

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Ninety-Third Legislature*

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Friday, May 2, 1947

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

Prayer by Representative Emmet Rankin of Bridgton.  
Journal of yesterday read and approved.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Burton.

Mr. BURTON: Mr. Speaker, I want to ask unanimous consent to address the House for about one minute.

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

Mr. BURTON: Mr. Speaker, I just want to mention the death of Charles J. Chase of Sebec on April 30th, at the age of eighty-nine. He served in this House in 1909, 1933, and 1935, and as a Senator in 1913, 1937 and 1939. In younger years he operated a sawmill, lumbering operations, a farm and a general store. He was always very much interested in National, State, County and Town affairs.

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

Mr. MILLS: Mr. Speaker and Members of the House: I ask 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: Last week I read a list of the committees and the number of bills which they had in Committee, and, due to a sudden uncharacteristic dash of modesty at the time, I neglected to point out that our own Committee on Judiciary had at that time completed its work. I wanted to remind my kind seat mate that earlier in the session he had explained to the House that this group of men on Judiciary, and a very lovely lady, were overworked and should not be given so many

bills to handle. I just wanted to rub it in a little at that time, but I find this morning that it was a good thing I did not because one very astute lawyer in the State, in checking some of the statutes which we have already passed and had signed by the Governor, found that we made a slip down there in our Committee and placed the wrong word in the bill so that it resulted in some confusion on the part of people seeking divorce actions. We put in the word "libelant" when it should have been "libelee". So it is just as well I had an uncharacteristic streak of modesty last week in not attempting to say that we had done such a wonderful job.

So now it is necessary for me to ask you to let me introduce a bill, which I assure you has been fully checked before its offering, for the purpose of changing the word "libelant" to "libelee." I expect it should have been the pleasure of some one on the Legal Affairs Committee to be introducing this to correct a Judiciary mistake. I got hold of it first and I am going to offer it this morning, and I hope in the interest of clarity in the practice of law that you will give me unanimous consent to introduce it. It will not require any reference; it will go right along through and should not hold up the Legislature any.

Among the provisions of the Act is this: That Chapter 105 of the Public Laws of 1947 heretofore passed by this Legislature amending Section 56, Chapter 153, of the Revised Statutes, is hereby repealed. That is the one that says "libelant" where it should say "libelee". The same shall not be printed as part of the Session Laws of 1947. We have reprinted the Act as it should be printed and this would be the statute in place of the erroneous one that is now on the floor. So I ask unanimous consent to present the bill and move that it be not referred to any Committee.

The SPEAKER: The gentleman from Farmington, Mr. Mills, requests unanimous consent for the introduction of a bill. Is there objection? The Chair hears none and the Clerk will read the title.

The title of the Bill was read by the Clerk as follows: Bill "An Act relating to Service in Divorce Cases." (H. P. 1749)

The SPEAKER: The Chair understands that the same gentleman

now moves, under suspension of the rules, that the Bill be given its three several readings at this time, without reference to any committee, and pass to be engrossed. Is this the pleasure of the House?

The motion prevailed, and under suspension of the rules, the Bill was given its three several readings, passed to be engrossed, and sent up for concurrence.

#### Papers from the Senate

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER

May, 1, 1947

Honorable Harvey R. Pease  
Clerk of the House  
93rd Legislature  
Sir:—

Today, the President appointed as Conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Tuition for Pupils from Towns Not Maintaining a Standard Secondary School," (H. P. 1651) (L. D. 1349)

the following Senators:

LEAVITT of Cumberland  
BISHOP of Sagadahoc  
WELCH of Aroostook  
Respectfully,

(Signed) Chester T. Winslow

Secretary.

The Communication was read and ordered placed on file.

#### Senate Reports of Committees Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Increase the Purposes and Powers of Bates Manufacturing Company and to Authorize it to Acquire the Assets of the Bates Company" (S. P. 531) (L. D. 1446)

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

In the House, report was read and accepted in concurrence and the bill was read twice.

On motion by Mr. Woodworth of Fairfield, the Bill was read the third time and was passed to be engrossed in concurrence.

#### Ought to Pass with Committee Amendment

Report of the Committee on Claims on Resolve in favor of L.

