

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Third Legislature*

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Wednesday, April 23, 1947

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

Prayer by the Rev. William T. Bennett of Norway.

Journal of yesterday read and approved.

### Papers from the Senate Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Inland Fisheries and Game on Resolve Providing for a Fish Screen at Outlet of Kewayden Lake in the town of Stoneham in the county of Oxford (S. P. 311) (L. D. 784) reporting same in a new draft (S. P. 524) (L. D. 1424) under same title and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence, the Resolve read once, and tomorrow assigned.

Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Limit the Indebtedness on Municipalities by Public or Quasi-Municipal Corporations to Twenty Per Cent of the State Valuation" (S. P. 468) (L. D. 1308) reporting same in a new draft (S. P. 527) (L. D. 1436) under title of "Resolve Proposing an Amendment to the Constitution to Limit the Indebtedness on Municipalities by Public or Quasi-Municipal Corporations to Fifteen Per Cent of the Last Regular Valuation of a City or Town" and that it "Ought to pass"

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

In the House:

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

Mr. MILLS: Mr. Speaker, I wish to file, at this time, a verbal report. From the appearance of this report, the committee was unanimous in reporting "Ought to pass", which is not quite the case.

At a session of the Judiciary Committee, I asked that an amendment be put on the resolve, and that it be reported out "Ought to pass" as

amended by Committee Amendment "A". At a subsequent session of the committee, at which I was unable to be present, it was reported out in this fashion, and I knew nothing about it until I saw it in print. So I wish to file at this time a verbal report of "Ought not to pass" unless amended by House Amendment "A". House Amendment "A" will come along at a later time.

I have no further comment to make at this time except that I don't want you to think, later on, when I speak against this bill in its present form, that I am trying to scuttle a report of my own committee, a report in which I did not participate.

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

Mr. PERKINS: Mr. Speaker, I move this report and accompanying papers lie on the table and be specially assigned for tomorrow.

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Perkins, moves that this matter be laid on the table pending acceptance of the committee and be specially assigned for Thursday, April 24th. Is this the pleasure of the House?

Mr. THOMPSON of Brewer: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. THOMPSON: Mr. Speaker, I would like to have this matter tabled until Tuesday, April 29th, instead of tomorrow.

The SPEAKER: Does the gentleman move that the matter be tabled and assigned for April 29th?

Mr. THOMPSON: Yes, Mr. Speaker, the 29th of April.

Thereupon, the motion prevailed, and the matter was tabled pending acceptance of the committee report and specially assigned for Tuesday, April 29th.

The SPEAKER: The Chair at this time notes in the balcony the presence of the Eighth Grade of Windham High School Class, with Mrs. Simmons and Mrs. Hodgkins, Teachers, and on behalf of the members of this House, the Chair bids you welcome here this morning.

### Senate Reports of Committees (Cont'd)

Report of the Committee on Maine Publicity on Resolve Designating a Section of Route Number One as a Blue Star Drive (S. P.

261) (L. D. 723) reporting same in a new draft (S. P. 521) (L. D. 1422) under title of "Resolve Designating U. S. Route No. 1 in Maine as a Blue Star Memorial Highway" and that it "Ought to pass"

Report of the Committee on Sea and Shore Fisheries on Bill "An Act to Revise the Sea and Shore Fisheries Laws" (S. P. 430) (L. D. 1218) reporting same in a new draft (S. P. 525) (L. D. 1218) under same title and that it "Ought to pass."

Came from the Senate with the Reports read and accepted and the Bill and Resolve passed to be engrossed.

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

### Divided Report

Majority Report of the Committee on Public Health on Bill "An Act relating to the Advisory Council for the Hospital Survey Act" (S. P. 449) (L. D. 1253) reporting "Ought to pass" as amended by Committee Amendment "A" and Committee Amendment "B" submitted therewith.

Report was signed by the following members:

Mr. Leavitt of Cumberland  
—of the Senate.  
Miss Longstaff of Crystal  
Messrs. Webber of Bangor  
Violette of Van Buren  
Mrs. Hatch of Minot  
Messrs. Clements of Belfast  
Stearns of Hiram  
McClure of Bath

—of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Miss Clough of Penobscot  
Mr. Ela of Somerset

—of the Senate.

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

In the House, on motion by Miss Longstaff of Crystal, the Majority Report was accepted, and the Bill was given its two several readings.

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

Committee Amendment "A" to S. P. 449, L. D. 1253, Bill "An Act Relating to the Advisory Council for the Hospital Survey Act."

Amend said Bill by striking out the figures "7,500" where they appear in the 3rd and 4th lines of section 2 thereof, and inserting in place thereof the figures "3,500"

Committee Amendment "A" was thereupon adopted.

The Clerk then read Committee Amendment "B" as follows:

Committee Amendment "B" to S. P. 449, L. D. 1253, Bill "An Act Relating to the Advisory Council for the Hospital Survey Act."

Amend said Bill by inserting in the 6th line of that part designated "Sec. 25-C", after the underlined word "ex-officio", the following underlined words: 'and shall include at least 1 member of the Maine medical association and at least 1 osteopathic physician'

Committee Amendment "B" was then adopted, and the Bill was assigned for third reading tomorrow morning.

### Senate Report—Recommitted

From the Senate: Report of the Committee on Ways and Bridges on Bill "An Act to Provide for Issuance of State Highway Bonds" (S. P. 227) (L. D. 566) reporting same in a new draft (S. P. 467) (L. D. 1309) under title of "An Act to Provide for Issuance of State Highway Bonds" and that it "Ought to pass"

Came from the Senate recommitted to the Committee on Ways and Bridges.

In the House, the Report, with accompanying papers was recommitted to the Committee on Ways and Bridges in concurrence.

### Tabled and Assigned

From the Senate: Report of the Committee on Temperance on Bill "An Act Preventing Drinking in Public Places" (S. P. 307) (L. D. 786) reporting same in a new draft (S. P. 505) (L. D. 1391) under same title and that it "Ought to pass"

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

(In the House, on motion by Mr. Bell of Thomaston, the report, with accompanying papers, was tabled pending acceptance of Committee

Report, and specially assigned for Tuesday, April 29th.)

#### Non-Concurrent Matter Tabled and Assigned

From the Senate: Bill "An Act relating to Fees of Sheriffs and Their Deputies" (H. P. 1207) (L. D. 853) which was passed to be engrossed in the House on April 18th.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A".

(In the House, on motion by Mr. Brown of Baileyville, the Bill, with accompanying papers, was tabled pending consideration, and specially assigned for Thursday, April 24th.)

#### Non-Concurrent Matter Tabled and Assigned

From the Senate: Bill "An Act relating to Tuition for Pupils from Towns Not Maintaining a Standard Secondary School" (H. P. 1651) (L. D. 1349) which was passed to be engrossed in the House on April 11th as amended by House Amendment "A" in non-concurrence.

Came from the Senate with that body voting to adhere to its former action whereby the Bill was passed to be engrossed without amendment.

In the House, on motion by the gentleman from Monmouth, Mr. Marsans, the Bill with accompanying papers, was tabled pending consideration, and specially assigned for Tuesday, April 29th.

#### Orders

Mr. Brewer of Presque Isle, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that "An Act Giving Commissioner of Agriculture Authority to Establish Quarantines" H. P. 1365, L. D. 987, be recalled to the House from the Governor.

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

Mr. BREWER: Mr. Speaker and Members of the House: At this time I would like to give an explanation as to why I have put in this order to recall this particular bill.

Yesterday afternoon I was called into the Governor's office, and he informed me that the Attorney General's office had informed him that as the bill was drawn, it did not answer the purpose and was a poorly drawn bill. And for that rea-

son, I am asking this morning that it be recalled, so that it may be amended and so we can do the things we want to do.

Thereupon, the Order received passage, and on motion by Mr. Brewer, the order was sent forthwith to the Senate.

Mr. Anderson of Sweden presented the following order and moved its passage:

ORDERED, the Senate concurring, that the copies of the Revised Statutes and the Laws of 1945 used by the members of the Committee on Legal Affairs, be presented to them. H. P. 1719.

The order received passage and was sent up for concurrence.

Mr. Marsans of Monmouth, was granted unanimous consent to address the House.

Mr. MARSANS: Mr. Speaker, we were all greatly pleased yesterday to hear of the new arrival in the household of the gentleman from Nobleboro, Mr. Palmer.

This news, apparently, was taken as a direct challenge by a member of the House Staff. Our popular young doorkeeper, Mr. James Carey, Junior, has just been presented with an eight and one-half pound item of personal deduction. (Laughter).

I move you, Sir, that the Clerk of the House be instructed to send flowers to Mrs. James Carey, Junior, in honor of the occasion. (Applause).

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

#### House Reports of Committees Tabled and Assigned

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Resolve Permitting Fly Fishing in Certain Waters of Franklin County (H. P. 1171) (L. D. 847)

Report was signed by the following members:

Messrs. Spear of Cumberland  
Davis of York  
MacKinnon of Oxford  
—of the Senate.  
Jordan of So. Portland

Hayward of Machias  
Byron of Hollis  
—of the House.

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

Report was signed by the following members:

Messrs. Carville of Eustis  
Smart of Ellsworth  
Judkins of Woodstock  
Wight of Bangor  
—of the House.

(On motion by Mr. Carville of Eustis, the two Reports, with accompanying papers, were tabled pending acceptance of either report, and specially assigned for Friday, April 25th)

#### Ought Not to Pass

Mr. DeSanctis from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Howard Fred Dupee, of Lewiston (H. P. 596) (L. D. 368)

Report was read and accepted.

#### Tabled and Assigned

Mr. DeSanctis from the Committee on Claims reported "Ought not to pass" on Resolve in favor of John H. Perkins of East Brunswick (H. P. 1052) (L. D. 691)

(On motion by Mr. Lacharite, of Brunswick, tabled pending acceptance of Committee Report and specially assigned for Monday, April 28th)

Mr. DeSanctis from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Wyman & Simpson, Inc., of Augusta (H. P. 83) (L. D. 75)

Report was read and accepted.

#### Tabled and Assigned

Mr. Hammond from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Irving I. Bates, of Moro (H. P. 1611) (L. D. 1277)

Miss LONGSTAFF of Crystal: Mr. Speaker, I move that Item 4 lie on the table.

The SPEAKER: The Chair will state that it is not necessary to assign a time, or the gentlewoman from Crystal may assign up until Tuesday.

