

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

Thursday, April 5, 1945.

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

Prayer by the Rev. A. G. Hempstead of Rockland.

Journal of the previous session read and approved.

Papers from the Senate Senate Reports of Committees Final Report

Final Report of the Committee on Counties.

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Inexpedient

Report of the Committee on Motor Vehicles on Bill "An Act Exempting Farmers from Regulations in re Motor Vehicles Used in Intrastate Traffic" (S. P. 257) (L. D. 627) reporting that legislation is inexpedient at the present time.

Came from the Senate, read and adopted.

In the House, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Pensions reporting "Ought not to pass" on Resolve Providing a Pension for Leroy M. Stevenson, of Dixmont (S. P. 348)

Report of same Committee reporting same on Resolve Providing for an Increase in State Pension for Hallie W. Stone, of Portland (S. P. 209) (L. D. 475)

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Agriculture on Bill "An Act Governing the Production of Milk and Cream" (S. P. 355) (L. D. 908) reporting same in a new draft (S. P. 393) (L. D. 1016) under same title and that it "Ought to pass"

Report of the Committee on Judiciary on Bill "An Act to Correct

Typographical and Clerical Errors in Revision" (S. P. 370) (L. D. 954) reporting same in a new draft (S. P. 414) (L. D. 1100) under same title and that it "Ought to pass"

Report of the Committee on Legal Affairs on Bill "An Act relating to Powers of County Commissioners" (S. P. 321) (L. D. 830) reporting same in a new draft (S. P. 415) (L. D. 1099) under same title and that it "Ought to pass"

Report of the Committee on Motor Vehicles on Bill "An Act relating to the Excise Tax on Motor Vehicles" (S. P. 330) (L. D. 821) reporting same in a new draft (S. P. 417) (L. D. 1102) under same title and that it "Ought to pass"

Ought to Pass in New Draft New Title

From the Senate: Report of the Committee on State Lands and Forest Preservation on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Oxford County to Fred J. Lovejoy, of West Bethel (S. P. 183) (L. D. 379) reporting same in a new draft (S. P. 412) (L. D. 1098) under title of "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to Donald L. Haskell, of Old Town" and that it "Ought to pass"

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

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

Non-concurrent Matter

An Act relating to Requirement for Restaurant Licenses (H. P. 1265) (L. D. 888) which was passed to be enacted in the House on March 30th and passed to be engrossed on March 23rd.

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

In the House, on motion by Mr. Peirce of Augusta, the House voted to reconsider its action whereby, on March 30th, this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby, on March 23rd, the bill

was passed to be engrossed.

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

Senate Amendment "A" to H. P. 1265, L. D. 888, Bill "An Act Relating to Requirement for Restaurant Licenses."

Amend said Bill by inserting in the 7th line thereof, after the underlined word "any", the underlined words 'honorably discharged'

On further motion by Mr. Peirce, Senate Amendment "A" was adopted, and the bill was passed to be engrossed as amended in concurrence.

Non-concurrent Matter

An Act relating to Prevention of Bang's Disease by the Department of Agriculture (S. P. 125) (L. D. 330) which was passed to be enacted in the House on March 28th and passed to be engrossed on March 22nd.

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

In the House, on motion by Mr. Ward of Millinocket, the House voted to reconsider its action whereby, on March 28th, this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby, on March 22nd, the bill was passed to be engrossed.

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

Senate Amendment "A" to S. P. 125, L. D. 330, Bill "An Act Relating to Prevention of Bang's Disease by the Department of Agriculture."

Amend said Bill by restoring the crossed out word "may" in the last line of section 2 thereof, and by striking out the underlined word "must" in said last line of section 2.

On further motion by Mr. Ward, Senate Amendment "A" was adopted, and the bill was passed to be engrossed as amended in concurrence.

Non-concurrent Matter

Tabled and Assigned

Bill "An Act relating to the Salary of Judge of Probate of Hancock County" (H. P. 1401) (L. D. 1072) which was passed to be engrossed in the House on April 2nd.

Came from the Senate passed to

be engrossed as amended by Senate Amendment "A" in non-concurrence.

"In the House, on motion by Mr. Sargent of Bucksport, tabled for further consideration, and specially assigned for tomorrow morning."

Non-concurrent Matter

Tabled and Assigned

Bill "An Act relating to Licensing Automobile Dealers" (H. P. 1322) (L. D. 965) which was passed to be engrossed in the House on April 2nd.

Came from the Senate indefinitely postponed in non-concurrence.

(In the House, on motion by Mr. Payson of Portland, tabled pending further consideration, and specially assigned for Monday, April 9th)

Non-concurrent Matter

Bill "An Act relating to Treatment by Chiropractors of Employees Under the Workmen's Compensation Act" (H. P. 147) (L. D. 49) which was passed to be engrossed in the House on April 2nd.

Came from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Perkins of Boothbay Harbor, the House voted to adhere to its former action.

Non-concurrent Matter

Tabled and Assigned

Resolve Providing for the Restoration of State Trust Funds (H. P. 18) (L. D. 8) which was indefinitely postponed in the House on April 3rd.

Came from the Senate, that body voting to adhere to its former action whereby the Resolve was passed to be engrossed.

In the House, on motion by Mr. Jacobs of Auburn, the House voted to adhere to its former action.

On motion by Miss Longstaff of Crystal, the House voted to suspend House Rule 25 for the remainder of today's session, in order to permit smoking.

Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Blake of Dexter, be excused from attendance for the remainder of the week because of illness.

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

Mr. BIRD: Mr. Speaker, I move that the House reconsider its action of yesterday whereby we indefinitely postponed H. P. 1219 L. D. 769, Bill "An Act relating to Expenses of Patients in State Hospitals", and which was tabled and specially assigned for next Tuesday, April 10th, pending an amendment.

The SPEAKER: Did the gentleman vote with the prevailing side yesterday?

Mr. BIRD: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Rockland, Mr. Bird, now moves that the House reconsider its action whereby it voted to indefinitely postpone Bill "An Act relating to Expenses of Patients in State Hospitals (H. P. 1219) (L. D. 769).

Thereupon, the motion for reconsideration, pending which motion—and on further motion by the same gentleman—was tabled, and the matter was specially assigned for Tuesday, April 10th.

The gentleman from Lakeville Plantation, Mr. Dicker, was granted unanimous consent to address the House.

Mr. DICKER: Mr. Speaker and Members of the House: This may be a long way out of order, and I am sorry to have to do this so late in the session, but I have a resolve here to authorize the Forest Commissioner to grant permits for setting and maintaining poles and wires in Webster Plantation. There did not seem to be any other way to get around this, and, if I may have permission to introduce it, I hope you will help me out on it.

The SPEAKER: The gentleman from Lakeville Plantation, Mr. Dicker, asks for unanimous consent to introduce a resolve. Do I hear objection.

The Chair hears objection, and the introduction of the resolve is denied, the unanimous consent failing.

The SPEAKER: At this time the Chair wishes to call the attention of the members of the House to the

fact that the House is meeting on Friday. A great many of the members seem either to have not known that or paid very little attention to it.

Up to this time we have not had any "Ought not to pass" reports nor have we had any enactors coming up on Friday. The closing days of the session are approaching, and in order to facilitate the business of this House, both of these matters will be coming up this Friday. I therefore urge the members most strongly to remain here and be in attendance on Friday morning.

House Reports of Committees Divided Report

Tabled and Assigned

Majority Report of the Committee on Ways and Bridges reporting "Ought not to pass" on Resolve in favor of a Bridge Across the St. John River (H. P. 1101) (L. D. 786)

Report was signed by the following member:

Messrs. HALL of Franklin

DORR of Oxford

—of the Senate.

DOW of Eliot

LACKEE of Addison

BOULIER of Stacyville

WOOD of Webster

DEAN of So. Portland

COLE of West Gardiner

—of the House.

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

Report was signed by the following member:

Mr. BROWN of Aroostook

—of the Senate.

(On motion by Mr. Brewer of Presque Isle, the two reports were tabled pending acceptance of either report, and specially assigned for Monday, April 9th.)

Leave to Withdraw

Mr. Jordan from the Committee on Inland Fisheries and Game on Bill "An Act Creating a Game Sanctuary in Aroostook County" (H. P. 1126) (L. D. 673) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Peirce from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to the Subordinate Officers and Em-

ployees of the Senate and House of Representatives" (H. P. 1073) (L. D. 803)

Mr. Ward from same Committee reported same on Bill "An Act relating to Assignment of Counsel by the Superior Court" (H. P. 824) (L. D. 428) which was recommitted.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Anderson from the Committee on Inland Fisheries and Game on Bill "An Act relating to Fishing in Certain Rivers, Lakes and Ponds in Oxford County" (H. P. 1270) (L. D. 913) reported same in a new draft (H. P. 1440) under same title and that it "Ought to pass"

Mr. Peirce from the Committee on Judiciary on Bill "An Act to Amend the Employees' Contributory Retirement System" (H. P. 1311) (L. D. 960) reported same in a new draft (H. P. 1441) under same title and that it "Ought to pass"

Mr. Ward from same Committee on Bill "An Act relating to the Sanitary Water Board" (H. P. 1288) (L. D. 934) reported same in a new draft (H. P. 1442) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Tabled and Assigned

Mr. Ward from the Committee on Judiciary on Bill "An Act Extending the Workmen's Compensation Act to Cover Occupational Diseases" (H. P. 1238) (L. D. 864) reported same in a new draft (H. P. 1443) under same title and that it "Ought to pass"

(On motion by Mr. Bowker of Portland, tabled pending acceptance of Committee Report, and specially assigned for Monday, April 9th.