Archer Weymouth of Clinton (S. P. 177) (L. D. 524) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

Committee Amendment "A" to S. P. 177, L. D. 524, "Resolve in Favor of L. Archer Weymouth of Clinton."

Amend said Resolve by striking out after the word "of" in the 1st line, the figures "\$1,640.85" and inserting in place thereof the figures "\$1,500."

Further amend said Resolve by striking out after the word "the" in the 5th line, "general fund of the State", and inserting in place thereof, "health and welfare appropriation".

Committee Amendment "A" was adopted in concurrence. Thereupon, under suspension of the rules, the Resolve was given its second reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Claims on Resolve in favor of Washington County (S. P. 253) (L. D. 715) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

Committee Amendment "A" to S. P. 253, L. D. 715, "Resolve in Favor of Washington County."

Amend said Resolve by striking out the figures "1,594.53" in the 2nd line thereof and inserting in place thereof the figure \$1,094.53

Committee Amendment "A" was then adopted, and under suspension of the rules the Resolve was given its second reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Claims on Resolve in favor of William Reardon, of Sullivan (S. P. 329) (L. D. 974) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

Committee Amendment "A" to S. P. 329, L. D. 974, "Resolve in Favor of William Reardon, of Sullivan."

Amend said Resolve by striking out after the word "the" in the 5th line, the words, "general fund of the state," and inserting in place thereof the words 'state liquor funds'

Committee Amendment "A" was adopted in concurrence, and under suspension of the rules the Resolve was given its second reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Ways and Bridges on Bill "An Act relating to Baxter Park Road" (S. P. 494) (L. D. 1362) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report was read and accepted in concurrence and the Bill had its two several readings.

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

Committee Amendment "A" to S. P. 494, L. D. 1362, "An Act Relating to Baxter Park Road."

Amend said Bill by striking out the underlined figures "\$3,500" in the 7th line thereof and inserting in place thereof the underlined figures '\$3,000'

Further amend said Bill by striking out in section 2, in the 9th line the underlined figures "\$2,000" and inserting in place thereof the underlined figures '\$1,500'

Thereupon, Committee Amendment "A" was adopted in concurrence, and under suspension of the

rules the Bill was given its third reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Ways and Bridges on Resolve providing for Maintenance of a Road in the town of Lamoine (S. P. 341) (L. D. 962) reporting "Ought to pass," as amended by Committee Amendment "A" submitted therewith.

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

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

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

Committee Amendment "A" to S. P. 341, L. D. 962, "Resolve Providing for Maintenance of a Road in the Town of Lamoine."

Amend said Resolve by striking out the figure "\$500" in the 4th line and inserting in place thereof the following figure '\$250'

Committee Amendment "A" was adopted, and under suspension of the rules the Resolve had its second reading and was passed to be engrossed as amended in concurrence.

#### Ought to Pass in New Draft

Report of the Committee on Welfare on Bill "An Act relating to Aid to Dependent Children" (S. P. 495) (L. D. 1363) reporting same in a new draft (S. P. 544) (L. D. 1466) 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, Report was read and accepted in concurrence and the Bill had its two several readings.

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

Senate Amendment "A" to S. P. 544, L. D. 1466, Bill, "An Act Relating to Aid to Dependent Children."

Amend said Bill by striking out the underlined figure "\$40" in the 11th line of that part designated "Sec. 230" of Section 2 thereof, and inserting in place thereof the underlined figure '\$50'

Further amend said Bill by striking out the underlined figure "\$40" in the 8th line of that part desig-

nated "Sec. 302" of Section 3 thereof, and inserting in place thereof the underlined figure "\$50".

Senate Amendment "A" was adopted in concurrence and the bill was assigned for third reading the next legislative day.

#### Non-concurrent Matter

From the Senate: Bill "An Act relating to the Salary of the Judge of the Lisbon Municipal Court" (H. P. 186) (L. D. 134) which was passed to be engrossed without amendment in the House on April 3rd.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: Mr. Speaker, I move we insist on our former action and request a Committee of Conference.

The SPEAKER: The gentleman from Lisbon, Mr. Plummer, moves that the House insist on its former action and requests a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: Upon the disagreeing action of the two branches of the Legislature, on Bill "An Act relating to the Salary of the Judge of the Lisbon Municipal Court" (H. P. 186) (L. D. 134) the Chair will appoint as Conferees on the part of the House: The gentleman from Lisbon, Mr. Plummer, the gentleman from Auburn, Mr. Williams, and the gentleman from Auburn, Mr. Bickford.