Thereupon, the motion prevailed, and the matter was tabled pending acceptance of the Committee Re-

port and specially assigned for Tuesday, April 29th)

Mr. Laughton from the Committee on Claims, reported "Ought not to pass" on Resolve in favor of Bertha M. Jewell (H. P. 1154)

Mr. Judkins from the Committee on Inland Fisheries and Game reported same on Resolve Opening South Bog Stream to Fly Fishing (H. P. 907) (L. D. 606)

Reports were read and accepted.

#### Tabled

Mr. Burgess from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Prohibiting the Sale in Wholesale Lots of Gasoline" (H. P. 1644) (L. D. 1333)

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

Mr. PEIRCE: Mr. Speaker, I move that this item lie on the table pending acceptance of the Committee Report. I would also point out that the title is printed incorrectly.

The SPEAKER: The title is correct, as reported by the committee.

Thereupon, the motion of Mr. Peirce prevailed, and the matter was tabled pending acceptance of the Committee Report.

#### Tabled

Mr. Burgess from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Eliminating Temperature Correction as a Basis for Assessing the State Gasoline Tax" (H. P. 1645) (L. D. 1334)

(On motion by Mr. Peirce, the matter was tabled pending acceptance of Committee Report)

#### Ought to Pass in New Draft Tabled and Assigned

Mr. Foley from the Committee on Claims on Resolve in favor of Roby Littlefield, of Ogunquit (H. P. 590) (L. D. 362) reported same in a new draft (H. P. 1716) (L. D. 1448) under same title and that it "Ought to pass"

The SPEAKER: The Chair recognizes the gentleman from North Berwick, Mr. Randall.

Mr. RANDALL: I move that this item lie on the table and be especially assigned for Wednesday of next week.

The SPEAKER: The Chair will state that Wednesday of next week is more than six calendar days.

Mr. RANDALL: I would assign it for Tuesday, then, Mr. Speaker.

Thereupon, the motion prevailed, and the matter was tabled pending acceptance of Committee Report and specially assigned for Tuesday, April 29th.

Mr. Hayward from the Committee on Inland Fisheries and Game on Bill "An Act Providing for Registration of Bear Killed" (H. P. 902) (L. D. 601) reported same in a new draft (H. P. 1717) (L. D. 1447) under same title and that it "Ought to pass"

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

#### **Ought to Pass Printed Bills Tabled**

Mr. Laughton from the Committee on Claims reported "Ought to pass" on Resolve in favor of Fox & Ginn, Inc., (H. P. 1599) (L. D. 1267)

(On motion by Mr. Smith of Westbrook, a viva voce vote being taken, the matter was tabled pending acceptance of the Committee Report)

Mr. Legard from the Committee on Federal Relations reported "Ought to pass" on Bill "An Act Amending the Unemployment Compensation Law as to Benefits" (H. P. 1380) (L. D. 999)

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. Rich from the Committee on Aeronautics on Bill "An Act relating to Aeronautical Fund" (H. P. 1496) (L. D. 1116) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" to H. P. 1496, L. D. 1116, Bill "An Act Relating to Aeronautical Fund."

Amend said Bill by inserting after the words "this state" in the 9th line of said Bill the following words: **'and assist in the construction and maintenance of a system of air marking.'**

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

Mr. DeSanctis from the Committee on Claims on Resolve in favor of Lamont and Nellie Bean of Phillips (H. P. 418) (L. D. 248) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" to H. P. 418, L. D. 248, "Resolve in Favor of Lamont and Nellie Bean of Phillips."

Amend said Resolve by striking out the figures "\$250" in the 2nd line thereof and inserting in place thereof the figure '\$125'.

Thereupon, Committee Amendment "A" was adopted, and the Resolve was assigned for second reading tomorrow morning.

Mr. Atherton from the Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law as Employer's Experience Classification" (H. P. 1439) (L. D. 1043) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" to H. P. 1439, L. D. 1043, Bill "An Act Amending the Unemployment Compensation Law as Employer's Experience Classification."

Amend said Bill by striking out in the 1st line of the last paragraph thereof the underlined figures "1.0%" and inserting in place thereof the underlined figure '.9%'

Further amend said Bill by adding at the end thereof the following:

**'Sec. 7. Effective date.** The rates herein established shall be effective

for the period beginning July 1, 1947 and thereafter.

Thereupon, Committee Amendment "A" was adopted, and the Bill was assigned for third reading tomorrow morning.

Mr. Jennings from the Committee on Federal Relations on Bill "An Act relating to Reimbursement to the Federal Government by Reason of Certain Recoveries" (H. P. 1593) (L. D. 1249) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" to H. P. 1593, L. D. 1249, Bill "An Act Relating to Reimbursement to the Federal Government by Reason of Certain Recoveries."

Amend said Bill by striking out the last paragraph thereof and inserting in its place the following:

'If the state participates in federal funds for the purposes of sections 256 to 274, inclusive,  $\frac{1}{2}$  a sum equal to the pro rata share to which the United States is equitably entitled of the net amount collected from the estate of the beneficiary, with respect to old age assistance furnished him, shall be promptly paid by the treasurer of state to the United States as required by the laws of the United States.'

Committee Amendment "A" was then adopted, and the Bill was assigned for third reading tomorrow morning.

The SPEAKER: Is it now the pleasure of the House to take up, out of order, an additional paper from the Senate?

Mr. WILLIAMS of Auburn: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. WILLIAMS: Mr. Speaker, I would like unanimous consent to address the House.

The SPEAKER: The gentleman from Auburn, Mr. Williams, requests unanimous consent to address the House. Is there objection?

Calls of "Yes."

The SPEAKER: The Chair hears

objection, and unanimous consent has been declined.

The Chair understands that the gentleman now requests consent to address the House. Is there objection? The Chair hears none, and the gentleman has consent.

Mr. WILLIAMS: Mr. Speaker and Members of the House: At the session of the Legislature convening in January, 1942, this Legislature passed a private and special law, "An Act to Incorporate the Eliot Water District." Under the general laws of this State, a corporation so formed must complete its organization and start to do business within a period of two years. The town accepted by vote the provisions of this act; they elected trustees but did no further business. At this time they wish to proceed with this development of the Water District, and they propose merely this brief bill. "The rights and powers and privileges granted by Chapter 101 of the Private and Special Laws of 1941 are hereby extended for a term of six years from the time when the same would otherwise expire, and all acts performed under the provisions of such chapter are hereby validated and declared to be legal acts of the district."

It is my understanding that this act has been accepted in the other branch of this Legislature and passed to be engrossed. If this branch accepts it, I shall move that under suspension of the rules the measure be given its three readings at this time without reference to a committee.

The SPEAKER: The Clerk will read the paper from the Senate.

The CLERK: Senate Paper 535, Bill "An Act to Extend the Charter of the Eliot Water District" which was received by unanimous consent in the Senate; under suspension of rules given its two several readings and passed to be engrossed without reference to a committee.

The SPEAKER: Is there objection to the reception of this bill? The Chair hears none, and it has been received by unanimous consent.

Thereupon, on motion by Mr. Williams, the bill was given its three several readings and was passed to be engrossed without reference to a committee, in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Lime-



stone, Mr. Burgess, and appoints him Speaker pro tempore, and requests the Assistant Sergeant-at-Arms to conduct the gentleman to the rostrum.

Thereupon, Mr. Burgess was conducted to the rostrum where he assumed the Chair, amid the applause of the House, and Speaker Ward retired.

#### Passed to be Engrossed

Bill "An Act relating to the Salary of the Judge of Western Somerset Municipal Court" (S. P. 515) (L. D. 1411)

Bill "An Act Increasing the Salary of the Judge of Biddeford Municipal Court" (S. P. 520) (L. D. 1412)

Bill "An Act relating to the Salaries of Various Officers of Franklin County" (H. P. 1698) (L. D. 1415)

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

Bill "An Act Authorizing Towns to Expend Money on Cottage Roads" (H. P. 1701) (L. D. 1418)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Webber.

Mr. WEBBER: Mr. Speaker, for some time there has been some question as to whether or not town officials had the legal right to spend money on cottage roads. The chief reason for that is the difficulty in defining what is a cottage road. Most of us associate a cottage road as one leading to a lake or maybe a seashore or in the woods. I would also like to point out that we can have a cottage road in either the town or the city, therefore, this morning, I prepared an amendment which I would like to present, and I would like to say that my reason for presenting it is that I feel that if we had five or more cottages, that either the town or the city would derive enough tax from that to take care of the road; otherwise I fear that either the town or the city will have a great many requests for money for cottage roads, and it is mighty difficult to turn them down.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Webber, presents House Amendment "A" and moves its adoption. The Clerk will read the Amendment.

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

House Amendment "A" to H. P. 1701, L. D. 1418, Bill, "An Act Authorizing Towns to Expend Money on Cottage Roads."

Amend said bill by inserting before the period at the end thereof the following underlined phrase:

' provided that there are five or more cottages on such road'

Thereupon, House Amendment "A" was adopted.

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

Mr. McGLAUFFLIN: Mr. Speaker I don't know anything about this bill on which we just passed an amendment, but I distinctly remember that such a bill as this sounds to be came before the Judiciary Committee several years ago—in fact it was my bill—and it was thrown out as being unconstitutional. I would like to lay this matter on the table until tomorrow, so that I can look into the constitutionality of that bill.

Thereupon, on motion by Mr. McGlauffin, the matter was tabled pending third reading and specially assigned for tomorrow.

#### Passed to be Engrossed

Bill "An Act relating to the Gasoline Tax" (H. P. 1715) (L. D. 1441)

Bill "An Act relating to the Payment of Fines and Costs and the Salary of the Judge of the Municipal Court in the town of East Livermore, now Livermore Falls" (H. P. 950) (L. D. 555)

Resolve Providing for Fire Protection at the Augusta State Hospital (S. P. 269) (L. D. 813)

Resolve in favor of the University of Maine (H. P. 325) (L. D. 203)

Resolve in favor of Portland Junior College (H. P. 414) (L. D. 244)

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

#### Amended Bills

Bill "An Act to Create the Waterville Sewerage District" (S. P. 519) (L. D. 1410)

Bill "An Act relating to a State Police Barrack in the county of Cumberland" (H. P. 358) (L. D. 228)

Resolve in favor of Maurice Watton of Monticello (H. P. 42) (L. D. 41)

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

#### Tabled and Assigned

Resolve in favor of David Peirce, of Hudson (H. P. 638) (L. D. 429)

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Wight.