Mr. Williams from the Committee on Judiciary on Bill "An Act relating to Reporting by Drivers Involved in Accidents" (H. P. 1189) (L. D. 702) reported same in a new draft (H. P. 1444) under same title and that it "Ought to pass"

Mr. Weeks from the Committee on Legal Affairs on Bill "An Act to Provide a Town Councillor Form of Government for the town of Limestone in the county of Aroostook" (H. P. 1349) reported same in a new draft (H. P. 1445) under title of "An

Act to Provide a Town Council and Manager Form of Government for the town of Limestone in the county of Aroostook" and that it "Ought to pass"

Mr. Welch from same Committee on Bill "An Act relating to Public Safety Commission for Rumford Falls Village Corporation" (H. P. 657) (L. D. 266) reported same in a new draft (H. P. 1446) under same title and that it "Ought to pass"

Mr. Ward from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Recorder of the Bath Municipal Court" (H. P. 442) (L. D. 170) reported same in a new draft (H. P. 1447) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass

Printed Bills

Mr. Jordan from the Committee on Taxation reported "Ought to pass" on Bill "An Act relating to Supplemental Assessments of State, County and Forestry District Taxes" (H. P. 1376) (L. D. 1028)

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules and tomorrow assigned.

Ought to Pass With Committee Amendment

Mr. Anderson from the Committee on Inland Fisheries and Game on Bill "An Act Regulating the Use of Automatic Firearms" (H. P. 687) (L. D. 305) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A"

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

The SPEAKER: Apparently, from the record on the bill, Committee Amendment "A" was adopted in the House on March 9th.

Thereupon, Mr. Anderson of Ox-bow Plantation, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 687, L. D. 305, Bill "An Act Regulating the Use of Automatic Firearms."

Amend said Bill by adding at the end of the 2nd paragraph of that part of said bill designated as "Sec. 47-A", the following sentence: **'It shall be unlawful for any person to use cartridges containing tracer bullets or cartridges containing explosive bullets.'**

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

First Reading of Printed Bills

Bill "An Act relating to Salary of Register of Probate in Sagadahoc County" (H. P. 1431) (L. D. 1114)

Bill "An Act relating to the Salary of the Judge of the Municipal Court of Bath" (H. P. 1432) (L. D. 1115)

Bill "An Act relating to Salary of the Judge and the Recorder of the Waldo County Municipal Court" (H. P. 1433) (L. D. 1116)

Bill "An Act relating to Clerk Hire in County Offices in Sagadahoc County" (H. P. 1435) (L. D. 1117)

Bill "An Act Authorizing Towns to Cooperate with Highway Commission in Maintaining Town Roads" (H. P. 1437) (L. D. 1118)

Bill "An Act relating to State Employees' Retirement System" (H. P. 1438) (L. D. 1119)

Resolve to Create a Commission to Study Atlantic Salmon (H. P. 1436) (L. D. 1120)

Bills were read twice, Resolve read once, and tomorrow assigned.

Passed to be Engrossed

Bill "an Act to Provide for Training and Licensing Nursing Attendants" (S. P. 404) (L. D. 1064)

Was 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 Licensing Hospitals and Related Institutions in the State of Maine" (S. P. 405) (L. D. 1063)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Jacobs of Auburn, tabled pending third reading, and specially assigned for Monday, April 9th)

Bill "An Act relating to the Salary of the Recorder of the Ells-

worth Municipal Court" (S. P. 406) (L. D. 1062)

Bill "An Act relating to Salary of Register of Probate and Clerks in Office of Register of Probate in Hancock County" (S. P. 407) (L. D. 1061)

Bill "An Act relating to the Salaries of Certain County Officials in Knox County" (S. P. 408) (L. D. 1060)

Bill "An Act relating to the Salary of the Clerk of Courts of York County" (S. P. 410) (L. D. 1059)

Bill "An Act relating to Agents, Health and Other Officers of Indian Tribes" (S. P. 411) (L. D. 1058)

Bill "An Act relating to Employment of Minors and Females" (H. P. 332) (L. D. 111)

Bill "An Act relating to the Salary of the Sheriff of Piscataquis County" (H. P. 738) (L. D. 406)

Bill "An Act relating to Employment of Children" (H. P. 963) (L. D. 529)

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 Bills

Bill "An Act relating to the Salaries of the Register of Deeds and Clerks in the Office of Register of Deeds in Androscoggin County" (S. P. 409) (L. D. 1057)

Bill "An Act relating to Dangerous Occupations for Minors" (H. P. 1079) (L. D. 690)

Bill "An Act Amending the Unemployment Compensation Law as to Benefits" (H. P. 1231) (L. D. 857)

Bill "An Act Amending the Unemployment Compensation Law as to Benefits" (H. P. 1232) (L. D. 858)

Bill "An Act Amending the Unemployment Compensation Law as to Payment of Benefits" (H. P. 1247) (L. D. 872)

Bill "An Act relating to Tax on Street Railroad Corporations and Street Railways" (H. P. 1367) (L. D. 1027)

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

Resolve for the Purchase of Five Hundred Copies of "The Length and Breadth of Maine" (S. P. 93) (L. D. 135)

(Was reported by the Committee on Bills in the Third Reading, read

the second time, and on motion by Mr. Ward of Millinocket, tabled pending passage to be engrossed)

**Passed to be Enacted
Emergency Measure**

An Act relating to Animal Husbandry (S. P. 233) (L. D. 651)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Ferry between Indian Island and Old Town (H. P. 319) (L. D. 141)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Guaranteed Loans for Veterans by Trust Companies, Savings Banks and Loan and Building Associations (H. P. 1360) (L. D. 1025)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act Providing Authority to the Board of Trustees of the Maine Maritime Academy to Confer the Degrees of Bachelor of Science (S. P. 134) (L. D. 339)

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Tabled and Assigned

An Act relating to Prenatal Examinations (S. P. 216) (L. D. 468)

On motion by Mr. Perkins of Boothbay Harbor, tabled pending enactment and specially assigned for Monday, April 9th)

An Act to Increase the Salary of the Judge of the Norway Municipal Court (S. P. 219) (L. D. 465)

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

Tabled and Assigned

An Act relating to Penalty for Obstructing Commissioner of Agriculture in Performance of Duty (S. P. 392) (L. D. 1015)

(On motion by Mr. Perkins of Boothbay Harbor, tabled pending enactment and specially assigned for Monday, April 9th)

An Act Authorizing Municipalities to Establish, Maintain, Conduct and Finance Recreational Facilities (S. P. 394) (L. D. 1017)

An Act relating to Tax Returns of Loan and Building Associations (S. P. 397) (L. D. 1029)

An Act relating to State Land in Augusta as a Public Park (H. P. 669) (L. D. 320)

An Act relating to Hunting in Merrymeeting Bay (H. P. 729) (L. D. 399)

An Act to Provide for the Making of a Survey of all Hospital and Health Center Facilities in the State (H. P. 844) (L. D. 508)

An Act relating to Salary of County Attorney and Clerk Hire in Office of County Attorney in Penobscot County (H. P. 855) (L. D. 456)

An Act Clarifying the Law in Relation to Parkways and Freeways (H. P. 874) (L. D. 522)

An Act Providing for Maintenance of the Road Leading to Roaring Brook in Baxter State Park (H. P. 875) (L. D. 459)

An Act relating to the Standard Non-Forfeiture Law and the Standard Valuation Law (H. P. 972) (L. D. 609)

An Act relating to Salaries of Clerks in County Offices in Penobscot County (H. P. 1150) (L. D. 729)

An Act Amending the Unemployment Compensation Law as to Reciprocal Benefit Arrangements (H. P. 1248) (L. D. 873)

An Act relating to a Pension Plan for Employees of the city of Lewiston (H. P. 1309) (L. D. 956)

An Act to Increase the Salary of the Judge of the Municipal Court of Dexter (H. P. 1368) (L. D. 1031)

An Act relating to Salary of Clerk of Courts and Clerk Hire in Office of Clerk of Courts in Penobscot County (H. P. 1369) (L. D. 1032)

An Act relating to the Salaries of the Judge and of the Recorder of the Old Town Municipal Court (H. P. 1370) (L. D. 1033)

An Act to Increase the Salaries of Judge and Recorder of the Millocket Municipal Court (H. P. 1372) (L. D. 1035)

An Act to Increase Salary of Judge of Probate and Clerks in Office of Register of Probate in Penobscot County (H. P. 1373) (L. D. 1036)

Finally Passed

Resolve Opening Penneesseewassee Lake to Smelt Fishing (S. P. 113) (L. D. 230)

Resolve in favor of James R. Hale of Castine (S. P. 129) (L. D. 334)

Resolve to Reimburse the town of Eastbrook for Suppression of a Forest Fire (S. P. 133) (L. D. 338)

Resolve in favor of Albert Leslie Shorey, of Surry (S. P. 152) (L. D. 358)

Resolve relating to Reimbursement to James Y. Kinmond of Westbrook (S. P. 130) (L. D. 335)

Resolve providing for Purchase of Land and Buildings for the State Reformatory for Women (S. P. 273) (L. D. 614)

Resolve providing for Purchase of Land for the Maine State Prison (S. P. 396) (L. D. 1023)

Resolve in favor of the town of Lincolnville (H. P. 411) (L. D. 184)

Resolve in favor of Guy Brown of Guilford (H. P. 929) (L. D. 567)

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.