On motion by Mr. Burton of Milo, it was

ORDERED, that Mr. Sleeper of Rockland be excused from attendance today because of State of Maine business.

On motion by Mr. Sargent of Bucksport, it was

ORDERED, that Rev. Charles T. Brown of Bucksport be invited to act as Chaplain of the House on Thursday, May 8th.

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

On motion by Mr. Hayward of Machias, it was

ORDERED, that Mr. McKeen of Lovell be excused from attendance because of business.

#### House Reports of Committees Ought Not to Pass Tabled and Assigned

Mr. Brewer from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve to Provide Funds for Construction and Improvement of Bangor Airport in Old Town (H. P. 1642) (L. D. 1328)

(On motion by Mr. Webber of Bangor, tabled pending acceptance of Committee Report and specially assigned for Monday, May 5th)

#### Tabled and Assigned

Mr. Laughton from the Committee on Claims reported "Ought not to pass" on Resolve in favor of the town of Springfield (H. P. 1484) (L. D. 1085)

The SPEAKER: The Chair recognizes the gentleman from Lakeville Plantation, Mr. Dicker.

Mr. DICKER: Mr. Speaker, I move that Item 2 be tabled.

The SPEAKER: The gentleman from Lakeville Plantation, Mr. Dicker, moves that this matter to be laid on the table pending acceptance of the committee report. Is this the pleasure of the House?

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

Mr. MILLS: Mr. Speaker, I move to assign the matter for Monday?

The SPEAKER: The gentleman from Lakeville Plantation, Mr. Dicker, has moved that this matter be laid on the table and the gentleman from Farmington, Mr. Mills, has moved that a time be assigned and the said time be Monday, May 5th. Does the gentleman from Lakeville Plantation wish to agree to that?

Mr. DICKER: Yes, Mr. Speaker. Thereupon, the matter was laid on the table pending acceptance of the committee report, and was specially assigned for Monday, May 5th.

Mr. Laughton from the Committee on Claims reported "Ought not to pass" on Resolve to reimburse Caswell Plantation for Support of LeRoy O. Thompson (H. P. 477) (L. D. 344).

Report was read and accepted.

### Ought to Pass Printed Bills

Mr. Gray from the Committee on Claims reported "Ought to pass" on Resolve in favor of Stacyville Plantation (H. P. 1018) (L. D. 650)

Report was read and accepted and the Resolve, having already been printed, was read twice under suspension of the rules and passed to be engrossed and sent up for concurrence.

### Ought to Pass With Committee Amendment

Mr. Hammond from the Committee on Claims on Resolve in favor of Irving I. Bates of Moro (H. P. 1611) (L. D. 1277) 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 twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 1611, L. D. 1277, "Resolve, in Favor of Irving I. Bates, of Moro."

Amend said Resolve by striking out the figures, "\$269.38", and inserting thereof, the figures "\$200.00"

Committee Amendment "A" was adopted, and under suspension of the rules the resolve was given its second reading and was passed to be engrossed as amended and sent up for concurrence.

### Passed to be Engrossed

Bill "An Act relating to Neglected Children" (S. P. 541) (L. D. 1465)

Bill "An Act relating to Old Age Assistance" (S. P. 542) (L. D. 1468)

Bill "An Act relating to Adoption of Neglected Children" (S. P. 543) (L. D. 1467)

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

### Amended Bills Tabled and Assigned

Bill "An Act to Change the Charter of the city of Calais" (S. P. 490) (L. D. 1356)

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

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

Mr. CHRISTENSEN: Mr. Speaker and Members of the House: Due to a small error discovered in the Revisor of Statute's office, it has become necessary for me to move that we table this bill and specially assign it for Monday, May 5th.

Thereupon, the motion prevailed, and the bill was tabled pending passage to be engrossed and was specially assigned for Monday, May 5th.

### Tabled and Assigned

Bill "An Act to Define 'Distributors' in the Gasoline Law" (H. P. 1639) (L. D. 1327)

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, due to the fact that the Attorney General's office is very busy and I have not been able to clear this matter, I would like to move that it be tabled and specially assigned for Monday, May 5th.