Mr. WIGHT: Mr. Speaker, the gentleman from Corinth, Mr. Elliott, had this resolve on the table. I notice his absence this morning; I believe he is ill, so I ask that this resolve be tabled and specially assigned for next Tuesday morning.

Thereupon, the motion prevailed, and the matter was tabled and specially assigned for next Tuesday, April 29th.

At this point Speaker Ward assumed the Chair, and the gentleman from Limestone, Mr. Burgess was conducted to his seat, amid the applause of the House.

#### Passed to be Enacted

An Act relating to Local Option Provisions (S. P. 503) (L. D. 1382)

An Act relating to Fire, Marine and Inland Marine Insurance Rate Regulation (H. P. 64) (L. D. 49)

An Act relating to Casualty and Surety Insurance Rate Regulation (H. P. 65) (L. D. 50)

An Act Providing for Fire Escapes with the Approval Thereof of the Insurance Commissioner or Fire Inspector (H. P. 444) (L. D. 262)

An Act relating to Meetings of Certain School Districts (H. P. 1654) (L. D. 1347)

An Act relating to Weights and Measures (H. P. 582) (L. D. 405)

An Act Providing for the Perambulation of the Maine and New Hampshire Boundary Line (H. P. 850) (L. D. 506)

An Act to Provide a Retirement System for State Employees (H. P. 1180) (L. D. 837)

An Act relating to Town, City and Village By-Laws and Ordinances relating to Buildings and Structures (H. P. 1188) (L. D. 778)

An Act Creating a School District for the Oakfield-Merrill-Smyrna-Dyer Brook Community (H. P. 1627) (L. D. 1301)

An Act to Regulate Public Dance Halls (H. P. 1685) (L. D. 1400)

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

#### Tabled and Assigned

An Act to Create a Legislative Research Committee (H. P. 1646) (L. D. 1332)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, and on motion by the gentleman from Rockland, Mr. Sleeper, a viva voce vote being taken, was tabled pending passage to be enacted and specially assigned for Monday, April 28th.

#### Finally Passed

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Somerset County to C. Max Hilton, of Greenville (S. P. 163) (L. D. 402)

Resolve providing for Construction of Homes for Physicians at the Augusta State Hospital (S. P. 271) (L. D. 814)

Resolve in favor of Alfred Winick of Boston, Massachusetts (S. P. 489) (L. D. 1353)

Resolve in favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary War (H. P. 1497) (L. D. 1122)

Resolve Authorizing Maine State Park Commission to Lease Mount Blue State Park to town of Weld (H. P. 1683) (L. D. 1401)

Were 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 Portland, Mr. McLaughlin.

Mr. McGLAUFILIN: Mr. Speaker, yesterday I spoke against Legislative Document 68, House Paper Number 80, "Resolve in Favor of the University of Maine for Buildings." My opposition to the bill was simply that we had no funds in sight. I find that the members and friends of this bill would like to keep it alive. I therefore move that we reconsider our action of yesterday whereby we failed to pass the bill.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker, I would like to lay on the table the motion to reconsider that has just been made by the gentleman from Portland, Judge McGlauffin, and I do this for the reason that I think that the matter should have further reconsideration and that—

The SPEAKER: Does the Chair understand that the gentleman moves to lay this matter on the table?

Mr. COLLINS: That is correct, Mr. Speaker, I would like to have it specially assigned for Tuesday.

The SPEAKER: The gentleman from Caribou, Mr. Collins, moves to lay the motion for reconsideration on the table and especially assign it for Tuesday, April 29th. Is this the pleasure of the House? The motion prevailed.

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

Mr. MARTIN: Mr. Speaker, I move that the House reconsider its action taken yesterday whereby House Paper 1577, Legislative Document 1222, was indefinitely postponed.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House reconsider its action of yesterday whereby Resolve in favor of Investigation of Hydro-Electric Power Development was indefinitely postponed.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I was in favor of this investigation before as I think you all realize. After our 350-mile trip, yesterday, over a small part of the State of Maine, I am more thoroughly convinced that a lot can be done for the development of power in the State of Maine.

We went up the Kennebec River to Moosehead Lake and across Moosehead Lake across the west branch of the Penobscot over into Chamberlain Lake and the Allagash country and St. John waters, circled around Mt. Katahdin, down to the headwaters of the Machias River, back up through Hancock County into Bangor and the Penobscot again and then over to Augusta. And in that area below us there was

water, water everywhere, running to waste, undeveloped power.

I just want to leave one thought with the gentlemen of the House: I hope the House will be consistent. They will cry by and by for some form of taxation in this House to match federal funds — I hope they do not — because here is a bill that just asks for an investigation to find out if there are any federal funds available to the State for a grant, not to be matched by fifty per cent or twenty-five per cent, but a grant to the State of Maine, our share of what is distributed over the Nation.

Gentlemen, I hope you will consider that this is an important matter, and a serious bill, and I, like the opponents of the bill for the University of Maine, would like to see it kept alive.

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

Mr. MCGLAUFLIN: Mr. Speaker, if all that the gentleman wants to find out is whether there are some available funds, I have not the slightest doubt that by writing to Washington he can get that information. I do not see any need of referring it to the Research Committee to spend a lot of time and money for nothing.

The SPEAKER: The question before the House is upon the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action of yesterday whereby this measure was indefinitely postponed.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: We also have available here in the State House late surveys of all of our rivers and the possible sites that might be developed that are available to anyone who wants to go upstairs and look at the records. For that reason there is no need of investigating this particular point.

There is this further thought that I would like to add: Should a committee investigate during the coming summer what federal funds might be available and what strings will be attached to it in so far as public ownership and federal control are concerned, Congress meets again very shortly—it might be in continuous session—and those laws will be changed from time to time.

Therefore, it seems to me that at any given time the only way this Legislature would ever know just what the federal situation was would be to have an inquiry made such as the gentleman from Portland suggests, which could be secured by writing to Washington or communicating with any of our Senators there. Therefore, I hope the motion to reconsider does not prevail.

My position on the matter was stated in connection with the three matters before us L. D. 1221 and the proposed order and I believe we can dispose of it and should dispose of it now.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I listened to the hearing on the bills pertaining to the exportation of power, asking that the Legislative Research Committee seek out just what is what. That is exactly what the gentleman from Greenville, Mr. Rollins' bill yesterday did, the bill which was about to be engrossed before it was needlessly, in my opinion, indefinitely postponed.

I want to leave one thought with the Members of the House, and that is this: If the Legislative Research Committee—should the motion of the gentleman from Eagle Lake prevail, and I hope it does—should they find out nothing else but one thing in its favor, why it is that in driving through the countryside from Kittery to Fort Kent, from Pemaquid to Greenville, and back and forth, you see lights on all day long, if we do not find out anything else but that, at least we shall have accomplished one purpose. I have driven along every road in Maine, I have seen lights on all day long. Why? Let us find out. That is what Mr. Rollins wants to find out. Let's find out!

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

Mr. MILLS: Mr. Speaker, I hesitate to oppose my good friend, Mr. Rollins of Greenville, but I do so on this ground; I think there was a fair vote yesterday, and I can not conceive of any new material, any new evidence, that is likely to be unrolled.

The watchword this morning has been, "Let's keep this thing alive." The result is that we are going to

be here until late next month if we do not look out. We have to start pretty soon swinging the axe here, and we have to start denying people from passing things along. I am going to be caught in my own words, because, in a couple of minutes, if we reach the second assigned matter, I am going to ask you to hold that until Mr. Elliott gets back. But I think that when a member gets up and tries to hold something up for further consideration and asks to keep it alive, that he should give us a pretty good reason before we give him that permission.

We have had a number of those peremptory motions this morning, a member just gets up and asks that a matter be retabled, and we have gone along and given him that permission. I think we should only do it under extraordinary circumstances, and, unless a member sees fit to give a good reason, I am going to ask and I hope that you will deny permission. I do not see any point in this particular matter being kept alive any longer. I think they have had their day in court on it, in fact, they had several days in court, and we had a vote, yesterday, which was decisive on the matter, a rather close vote, it is true. It seems to me that it was just a matter of the Legislature taking over the prerogatives of a teacher and assigning the Research Committee some homework. I do not think that there is anything in particular to be feared in giving the Research Committee an assignment of such character. I don't see any federal boogies in his request, but it was turned down and I do not think there is any new evidence that can come before us; I don't see any point in keeping it alive any longer.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, speaking about keeping things alive, if the previous legislatures had been alive, perhaps, we would not have had to take this matter up today; perhaps they, instead of us, would have protected the interests of the masses. That may sound a little on the left but if it is perhaps I am a little too late with that thought. I say that any survey that will help reduce the light bill of the masses and conserve our national resources for the people of Maine, is a measure that we should give a lot of con-

sideration to, even though we have to reconsider it, and I will vote with my colleague from Eagle Lake, Mr. Martin.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking of keeping things alive, the gentleman from Farmington (Mr. Mills) states there is no need of it. I noticed that last week, when we had a roll call vote on that sales and income tax bill that he rose after it was defeated to reconsider a dead duck. Speaking of keeping things alive, just a few minutes ago on an issue that was defeated yesterday, "let us keep that alive." I might remind the gentleman from Farmington that as far as being here until June—for once I am glad I am in the minority. That is not our baby.

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

Mr. MILLS: Mr. Speaker, I just want to ask the gentleman rhetorically, not through the Chair, to look at the record. I think he was absolutely in error in the statement he just made.

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

Mr. ROLLINS: Mr. Speaker, speaking of keeping things alive, we are keeping the bill which we just reconsidered previously alive, to consume our time and more or less debate, and the gentleman from Farmington, my good colleague, Mr. Mills, informs us as to the second matter that he is going to ask to hold that over again for more debate. Keeping this bill alive does not mean any more debate; it goes to the Research Committee; there is no more talk on it. It is up to the engrossing stage; it can be engrossed, and that will be the end. There has been plenty of talk on this, I think.

But the gentleman from Farmington (Mr. Mills) says there was no new evidence. Now I stand here before this House and I say there is new evidence. Men have come to me of their own volition and have said, "I promised to vote against that bill, but, after hearing your talk, I should have voted for it". Perhaps those men might change their minds this morning.

I believe that the people of the State of Maine, as the gentleman from Bath (Mr. McClure) says, the masses, are entitled to consideration. I do not think the 93rd Legislature has all the brains in the world by far. I have been a member of four legislatures and I have always thought and I have found that there are as many brains in the next legislature as there are in this one. I believe, Mr. Speaker, that this should be well considered in the interests of the people of Maine.