Tabled

Resolve in favor of Mary Louise Bernier, of Sanford (H. P. 1053) (L. D. 802)

(On motion by Mr. Jacobs of Auburn, tabled until later in today's session pending final passage)

Resolve in favor of Louis F. Fleming of Bangor (H. P. 1119) (L. D. 670)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

Tabled

Resolve in favor of the town of Smyrna (H. P. 1229) (L. D. 853)

(On motion by Mr. Dutton of Bingham, tabled until later in today's session pending final passage)

Resolve for Repairing Fish Screen at Outlet of Messalonskee Lake (H. P. 1366) (L. D. 1026)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Mr. **JACOBS**: Mr. Speaker, in regard to Resolve in favor of Mary Louise Bernier, H. P. 1053, L. D. 802, I rise to make a motion to indefinitely postpone this resolve, and I want to make a brief explanation of my position in regard to indefinitely postponing the resolve.

The resolve is very short and I want every member in this House to know just what it is: "Resolved: That there be, and hereby is, appropriated the sum of \$157.48 from the general funds of the state to be paid to Mary Louise Bernier, of Sanford, as a full and final settlement for her claim against the State for personal injury by a muskrat."

Now, Mr. Speaker and Members of the House, if this Legislature is going to recognize such claims as this—I don't know the merits of the case—but it seems to me, as a member of this House, that if we recognize such claims as this, I say

that we are opening wide the door for future claims to be presented to future legislatures. If you want to vote to pass this resolve, I want you to do so with your eyes and ears open, so that the people may know and we may know just how you feel in regard to these matters. I think it would be establishing a policy not in accord with the best usages of legislative procedure.

The Press of the State of Maine and of the Nation have commented upon this resolve and are wondering whether the Legislature of the State of Maine is going to recognize such an item, therefore I move the indefinite postponement of the resolve.

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

Mr. BOYKER: Mr. Speaker, I would like to ask the gentleman from Auburn, Mr. Jacobs, if this was a tame muskrat.

The SPEAKER: The gentleman from Bethel, Mr. Boyker, asks the gentleman from Auburn, Mr. Jacobs, a question through the Chair as to whether or not this was a tame muskrat. The gentleman may answer if he chooses.

Mr. JACOBS: I am speaking on the resolve; I do not care anything about the muskrat. (Laughter)

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

Mr. DOWNS: Mr. Speaker, I know absolutely nothing about the merits of the resolve other than it was presented by Mr. Pascucci of Sanford. I note the absence of the gentleman from Sanford this morning, and it would seem only fair that this matter be tabled and specially assigned for next Tuesday, and I so move.

The SPEAKER: The gentleman from Rome, Mr. Downs, moves that this resolve be tabled, pending the motion of the gentleman from Auburn, Mr. Jacobs, that the resolve be indefinitely postponed, and specially assigned for next Tuesday. All those in favor of the motion to table will say yes; those opposed no.

A viva voce vote being doubted

A division of the House was had.

Seventy-five having voted in the affirmative and 12 in the negative, the motion prevailed, and the resolve was so tabled and so assigned.

The SPEAKER: The Chair now recognizes the gentleman from Bingham, Mr. Dutton, upon the matter which he has just tabled, Resolve in favor of the town of Smyrna (H. P. 1229) (L. D. 853).

Mr. DUTTON: Mr. Speaker, it may be delaying matters, but I would like to know what the resolve provides for.

The SPEAKER: This is a resolve in favor of the town of Smyrna, L. D. 853. Does the gentleman care to have the Clerk read the resolve?

Mr. DUTTON: Yes, Mr. Speaker.

The SPEAKER: The Clerk will read the engrossed copy.

"Resolve, in Favor of the Town of Smyrna."

Town of Smyrna; interest charged off. Resolved: That the State controller be, and hereby is, authorized to charge off the sum of \$900.66, interest on state taxes, and the sum of \$116.25 interest on old age assistance account, now charged against the town of Smyrna for the years 1937 to 1942."

Mr. DUTTON: Mr. Speaker, I have been a member of this Legislature now for nearly six terms, and I think that there is not a person here today, or that was here thirty years ago, that would accuse me of ever not shooting square with every member.

I had a measure in this House exactly like the one that you have read, providing to reimburse the town of Moscow for a similar matter, and I was assured that the reason why my measure was reported out "Ought not to pass" was because that every similar measure would be so reported out of the committee.

Now I do not question the good faith of the member of that committee—I think he told me just exactly as he believed it and exactly as perhaps it was intended to go through—but here comes a measure reported out of the committee, passed to be engrossed, and appears here in its final stages exactly like the one which I moved to have disposed of because of the assurance that all similar matters were to be disposed of in the same way, "Ought not to pass", and I hope that this measure receives the same treatment that was accorded me. I move the indefinite postponement of the resolve.

The SPEAKER: The gentleman from Bingham, Mr. Dutton, moves

that the resolve be indefinitely postponed. All those in favor of the motion to indefinitely postpone will say yes; those opposed no.

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

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Ways and Bridges on Bill "An Act relating to the Reapportionment of Maintenance of Unimproved Roads and Construction of State-Aid and Third-Class Road Moneys" (H. P. 1104) (L. D. 788) tabled on March 29th by Mr. Dutton of Bingham, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. DUTTON: Mr. Speaker and Members of the House: This is a measure affecting highways moneys which was introduced in this Legislature to clarify the matter of what was to be done with money which was raised in the past, and not expended because of the conditions of labor and the war conditions, and we are not agreed on just exactly what the situation is, and if this measure is discussed at this time, I am afraid it will lead into a prolonged debate, and I feel that if it could lay on the table until Tuesday, until we can all become agreed on what is to be done in regard to the highway matters, as we understand them — or are able to find out at this time — I think that will clarify the matter, and will expedite the business of this House.

I believe that if we attempt to discuss the matter at this time, we will waste a lot of valuable time that might be used in discussing business that we do know about.

So I move that this Bill lay on the table and be specially assigned for next Tuesday morning.

The SPEAKER: The gentleman from Bingham, Mr. Dutton, moves that Legislative Document 788 lie upon the table and be specially assigned for next Tuesday morning, April 10th. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Ma-

jority Report "Ought to pass in New Draft (H. P. 1409) (L. D. 1109) and Minority Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Limitation of the Financial Responsibility Law" (H. P. 242) (L. D. 87) tabled on March 30th by the gentleman from Auburn, Mr. Williams, pending motion by Mr. Ward of Millinocket to accept Majority Report; and the Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This measure is an amendment to our financial responsibility law. I want to call your attention briefly to the conditions that existed prior to the enactment of this law.

We will have to recognize, in the first instance, that your right and my right must be regulated to an extent consistent with the equal rights of other parties; therefore we have certain rules and regulations in regard to the operation of motor vehicles. In the first instance, we must comply with certain conditions and secure a license to operate. In the operation of that vehicle there are certain laws we must follow for the protection of others. Now the number of automobile accidents increased to the point where a large number of people had their vehicles damaged or were personally injured, and the operator of the vehicle had no means of reimbursing these parties even though he might have been proven guilty of negligence and thus responsible for the accident.

My experience in practicing law during those years was that very often I had a case of clear liability and the individual operating the vehicle was in the same position that I might have been or would have been—unable to pay for the damage. We did at that time have a law that provided that if we secured judgment against that operator he could not drive until he had paid that judgment. However, most people would be reluctant to force that driver off the road; so, when they determined there was no insurance, they stopped there and did not press their claim.

Now in 1941 this Legislature considered two methods of meeting that situation: one was a compulsory insurance law, and the other was our financial responsibility law. That Legislature decided that, based upon the experience of other states that had the compulsory law,

that rates were likely to increase, and it would not be to the advantage of the citizens of Maine, and they therefore passed our present law.

At the time the law was passed, approximately 30 per cent of the vehicles in the State of Maine were covered by insurance. In that 30 per cent there would be many trucks and commercial vehicles that, because of our Utilities Commission and our Interstate Commerce Commission and other like agencies, were required to be insured before they could get permission to operate; therefore the number of passenger vehicles that were covered by insurance would be considerably under 30 per cent. No one, I believe, could tell you exactly on any of these figures.

Now since we passed this law there has been a gradual increase in the number of vehicles insured. Again, in fairness, we will have to say that no one can tell you just how many are insured today. The estimates vary from 55 per cent to 70 per cent. Of those who have filed proof of financial responsibility under the present law, there has been no record kept of each case, so that we cannot tell exactly how many of those who have been required to file are covered by insurance. I believe a spot check of some 100 vehicles has indicated that 53 per cent of those who had had accidents out of that 100 were covered, but a survey of the entire 12,000 who have been required to file might reveal a higher percentage carrying insurance.

Now, so far as my own experience is concerned, within the last two years I have only had one accident case brought to my office by a plaintiff where the defendant was not covered by insurance.

I feel that we should recognize the underlying purpose behind this particular law. It is designed to protect you and me as we operate our vehicles, or the members of our family and the people in our home towns in the operation of their vehicles, and also pedestrians. It does not prevent accidents, but it does help to increase the number of operators who carry motor vehicle liability insurance. Persons have to file after having had an accident if it is proved that they are the cause of the accident — or unless they prove that they are not the cause of the accident, perhaps would be

a better way to say it. And under that provision I am informed that the figure has passed 12,000 that have filed. Of this number that had to file, forty-five per cent of the vehicles were not operated by the owners; that is, there were two persons involved, the owner and the operator.

Now I would like to call your attention to this particular amendment. This is under the list of exceptions, persons who do not have to file: "The owner or licensed operator of a motor vehicle, trailer or semi-trailer" involved in an accident—I am inserting words here—does not have to file, "if the motor vehicle, trailer or semi-trailer at the time of the accident was insured by the owner thereof under a motor vehicle liability policy as defined in this chapter."