Thereupon, the motion prevailed, and the matter was tabled pending passage to be engrossed and specially assigned for Monday, May 5th.

Bill "An Act relating to Law of the Road for Motor Vehicles" (H. P. 933) (L. D. 550)

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

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

Mr. WIGHT: Mr. Speaker and Members of the House: At the conclusion of my remarks I will move the indefinite postponement of this bill. First, I want to qualify as a reasonably good automobile driver. I bought my first car in 1910 and have had a car ever since, and during those years have driven about twenty-five thousand miles a year or more, which adds up to about a million miles. I have driven all over the United States and Canada and Mexico. I have had no accidents of any consequence; in fact, the front of my car has always been whole. When anybody has struck me, it has been in the rear.

I have never been arrested for infringements of the automobile laws in any of the states, so I just want to qualify as a fairly decent driver.

But this to me seems like a pre-

posterous bill. In driving all over these different roads which I have seen, outside of the Maine highways I have never seen a road where a man would drive on the right-hand side all of the time. That may be all right on the curves and the tops of hills and other dangerous places, but I doubt if there is a person in this room who can drive his automobile from his home or who does drive that automobile or will drive that automobile from his home and drive on the right-hand side of the road all of the time.

You will notice that this bill states that he shall drive on the right-hand side of the road when that road is sufficiently wide. Now "sufficiently wide" I presume is a road on which two automobiles can meet. Now nobody is going to obey that law. They drive in the middle of the road. If it is rough on the right-hand side of the road, they avoid those holes and drive on the left, and maybe they can see for a mile ahead of them—that there are no cars in sight.

And on a well-rounded road—you see these roads are turnpiked up in the center. Who wants to drive on the right-hand side of one of those roads all of the time when there is nobody in sight in any direction? I think this is a preposterous bill and I move its indefinite postponement.

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

Mr. PEIRCE: Mr. Speaker, I wish to support the motion of the gentleman from Bangor (Mr. Wight). In addition to the reasons he has very ably stated, there is another very sound reason which is of particular interest to attorneys.

If you are driving along the road and violate a statute, and, in connection with the violation of the statute, you are in an accident, even though you are not at all to blame, the fact that you are in violation of the statute immediately raises a strong presumption of contributory negligence. Once contributory negligence exists in any case, of course the plaintiff is precluded from recovering.

Now it could very well be that a person would be driving along the middle of the road, the width of which is uncertain, and he could be in an accident through no fault of his own. The mere fact that

he was driving in the middle of the road is enough to preclude him from recovering damages which he is now lawfully entitled to recover.

I urge the House to support the motion of the gentleman from Bangor (Mr. Wight).

The SPEAKER: Is the House ready for the question?

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

Mr. BICKFORD: Mr. Speaker and Members of the House: We have passed bills here before in this House that we knew would not be enforced. It does seem to me that it is too bad to lumber up our statutes with bills that we know are going to make almost everyone law-breakers.

Now I don't know what the rest of you members get when you are around home, but I know what I get, and that is this: "Why don't you go over there to Augusta and get rid of about half the laws that you have already on the statutes?" And I say to them: "I think, in my judgment, you have got something." I think that would be a darned good thing to do. But we keep on passing bills, as I said before, that are really law-breakers when we pass them, so I think it is about time that we stopped doing such things.

I am heartily in support of the motion of the gentleman from Bangor, Mr. Wight.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Bangor, Mr. Wight, that the House indefinitely postpone Bill "An Act relating to Law of the Road for Motor Vehicles" House Paper 933, Legislative Document 550. All those in favor of the indefinite postponement of this matter will please say aye; those opposed no.

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

Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue" (H. P. 1742) (L. D. 1489)

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

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

Mr. CHASE: Mr. Speaker, I believe that this bill should receive consideration after the resolution which I introduced yesterday has



been disposed of. I therefore address to the Chair the following parliamentary inquiry: If I should move to table this income tax bill for consideration after my resolution is considered, and if such motion to table for that purpose should fail, would it not be entirely in order for me then to move the indefinite postponement of the income tax bill?

The SPEAKER: Does the gentleman have in writing what he has just stated?

Mr. CHASE: Yes, Mr. Speaker.