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

Mr. PEIRCE: Mr. Speaker, I would like to point out to the members of the House that it is not necessary in the protection of the masses that this bill be reconsidered. I would like to point out to you that the seventh and eighth today assigned matters do deal with this problem and therefore it would seem unwise to reconsider any action that we took yesterday. It is still possible to rehash this matter at great length if you want to do it and we can do it on the specially assigned matters today without digging up one of yesterday's items.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Eagle Lake, Mr. Martin.

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

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

The SPEAKER: The question before the House is upon the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action of yesterday whereby it indefinitely postponed Resolve in Favor of Investigation of Hydro-Electric Power Development. The gentleman from Auburn, Mr. Williams, has requested a division.

All those in favor of reconsidering this matter will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had. The SPEAKER: Forty-eight having voted in the affirmative and seventy-four having voted in the negative, the motion does not prevail.

Mr. WIGHT: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. WIGHT: Mr. Speaker, to make a motion in regard to our former action taken in the House this morning.

The SPEAKER: Does the gentleman wish to move reconsideration of a matter?

Mr. WIGHT: Mr. Speaker, I do.

In view of the fact that we are not keeping these items alive, I move that we reconsider our vote earlier in the day whereby we put on the table the motion for reconsideration of our action of yesterday on H. P. 80, L. D. 68, Resolve, in Favor of the University of Maine for Buildings.

The SPEAKER: The Chair rules that a motion to reconsider our action whereby this matter was laid on the table is not in order.

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" as Legislation is inexpedient, report of Committee on Aeronautics on Bill "An Act to Authorize the Maine Aeronautics Commission to Match Federal Airport Funds in Conjunction with Municipalities to Construct Airports Within the State." (H. P. 1598) (L. D. 1266) tabled on April 17, by the gentleman from Hiram, Mr. Stearns, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. STEARNS: Mr. Speaker, this is another one of those things and as there is another bill coming along in the near future for consideration of this House, I would request that this bill, House Paper 1598, Legislative Document 1266, be retabled until next Tuesday.

The SPEAKER: The gentleman from Hiram, Mr. Stearns, moves that this matter be laid on the table pending acceptance of the committee report and be specially assigned for Tuesday, April 29th.

Is it the pleasure of the House?

All those in favor of the motion to lay this matter on the table will please say aye; those opposed, no.

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

On motion by Mr. Stearns, the "Ought not to pass" report of the committee was accepted.

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

Majority Report "Ought to pass in a New Draft" (H. P. 1686) (L. D. 1395) and House Minority Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Imposing a Personal Income Tax and a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden." (H. P. 1596) (L. D. 1252) tabled on April 17th by the gentleman from Corinth, Mr. Elliott, pending a motion by the same gentleman for reconsideration.

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

Mr. JALBERT: Mr. Speaker, in view of the fact that the sponsor of this measure is absent, I move that this matter be tabled until he returns.

The SPEAKER: The Chair would state to the gentleman that he must assign a time.

Mr. JALBERT: I will assign it Tuesday next, Mr. Speaker.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this matter be laid on the table, pending the motion of the gentleman from Corinth, Mr. Elliott, for reconsideration, and that it be specially assigned for Tuesday, April 29th.

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

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

The SPEAKER: Ninety-six having voted in the affirmative and four in the negative, the motion prevailed and the matter was so tabled and so assigned.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, Senate Majority Report "Ought not to pass," Minority Report "Ought to Pass" of the Committee on Appropriations and Financial Affairs on "Resolve, Providing for Certain Construction at the Augusta State Hospital." (S. P. 272) (L. D. 809) (In Senate, Minority Report accepted and bill passed to be engrossed) tabled on April 22, by the gentleman from Augusta, Mr. Peirce, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. PEIRCE: Mr. Speaker, I move acceptance of the minority "Ought to pass" report of the committee and in support of that motion I would like to make a few remarks. Legislative Document 809, a resolve providing for certain construction at the Augusta State Hos-

pital, is a legislative document asking that we earmark \$200,000 from the Post-War Public Works Reserve Fund for the construction of a new building at the Augusta State Hospital.

During the last session of the Legislature, the sum of \$350,000 was appropriated and so earmarked. Owing to the increased cost of construction, the new project has not been undertaken. It is estimated that the amount requested in this resolve is necessary for the construction of the building. Those of you who have visited the Augusta State Hospital know full well the crying need for immediate increased facilities at that institution. At the present time there are 1,524 patients in this institution which has a capacity, a plant capacity, for 300 less. It is a matter of record that the number of commitments to state institutions is increasing every year rather than decreasing. Conditions in the wards, in the special departments at the State Hospital are becoming worse day by day. The need is crying and immediate. I hope that the House will accept the minority report of the committee that this resolve should pass in concurrence with the other body.

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

Mr. BOWKER: Mr. Speaker and Members of the House: I rise in opposition to the gentleman from Augusta, Mr. Peirce, on this particular bill and the next three succeeding bills.

As a member of the Appropriations Committee who signed the majority report "Ought not to pass," I would like to state that Mr. Mills of Farmington has said that the axe is out, and I think this is a good place to start.

The Post-War Reserve Fund, in my opinion, was set up—and I disagree with the gentleman from Cumberland, Mr. Sweetser, when he said yesterday that it was set up entirely for veterans' programs—I do not think that is quite so. The program of the Post-War Reserve Fund was set up, as I understand it, for whatever might arise in construction work in the post war era.

Now the bill that we have before us, involving \$200,000, is a 58 percent increase in construction costs in addition to the \$350,000 that was appropriated by the 1945 Legislature. Now several members of the

committee believe, from talking with construction people, that probably the cost of general construction will be an increase of probably 25 percent in another year or two over our 1941 building costs. Now this particular bill calls for a 58 percent increase. I do not believe that this is the time to build it, although we all agree that the State certainly needs it.

I, further, in my own opinion, disagree with the way that the funds should be taken from the account. In my opinion, the \$200,000 for Augusta, \$160,000 on the next assigned matter, for further construction of a medical center, \$30,000 for homes for physicians, and \$500,000 for Bangor, and we have a bill of \$500,000 for Pownal, and we have \$500,000 for the National Guard Armory program — and I certainly disagree with some members on taking current money from operating expenses to build capital improvements.

Now I believe that if we have two to two and a half million dollars' worth of capital expenditure to make, and we have not been able to build for four, five, or six years, although we all agree the State needs it, and that we should have it — and on top of that they are going to have the increased cost of staffing them, and payrolls for every one of these departments, the cost will be increased — I think that rather than trying to take the appropriation out of current revenue that we should certainly try to see if some bond issue of a couple of million dollars could not be borrowed. Money has never been any cheaper than it is today. I think we should amortize that program at the rate of a couple of hundred thousand dollars a year over a period of ten years. It just seems like good business to me.

I do not think that any member of this House would go out and build himself a \$100,000 plant and try to take it out of current revenue, to pay for it in one year. They certainly would amortize the capital expense. You just can not spend \$110 when you have only got \$100.

Now these next four bills, plus the Armory program, and the Pownal bill, all involve capital expense, as I said before, and I just can not see taking them out of current revenue. Now we had \$890,000 in the Post-War Reserve Fund, and that has been reduced

by the passage of some bills, and I certainly would not believe in using that up if this House or the next succeeding Legislature should want to go on a capital building program. It has been suggested to me in other states that they have a special budget for capital expenditures, and money is taken from your current operations each year and applied to the capital budget, which would call for capital expenditures.

We have to realize that we just can not do all these things with what money we have. Not only that, but even if we had the money, in my opinion, this is not the time to do it. I certainly hope that the motion of Mr. Peirce does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. **FINNEGAN**: Mr. Speaker. I go right along with my good friend, Mr. Bowker. I suggested some of these thoughts in a recent presentation of this matter. Augusta is the outstanding overpopulated institution. There is no question about that but it is a condition that has not varied in the last six or seven years a hundred patients, it has been overloaded — I have the figures here, a few of them, that I secured, as to the capacity and the load and as has been stated, it is an overload. But that condition has prevailed since 1942 — it has prevailed since 1939, that is as far back as my records go, it hasn't varied 100 increase in population in all those years. Maybe there is a reason for it; maybe you can't get any more in. I do not know, that may be the answer to it, but at least this condition has prevailed for a long time. My thought in this is right along with that of Mr. Bowker: We have a building program that has been held up owing to the War for a great many years. It is all coming right now in one fell appropriation that can almost ruin the finances of the State or precipitate one of these major tax bills being enacted. I agree with the thought that on these long range building programs they can be very safely financed, they are not recurrent, they do not come every year. This program has been building up and would have been taken care of long ago, if the money were available and the materials

were available and the cost was in keeping with the construction.

As a matter of fact, these appropriations that are held over were supposed to do that construction. The amount that we are now asked to supply in addition just represents increased costs. Now those are not going on forever or there would never be any building program. So I believe that it would be expedient if we should adopt some amendment here—I feel so strongly that this work should be undertaken at the proper time that I would like to have some amendment introduced here that would authorize this bond issue to be available when required at the disposal of the Governor and Council.

Now we might appropriate all the money required here, pass the tax bill to cover the cost, and not be able to spend it. We would still have our tax bill on our hands and we have the money unspent, awaiting the time when it can be more advantageously spent. So I think it is in the real interests of the State to have this construction started at the earliest possible time, when it can be undertaken. In line with Mr. Bowker's suggestion, I think we should make available a fund from which this construction can be made and have it available to the Governor and Council at the proper time and insure the projects being undertaken and not have them passed out the window by the failure of a major tax measure to pass. I think that it is very expedient that some sort of arrangement should be made along that line. I am heartily in favor of that.

The **SPEAKER**: Is the House ready for the question?

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

Mr. **PEIRCE**: Mr. Speaker, for the last sixteen years the Republican party has very severely criticized the Democratic administration in Washington for its deficit spending and the Republicans have strongly advocated a pay-as-you-go administration. It seems to me that it is very contradictory at this time to start talking deficit spending and of course that is what you are doing when you are advocating a bond issue. If a pay-as-you-go policy is good when the Democrats are in, I think it is just as good when the Republicans are in power here in the State of Maine.

The State of Maine is making over six million dollars a year profit



on its liquor business and if the victims of this liquor business require treatment at our State hospitals, I think it is only fair that facilities should be made available to them. And the cost may well be taken out of this tremendous profit that the State of Maine is making.

The House has passed along other appropriations bills to the other branch where they are on the table awaiting the determination of revenue legislation. I would like to see the same thing happen to these bills relating to our State hospitals. Mr. Speaker, when a vote is taken I ask that it be taken by a division.