Now I would have no particular objection to excusing the owner who carried insurance, although you know and I know a person might have insurance today and, because of financial conditions, he might discontinue that insurance, or he might, through carelessness or some other means neglect to have his car reinsured, and if a few days elapsed between the expiration of one policy and the time he got another, he might have a serious accident. But I would not be concerned so much with that situation as I am with the fact that 45 per cent of these vehicles are operated by someone other than the owner, and, if we pass this amendment, we excuse those people from filing any proof of financial responsibility until such time as they go out with another vehicle and have another accident.

To illustrate that point: You know and I know of fellows who live in small shacks or buildings outside of the towns or who rent a small home and own an automobile, may come in to a mill or work in the woods in the winter time, or perhaps work on the farm in the summer, shifting about from place to place and driving this car, and they have no financial means of their own. Now if you or I hire a fellow like that and our vehicle was insured and he did have a bad accident, with our vehicle, he can continue to operate his own vehicle in his work for someone else until he has another accident, and even though he may have another bad accident, we still do not require him to file

proof of financial responsibility until he goes out and injures some person or does damage to the extent of fifty dollars or more with his own car.

I believe it would be a serious mistake for this Legislature to excuse from filing persons who are operating a vehicle which is insured at the time of the accident. I feel it would weaken our present law to the extent where we might well consider it valueless and the Legislature two years from now would be confronted with re-enacting some type of responsibility law or even a compulsory automobile insurance. Many of you might prefer the compulsory feature. However, during the time I was in law school in Massachusetts I watched the operation under that act and I know their rates went up by leaps and bounds and it became nearly twice as expensive to operate under the compulsory act.

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

Mr. PEIRCE: Mr. Speaker and Members of the House: As I see it, there is one issue in voting on this bill: Do we believe in and want compulsory automobile insurance?

As an individual who has observed the operation of the compulsory automobile insurance laws in the State of Massachusetts, I am strongly against compulsory insurance. This act is an opening wedge for compulsory insurance legislation in this State. I dare say with absolute certainty that, if this act is passed by this Legislature, in the next session we will find introduced and possibly enacted legislation making compulsory insurance on all automobiles. Therefore I urge you to vote against the motion that is pending.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: The question here is not the raising of straw men and knocking them down, but the question is whether this House wants to do justice by those who have from time immemorial before the passage of this act carried insurance.

Under the law as it now is, if your car is parked out in front of this State House and someone comes along and runs into it and damage is done to the other car to

the extent of more than fifty dollars, you, Mr. Speaker, and every member of this House that is in that situation have got to carry financial responsibility so long as you may live. I know, because I am in that situation.

Now on the 7th of December, a day somewhat historic in the history of our country and the world, my car was involved in an accident for which no one was to blame: I was not there; my son was driving the car. Now I am compelled to carry financial responsibility insurance forever—and my car was insured, ten and twenty thousand, and I carried everything that I could. Now what is the result? I have got to carry this financial responsibility so long as I may live; but, if I should go out on the highway and get drunk and have an accident, they would give me my license back in three years. Furthermore, my son, now in the service of his country, cannot drive my car when he gets back unless he puts up a bond and pays a premium of \$35 or \$40 forever.

They worry about me and other citizens of my type letting our insurance lapse. I say to you, Mr. Speaker and Members of this House, that any law that does not compel anybody to insure more than fifty-five or sixty or seventy per cent is not performing the function for which it was intended.

Two years ago this bill was introduced in the House and I did not vote for it because I thought I had a personal interest. I did not argue very strongly and it did not pass, because probably the House did not understand my position at that time. But there was a bill here in this House afterwards. We had a hearing before the Judiciary Committee on this bill and it went to the Committee on Public Utilities, and they amended the law so that a driver of a truck would not have to file a bond because he was earning his livelihood. I did not object to that bill because I thought it was perfectly all right if he was driving a vehicle that was insured at the time of the accident.

What we are complaining about is this:—it does not weaken the law, in my judgment, but strengthens it—they set up these straw men and knock them down. The point is, Mr. Speaker and Members of the House, what more can you do to comply with the law? We are in-

sured. If we have an accident we pay. But, if the accident involves more than \$50 in damage, what happens? I must pay forever; I must have my insurance company furnish proof of financial responsibility and pay for it. I do not object to the small amount, but I object to the principle. What more can you and I do to comply with the law than, before we put our car on the road, insure it? Are you going to penalize every decent citizen of the State who tries to do his duty? I do not think so.

I hope, Mr. Speaker and Members of the House, that the majority report "Ought to pass in New Draft" will be accepted.

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

Mr. CARPENTER: Mr. Speaker, at the committee hearing I spoke in favor of this bill because it seemed to me, as the gentleman from Boothbay Harbor, Mr. Perkins, said, that it is very unfair that a person that has insurance should have to pay for the rest of their life. However, I was impressed by the opposition to this bill—I was not convinced at that time, but I was impressed by it. So I took the trouble to investigate and look around.

Now what is going to happen, if this bill is adopted, is this—and it happens all the time, as anyone can find out who will take the trouble to investigate. A man has an accident and he is insured. Being a simple and trusting soul, as I am, I could not imagine anybody letting their insurance lapse; but it does happen and will happen when these men that are getting large wages now come to this period of hard times that will come along we will find that the first thing they will let go will be their liability insurance on their automobile. Now you know and I know that there are people who are not very good drivers, and if they let that go and just take a chance that they are never going to have another accident, when you and I get into an accident with them we are going to have a hard time to get anything back.

As I say, I looked into this matter, and I firmly believe that this legislation should not pass, therefore I am in favor of the minority report.

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

Mr. JORDAN: Mr. Speaker and Members of the House: This is a bill that I introduced. Someone has said this would be an opening wedge. I heard that statement a couple of days ago. I happen to be one of those unfortunates too who have had a minor accident and have to file a statement of financial responsibility each and every time we apply for a license. On the other hand, there was no damage done. I cannot see why any person who always carries insurance and is fully covered at the time of the accident should file a statement of financial responsibility. I will also say that I do not believe any person who has had an accident will ever let his insurance lapse, because, if he has got a car or any property, he is going to protect it. Therefore, Ladies and Gentlemen of this Legislature, I hope that the majority "Ought to pass in New Draft" report is adopted.

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

Mr. BREWER: Mr. Speaker and Members of the House: I do not happen to be one of the unfortunates caught by this law, but I do want to point out to you, in regard to the argument to continue with the way we are going now, that the only thing that will take care of the situation is compulsory insurance. Now when you see fit to go along that course, I too am in favor of it. But what happens to it? As the gentleman from Boothbay Harbor, Mr. Perkins, has pointed out to you, you can be absolutely innocent of any contribution to an accident, yet, if the damage to your car is over \$50 you will be compelled indefinitely to file proof of financial responsibility, whether you have insurance or not.

Another thing, if I have insurance and some member of my family or some of my employees go out and have an accident and I make complete restitution, I do not believe that I should be penalized because somebody else might have a car and might not carry insurance.

Now I say to you that the only argument against this bill and the only thing that will cover this is compulsory insurance. I am not going to take up any of your time with a long tirade. I believe under our present set-up the law is very, very unfair. Why should you, if you are innocent and carry insurance—and keep those two points in

mind because those are the only ones we are arguing, because I believe that the only thing that will take care of it outside of this amendment is compulsory insurance—why should you and I, if we are innocent and carry insurance and make restitution, be compelled to file proof of financial responsibility. I am not going to take the chance of letting my insurance drop, and I do not think anyone else is who has ever carried it. We cannot afford to.

Over and above that, my other gripe is this: Supposing you have insurance and you have an accident: you may be guilty or not, but the insurance companies are not too prompt in filing these proofs of responsibility. I know of cases, even in the Secretary of State's office, where insurance companies have told us they have filed these things and they have been mislaid. In the meantime, if the insurance company does not file my proof of responsibility and say I have insurance, I am notified that if it is not filed within a period of time my licenses are revoked. I say to you that under the present set-up that the innocent man and the fellow who is safeguarding the welfare of the other person or persons is being penalized in exactly the same category as the fellow who has no record for anything or any responsibility.

Mr. Speaker, I hope the majority report "Ought to pass in New Draft" will prevail.

The SPEAKER: The question is on the motion of the gentleman from Millinocket, Mr. Ward, that the majority "Ought to pass in New Draft" report of the committee be accepted.

The chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I think we must realize that any law that safeguards the public does in some measure impose difficulties for others. In the matter of a license for operating a motor vehicle, it causes you inconvenience in making out the application, mailing it in or going down and paying for it. You members are competent to drive, but you submit to that because it enables us to prevent those who are too young or physically unable to drive from going out and operating.

Now I would like to comment briefly on this question of a parked vehicle and the fellow who is not

in any way at fault. I submit to you that the law says that if you can prove to the Secretary of State that you did not cause the accident you may be excused from filing. Now if you can establish the fact that your vehicle is parked, I am sure you and I will agree that the Secretary of State will excuse you from filing. I have known of many instances where this has been done, and it would be done again.

The chief objection to this measure, as I hear it, is that the individuals are objecting to the principle of having to file. Now it seems to me that we should be willing to have that inconvenience of filing if it helps to keep a substantially larger number of vehicles insured and thus enable a person who is injured or who has had property damage to collect, and thus reimburse him at least in part for the injury or damage he has suffered. I do not see why we should consider this a penalty; it is merely an attempt to safeguard the interests of the public at large. I sincerely believe you ought not to make this change in the law.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker, as has been pointed out, in 1941 the Legislature considered the possibility of compulsory insurance, and at that time felt that because of the increased cost of the premium that that policy was not a good one, and they enacted the financial responsibility law. I did not happen to be a member of that Legislature. My conception of that law was—and I believe it was the conception of a good many people of this State—that the financial responsibility law was enacted to reach those people who were not insuring their automobiles, and that the person who had been insuring his car for fifteen or twenty years was not affected by the act.