The SPEAKER: The Chair will state that the pending question before the House is upon the passage of this matter to be engrossed. House Rule Number 29 provides: "When a question is under debate no motion shall be received but—

- 1st. To adjourn
- 2nd. To lay on the table
- 3rd. For the previous question
- 4th. To commit
- 5th. To postpone to a day certain
- 6th. To amend
- 7th. To postpone indefinitely.

If the pending question before the House is laid on the table, and if that motion is defeated, any of these other motions are then in order.

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

Mr. CHASE: Mr. Speaker, I move to table this matter as assignment as the sixth matter after the unfinished business of today's calendar.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that this matter be laid on the table pending passage to be engrossed, to be later considered after the fifth item of unfinished business has been disposed of. Is this the pleasure of the House?

The motion prevailed.

#### Orders of the Day

Mr. GALLANT of Shapleigh: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. GALLANT: Mr. Speaker, I would like to make a motion, if it is in order at this time.

The SPEAKER: A motion to adjourn is in order.

Mr. BURGESS of Limestone: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. BURGESS: Mr. Speaker, I wish to ask unanimous consent to address the House.

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

Mr. BURGESS: Mr. Speaker, may I now yield to the gentleman from Shapleigh, Mr. Gallant?

The SPEAKER: The gentleman may not yield.

Is it the pleasure of the House to take up, out of order, a paper from the Senate?

From the Senate: the following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 5th, 1947, at three in the afternoon E.S.T. (S. P. 548)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

Mr. Gallant of Shapleigh, was granted unanimous consent to address the House.

Mr. GALLANT: Mr. Speaker and Members of the House: I move that House Paper 1578, Legislative Document 1227, be reconsidered, and that this motion be tabled and specially assigned for Tuesday, May 6th.

The SPEAKER: If the gentleman is moving reconsideration and if it is a matter which has been considered today or yesterday, he does not require unanimous consent to make that motion. The Chair understands that this is Bill "An Act Providing for the Payment of a Bonus to Maine Veterans of World War I, and to Provide for the Payment thereof by Running Horse Racing and Dog Racing. Is that the paper to which the gentleman refers?

Mr. GALLANT: It is, Mr. Speaker.

The SPEAKER: The gentleman from Shapleigh, Mr. Gallant, moves that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report from the Committee on Military Affairs on Bill "An Act Providing for the payment of a Bonus to Maine Veterans of World War II, and to Pro-

vide for the Payment thereof by Running Horse Racing and Dog Racing.”

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

Mr. MILLS: Mr. Speaker, I move to table this motion until Tuesday, May 6th.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the motion be laid on the table and be specially assigned for Tuesday, May 6th. Is this the pleasure of the House?

Calls of “No”.

The SPEAKER: All those in favor of the motion of the gentleman from Farmington, Mr. Mills, that this matter be laid on the table and be specially assigned for Tuesday, May 6th, will please say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

Mr. PAYSON---

The SPEAKER: For what purpose does the gentleman rise?

Mr. PAYSON: I ask unanimous consent, under suspension of the rules, to take up out of order the second recalled matter on today's calendar?

The SPEAKER: The gentleman from Union, Mr. Payson, has moved that the rules be suspended so that the second recalled matter may be taken up at this time.

All those in favor of the motion 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: One hundred twenty members being present and eighty-seven having voted to suspend the rules, and eighty-seven being more than two-thirds of the members present, the rules have been suspended.

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

Mr. PAYSON: Mr. Speaker and Members of the House: I did not mean to take up too much of your time on this matter this morning but the bill has been found to need some amendments and it was desired to have it recommitted. Therefore, I move that the House reconsider its action whereby it passed this bill to be enacted.

The SPEAKER: The gentleman from Union, Mr. Payson, moves that the House, under suspension of the rules, reconsider its action of April 23, whereby An Act Creating a School District for the Oakfield-

Merrill-Smyrna Dyer Brook Community (H. P. 1627) (L. D. 1301) was passed to be enacted, that that matter be reconsidered at this time.

Is this the pleasure of the House?

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The same gentleman now moves that the House reconsider its action of April 14th, whereby this matter was passed to be engrossed.

Is this the pleasure of the House?

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. PAYSON: Mr. Speaker, I move that this bill be recommitted to the Committee on Legal Affairs.

The SPEAKER: The same gentleman now moves that this matter be recommitted to the Committee on Legal Affairs.