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

Mr. McGLAUFLIN: Mr. Speaker, I think that we cannot afford to neglect our hospitals and our schools. It is admitted that these hospitals are greatly overcrowded and that they need relief. I am going to vote to give them that relief.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Just one word, Mr. Speaker: I hope the gentleman from Augusta is not confusing this issue by talking about making capital expenditures out of current operations. I can not conceive of any corporation having capital expenditures on any sound financial basis that would consider for one moment that they must make all the capital expenditures and charge it against one year's operation. This thing has been piling up for a long time. Nothing has been undertaken. I feel more strongly even than Mr. Peirce that this work should be undertaken and yet I see a very good chance of it's not being undertaken if it is tied into a major tax bill. Therefore, I say that to insure this work and to go along with it I am thoroughly in accord with the gentleman from Portland that it should be undertaken. It is a question of ways and means. I say let us have some means that will insure this and not tie it in with a tax bill that may be defeated. There is a very good chance that it may be. So let us not confuse the thing; this is not deficit financing; it is simply facing a building—a capital expenditure program in a business way, and not trying to muss it up with high pressure to get over a

tax bill that never should be passed in this House and probably never will be as an emergency measure. That is my position on it.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Augusta, Mr. Peirce, that the House accept the minority "Ought to pass" report of the committee, and the same gentleman has requested a division.

All those in favor of accepting the minority "Ought to pass" report of the committee will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I ask you change my vote "yes" to "no."

The SPEAKER: Was the gentleman counted as voting "yes"?

Mr. CHASE: Yes, Mr. Speaker.

The SPEAKER: The monitor in the fourth division returned the count as 12. The monitor will now return the count as 11.

Twenty-five having voted in the affirmative and eighty-six having voted in the negative, the motion to accept the minority "Ought to pass" report does not prevail.

Thereupon the House voted to accept the "Ought not to pass" report of the committee.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, Senate Majority Report "Ought not to pass", Minority Report "Ought to Pass" as amended by Committee Amendment "A" of the Committee on Appropriations and Financial Affairs on "Resolve, Providing for Certain New Construction at the Augusta State Hospital," (S. P. 270) (L. D. 812) tabled on April 22 by the gentleman from Augusta, Mr. Peirce, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. PEIRCE: Mr. Speaker and Members of the House: This resolve calls for \$160,000 for the construction of a medical center at the Augusta State Hospital. It is a little less than the last bill. I move acceptance of the minority "Ought to pass" report.

The SPEAKER: The gentleman from Augusta, Mr. Peirce, moves the acceptance of the minority "Ought to pass" report of the committee.

Is the House ready for the question?

All those in favor of accepting the minority "Ought to pass" report of the committee will please say aye; those opposed, no.

A viva voce vote being taken, the motion to accept the minority "Ought to pass" report did not prevail.

Thereupon the House voted to accept the majority "Ought not to pass" report of the committee.

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, Senate Majority Report "Ought not to pass", and Minority Report "Ought to pass" as Amended by Committee Amendment "A" of the Committee on Appropriations and Financial Affairs on "Resolve, Providing for Certain Construction at the Bangor State Hospital," (S. P. 273) (L. D. 863). In Senate, Minority Report accepted and bill passed to be engrossed as amended. Tabled on April 22, by the gentleman from Augusta, Mr. Peirce, pending acceptance of either report; and the chair recognizes that gentleman.

Mr. PEIRCE: Mr. Speaker, I move acceptance of the majority "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Augusta, Mr. Peirce, moves the acceptance of the majority "Ought not to pass" report of the committee. Is this the pleasure of the House?

All those in favor of the motion of the gentleman from Augusta, Mr. Peirce, that the House accept the majority "Ought not to pass" report of the committee will please say aye; those opposed, no.

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

The SPEAKER: One hundred and three having voted in the affirmative and five in the negative, the majority "Ought not to pass" report of the committee has been accepted in non-concurrence and sent up for concurrence.

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

Additional Appropriation for Construction at the Bangor State Hospital," (S. P. 274) (L. D. 862). In Senate Minority Report accepted and Bill passed to be engrossed as amended; tabled on April 22, by the gentleman from Augusta, Mr. Peirce pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. PEIRCE: I move acceptance of the committee majority "Ought not to pass" report.

The SPEAKER: The gentleman from Augusta, Mr. Peirce, moves the acceptance of the majority "Ought not to pass" report of the committee. All those in favor of the motion will please say aye; those opposed, no.

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

The SPEAKER: The Chair lays before the House the seventh tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on "Resolve, in Favor of Hydro-Electric Interstate Cooperation," (H. P. 1576) (L. D. 1221) tabled on April 22, by the gentleman from Presque Isle, Mr. Brewer, pending acceptance of report.

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

Mr. ROLLINS: Mr. Speaker, I bow to the power and to the press. This morning's paper said no federal funds for Maine hydro power. Therefore, Mr. Speaker, I move the acceptance of the "Ought not to pass" report.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves the acceptance of the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed and the "Ought not to pass" report of the committee was accepted.

The SPEAKER: The Chair lays before the House the eighth tabled and today assigned matter, Joint Order Directing the Research Committee to Study the Availability of Federal Funds for Hydro-Electric Power Development. (H. P. 1691) tabled on April 22nd by the gentleman from Augusta, Mr. Peirce, pending passage; and the Chair recognizes that gentleman.

Mr. PEIRCE: Mr. Speaker, I move

the indefinite postponement of the order.

The SPEAKER: The gentleman from Augusta, Mr. Peirce, moves the indefinite postponement of the order. Is it the pleasure of the House?

All those in favor of the motion of the gentleman from Augusta, Mr. Peirce, that this matter be indefinitely postponed will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the order was indefinitely postponed.

The SPEAKER: The Chair lays before the House the ninth tabled and today assigned matter, House Majority Report "Ought not to pass" and House Minority Report "Ought to pass" of the Committee on Legal Affairs on Bill "An Act to Repeal the Charter of the Bay Point Village Corporation." (H. P. 1606) (L. D. 1272) tabled on April 22nd by the gentleman from Union, Mr. Payson, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. PAYSON: Mr. Speaker, I move the acceptance of the minority "Ought to pass" report, and I would like to give a few brief reasons for this motion.

To begin with, I will say there was a mistake in the printing of this matter, and it was the Committee on Legal Affairs and not Judiciary.

The Bay Point Village Corporation was organized in 1925 by legislative enactment. The purpose of it at that time was to enable the people at Bay Point to build a road down to their area. That purpose has been accomplished a long time ago. They were originally a part of the town of Georgetown, and when this corporation was set up the town of Georgetown collected their taxes and returned sixty per cent of the taxes collected to the Bay Point Village Corporation and kept forty per cent for themselves for the services that they rendered to the corporation.

Now, over a period of years, this has cost the town of Georgetown considerable money. Take the last three years for example: The year 1944 to 1945, they collected in taxes and paid back to the Bay Point Village Corporation \$718.65. The town of Georgetown kept \$479.24. The town of Georgetown paid for relief and school expenses and school conveyance in the Bay Point

area \$1706.36, making an excess cost to the town of Georgetown of \$1227.12.

In 1945, the same condition, and it cost the town of Georgetown \$1596.14; and in 1946 and 1947 the extra cost to the town of Georgetown was \$3097.37.

Now there is some local politics connected with this bill. There are two factions in the Bay Point Village Corporation; one of them wants this bill and one of them does not. But I do not hold any brief with either one of those factions. The only reason I signed the minority report was because I think it is working a particular hardship on the town of Georgetown. There is duplication of government between the Bay Point Village Corporation and the town of Georgetown, and I do not think that it is needed.

Under the set-up now in Bay Point, any property owner can vote on any matters coming before the corporation. The opponents to this bill argued that, at a meeting held by the corporation to decide whether or not to introduce this bill, the non-resident property owners were not there to vote, and if they had been the motion would have been defeated. That may or may not be true, but the fact is that they held two meetings in Bay Point on this measure, and at the first one it was voted to initiate it, and at the second meeting, called to try to kill the first proposal, the meeting was adjourned.

To sum up briefly, my reasons for voting "Ought to pass" are these: The purpose for which the corporation was originally set up has been accomplished. With the corporation in Georgetown performing the same functions, you will have duplication of government. It is an unfair burden on the town of Georgetown. The Village Corporation has twice indicated by vote that it wants this bill. And lastly, and most important, there is a referendum on it and it will not be accepted unless approved by the Bay Point Village Corporation and the Town of Georgetown. I can see no reason why this bill should not be allowed to go back to them to vote on if they see fit.

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

Mr. MCGLAUFLIN: Mr. Speaker, I want to say just a word in favor of the motion made by Mr. Payson.

This is a matter that goes to a vote of both sections, and, unless they agree to it, they do not get it. It seems to me perfectly fair, and I think it should be done.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Legard.

Mr. LEGARD: Mr. Speaker, I think my colleague, Mr. Payson, has covered the ground. I won't attempt to go into the matter further and take your time; I simply wish to go on record in favor of the minority report.

The SPEAKER: The Chair recognizes the gentleman from Bowdoin, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: This is one of my class towns. It is a little island town in the south part of the county, and, as Mr. Payson has explained to you, it works a hardship on the town of Georgetown. I have talked with the selectmen and some people in the town, and they want this to come back so they can have a chance to vote on it. Mr. Spinney, the largest taxpayer in Bay Point is in favor of it. This carries a referendum, so they can vote on it. I hope that the motion of Mr. Payson will prevail.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Atherton.

Mr. ATHERTON: Mr. Speaker and Members of the House: As one of the signers of the majority report, "Ought not to pass" I rise in opposition to the pending motion.

I do not believe that the majority of the summer residents of Bay Point are in favor of this bill. It may be that the town of Georgetown receives the largest share of the taxes paid by the property owners of Bay Point. If that is the case, this is certainly not the proper method of solving the problem. It seems to me, in a case of that sort, they should present an amendment to their charter providing that they would receive a larger proportion of the taxes paid by property owners at Bay Point, in order to meet the expenditures that they have in respect to Bay Point.

I realize that there is a referendum clause on this bill, but I do not feel that it is a fair referendum, for two reasons. The first reason is that in order to become a voter of Bay Point Village Corpo-

ration you are required only to own property at Bay Point. It was brought out at the hearing that there is one individual who owns considerable property at Bay Point who has deeded various small parcels of this property to his friends in order that they might become voters in the corporation and thus vote in his favor.