Now the gentleman from Auburn, Mr. Williams, has stated that if you are involved in an automobile accident and this accident is not your fault, that you are not obliged to furnish financial responsibility. However, if you are involved in an accident where the apparent damage is fifty dollars or more, or where there is a personal injury, regardless of how slight, there must be an accident report filed with the State Police, and the Secretary of State,

at the end of ten days from the filing of that report, unless you file evidence of financial responsibility, is compelled to revoke your right to operate and the registration of your automobile. After he has done that, if you happen to live in Augusta or Fort Kent or wherever you do live, you have a right to petition to establish the fact you were not at fault. You are obliged to have a hearing and establish that. Meanwhile, you either furnish financial responsibility or you do not operate your automobile, even if it was insured at the time of the accident.

I certainly hope the majority report of the committee is accepted.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, when your car has been involved in an accident the office of the Secretary of State sends you a notice on a piece of yellow paper, not signed, which says you have been involved in an accident and if within ten days you do not furnish financial responsibility your license to operate and registration will be revoked. Then of course you have to go there later if you want a hearing. But what I object to, Mr. Speaker and Members of this House, is to be classed as a quasi-criminal when I have complied with all the law made it possible for me to do. I think any other member of this House would feel the same way in the situation; that when they have furnished insurance, complied with the law, and done everything they possibly could, that they should not be forever compelled, so long as they stay on this earth, to furnish proof of financial responsibility. I think it is a grave injustice, and I hope the motion for the acceptance of the majority report will prevail, and, when the vote is taken, I would ask for a division.

The SPEAKER: The question is on the motion of the gentleman from Millinocket, Mr. Ward, that the majority "Ought to pass in New Draft" report of the committee be accepted. The gentleman from Boothbay Harbor, Mr. Perkins, has asked for a division.

All those in favor of the motion will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and twenty-four having voted in the affirmative and three in the negative, the motion prevailed and the majority "Ought

to pass in New Draft" report was accepted.

Thereupon, under suspension of the rules, the bill, having already been printed, 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 Taxation on Bill "An Act relating to Tax of Intangibles by Authority of Article XXXVI of the Constitution of Maine" (H. P. 550) (L. D. 218) tabled on March 30th by Mr. Rollins of Greenville, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker, later I intend to make a motion to substitute the bill for the report of the committee.

Mr. Speaker and Members of the House: It is evident from the record that no system of taxation which contemplates an equal rate on all classes of property, real and personal as well as intangible, has proven satisfactory. It might have been practical when our Constitution was framed because at that time practically all property was visible and tangible. The idea that personal, intangible property could and would bear the same rate as tangible personal and real estate was not a vital concern because the amount of intangible property at that time was negligible; but today the situation is exactly the reverse. The intangible property of this State amounts to many hundreds of millions of dollars, yet only about four millions of such property is taxed in this State.

Lets look at the record: Six states still cling to the General Property Tax law: Arkansas, Maine, Missouri, New Jersey, New Mexico and Texas. Twenty states tax on capital value; nine states tax intangible income, and thirteen states have substantial exceptions.

It was very apparent that the 76th Maine Legislature of 1913 recognized the need of legislation to correct the then existing inequalities in taxations of intangible property under the General Property Tax Law, when they proposed the constitutional amendment which was approved by the people September 8, 1913, and which became a part of the Constitution of Maine, Article XXXVI.

"All taxes upon real and personal estate, assessed by the authority of this state, shall be apportioned and assessed equally, according to the just value thereof; but the legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property."

This no legislature has done, in the period of over thirty years, and therefore all intangible property in this State is taxable under the original Constitution as written,—under the General Property Tax Law.

Section 8: "All taxes upon real and personal estate, assessed by authority of this state, shall be apportioned and assessed equally, according to the just value thereof."

As amended by Section 9: "The Legislature shall never, in any manner, suspend or surrender the power of taxation. **Adopted March 17, 1855.**

Are we no longer a constitutional government? Does this Legislature want to continue to shun its responsibilities—under Section 9 of the Constitution of Maine—surrender its powers to the municipalities? I claim, Mr. Speaker and Members of this House, that where municipalities tax intangibles as now at rates varying from 10% to 25% of capital value—as well as those municipalities which make no levy on intangibles, are in each instance making an illegal assessment in accordance with the Constitution of Maine, Section 8, and that those who do assess at the above varying rates are usurping the powers of the Legislature illegally under Section 9.

Therefore, this is the reason for the introduction of this bill, L. D. 218—to correct this long-standing flouting of the Constitution of Maine, that Constitution that your sons are today dying to defend. Therefore, I at this time appeal to you ladies and gentlemen to seriously consider the facts before you and endeavor to accept your responsibility—clarify the tax on intangibles—that the Assessors of the municipalities of Maine can uphold their oath of office—something they are not doing today—uphold the Constitution of Maine.

Briefly as possible I will give you an example of conditions as they exist under the present law. Quot-

ing from a Tax Authority whom you all know:

Exhibit A, as presented by David H. Stevens, State Tax Assessor at Annual Convention of Maine Municipal Association November 16-17, 1944:

"The present method of attempting to tax intangible property at the same rate at which general property is being taxed is apparently unworkable and unsatisfactory. Consideration should be given to taxing intangible property on some other basis such as a lower rate assessed against the capital or a flat annual rate assessed against the income. A third method is the possibility of granting substantial exemptions to the point where practically all intangible property would not be taxed. This would not be desirable."

A flat rate against the income is what this bill attempts to do. I will now present Exhibit B.

Exhibit B, as contained in letter dated February 21, 1945, to myself from Oscar I. Emerson, who served this State 10 years as Tax Engineer:

"I believe the present law as it reads is absolutely unworkable and should either be revised or stricken off the records. Based on ten years' experience in trying to find a fair, equitable way, under the present law, to assess intangibles, I am frank to admit that it is an utter failure. The present law would, if enforced at the present local tax rates, be confiscatory of all of the income derived from them. The present practice of a few communities to assess intangibles at 10% and 20% of their value is in my opinion discriminatory for it not only sets up a different ratio for intangibles than other property but it is based on guessing who may have intangibles and dooming them and leaving the balance unassessed. The Probate Court is the principal source of finding intangibles which is in effect taxing only the widows and orphans. . . .

"It is my opinion that under the present law, as much personal property escapes taxation in Maine as is assessed as real estate. You may quote me if you wish to.

(Signed) OSCAR I. EMERSON."

At this point I would present Exhibit C, and I also would like to read into the record the last paragraph of a pamphlet received by

me this week from the Maine Municipal Association:

Exhibit C: "A new item of revenue which the state has received in recent years has been the liquor tax, which amounts in excess of \$6,000,000 a year. The municipality shares in no part of this fund directly; yet, when the liquor tax first came into being, there was lengthy discussion as to its being used to replace the state deficit, commonly called the state tax, which remains today as it has in the past—one of the largest of any state in the union. The tax burden on real estate in Maine today is probably the highest of any state in the union, and statistics show that this is true on farm lands. How long can real estate in Maine continue to carry the burden it is carrying today?"

(Signed)

Maine Municipal Association
 BERNAL B. ALLEN, Pres.
 Town Manager, New Portland
 and Skowhegan
 ROBERT W. PALMER,
 Vice President
 Town Manager, Fort Fairfield
 Directors
 JOHN L. BALCH,
 Selectman, Kennebunk
 CHARLES A. HAYNES,
 City Mgr., Ellsworth
 LEVITE E. ROSSIGNOL,
 Selectman, Madawaska

I present these opinions of these known Tax authorities and of the Executives of your Maine Municipal Association to support my point, that an equitable, just tax on intangible personal property, as outlined in the present bill, will not only clarify the tax laws that the Assessors of the several municipalities of Maine may uphold their oath of office—uphold and defend the Constitution of Maine—and at the same time grant that most necessary relief to real estate, homes and farms which today are carrying a greater load than any state in the United States.

At this point let's look at the bill. I would call to your attention Exhibit D—Section 158-X—Distribution:

"The receipts of such taxes shall be distributed by the Treasurer of State on December 31st of that year to the cities and towns where the owner of the taxable income resides, and, where the owner resides in an unorganized place, to the Treasurer of the county in which

such place is situated. Provided, however, that any interest and penalties collected thereon shall be credited to the general fund of the State."

I call this to your attention to prove that this bill would directly relieve the burden on real estate in your local communities where it is most needed. At the same time, let me warn you all, that should this Legislature fail to enact some such legislation to place an equitable tax on intangible property, the next Legislature will, not for the relief of real estate, but for a revenue measure to fill that never satisfied stomach known as increased State expenditures.

While we have the bill open before us, let's look at Section 158-O.

Exhibit E: "Returns. Returns of taxable income shall be made to the state tax assessor in such form as he may prescribe on or before March 15th in every year, but the state tax assessor may extend such time for good cause. Selectmen and assessors are hereby authorized to administer the oath required on such returns.

If there is any question in your minds about intangible property now being taxable, I would refer you to 120 Maine 21, Decisions of our Supreme Court:

"In Maine taxes upon intangible property must be apportioned and assessed equally according to the just value thereof."