Is this the pleasure of the House?

A viva voce vote being taken, the motion prevailed.

Mr. PAYSON: Mr. Speaker, I move that this bill be sent forthwith to the Senate.

The SPEAKER: The same gentleman now moves that the matter be sent forthwith to the Senate.

Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: At this time, the Chair notes in the balcony the presence of the Eighth grade class of Cornish Junior High School, Miss Rebecca Pease accompanying that class and the Eighth grade of Porter Junior High School, Mrs. Burl Wescott accompanying that class. On behalf of the members of this House, the Chair bids you welcome here this morning.

(Applause)

The Chair lays before the House the first item of unfinished business Bill “An Act to Incorporate the Lubec Sewerage District.” (H. P. 465) (L. D. 271) [In House, passage to be enacted reconsidered.] tabled on April 30, by the gentleman from Farmington, Mr. Mills, pending passage to be enacted.

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

Mr. MILLS: Mr. Speaker, for the purpose of allowing a clarifying amendment I move that we reconsider our action whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves

that the House reconsider its action of April 24th, whereby this matter was passed to be engrossed.

Is this the pleasure of the House? The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MILLS: Mr. Speaker, if the Clerk has in his possession House Amendment "A," or a reasonable facsimile thereof, I offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Farmington, Mr. Mills, presents House Amendment "A" and moves its adoption. The Clerk will read the Amendment.

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

House Amendment "A" to H. P. 465, L. D. 271, Bill "An Act to Incorporate the Lubec Sewerage District."

Amend said Bill by striking out the 1st sentence of section 16 and inserting in place thereof the following:

"This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district, at an election to be held not later than November 1, 1947, specially called and held for the purpose and for the purpose of electing trustees as provided in section 10. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at said election; provided that the total number of votes cast for or against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor in said district at the next previous gubernatorial election.

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

On further motion by Mr. Mills, the bill and accompanying papers were order sent forthwith to the Senate.

The SPEAKER: The Chair lays before the House the second item of unfinished business House Majority Report "Ought to pass in new draft" (H. P. 1743) (L. D. 1487) under new title of "An Act to Protect the Right to Work", House Minority Report "Ought not to pass" of the Committee on Labor on Bill "An

Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes." (H. P. 1184) (L. D. 754), tabled on May 1, by the gentleman from Unity, Mr. Brown, pending acceptance of either report.

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

Mr. BROWN: Mr. Speaker and Members of the House: Your Committee on Labor worked very diligently on this bill in its new draft and the majority of the Committee believes that we have presented to you a bill which protects the rights of labor and management. This bill outlaws the closed shop and also provides for the union shop; defines unfair labor practices both on the part of labor and management and does not require any new board. Therefore, Mr. Speaker, I move that the Majority "Ought to pass" report of the Committee be accepted.

The SPEAKER: The question before the House is upon the motion of the gentleman from Unity, Mr. Brown, that the House accept the majority "Ought to pass" report of the committee.

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

Mr. MELOON: Mr. Speaker, I would like to second the motion of the gentleman from Unity, Mr. Brown. I have been over this very carefully as the Members of the House know, I was interested in the former bill. I think this will take care of practically everything that the so called Meloon bill provided for without the expense of setting up any elaborate board that that bill calls for and they have deleted in this bill those sections which are already on the statutes of the State of Maine and they set forth, as Mr. Brown has said, all the rights and privileges, they give employees the right of secret ballot, and I think it is a sound, good, labor bill and I would like to see it pass.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Unity, Mr. Brown, that the House accept the majority "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.

This being a printed bill, under suspension of the rules, it was given its two several readings and assigned for the third reading on the next legislative day.

The SPEAKER: The Chair lays before the House the third item of unfinished business House Majority Report "Ought to pass in new draft" (H. P. 1744) (L. D. 1486) under new title of "An Act to Prevent Strikes against Public Utilities and Municipal Corporations and the State of Maine.", House Minority Report "Ought not to pass", of the Committee on Labor on Bill "An Act to Prevent Strikes Against Public Utilities and Municipal Corporations." (H. P. 1303) (L. D. 886) tabled on May 1, by the gentleman from Portland, Mr. Haskell, pending acceptance of either report.