Secondly, I have some fear that the referendum would come so late in the season that the summer residents of Bay Point would have departed and would not have the opportunity to vote on the referendum. Therefore, I feel that this particular bill is unfair and unjust to the summer residents, and I hope the motion does not prevail.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Auburn, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: In signing the "Ought not to pass" report, from the evidence at the hearing, I felt too that the summer residents in this colony should be considered, and I felt that some of the permanent residents down there had given deeds to the land in trying to get votes on this question. I felt that it should be left to the people in that community to argue out for themselves.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: I signed the majority "Ought not to pass" report.

As you know, most of these bills which deal with the governmental problems of municipal corporations eventually land in the Legal Affairs Committee. Sometimes the matter is easy to solve; sometimes it is not. Most of the cases which we have have a great deal of merit. Some do not.

The Bay Point Village Corporation was organized as a summer resort. The people there wanted to do things for themselves, and they thought they ought to have a part of the tax money in the town to do these things with, and so they were incorporated with that provision.

As to whether the original charter was all that it should be, it is not here for us to decide. They

got along very well for quite a few years. In recent years there has been more or less trouble. The trouble has arisen not so much from any feeling among the summer residents themselves. It is because within the corporate limits of Bay Point Village Corporation, which of course is still a part of the town of Georgetown, a separate functional quasi-corporation, a number of local residents have moved in commercially, which did not please the summer residents too much; but there has been no serious trouble until quite recently.

As the gentleman from Union, Mr. Payson, said, there is a squabble. I do not know just what place the Legislature has in regard to these political squabbles. In general, your Committee on Legal Affairs has tried to avoid these purely political squabbles. In other words, they say "Go home and wash your dirty linen; don't bring it to the State House."

Well, there has been some deficit, but, if this is true, the deficit arose mainly in the matter of transporting children to school, and these were not the children of the summer residents. The town of Georgetown has not been hurt any by that. And there was the matter of supporting poor people, paupers, people receiving aid. Well, the town of Georgetown still should support their poor, they cannot blame the summer residents for that; they are not their children. I think if there had not been a little political situation this bill would never have come to the Legislature.

You have heard talk of a referendum. It should be known that we had two bills this year to dissolve the Bay Point Village Corporation. The first one had structural defects. It mentioned, for example, a small casino which the summer residents had built for their own use. They wanted to dispose of that. And the fact is that there are a number of financial ends that should be picked up before these people come to the Legislature and ask for help. They have not done the right thing by the Legislature, as I see it; they should balance their own books, so that when they come to the Legislature we will be able to put our finger on something and say, "This is what you want."

Now, on that first bill, there was a unanimous report of your Committee on Legal Affairs "Ought not

to pass." That report was accepted. On this bill we do not have a unanimous report. Why, I do not know. There has been utterly no change in the conditions, and if the first one was reported "Ought not to pass" on the same facts, I think that the majority were right in saying that this bill should not pass here.

The only thing that has been stressed today — and it has been stressed as a reason why you should sustain the minority report — is that there is a referendum attached. Now the question is: What do people mean when they put a referendum on a bill? I think it will be understood that most of the bills of this nature which come out of your Committee on Legal Affairs with a favorable report do have a referendum clause. The reason is that when the committee recommends that something be done and when the Legislature passes such a bill they want to be sure that the people do approve what we have made possible. But, when we get down to the further point, do we have to recommend a bill simply because it has a referendum clause on it?

Of course you know that most of the members of your Committee on Legal Affairs are trained in the law; it is our business. Suppose a lawyer takes a case to court; he thinks he has a jury case; it goes so far and it develops that there is not much of a jury case there, there is no reason why the jury should consider the case. It will not be long before somebody makes a motion of one kind or another to throw that case out of court.

Now I feel like this about this referendum clause: Before we pass any kind of a bill or recommend the passage of any kind of a bill, it seems to me that the proponents should make out a case. That is our job. We ask you to make out a case. That is what the Legislature is for. In other words, suppose we say that legally the case adds up to nothing, do you think that hitching a referendum onto a nothing case makes it anything but nothing? I do not. Nothing, with a referendum attached, is still nothing.

I have agreed with much that has been said. The difference between the majority opinion and the minority is only a matter of degree. Judges on the bench differ. One

Judge tosses you out of court, and the other Judge says, "Go right ahead." That, I believe, is the difference between the two sides of this case. One side says, "You have not made out a case, and we are not going to do anything for you — "Ought not to pass" — and the other side says, "We think you have made out a case and we will give you an "Ought to pass" report.

I am not going to try to review all of the evidence. All I can tell you is that a majority of your Committee on Legal Affairs weighed the evidence and found no case except a little narrow, mean politics.

I think that if this bill is reported and the House votes it "Ought not to pass" and kills this bill, that these people down here will understand why. I have a great deal of respect for Mr. Peterson, Chairman of the Selectmen in Georgetown. I thought he really knew his business; I did not think that he was properly prepared; I thought he was pushed politically before he was ready. I think that if this bill is thrown out that man and the other people down there have brains and ability enough so that in the next two years they will either get down to brass tacks and live in peace together or they will come back here with a nice, clean bill and a straight set of facts upon which a committee can finally act. Up to now, I say, we have not had such a state of affairs, and I hope that the motion will be defeated.

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

Mr. McGLAULIN: Mr. Speaker, my knowledge of this case is confined to what I have heard this morning. I still think they have made out a case, in spite of what the gentleman just said.

Mr. Payson showed that that town was losing money every day under this arrangement and they wanted a change. It is also apparent that this cannot go through unless both corporations pass a vote to accept it. I still say that is just plain commonsense, and I am for it.

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

Mr. RANKIN: Mr. Speaker, I was one of the signers in the Legal Affairs Committee Majority Report. I am not one of the members of the

committee trained in the law; I am in the minority in that matter, but I am in the majority in the matter of the report. I am not going to argue this question except simply to say this: that I not merely believe in the justice of the majority report, but I think this also is true, that if we vote for the minority report it is my opinion, my personal opinion, that we are playing into the hands of those chiefly responsible for the very unpleasant community quarrel.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Legard.

Mr. LEGARD: Mr. Speaker and Members of the House: I am not particularly interested in whether there is or is not any political feud or family squabble existing. I am interested in fair play, and I feel that this problem is a problem for the town and the Bay Point Village Corporation to settle amongst themselves rather than coming to this Legislature and annoying us with a matter which I feel is of very little interest to us here.

This referendum clause which is attached to this bill will accomplish in my mind that very objective: it will allow the Bay Point Village Corporation to vote, also the town of Georgetown; both parties must vote on the matter, and both parties must agree to it before it becomes effective. If they cannot agree, they will still be just where they are at the present time. And, Gentlemen, I fail to see any other fairer way, or any other way, that these factions can get together and settle their difficulties without giving them that opportunity. Therefore, Gentlemen, I hope the minority report will be accepted.

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

Mr. PAYSON: Mr. Speaker, just to clear up one matter in the minds of the members of the House: I would say that on the first bill that came in here it was not written or drawn the same as this one. In the act dissolving the corporation it set up another corporation to be formed, with what powers and for what purpose it was not clear. It seemed that they wanted to keep their casino in the Bay Point Village Corporation. Because of that clause setting up a corporation with powers that were not clear and not exactly defining its duties, that is the reason

I signed the first "Ought not to pass" report. I think, as Judge McGlauffin has said, that on this bill we have made out a case. I hope the minority report will be accepted.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Union, Mr. Payson, that the House accept the minority "Ought to pass" report of the committee.

All those in favor will say aye; those opposed no.

A viva voce vote being taken the motion prevailed, and the minority "Ought to pass" report of the committee was accepted.

Thereupon the bill, having already been printed, was given its two several readings and tomorrow assigned for third reading.

The SPEAKER: Earlier in today's session, the gentleman from Limestone, Mr. Burgess, presided as Speaker pro tempore. As he departed from the rostrum, the Chair did not have available at that time the gavel; and at this time the Chair wishes to present to the gentleman this gavel as a remembrance of that occasion. (Applause)

#### Paper from the Senate (Out of Order)

The following paper from the Senate was received out of order and under suspension of the rules:

ORDERED, the House concurring, that S. P. 353, L. D. 985, "Resolve, relating to a Statewide Planning Survey by the State Highway Commission," be recalled from the Governor to the Senate. (S. P. 534)

Came from the Senate, in that body read and passed.

In the House: The order received passage in concurrence.

On motion by Mr. Mills of Farmington, a viva voce vote being taken, the House voted to recess until 3:00 o'clock this afternoon.

#### After Recess 3:00 P. M.

Called to order by the Speaker.

The SPEAKER: The Chair lays before the House the tenth tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Public Utilities on Bill "An Act to Define 'Common Carrier by Motor Vehicle Over Irregular Routes,'" (H. P. 1514) (L. D.

1137) tabled on April 22nd by the gentleman from South Portland, Mr. Weeks, pending acceptance of report; and the Chair recognizes that gentleman.

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

The SPEAKER: Is it the pleasure of the House to accept the "Ought not to pass" report of the committee?

The motion prevailed and the "Ought not to pass" report of the committee was accepted.

On motion by Mr. Peirce of Augusta, the House voted to take from the table the fifth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Prohibiting the Sale in Wholesale Lots of Gasoline on a Temperature Correction Basis." (H. P. 1644) (L. D. 1333) tabled on April 23rd by the gentleman from Augusta, Mr. Peirce, pending acceptance of report; and on further motion by the same gentleman, the "Ought not to pass" report of the committee was accepted.

On motion by Mr. Peirce of Augusta, the House voted to take from the table the sixth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Eliminating Temperature Correction as a Basis for Assessing the State Gasoline Tax." (H. P. 1645) (L. D. 1334) tabled on April 23rd by the gentleman from Augusta, Mr. Peirce, pending acceptance of report; and on further motion by the same gentleman, the "Ought not to pass" report of the committee was accepted.

The SPEAKER: The House is proceeding under orders of the day.

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

Mr. MILLS: Mr. Speaker, I request unanimous consent to address the House.

