years ago the matter was pre-

sented, and we felt more work ought to be done upon it.

I do believe we should encourage all efforts to preserve the records of the State of Maine, also local history. I think maybe you have had the picture given to you larger than it actually amounts to. It is a great deal of work to compile a history, but we do know these histories are very invaluable records. Of course I cannot compare the Maine records with the original Declaration of Independence and the Constitution, but I do submit we have a great many records of the State of Maine that are going to ruin, and the time may come when we may wish we had preserved them. I believe that for a great deal less than the sum indicated we could carry this work on. I hope that the motion to indefinitely postpone will not prevail.

The SPEAKER: The question is on the motion of the gentleman from Auburn, Mr. Jacobs, that this bill be indefinitely postponed. All those in favor of the motion will say aye; those opposed no.

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

The SPEAKER: The Chair now lays before the House the second tabled and unassigned matter, Resolve, Providing for the Restoration of State Trust Funds (H. P. 18) (L. D. 8) tabled on February 21st by the gentleman from Auburn, Mr. Jacobs, pending final passage; and the Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, the amount of funds impounded in the closed banks of Maine during the bank holiday were large amounts, and today in these banks which have not made the final settlement we find there is \$85,000 of money that has been intrusted to the State impounded in the banks of Maine that were closed during the bank holidays. Inasmuch as these accounts have not been fully settled, and also because there is a question among many people that the State was not responsible for this money and the banks closing at that time, I therefore move the indefinite postponement of this bill which carries an amount of \$85,000.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves

indefinite postponement of this resolve.

All those in favor of the motion will say aye; those opposed no.

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

Mr. DOWNS of Rome: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. DOWNS: To lay the matter on the table.

The SPEAKER: Does the gentleman care to make a motion to reconsider?

Mr. DOWNS: I would, Mr. Speaker.

The SPEAKER: The gentleman from Rome, Mr. Downs, moves that the House reconsider its action of a moment ago whereby this resolve was indefinitely postponed.

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

Mr. DOWNS: Mr. Speaker and Members of the House: As a member of the Legislative Research Committee that carefully considered this proposition and unanimously agreed that the measure should receive passage, I wish to oppose the motion of the gentleman from Auburn (Mr. Jacobs).

It is true, as the gentleman has stated to you, that there is about \$85,000 involved, and it is also fair to say at this time that I am particularly anxious that the Committee on Appropriations should be as conservative as possible and conserve all the money which they may be able to, because I am very interested that more funds be found; but I also believe we should carefully consider this particular matter.

This money was left in trust — my memory is a little hazy on certain phases of it, but I trust there are others who may clear it up sufficiently — this money was left in trust to the State of Maine by certain individuals, and, at the time of the closing of the banks, through no fault of the donors, this money became impounded. Much of it went to the benefit of certain projects in which the State was interested, and it would have been a benefit to the State of Maine.

As the gentleman has already told you, many of these banks have not made final settlement, and we do not know today how much more may be salvaged for the State of

Maine. Therefore, if the motion of the gentleman from Auburn (Mr. Jacobs) should prevail, I believe you would be doing the State of Maine a rank injustice. I do not believe that the gentleman has the information which he can give to you this afternoon as to how much more money may be salvaged from these trust funds which are impounded. Consequently, I trust that the motion of the gentleman will not prevail.

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

Mr. PAYSON: Mr. Speaker and Members of the House: I am in hearty accord with the gentlemen of the Appropriations Committee in trying to save money; but in this case, it evidently is not the expenditure of money at all. These trust funds, or the income from them, were devoted to some public purpose for which the State now finds it necessary to make appropriations. All this bill does is to restore those trust funds so that the interest from them may carry on the public purposes for which they are set up. By taking this \$85,000 out of our surplus account now, we are taking away the temptation to spend it for foolish purposes and meeting the obligation of the State for its trust funds.

As a legal proposition, I do not believe the State is obligated to restore these trust funds, but, as a practical proposition, the purposes for which the funds were set up must be covered by appropriation, and, if the trust funds are restored, I think it will restore confidence in the people of the State to again leave money to the State for public purposes, and the State will therefore save on appropriations. To my mind, this is not an expenditure: it is an economy move; and I hope the motion of the gentleman from Auburn, Mr. Jacobs, will not prevail.