Also I would present Exhibit F—Maine Assessor's Manual, published by the Maine Municipal Association and used as a guide by Assessors upon recommendation of the State Tax Assessor—Page 16,

Intangibles: There is no class of property that so generally escapes the assessors, even though such property unless expressly exempt is taxable, and at general property tax rates, and even though it is just as much the duty of the assessors to find and assess such property as any other class. An earnest effort should be made to get this class of property on the assessors' records. It is conceivable that with a proper assessment of the intangible personal property the present tax load on real estate may be considerably decreased."

The greatest failure of the present law is that people just will not disclose to their local assessors the amount of their holdings and, there-

fore, those cities and towns which do assess, pray upon widows and orphans—via the Probate Court route—as recommended in this same manual, as a means of discovery of intangible property.

Exhibit E (Section 158) as explained, takes care of that difficulty simply, easily, and with no local embarrassment to those who put up a big show on a shoe string. Any man who would be required to make such return to the State Tax Assessor would have to make a return to the Federal government, and on Line 3 of his Federal return he has already computed "Total Amount of Dividends and Interest." Subtract from this the exemption \$400.00 as allowed in second paragraph of Part III of Section 158-D and there is your unit which, multiplied by .030 mills, would compute your tax due on intangibles. To illustrate further how unfair the present law is administered, I would quote from a letter from the Assessors of Bangor, Maine.

Exhibit G:
"CITY OF BANGOR, MAINE
BOARD OF ASSESSORS

Feb. 12, 1945

Mr. Harry I. Rollins,
26 Sewall St.,
Augusta, Maine.

Dear Mr. Rollins:

"I have delayed answering your letter of the 3rd wherein you enclosed a copy of Legislative Document No. 218. I have read the bill over several times and think it has merit. *****

"For your information, we assess money and securities in this city for approximately \$750,000 and we do not tax any that are tax exempt or non-income producing. We get a lot of our information from the Probate Court of Penobscot County.

Yours very truly,

BOARD OF ASSESSORS
by William J. Largay"

\$750,000 in the city of Bangor—the home of the heirs of many of the Timber Barons, where, according to the evidence produced before the Forestry Committee last week—two hundred million dollars have been lost to education in timber rights on school lands alone on less than 1-23rd of our forest lands. Do you think Bangor taxes all of its intangibles?

Further, I would call to your attention the case of Turner, Maine versus State of Maine. One George

M. Briggs, late of Turner, Maine, left his estate, consisting of

Real Estate	\$ 3,250.00
Personal Estate	204,960.52
	<hr/>
	\$208,210.52

to the State of Maine to be used for educational purposes, but the assessors of Turner, through the device of the Probate Court, in assessing widows and orphans, demanded the tax rightfully due their town according to Section 29, Chapter 81 of the Revised Statutes, which if none of said estate was exempt, personal property would have amounted to more than \$10,000 per year for the 5-year period—more than \$50,000 from an estate of \$208,210.52 legally assessed according to the present laws of our State. Your former Attorney General made a compromise settlement with the town of Turner for \$15,000. This is a fair example of the extra unfair burden the real estate of this town of Turner has been paying all these years on one individual. What town in Maine hasn't several such citizens? As a fair comparison, let us take this case and apply this bill as if enacted into law—estimated earning of 4 per cent (probably too large at present) \$8,328.40

Deductible Exemption	400.00
Taxable Income	7,928.40
At rate of this bill	.030
	<hr/>
Tax	\$227.85200 (227.85)

Utilizing process under Section 29, Chapter 81, to reassess omitted assessments for 5 years, the town of Turner legally could have assessed a tax of \$1,139.25 for the five year period.

I ask you, is this bill fair and just taxation?

At this rate the individual in Turner would have had to live over 200 years to have paid \$50,000 in taxes, under the provision of this bill.

Ladies and Gentlemen of the 92nd Legislature: I have tried in the feeble way of the woodsman of the north to show you the necessity at this time, according to the opinion of the most competent tax authorities of our State, to enact legislation to correct the abuses and unfairness of present taxation in our State. Are we to make it possible for the assessors of Maine to conform to their oath of office? I be-

lieve L. D. 218 would accomplish that purpose.

Mr. Speaker, I now move the substitution of the bill for the report of the committee, and, when the vote is taken, I would request a division.

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

Mr. JORDAN: Mr. Speaker and Members of the Legislature: I rise as a member of the Taxation Committee of the Legislature to explain their position and why they turned out a unanimous "Ought not to pass" report.

First of all, I wish to say that I have the greatest respect for the gentleman from Greenville, Mr. Rollins, my good friend, and I agree one hundred per cent with what a man of some account around here told me when he said that the 92nd Legislature was very fortunate in having a man of the type of Harry Rollins here because he came down here and put his fingers on sore spots and kept us on our toes. I certainly agree one hundred per cent with that.

The committee admits, of course that the intangible tax is a sore spot. Accordingly, they unanimously suggested to the Tax Commissioner, David Stevens, that he study this bill and the two bills that will come off the table tomorrow, to the end of introducing an intangible tax bill at the next session which would be satisfactory to him.

Now there was opposition at the hearing on the ground that this tax was an income tax and that the State of Maine had stayed away from the income tax and did not want to start it. The committee felt that the proponents of an income tax might be against this measure to some extent because, if they do need money, the income tax is a possible source of quite a good deal of income; and, as Mr. Rollins has told you, this is not meant to be a money-raising matter, and therefore, you waste an income tax on a limited object.

But the real problem, the committee felt, was in the administration of this act. When you consider that the towns of this State all use and interpret the intangible act at the present time in a different manner, you can imagine the difficulty in changing over during the period of transition.

The gentleman from Greenville, Mr. Rollins, has mentioned the

fact that Mr. David Stevens, your Tax Assessor, is interested in an intangible tax, and that is absolutely so. He has been working one year on the project, and he told us that he had not all the answers yet, and that he needed more time to straighten it out. We felt that consideration should be given him; we felt that our suggestion of his keeping on in the efforts that he is already making might, in a couple of years, bring results.

Finally, it was felt that within two or four years it will be necessary for the tax system of the State to be overhauled as the State will need more money. It was also felt that these bills on intangibles needed more study and that we could very well struggle along for this short period under the law as it exists. I think the committee agrees with me that the next two years will find progress made in ironing out the difficulties in this law and in changing from one system to another; and I believe if Mr. Rollins comes back here in a couple of years that he can sponsor a bill that would meet with the approval of the Tax Commissioner and the Tax Commissioner would be able to administer it.

I think this Legislature should thank Mr. Rollins for bringing this subject up today for discussion, but I hope his motion to substitute the bill for the report of the committee will not prevail.

The SPEAKER: The question is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the committee, and the gentleman has asked for a division.

All those in favor of the motion will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Thirty-two having voted in the affirmative and sixty in the negative, the motion did not prevail.

Thereupon the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fourth 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 Relating to the Recorder of the Bath Municipal

Court" (H. P. 642) (L. D. 295) tabled on April 2nd by the gentleman from Bath, Mr. Legard; and the Chair recognizes that gentleman.

Mr. LEGARD: Mr. Speaker, I move that the minority report, "Ought to pass", prevail.

Mr. Speaker and Members of the House: I regret at this time to have to take your valuable time on a matter which I consider is largely a local matter.

By way of explanation, I would like to call your attention to the fact that our Bath Municipal Court up to 1937 operated in our city, the salary of the judge and the recorder being paid by the city. At that time it was thought advisable by the citizens of the city, inasmuch as the Bath Municipal Court served the towns of Arrowsic, Georgetown, Phippsburg, West Bath, Woolwich and adjoining towns, if the county paid the salary of the judge and recorder rather than the city, as we were serving a portion of our county. With that idea in view, a bill was drawn up and introduced into this Legislature in 1937. That bill states that the judge and recorder shall be appointed by the Governor by and with the consent of the Council for a period of four years. Undoubtedly, this document having been drawn up by the legal profession, in their wisdom they felt it might be advisable to include as a recorder a member of the bar. In 1941 it became necessary for our Governor to again appoint a recorder in our court. The original draft called for a salary for the judge of \$1450 and for the recorder a salary of \$500.

When our Governor and Council, in conjunction with the County Commissioners, looked around to find who was available, there were no attorneys in our local towns available who would accept it except one gentleman, and he would accept it only on the assurance that he would receive \$1000, a doubling of the previous salary.

Now all we seek to do in this bill is to strike out the words that the recorder must be a member of the bar. In other words, it is simply making it an enabling act rather than a controversial act, so as to enable our Governor, with the advice and consent of the Council, if it is deemed advisable and the conditions warrant it, to appoint a layman.

Now, as I understand it, a large per cent of the courts throughout the State—and many of you know more about it than I do—are operating at the present time with a layman as a recorder, and it certainly must be satisfactory or they would be down here with the demand that we specify a member of the bar.

It seems hardly fair to the citizens of Bath that we must be penalized, that we must employ a lawyer whether that lawyer may or may not be able to serve us as well as a layman, while many of your other courts, equally as prominent, are allowed to operate with a layman. All we ask of you is to simply give us the same principle that you yourselves are operating under. And, Mr. Speaker, again I move you that the minority report be accepted, and, when the vote is taken, I ask for a division.

The SPEAKER: The question is on the motion of the gentleman from Bath, Mr. Legard, that the House accept the minority "Ought to pass" report.

The Chair recognizes the gentleman from Brunswick, Mr. Brown.

Mr. BROWN: Mr. Speaker, the Town of Brunswick is a very close neighbor of the City of Bath, and naturally we are more or less interested in each other. I say that Brunswick is particularly interested in Bath because we have a lot of people employed in Bath and we get the money over in Brunswick when they spend it. So, if I can put in a good word for the City of Bath, I would like to do it.