The SPEAKER: The gentleman from Farmington, Mr. Mills, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. MILLS: Mr. Speaker and Members of the House: It may seem that we have not very much work to do this afternoon but the fact is that there is quite a lot of work to do and the only reason we are

not doing it is because it is on the table or it is in committee, that is, the unfinished business of this Legislature. The tabled matters you are all quite familiar with. As to the matters in committee, perhaps it would be interesting to have more information. Several committees, which I will mention, have the following number of bills before them—I will mention only House papers, what happens to the Senate papers is not particularly our concern but we can have a definite influence on these matters that are House papers and are still in committee. There are fifty-four of them: The Taxation Committee has fifteen; the Education Committee has three; the Appropriations and Financial Affairs Committee has two; Ways and Bridges has five; Inland Fisheries and Game has ten; Motor Vehicles has two; Salaries and Fees has four; Labor Committee has three; the Welfare Committee has two; Agriculture has two; Legal Affairs Committee has four; Military Affairs Committee has one; State Lands and Forest Preservation has one. There are several other committees which are not mentioned here which have Senate papers still in committee. It makes a total of fifty-four papers with which we are directly concerned. If the members will make a concerted effort, those members who belong to these various committees, to get these out here, there is a possibility that we can wind up our session before too long, but as long as fifteen bills stay in the Taxation Committee, we can not do very much work; and ten bills in the Inland Fisheries and Game and smaller numbers in the other committees mentioned.

I hope that the members will not be content to walk the corridors and wait for some other person to do some work because by a little concerted effort we can clean up that fifty-four and then look after the appropriations matters and taxation matters. I hope that we will have some more reports before the end of the week.

These figures were correct as of the commencement of this legislative day. During the day there have been a number of reports come in so the number is somewhat less than fifty-four. But as of our calendar and matters that have to come before us there are fifty-four House papers still in committee.

The SPEAKER: We are proceeding under orders of the day.

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

Mr. BREWER: Mr. Speaker, I now move that we take from the special calendar and the "gas chamber," so called, An Act Relieving Towns From Care of Neglected and Dependent Children (S. P. 246) (L. D. 663).

The SPEAKER: The gentleman from Presque Isle requests that the Bill "An Act Relieving Towns from Care of Neglected and Dependent Children" be placed before the House for consideration. The pending question is passage to be enacted.

The motion prevailed.

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

Mr. BREWER: Mr. Speaker and Members of the House: I have here on my desk a sheet which proposes to give you the information on this particular bill. I shall make the motion for indefinite postponement of this bill in order to give you the chance to debate the question. Now this is ADC money paid by municipalities, that is, aid to dependent children, runs to \$381,203.67; the cost of board and care is \$247,638.55, or a total of \$628,842.22. Certain corporation taxes taken over by the State would come to \$267,396; and the new money that it would cost the State is \$361,446.22.

Now the history of this bill, for those who are not familiar; four years ago this bill was presented for the State to take over the board and care of ADC and at that time it was passed by the Legislature but the Governor, in his wisdom, saw fit to veto the bill and his veto was upheld.

Two years ago this same bill appeared although the taxes, at that time, were not tied in with it, and eventually the Appropriations Committee decided that they did not have the funds available so the bill was passed out "Ought not to pass" and the Legislature went along with this recommendation. As far as I am concerned, I still feel that it is a raid on the State Treasury; I feel that under the present set-up whereby the federal, state, and municipalities participate, we are getting by cheaper than we would if the State took these things over.



It is only human nature, if you can pass a bill along, to be a little more generous and I am not saying in many cases perhaps you hadn't ought to be, but they have, in the investigation, figured that about \$500,000 could be saved in this particular field even under the set-up as it is today.

So I give you this information and I move indefinite postponement of this bill in order to give you a chance to debate the issue. It does involve in new money \$361,446.22.

The SPEAKER: The question before the House is upon the motion of the gentleman from Presque Isle, Mr. Brewer, that the matter be indefinitely postponed.

The Chair recognizes the gentleman from Garland, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker, it does not seem to me that we should do away with this bill now. We have been talking about relieving the cities and towns of property tax and it seems to me that this is one good way of doing it. As far as costing the State more if the State paid the full bill, the towns at this time have nothing to say about the way this money is spent, and the State when they take a case of ADC they set the figure which the towns have to pay one-third of and they have nothing to say on the matter. Therefore I hope that the motion of the gentleman from Presque Isle does not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Monticello, Mr. Day.

Mr. DAY: Mr. Speaker and Members of the House: I am one of the committee on welfare and I found on my desk here a paper which gives the amount of money for the aid to dependent children of \$381,000 and the cost of board and care \$247,000, a total of \$628,842. As I understand this bill the State has been turning back to the towns the telephone and railroad tax, which amounts to \$267,000 and as the gentleman from Presque Isle says it will require new money of \$361,446. That seems to be one of the things we are trying to do here this year to cut down—what we are talking about—is to relieve the towns of the real estate tax and I have found on my desk this morning these papers. If you will look at those; they will show you what it is costing each town each year

to participate in this ADC and board and care cases.

By looking at that you will see the amount of money that each one of your towns in the State have to pay. So, before you vote on this bill I should like to have you look that over and consider whether you think you could save your town any money on that. Of course, with the report that the Welfare Committee brought out that they could make considerable savings in the department, it might be that this \$361,000 may be somewhat reduced. So I should like to have you take that into consideration before you vote.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Harris.

Mr. HARRIS: Mr. Speaker and Members of the House: I think this is a fair bill as it is set up now and I would like to make a few remarks on it.

As it is now, I'll take my own town, for instance, we have a small town with a valuation of a quarter of a million dollars. The townspeople or no town official can say when the State will take care of the children of our town. If a complaint is made to a State caseworker, which is as it should be, the parents are taken to a court out of our town and, if the judge sees fit, they are committed to the care of the State. The town pays two-thirds of their care regardless of how much it is or how much the State pays. Now in our little town, we are paying over \$3200, which is twelve mills directly on our real estate tax for care of these children and the only thing that I could see in the way of this bill as it is is the revenue from the State to pay. When we had our hearing on the combined sales and income tax, there seemed to be a lot of worry because we were going to raise so much money we could not spend it with that bill. And I think that this particular bill is one of the bills that relieves some, particularly small, towns of a heavy burden and, as it has been said here, this Legislature seems inclined to want to help smaller towns.

We had a tax rate of eighty-six mills last year. The selectmen tell me it will be ninety odd this year, nearly one hundred mills, and I have no doubt there are other small towns that are in a bad way. And

I would like to see this bill kept alive until we see what we are going to have for revenue in the State. Therefore I hope that the motion of the gentleman from Presque Isle does not prevail.

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

Mr. BREWER: Mr. Speaker, I retract my motion for indefinite postponement and move for reconsideration of enactment, with the idea in mind that this bill be referred back to the Committee. I understand that they would like to have it back again.

The SPEAKER: This particular bill has not as yet been enacted.

The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Mr. Speaker, I understand the motion is for the indefinite postponement of this bill to relieve the towns of the care of neglected and dependent children. Is that the motion before the House?

The SPEAKER: That is correct.

Mr. FINNEGAN: Mr. Speaker, I have also given this matter considerable thought. It is another one of those bills that tie in with your Health and Welfare Department, remote control, mounting expenditures. At the present time you have a little bit of check because the towns are directly interested in seeing that it has some sort of management and control. Of all the glaring defects this recent investigation has disclosed, this is one of the prize packages and if, with the present supervision of the towns where they have a direct interest in contributing to the check that has to be made monthly, if, with that supervision so glaringly mismanaged and so wasteful and such extravagant grants are made to recipients, what will happen if this is back in the Health and Welfare? It can run into another couple of million dollars. I heartily concur in the indefinite postponement of this bill. I say, let us have some local management and get away from this remote control which has already driven us into desperation, into a major tax bill to cure some things that should have been corrected before they got to this stage.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Presque Isle, Mr. Brewer, that

this matter be indefinitely postponed.

All those in favor will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

The SPEAKER: Fifty-seven having voted in the affirmative and fifty in the negative, the motion prevailed and the matter is indefinitely postponed.

The Chair will state at this time that we have apparently nine pieces of unfinished business. There is also the unassigned matters and the matter which was recalled from the Governor. If any member is in a position to act on any of these matters, it might be well to do so.

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

Mr. BREWER: Mr. Speaker, I would ask the parliamentary procedure so this bill that is recalled from the Governor could be re-committed to the Agriculture Committee.

The SPEAKER: The Chair will state that it is necessary under suspension of the rules to reconsider passage to be enacted and passage to be engrossed.

Thereupon, on motion by Mr. Brewer, under suspension of the rules, the House voted to reconsider its action of April 17th, whereby H. P. 1365, L. D. 987, "An Act giving Commissioner of Agriculture Authority to Establish Quarantines" was passed to be enacted; and on further motion by the same gentleman, under suspension of the rules, the House voted to reconsider its action of April 9th whereby this matter was passed to be engrossed; and on further motion by the same gentleman, the matter was re-committed to the Committee on Agriculture in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, this morning I asked to change my vote on one of the institutional building resolves in order that I might be eligible to move reconsideration, not because I personally have any more interest than any member of the Legislature in those resolves, but because it seemed to me that the time had come when someone should speak on behalf of many members of this House who seem to be in a

state of confusion because they do not perceive any framework of a program, they do not see what it is that we are trying to do.

These bills have been reported from the committee to us, and it is certainly not clear to me that there is any consistent policy behind the reports of the committees. Some have come to us with a divided report, some seem to have come to us with a committee decision based on the merits of the case, and, in some cases, the members of the committee seemed to be influenced by the knowledge that up to the present time there was not any money. I have not been able to ascertain, from the evidence which has been submitted to this House, what is the intrinsic merit of these measures. Some of them have been discussed perhaps adequately, but others, in other cases, we have been told simply that the price tag is so much. I do not think that we have given these matters adequate consideration on the basis of their merits.

Now it may have been the intention of the committee that they should be considered on their merits and that we should go ahead through the preliminary stages of legislation to express our opinion as to the merits of the bills, and that, as the amount accumulated that we would like to appropriate, the Taxation Committee would, from that information, get some measure of the amount of money which we did deem necessary to appropriate for urgent needs. But it seems to be, at times at least, upside-down; there does not seem to be any place to start.

Someone said, "Which came first, the hen or the egg?" It reminds me more of the old poem about the centipede:

"The centipede was happy quite,  
Until the toad in fun,  
Said, "Pray, which foot comes after  
which?"

This wrought her mind to such a  
pitch

She lay distracted in the ditch,  
Considering how to run."

She could not decide which foot to move first. And that is the state that some of us are in when some think the money should come first and some think the demonstration of merit should come first.

Now I personally believe that the State should go some distance in taking care of these urgent building

needs. It was advocated here this morning, as an alternative solution, that we ought to borrow the money. Well, perhaps we should; but there is no bill before this Legislature, nor was any bill presented by the gentleman who advocated that procedure, by which any amount of money could be borrowed.