The SPEAKER: The Chair wishes to make it clear that we are voting on the motion of the gentleman from Rome, Mr. Downs, to reconsider our action whereby we indefinitely postponed this resolve.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I wish to state that not until the time when the banks have made their final payments, can these amounts of trust funds be restored, and then it

may be only a partial amount. But, in another year, probably all the banks in Maine where this money is impounded will make a settlement. I see that the Casco Bank, in Portland, is making a settlement this week of five percent, and more to follow. It is my contention that after all the money has been received in final settlement, then the next Legislature can vote to restore these funds.

The SPEAKER: The question is on the motion of the gentleman from Rome, Mr. Downs, to reconsider the action taken by the House a moment ago whereby this bill was indefinitely postponed. All those in favor of the motion to reconsider will say aye; those opposed no.

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

The SPEAKER: The Chair now lays before the House the third tabled and unassigned matter, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Biddeford" (H. P. 733) (L. D. 402) tabled on February 22nd by the gentleman from Biddeford, Mr. Donahue; and the Chair recognizes that gentleman.

Mr. DONAHUE: Mr. Speaker and Members of the 92nd. Legislature: As I told you this morning, the State Commissioner of Education recognized the fact that under the charter granted to the citizens of Biddeford in 1933 the power was vested in the superintending school committee to elect a superintendent of schools, and, on that basis, a former Attorney General has ruled that the City of Biddeford could not be compelled to join a school union.

The purpose of this amendment to the charter of the City of Biddeford, which was introduced by a representative not of the City of Biddeford, is a bill which would require the superintending school committee of the City of Biddeford to join in a school union. The school committee of the City of Biddeford, and, I believe, the majority of the citizens of the City of Biddeford, are opposed to this measure.

The City of Biddeford covers an area of approximately 42 square miles. We have in the City of Biddeford, in addition to our public schools three parochial grammar

schools, two high schools, and a college, and part of the work of the superintendent of schools is in assisting the teachers in the other schools to see that those who go through grammar schools, when they are ready to enter a high school, have received a proper training.

We also have in the City of Biddeford a night school, and, after a prescribed amount of study, as in other night schools, diplomas are awarded. A dispute arose with the State Commissioner of Education as to whether the teachers of the night school were teachers within the definition of your school union law. The State Commissioner of Education said no, and we maintained that they were. A further dispute arose as to whether or not the teachers under the vocational educational program were teachers within the meaning of your school law.

In this connection, let me point out to you that within the past year you have had a deputy Commissioner of Education appointed to take over this work in the State of Maine under the guidance of your State Commissioner of Education. If the teachers of vocational education are not teachers, I would like to have someone tell me just what they are.

At the hearing, with the exception of the representative who introduced this bill, the sole proponent was the State Commissioner of Education, and his contention was that unless this amendment passed we would destroy school unions in the State of Maine, because every city and town in the State of Maine would be coming into the Legislature and asking to be exempted from the school union law. We asked him in regard to the Scarborough situation, about which I have spoken to you before. For the past twelve years, the town of Scarborough, having possibly twenty-eight teaching positions, has a town agent acting under the State Commissioner of Education, and there has been no attempt of the Commissioner of Education to place the Town of Scarborough in a school union. We asked about that, and the answer was that due to the inflated population of the town of Scarborough at the present time they did not deem it advisable to have Scarborough join a school union.

I submit to the members of this Legislature that we likewise in Biddeford have an inflated population, due to the large employment of workers in industries located nearby, and we do not feel that at this time our charter should be changed.

As I told you, in May, 1944, we were directed to join a school union. A few months previous thereto, the School Committee of the City of Biddeford had contracted with its superintendent of schools for a period of three years, and that contract is still in force. That contract was made in good faith by that superintendent of schools. We say to require that superintendent of schools to take on additional duties is not fair to him. I therefore move, Mr. Speaker, that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Gorham, Mr. Russell.

Mr. RUSSELL: Mr. Speaker and Members of the House: As a member of the committee authorized by the Legislature some ten years ago and appointed by the Governor, the purpose of which was to decrease the number of subsidized school superintendents in the State, I am interested in the passage of this amendment, a slight amendment only to the charter of the city of Biddeford.

As you have been told, the charter of the city of Biddeford allows the city to ignore any effort to tie up with Biddeford any other town in a superintendency, and so tend to reduce the number of subsidized positions. The general law of the State, however, says that a city must have at least seventy-five public school positions in order to be free to employ the entire time of a superintendent. All this amendment asks for is that the charter of the city of Biddeford be altered to comply with the general law of the State. It seems to me that it is simply consistent with the policy of this State for more than twelve years.