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

Mr. HASKELL: Mr. Speaker and Members of the House: The careful thought and consideration which this House and your joint Committee on Labor has given to the several so called labor bills which have been presented this winter to us here in Augusta is but a reflection of the interest, the concern, which the people of this State and this Nation have shown in regard to the entire problem of industrial peace. The sane and sound solution of these problems merits the attention of us all because ours is the ultimate interest at stake.

Man was created with an independence of mind and spirit and character as an individual, yet, with all, man has always known that the common bond of dependence, each upon the other, has been and will continue to be the source of our strength and the salvation of our existence. If there be one fundamental keystone in our way of life, it is, unquestionably, the fact that we not only recognize but respect the individual rights of men. We say and we believe in equal justice under law; that is the most fundamental principle upon which this country and its laws stand. It is a tremendously important phrase: "Equal justice under law". But this does not mean now and never has meant that the individual rights, as such, are superior to the sovereign rights of the people as a whole. If it were not so, we could not possibly have equal justice under law. In other words, Ladies and Gentlemen of the House, reasonable restrictions

and curbs on individual privileges, when done in the common interest and welfare of the people as a whole, has always been a proper legislative prerogative. That is exactly what is proposed in the measure which is now under consideration.

This is not intended as a basis of a vindictive or biased bill; it is a reasonably restrictive measure but not a prohibitory, partisan, or biased bill. It is not intended to cover, to solve the broad generalities of the entire labor picture. It is limited solely and exclusively to that situation wherein the public interest is clearly established. I do not believe that there is one person in this House who can seriously contend that we can possibly have any interference with government.

I would like to mention just a word or two about the bill as it has come from the Committee. It has come under a new title. It says: "An Act (not to prohibit but to) Prevent Strikes Against Public Utilities and Municipal Corporations and the State of Maine." Certainly there can be no question in anyone's mind that when we have work stoppages or strikes in any one of the agencies covered in this bill that the interest of the public is definitely at stake. On the other hand, in recognition of the reasonable rights of labor, it is certainly true that perhaps we can go too far if we said under all conditions even in these agencies. They should not have the right to strike. And so it is that this bill provides that when a right to strike has been clearly established, labor still has that privilege but until labor does show that, they are prevented from striking.

I think that pretty nearly covers the picture about this bill at the moment. This bill is neither arbitrary nor discriminatory. It is particularly adapted to meet a definite limited objective in which the public interest is clear and it is intended to do so in a manner fair to both sides. For those reasons, therefore, Mr. Speaker, I move acceptance of the majority "Ought to pass" report.

The SPEAKER: The question before the House is upon the motion of the gentleman from Portland, Mr. Haskell, that the House accept the majority "Ought to pass" report of the committee.

Is the House ready for the question?

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

A viva voce vote being taken, the motion prevailed.

This being a printed bill, under suspension of the rules, it was given its two several readings and assigned for third reading on the next legislative day.

The SPEAKER: The Chair lays before the House the fourth item of unfinished business House Report 'Ought not to pass' of the Committee on Claims on "Resolve, in Favor of Evelyn K. Foye, of Westbrook." (H. P. 420) (L. D. 250) tabled on May 1, by the gentleman from Westbrook, Mr. Moreau, pending acceptance of the committee report.

The Chair recognizes the gentleman from Westbrook, Mr. Smith.

On motion by Mr. Smith, the report of the committee was accepted.

#### Conference Report

The Committee on Conference on the disagreeing action of the two branches of the legislature on bill "An Act Relating to Tuition for Pupils from Towns Not Maintaining a Secondary School" (H. P. 1651) (L. D. 1349) report that they have had the same under consideration and report that both branches recede from their former positions and concur in the passage of the bill to be engrossed as amended by House Amendment "B" submitted therewith and the report is signed by the gentleman from Corinth, Mr. Elliott, the gentleman from Cumberland, Mr. Sweetser, the gentleman from Monmouth, Mr. Marsans, Committee on the part of the House; the Senator from Portland, Senator Leavitt, the Senator from Sagadahoc, Senator Bishop, and the Senator from Aroostook, Senator Welch, Committee on the part of the Senate.

Thereupon the House voted to accept the report of the Conference Committee.

Under suspension of the rules, the House voted to reconsider its action of April 21st, whereby this bill was passed to be engrossed, and voted to reconsider its action whereby it adopted House Amendment "A" on April 21st, and to indefinitely postpone House Amendment "A".