In this case here, I feel it is purely a local matter so far as the request that the gentleman from Bath, Mr. Legard, has put in. I do not think it will have any effect outside of their own locality, and I think in common decency we should accept his request, and I also suggest that the minority report be accepted.

The SPEAKER: The question is on the motion of the gentleman from Bath, Mr. Legard, that the House accept the minority "Ought to pass" report of the committee, and the gentleman has asked for a division.

All those in favor of the motion of the gentleman 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. Ninety-six having voted in the affirmative and none in the negative, the motion prevailed and the minority "Ought to pass" report of the committee was accepted, and the bill, having already been printed, was given its two several readings and tomorrow assigned for third reading.

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, Bill "An Act Relating to Payment of Salaries and Wages of State Officers and Employees" (H. P. 1188) (L. D. 749) which in the House was read the third time and tabled on April 2nd by the gentleman from Thomaston, Mr. Bell, pending the motion of Mr. Ela of Anson that the bill be indefinitely postponed; and the Chair recognizes the gentleman from Thomaston, Mr. Bell.

Mr. BELL: Mr. Speaker and Members of the House: This bill came out of committee with a unanimous "Ought to pass" report. This is an act relating to the payment of salaries and wages of State officers and employees who now receive their pay every two weeks. A survey has been made of the employees of the State, and they have asked to be paid at least once a week. I hope that the motion of the gentleman from Anson, Mr. Ela, will not prevail.

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

Mr. ELA: Mr. Speaker, I too like to be sympathetic, but I like to be sympathetic where it will do some good.

The law as it is now provides for payment every two weeks, and it has been that way as far back as we can remember. If this bill is indefinitely postponed, no new hardship will be imposed. All the members in the state service came into the state service under the present method of payment.

The cost is considerable. It will cost in the first year of the biennium between ten and eleven thousand dollars to pay weekly instead of bi-weekly. In the second year of the biennium and forever thereafter it will cost at least eighty-three hundred dollars. Now if we are going to spend that amount of money I would like to spend it where it will do more good than it

will here. This will not add a single nickel to anybody's pay check, not a nickel.

Now it is no secret that we are having financial troubles at this session in trying to balance our budget. If only those bills pass at this session which seem sure now of obtaining initial passage, and if only those needs of the various departments are met which seem particularly desirable and urgent, we will still be, as of the present moment, several hundred thousand dollars in the red. We have got to find some way somewhere to save a little money where it will not hurt. I think this is one spot where it won't hurt too much.

Now I think a great many of you have at various times or do now employ people. I have employed people at various times, and I have paid them about any way they wanted to be paid: I have paid some of them once a month; I have paid some of them every two weeks; and I have paid some of them every week. I have had to pay some of them every day. I have had to advance money to some of them. And I have noticed that the employees who seem to be the most efficient and who did their jobs the best seemed to call for their money the least often.

I do not think the quickening-up of the payment will improve the service of the employee; in fact, I even think that a bi-weekly payment might foster prudent management and careful consideration of their financial affairs. I do not know but there is even a little merit in asking them to regulate their lives with a little degree of prudence. At least we can save \$18,000 between now and the next session. Therefore, Mr. Speaker, I hope the motion to indefinitely postpone will prevail.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: As a member of the Judiciary Committee that heard this matter presented and reported it favorably, I want to comment very briefly.

Our State employees are paid every two weeks. We require our industrial establishments to pay their employees weekly—that is a matter of State law. It seemed to us only justice to treat our own

State employees as fairly as we require the industrial operator to treat his.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: Also as a member of the Judiciary Committee, I wish to state my position.

The matter was very carefully considered by the committee, and we found there is a great deal of hardship occasioned by the fact that some of the employees are able to get their pay only once in two weeks. It is all right for us to talk about being prudent and all that, but if you are getting eighteen or nineteen or twenty dollars a week and are paid once in two weeks, it is very, very difficult to stretch it over two weeks; and a great many of the little girls employed here are in that situation. I hope that the motion of the gentleman from Anson, Mr. Ela, does not prevail.

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

Mr. DOWNS: Mr. Speaker, I assure you I will not tire you for a great while. The thought has occurred to me: Of what use are committees in the Legislature if we pay no heed to their reports? A legislative committee has the opportunity of hearing both sides of a proposition, which the members of the Legislature many times cannot trouble themselves to do. Naturally we follow the report of their findings, and it is well that we do, because they have had the opportunity of hearing both sides.

Now I appreciate this move in the spirit of economy. I know that my good friend, the gentleman from Anson, Mr. Ela, a member of the Committee on Appropriations, is striving to do a good job in the committee where he sits; but I do not believe that it is our province to carry the spirit of economy until it becomes oppressive.

The gentleman from Boothbay Harbor, Mr. Perkins, has very aptly said to you that this particular thing has reached a point where the little girl who is receiving only \$19 a week and only takes home \$16.40 has to wait a period of two weeks for her pay. I think it has arrived at a point which to her is oppressive.

In his argument, my esteemed friend, the gentleman from Anson, Mr. Ela, said to you that he employed labor and that he paid them whenever they wanted their pay. Industry says that their employees must be paid weekly. Up to 1941 the State of Maine paid its employees weekly, and at that time we went onto this basis. You must realize the fact that the buying power of the dollar today has been much decreased since 1941.

Now let us take, for illustration, a little girl having a take-home pay of \$16.40, which, if I am correctly informed, is what she has to take home from her \$19 salary after the deductions are made. Now we will assume that she does not live with her parents, because I assume there are many here who are not so fortunate as that. Consequently it would only be a fair thing to say that she had to pay five dollars a week for her room. She would not stay at the Augusta House, I assure you. (Laughter)

Now in connection with her room she has to have a little something to eat, the same as we all do down here, and drawing your own conclusions from what it costs you and I a day to eat, I think I would be only fair in saying to you that she must use up about eight dollars a week in eating. It is unfortunate but true, nevertheless. That makes thirteen dollars. Now she has to go to the dentist, perhaps, for something—unfortunately I had to last Monday. I am allowing that she gets out of that for one dollar or two perhaps. Well, you know stockings do wear out and she has to have a pair of stockings. I am not sufficiently informed as to just what the price of a pair of ladies' stockings would be, but I am submitting to you that it would probably be in the neighborhood of one dollar. Now before Easter she felt that of necessity she must have a new coat—and I know this House will all agree with me that once in a while they have to have a new coat the same as you and I do. Well, she could not pay for the coat when she bought it and she necessarily has to pay on the installment plan, and last week she had to pay two dollars on that coat. As I have got it figured out here, she must have quite a lot of money left—to wit, forty cents.

I do not know whether she smokes or not, but if she does she is entitled to smoke as much as I am

and must necessarily have money to buy a package of cigarettes. That makes quite a hole in that balance of forty cents she would have left.

I do not want to tire you with this argument, but it seems to me there are pertinent things to take into the picture.

I think it is perfectly fair to say it is debatable whether it would cost \$10,000 the first year and \$8,000 and some odd the second year. That statement has been made to us, and Mr. Ela has his opinion from a very good authority, I think. However, it has not been tried out so we do not know and that is problematical. But the fact remains that the girl, at the end of the week, with all her pay gone but perhaps twenty cents—if she doesn't smoke she might have forty cents—she is not in a very promising situation to face the coming week.

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

Mr. PEIRCE: Mr. Speaker and Members of the House: In explanation of my bill, I would first like to correct a couple of misstatements of fact. In the first place, the State always did pay its employees weekly until the year 1941, at which time the Legislature passed the law which is effective at the present time, permitting the treasurer to pay employees bi-weekly or monthly at their option.

The purpose of my bill, briefly, is this: to give the employees the right to say whether they want to be paid weekly or bi-weekly or monthly.

It would naturally be supposed that those in the lower salary bracket would prefer to be paid weekly. This bill does not necessarily require the State to pay everybody weekly. Therefore we feel that the additional cost estimate which has been made today is not too accurate, because we feel that it cannot be definitely ascertained as to just how many would prefer to be paid weekly. However, those who are in the lower salary brackets and do prefer the weekly pay should have the opportunity of receiving it.

Now at the present time we have 3058 State employees, and of this number 1585 receive a weekly pay of less than \$30. Whether we like it or not, we must realize that the State must compete with private enterprise and with the Federal government in getting competent employees, employees of high caliber.

The law requires private enterprise to pay employees weekly if they wish it.

One other matter. Those employees receiving a base pay of \$19 a week actually receive as take-home pay the large amount of \$15.40. There is a withholding tax and pension which totals \$3.60 a week out of a \$19 a week salary.

I have heard of numerous cases where State employees in the lower income brackets have had to meet unexpected expenses, and, to do this they had to borrow and repay the loan over a long period of time. Any of those who do have to borrow substantial amounts are not working at their highest efficiency. We believe the State can save the additional cost which this bill might bring about through improved efficiency of employees in the lower salary brackets. I believe that is an answer to my friend's statement that we should spend the money where it will do the most good.

Also, in former years, the State used to advance expense money. Today no expenses are paid by the State until an expense account has been submitted and approved. In other words, the employees who are required to travel must advance their own expense money, oftentimes at a considerable handicap and sacrifice to themselves. Weekly pay would help these people. Therefore I urge that you vote against the motion of the gentleman from Anson, Mr. Ela, to indefinitely postpone this matter.

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

Mr. RANKIN: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Anson, Mr. Ela. I believe I am the only one who has arisen for that purpose.