The committee had a hearing for some considerable length of time earlier in this session—all the people who were interested in it appeared—and yet that committee, by a vote of nine to one, voted that this amendment be passed. I surely

hope that the motion of the gentleman from Biddeford (Mr. Donahue) will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the bill be indefinitely postponed. All those in favor of the motion will say yes; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Thirty-two having voted in the affirmative and 64 in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the majority report of the committee, "Ought to pass", and the bill, having already been printed, was read twice under suspension of the rules and assigned for third reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the fourth tabled and unassigned matter, Bill "An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses" (H. P. 940) (L. D. 570) In the House read twice, and tabled on February 27th by Miss Deering of Bath; pending third reading; and the Chair recognizes that gentlewoman.

Miss DEERING: Mr. Speaker and Members of the House: This bill was presented to the Legislature two years ago. At that time I happened to be a member of the Committee on Education. At first glance, it seemed a very favorable bill. Then it was brought to the attention of the committee that this bill would create a lot of confusion and conflict with the courses put out by the University of Maine. The bill was defeated at that time.

The day that this bill was brought up in executive session of the Committee on Education, I was unable to be present. Had I been there, I would have explained the action of the committee two years before and the reasons for the same. Therefore, at this time, I am moving the indefinite postponement of this bill, for the reasons that I have just stated: This bill is not necessary to the institutions mentioned. Mr. Roderick, of the Department of Education, appeared before the Committee on Education at the hearing and stated at that time that it was not necessary, that these conditions were already handled.

Looking at the picture of what it may do to our extension of the University of Maine, I feel justified in my stand.

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Members of the House: To go back two years ago, I remember that there developed a little opposition. It was my purpose in introducing the bill that a study might be made of it, and I asked that the bill be recommitted to the Committee on Education with the idea that they might refer it to this Legislature. I have been assured that it was a good bill. My good friend, the gentleman from Rome, Mr. Downs, refused to have it recommitted. He said it would be as well to refer it to this Legislature. In time I found that he was right.

Now I have been assured by the members of the committee, as well as people outside who are interested, that it is a good bill, and I see no reason why it should be indefinitely postponed.

We have tried to avoid in the bill anything that would tend for control, in order to meet objections in regard to possible control. To that end, on the advice of my good friend, the gentleman from Monmouth, Mr. Marsans, and after conferring with the State Department of Education, I have prepared an amendment which takes care of the difficulty of the University of Maine.

I would say that at the University of Maine Dr. Payson Smith was interested in this bill two years ago, and I will state that the Executive Secretary of the State Teachers Association was interested, and others have been interested.

So I wish to call attention to the fact that it is an enabling act. The sentence which says that other buildings and grounds may be hired, the amendment deleted that, so it does not bring up cost.

I believe this bill will be a benefit after the war and during the present time. I think, so far as the University of Maine is concerned, that it will not interfere at all, because our present Commissioner is a member of the Board of Trustees of the University of Maine, and therefore they would not be affected. If they wish to

have their own courses, the amendment provides they shall not be supervised.

So I present House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Mapleton, Mr. Webber, presents House Amendment "A". The question, however, is on the motion to indefinitely postpone.

Mr. WEBBER: What is the question, Mr. Speaker?

The SPEAKER: The question is on the motion of the gentlewoman from Bath, Miss Deering, that the bill be indefinitely postponed.

Mr. WEBBER: Does a motion to amend take precedence over a motion to indefinitely postpone?

The SPEAKER: The gentleman is right. The Clerk will read the amendment.

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

House Amendment "A" to H. P. 940, L. D. 570, Bill "An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses".

Amend said Bill by adding at the end of the fifth line of Sec. 242 thereof (Printed Bill) after the underlined word "state" the following underlined words: **'other than those administered by the University of Maine'**

Further amend said Bill by striking out the last sentence of said Bill containing the following underlined words: **"It may also arrange for the use of such other buildings, grounds and facilities, paying such rent therefor, as the conduct of such courses may require"**.

House Amendment "A" was adopted.

The SPEAKER: The question is now on the motion of the gentlewoman from Bath, Miss Deering, to indefinitely postpone the bill. All those in favor of the motion of the gentlewoman from Bath, Miss Deering, will say yes; those opposed no.

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

On motion by Mr. Ward of Millinocket,

Adjourned until ten o'clock tomorrow morning.