I wish it might be possible in some way for this House to adopt a more informal procedure so that we could think of more than one thing at the same time.

Yesterday afternoon, we started on its way an appropriation of \$100,000 in favor of Portland Junior College, for which I voted, a splendid institution which I should like to help; but its needs do not seem to me more urgent than the needs of some of our own State institutions which bills are in danger of failing today or tomorrow because we do not know where the money is coming from.

Now I do not know how to handle this. I believe these parties here have steering committees, but not one of them yet has attempted to steer me in the way in which I should go. I do not see the outlines of a program. I wish it might be possible, by some device, such as going into a committee of the whole, preferably, or by party caucuses, if there is no other way, of taking this up on an informal basis, where everyone who has a case of urgent need could submit a question to the House: "Do you want this thing bad enough to vote for a tax bill which will raise enough money to pay for it?"

Now if we could count noses on these major propositions on such a question as that, divorced from the ordinary parliamentary procedure which puts one bill ahead of another, it seems to me that we ought to come out of here with a program which would meet some of these needs, at least in part. And, in order that there might be some discussion on this program, I have made this motion to reconsider,—I repeat, not because I have a particular interest in the matter on which I make the motion, which is the first item of the institutions on the calendar, but to see if there are others here who like me would like to see the outline of a program upon which this House might agree. It is for that purpose, Mr. Speaker, that I move to reconsider the vote on the third today assigned matter,

upon which the House failed to vote "Ought to pass.

The SPEAKER: The Chair understands that the gentleman from Cape Elizabeth, Mr. Chase, moves that the House reconsider its action taken earlier in today's session whereby it accepted the majority "Ought not to pass" report of the Committee on Appropriations and Financial Affairs on "Resolve, Providing for Certain Construction at the Augusta State Hospital" (S. P. 272) (L. D. 809)

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

Mr. BOWKER: Mr. Speaker and Members of the House: I will try to make my position clear, as I did this morning, on this particular bill which was discussed this morning—three or four bills that were discussed, involving construction.

I take the stand that even if we had the money I would be against it at this time. I do not think it is the time to build, the way construction costs have risen.

We had, in the bill this morning, a \$200,000 appropriation in addition to \$350,000 that was appropriated to build exactly the same building, \$350,000 appropriated by the last Legislature. That was a 58% increase. On the Bangor construction cost, they asked for \$500,000; they had \$680,000 on hand that was going to build exactly the same building for which they had asked and received that money. Now on a \$680,000 building, they want to put another \$500,000 with it; and then it means staffing it and the expense of operation of that construction.

The gentleman from Cape Elizabeth, Mr. Chase, has said that no bill has been presented by which it might be financed. I merely mention that. I think that a capital budget should be set up for the next legislature, not at this time but at the next Legislature, for a capital building fund, and then certain moneys allocated from your general operations, to be allocated to your capital fund for building in the future. And if we have two and a half or three million dollars in capital expenditures to make, they certainly should not come out of current operating expenses. At that time I would certainly be in favor of borrowing that money if it was not available and amortizing it over a period of five to ten years, say a couple of million dollars at

the rate of two hundred thousand dollars a year, out of your general fund. That is quite different than attempting to appropriate a million or two million dollars out of current operations. But my stand on it is that it is not the time, from the money angle, to do this building, and I am against it on that principle.

I hope that the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Mr. Speaker, in answer to Mr. Chase's query for something definite, I am reminded of a story that a good friend of ours who lived in Winterport told when a meeting was being held just after they had passed Old Age Assistance.

The Legislature had met and adjourned, and, about two months later, a candidate for Governor was addressing a gathering in one of the local communities, and he was prepared to answer most any question that anybody would ask him. So there was a little old lady sitting down in the front row, and she said to this speaker, "Why do we have to wait twelve months for this assistance, why don't we get it right now?" Well, the speaker was a little bit nonplussed; he did not have the answer on the tip of his tongue; but there was a very gracious old gentleman—I will just mention his name, Mr. "Linc" Blaisdell, of Winterport—who was presiding at this gathering, and he asked the speaker if he might answer the question. The speaker was very glad to have him take it off his hands. So Mr. Blaisdell, addressing himself to the little old lady in question, said, "Madam (whatever her name was; he knew who she was) did you ever raise chickens?" She said, "Sure, I raise chickens." "Did you ever know any that laid eggs when they were four days old?"—which seemed to dispose of that question. (Laughter)

We have a matter that was just considered this morning. Now how anybody would have machinery at this stage of the game to implement that legislation I do not know. I hope—and I will even go farther than my good friend, Mr. Bowker—I would like to have that bill perfected while we are here. I will go along with it, to make that appropriation available on capital ex-

penditures, on funded debt, when, as and if these hospitals can be built on any reasonable guarantee of respectable cost—and I would not wait for the last cut in that either. But, at the present time, if the money was available you could not use it. There are no materials; things have been hanging fire on this and a thousand other building projects which have been held up. So again, I say I still hope that the motion to reconsider will not prevail, and that we can set ourselves to working out a type of legislation that will enable us to capitalize these long-range building programs, and the sooner the better, as far as I am concerned. I am willing to adopt that program as fast as we can get the proper machinery in motion. So there is no delay, there is no stalling, as far as I am concerned. I would like to have it on a practical basis. That is all I care to say.

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

Mr. **SLEEPER**: Mr. Speaker and Members of the House: I would say that the gentleman from Bangor (Mr. Finnegan) has spoken wisely and well. I have sat very quietly here for the last two or three days, and I have seen the House throwing money around almost like a drunken sailor. We vote for this, we vote for that; we apply every rule contrary to what we use in our own business. I do not know how a lot of the members here run their own business; but as I run mine, I try to save as much as I can and spend as little as I can. Apparently the House here is spending as much as they can and saving as little as they can. I cannot understand our attitude. We know that we have to pay for these things, but, on the other hand, I still have a feeling that this House will not pass a major tax bill. I know that when the final vote comes on a sales tax if I have to holler "One in the 4th" I will vote "No". And I am saying that because several members of the House have asked me if I had changed my mind about the tax bills.

I have not changed my mind; I have no intention of voting any sales tax, because a sales tax is unjust and unreasonable; you cannot pass those things on to the little man. If we are forced to vote for a tax measure, the only tax measure that I will vote for will be an in-

come tax, because an income tax is based upon a man's ability to pay; it is the only fair, just tax that there is. But I still do not think that the State needs to indulge in that, because the federal government is filling up the income tax field and that is double taxation.

Now that is something that we all have to decide here and now. We have to balance our budget. I think the idea put forth by the gentleman from Cape Elizabeth (Mr. Chase) is very wise and very well considered, when he said that we ought to resolve into a committee of the whole and find out just what we want to do.

I feel that the Members of this House do not want to vote for a sales tax in any form whatsoever, and I feel that there is almost the same group—not the same group, but a group of the same number—who do not want an income tax. That is something that we have to decide here and now.

The gentleman from Bangor (Mr. Finnegan) got up two or three days ago and made a very, very wise talk, and he said that if we want these things that we should fund them by a bond issue; and then we can finance the things that we have got to raise money for, such as the teachers' salary increase and the pension program, by perhaps a cigarette tax or some other painless form of taxation. That is something that we have to decide. Here it is the latter part of April, and we practically do not know what we are going to do. I would like to have each and every one of us think it over, make up your own minds what you are going to vote for.

I know that as far as I am concerned I will never vote for a sales tax of any kind; I will never vote for a gas tax of any kind. I had rather cut and hew to the line. I am willing to follow out the idea of the gentleman from Bangor, Mr. Finnegan. That is the only idea that I will follow, and I have an idea from what I have found out that that is the opinion of the bulk of the Members of this House. So I hope, Mr. Speaker, that the motion does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. **McCLURE**: Mr. Speaker, I would like to go along with Mr. Chase also. I differ a little with what my colleague, Mr. Sleeper,

said about his personal spending. I understand he does a lot of personal spending, but that is irrelevant to the case.

We have appropriated money for most every bill, but how many are willing to stand up and face the fact we have to raise it by taxation? It is easy enough to spend money, but it takes a little courage to vote taxes to pay for it. I do not feel that we should do it by a bond issue and put it up to our children in the future to pay. I say let's pay it now; pay as we go. If we have courage enough to vote for a measure let's have courage enough to vote for a tax bill to take care of it.

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

Mr. PEIRCE: Mr. Speaker, after the vote on this measure this morning, I was informed by the individual members of the Appropriations Committee that some of them were making an attempt to save this program, that they were attempting to draw up amendments or redrafts. I think we should save the bills and give them a chance to draw up whatever amendments or redrafts they have in mind for our consideration. In order to accomplish that purpose, I move that the motion of the gentleman from Cape Elizabeth, Mr. Chase, lie on the table.

The SPEAKER: If the gentleman wishes to place this motion on the table he must assign a time within a week.

Mr. PEIRCE: Mr. Speaker, I move that it be especially assigned for next Tuesday.

The SPEAKER: The gentleman from Augusta, Mr. Peirce, moves to lay on the table the motion made by the gentleman from Cape Elizabeth, Mr. Chase, that we reconsider our action on this matter and has especially assigned the date of April 29th.

All those in favor of the motion to lay the motion for reconsideration on the table until April 29th will please say aye; those opposed no.

A viva voce vote being doubted

A division of the House was had.

The SPEAKER: Twenty-nine having voted in the affirmative and sixty-nine in the negative, the motion does not prevail.

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

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

The SPEAKER: Is the House ready for the question? The question before the House is upon the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House reconsider its action whereby it accepted the Majority "Ought not to pass" report of the Committee on "Resolve, Providing for Certain Construction at the Augusta State Hospital." (S. P. 272) (L. D. 809)

All those in favor of the motion will please stand and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Thirty-five having voted in the affirmative and sixty-four in the negative, the motion to reconsider does not prevail.

The SPEAKER: The House is proceeding under Orders of the Day.

If there is no further business to come before the House, the Clerk will read the notices.

The Chair wishes to remind the members once more that while the House is in session no committee can be holding an executive session. If you are in executive session at the hour when this House is supposed to meet, you are to leave your committee and be in your places.

The Chair hopes that the members will make as much effort as possible to clear the table of all these unassigned matters so that we may make an effort to close this session at an early date.

On motion by Mr. Patterson of Freeport,

Adjourned until ten o'clock tomorrow morning.