I find myself in disagreement with the gentleman from Rome, Mr. Downs, on two points. He appears to think that if a committee makes a report, especially if it is a unanimous one, that we are under some obligation to support it. I acknowledge no obligation on my own part. I think it is one of the fine processes of democracy that we are able occasionally to overturn the report of a committee. I do not agree with the gentleman when he says in effect it is not a hardship upon a young woman to have an income of \$15.40 a week but it is a

hardship for her to have to live on \$30.80 every two weeks. I quite agree with the gentleman from Anson, Mr. Ela, that we would in effect be doing the young person who has had little experience in life and has a small income a favor by payment twice a month. I think it would instill the habit of thrift: it would be an effort, and the very effort would be good.

I have had a little experience in such matters, and I think it is true that those who receive small salaries and are paid the most frequently are the most often hard up before the next pay day. Therefore, I am favor of the motion of the gentleman from Anson, Mr. Ela.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I take this opportunity to make an about-face. I heartily agree with the gentleman from Bridgton, Mr. Rankin, but I do not always agree with the committee report, as the third tabled and today assigned matter shows. However, in this case I wish to make an about-face and follow the report of the committee.

This action here reminds me of the negro preacher who found himself in an embarrassing situation with one of his parishioners, and, when taken to account, said, "Rastus, you are supposed to do what I say, not as I do."

This case here is a simple one. The State of Maine tells industry to pay once a week, but they do not believe in practicing what they preach.

I hope the motion of the gentleman from Anson, Mr. Ela, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. True.

Mr. TRUE: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Rangeley, Mr. True, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members

having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question is upon the motion of the gentleman from Anson, Mr. Ela, to indefinitely postpone this bill. All those in favor of the motion to indefinitely postpone 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.

Thirteen having voted in the affirmative and one hundred and four in the negative, the motion did not prevail.

Thereupon the bill was passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, "An Act to Accomplish Conformity to State School Building Standards" (S. P. 197) (L. D. 487) tabled on April 2nd by the gentleman from Brewer, Mr. Thompson, pending enactment; and the Chair recognizes that gentleman.

Mr. THOMPSON: Because of illness, I would like to retable this bill and assign it for tomorrow morning.

The SPEAKER: The gentleman from Brewer, Mr. Thompson, moves that this matter be retabled and especially assigned for tomorrow morning.

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

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

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

Mr. THOMPSON: Mr. Speaker, I move to indefinitely postpone this bill.

The SPEAKER: The gentleman from Brewer, Mr. Thompson, moves that the bill be indefinitely postponed.

The Chair recognizes the gentleman from Anson, Mr. Ela.

Mr. ELA: Mr. Speaker, I do not know as I am in order, but, if I understood the gentleman from Brewer, Mr. Thompson — and I do not think many of you did — he said he wished to postpone this until tomorrow because of illness.

The SPEAKER: Is that correct?

Mr. THOMPSON: Yes, Mr. Speaker.

Mr. ELA: Mr. Speaker, I do not think the rest of the House heard that; therefore I move that we reconsider our action.

The SPEAKER: The gentleman from Anson, Mr. Ela, moves that the House reconsider its action just taken whereby the motion to table did not prevail. Is this the pleasure of the House.

The motion prevailed.

Mr. ELA: Mr. Speaker, I now move to table the matter.

The SPEAKER: The gentleman from Anson, Mr. Ela, moves that this matter be tabled until tomorrow morning. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

The SPEAKER: The Chair now lays before the House the seventh tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Aeronautics on Bill "An Act Relating to Town Air Fields" (H. P. 915) (L. D. 607) tabled on April 3rd by the gentleman from Cumberland, Mr. Sweetser, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. SWEETSER: Mr. Speaker, I would like to make a motion that we do not accept the report of the committee "Ought not to pass."

The SPEAKER: Does the gentleman move to substitute the bill for the report?

Mr. SWEETSER: If that is the proper motion.

Mr. Speaker and Members of the House: It is a difficult time to sell a piece of goods that does not have anything to do with eating. I hope you will bear with me, and I will be as brief as possible.

I recognize the fact that we do, perhaps, for the most part, accept committee reports. In this particular instance very little was said at the hearing; very few members of the House aside from the committee were present at the hearing.

In checking with some of the members of the committee which reported this bill to you on Tuesday, I have discovered that there has been some misunderstanding and so I am anxious to discuss the favorable elements in this proposed legislation.

I know that you all believe that we are on the edge of a jumping-off place and I mean that literally. No one knows just what the future will bring us in aviation but most of us believe that the progress of flying will be much faster than the growth of the automobile industry which we have witnessed in our life time.

Our distinguished speaker, Mr. Pogue, just last week gave us a fleeting glimpse of what the future has in store for commercial flying and we gasp for breath. Manufacturers of flying machines tell us that there is every reason to count on a tremendous activity in domestic air transportation and an endless variety of planes to fit every demand. We can confidently expect the advent of a small plane, easily manipulated, low in cost and inexpensive to operate. Mr. Pogue's talk was headlined in the papers with the caption "Air Taxis" and while his presentation did not go beyond the commercial aspect of the industry, there is very little doubt that private individuals will own and operate small planes in great numbers and that too before many years.

This proposed legislation is intended to benefit the future. It is true that we may not need small inexpensive landing areas for air planes for a few years but we should be making plans now for the future and I will try to explain why this proposal is not too early to be practical.

It is the purpose of this bill to encourage small towns to set aside suitable areas for landing strips taking advantage of the fact that a hard surfaced road already built can serve as a nucleus for the construction.

It so happens that I have traveled the rural roads in most every town in the State, and frequently I have observed long, straight, level stretches of highways which could easily be developed into strips suitable for landing air planes except for pole lines, a few trees and perhaps fences.

With the advent of the small plane which is sure to come, these strips could be used for many practical purposes to benefit the rural population. The need for prompt action is brought to my mind by the fact that there is much evidence that more and more city people will want country homes. Today the

strips can be designated by towns with no expense involved. Tomorrow it is quite likely that many of these locations may be occupied by houses built for the increasing rural population and thus a perfectly good landing strip may be eliminated by the presence of too great an obstacle to attempt to set it aside for aviation.

The parties who will first benefit from these frequent and easily accessible flying fields will be the people who want to live in the country and work in the city. These people will doubtless include some who will want daily to use the long distance commercial flights and they will just hop from home to the big air field in some city too far from their residence to travel daily by auto or bus.

Here in Maine the summer resorts, the sporting camps and the sea and lake residential sections should benefit definitely by the small plane taxi service which could be put into operation if these landing strips were available. Why not have more regular commercial air fields? The answer is simple. The cost is too great. With the highway landing strips, both the farmer and the commercial fisherman can take advantage of quick delivery of highly perishable products and realize a real premium in price as well as in demand. This is not a dream; it is a practical, sound proposition for many of our rural towns.

The committee raise the objection that gasoline tax money cannot be used for this purpose. I bring this to you because you have a report from your committee and this thought was brought into the executive session. The bill does not intend that state aid construction will be used in any other way than practiced. It is only intended that road areas already constructed will be used as a portion of the landing strip. The proposal is to grade the entire remaining area of the highway with town funds. The middle of the road, having already been constructed, will serve as the center of the runway and remain hard surfaced. The remainder of the four rod strip could be graded to a minimum grade which would take care of the water run off and properly stabilized. I use this word "stabilized" on the advice of the State Highway engineers with whom I have discussed this subject, and

I feel that they see no objection to such construction bordering the road construction now prescribed and in use.

The problem of trees and poles along the side of the road is taken care of by the paragraph on eminent domain. The parties interested in the pole lines raised an objection at the hearing, and I propose to offer an amendment, which is on your desks, to eliminate this objection. In fact it is the proposal of one of the utilities presented to me by their representative. It is Filing No. 151.

The natural question which has been raised most frequently is: "How can it be possible to land a plane on a road where automobile traffic is already using that area?" My answer is that when one of these strips first comes into use, it probably will be used by just one person as a regular schedule. The time of his departure and arrival will be known, and arrangements could be made for a signal man to stop the auto traffic for a few minutes. As the use of the strip increases, a regular system of signals would be put to use, perhaps the same as is now in use where there is a draw bridge.

Naturally, the operation of these strips will have to be under the direction of whatever State authority may exist when such a landing area is ready for use. These strips will simply be feeders for the commercial air lines.

The immediate action recommended for towns is to designate the road where construction is contemplated, and when the time comes the building job itself will become a post-war project for additional jobs.

It is my hope that you will recognize that this proposal will not affect the budget, that it is not compulsory, and that it does make it possible for a progressive town to set up a plan which, with minimum expense, will keep them in touch with the high speed world in which we are going to live in the very near future. I hope that this House does not accept the report of the committee and that you will vote in favor of the motion to substitute the bill for the report.

Mr. WARD of Millinocket: Mr. Speaker, I move we adjourn.

The **SPEAKER**: The Chair, and, I know the members of the House are always glad to see school children in attendance watching the wheels of democracy grind, and we are very glad this morning to have in the gallery the members of a class from Representative Marsans' Monmouth Academy.

I have a telegram I would like to read on the record:

"May I express to you, and through you, to the members of the 92nd Legislature, my deep appreciation for the beautiful flowers just received bearing the card from the members of the House of Representatives. I am mending fast and look forward with keen anticipation to again being at my desk in your

honorable House during the coming week.

Very cordially yours,
George H. Meloon."

I also wish to bring to the attention of the members of the House that by the Chair's count we have at least nineteen matters, including six that we are carrying over from today, on tomorrow's calendar, and the Chair hopes that the House will dispose of those matters. As Cicero said, "If I had more time I would write a shorter letter."

On motion by Mr. Ward of Millinocket,

Adjourned until ten o'clock tomorrow morning.