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

House Amendment "B" to H. P. 1651, L. D. 1349, Bill, "An Act Re-

lating to Tuition for Pupils from Towns Not Maintaining a Standard Secondary School."

Amend said Bill by striking out in the Bill, the underlined figure "20%" wherever it appears, and inserting in place thereof the underlined figure '10%'

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

Mr. ANDERSON of New Sweden:  
Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. ANDERSON: Mr. Speaker, I move that we reconsider our action of yesterday whereby we accepted the report of the Committee on Legal Affairs on Bill "An Act Relating to the Construction, Installation, Repair, Use, Operation and Inspection of Elevators, Dumb-Waiters and Escalators." The purpose of my motion is that it was the intention of the Committee on Legal Affairs that we should enact a workable bill. I prepared a House Amendment and thought that would take care of it. However, I find that there are several other objections and I intended to get the thing amended by a House Amendment of about four or five pages but I do not think that is practical. If we move to reconsider our action, I am prepared to make the motion to recommit and take care of the matter in committee.

The SPEAKER: The gentleman from New Sweden, Mr. Anderson, moves that the House reconsider its action of yesterday whereby it passed to be engrossed House Paper 1442.

Is this the pleasure of the House? The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ANDERSON: Mr. Speaker, I now move that this matter be re-committed to the Committee on Legal Affairs.

The SPEAKER: The same gentleman now moves that this matter be re-committed to the Committee on Legal Affairs.

Is this the pleasure of the House? The motion prevailed.

The SPEAKER: The Chair lays before the House the fifth item of unfinished business, House Resolution in Reference to a Tax Program,

tabled on May 1st by the gentleman from Farmington, Mr. Mills, pending adoption.

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

Mr. CHASE: Mr. Speaker and Members of the House: Some weeks ago in a debate on the consolidated income and sales tax bill, I advanced a suggestion for a program of taxation upon which I thought this House might be able to unite, which is substantially the elements of the program which are outlined in this Resolution.

After my remarks at that time, a considerable number of the Members of the House came to me and said that they thought that that was a good suggestion and that they would like to have some opportunity to express themselves along that line. It was extremely difficult for them to do so in connection with the bills under consideration in the regular parliamentary procedure and they wondered how they could do it, and members have continued to be interested in the idea expressed in this Resolution.

Now this Resolution, if adopted, would not have the form of law; it would be simply an informal record of the sense of the members of this House, and from that vote, if the members voted on the merit of the proposal, and from that vote if they voted on the proposal of its merit, it would be possible to determine whether or not the suggestion outlined here is a practical method of getting action in this Legislature on taxation. If it is not a practical method, I shall be the first to drop it, and to go ahead to do the best we can in what seems to be a sort of a muddle in which we find ourselves. I hope this Resolution will be considered on its merit. I hope that a record vote will be taken. If the Resolution is defeated, it will not upset the bills which are under consideration. If we attempted to deal with these two bills by offering amendments, we could create a parliamentary snarl in which no one would know where he was at, because you cannot keep one bill hitched while you amend another. To many of us our decision on the one bill is contingent on what we think is going to happen to the other.

This Resolution does not involve any such parliamentary snarl.

When the expression is taken, the vote means something. It has been said, I am told, in the corridors that this suggestion for a tax program that I advanced has its source elsewhere. There is absolutely no truth in such a story. Good or bad, it is entirely my own idea. I do not know that anyone outside of this House, outside of this Legislature, favors this program at all. This Resolution is the bare bones of a program. It proposes that the two bills ought to go along together in such a way that every member would know what would happen to both. Presumably, since the sales tax under this program would carry an emergency clause, the sales tax would go first, but those who voted for the sales tax with the emergency clause would have a record commitment on the part of the Members of the House that they would vote for the other bill too. Obviously they cannot be put into one bill because one would have the emergency clause and one would have the referendum clause.

The sales tax bill which we have before us, subject to the amendment which was adopted yesterday, or prior to the amendment which was adopted yesterday, was estimated to raise six million dollars a year in revenue. That appears to be more than is necessary unless it is proposed to give some money to the cities and towns. This Resolution says that that bill should be changed in one way or another, either by exemptions or by reducing the rate—I do not care—so that it would bring in about \$3,500,000 in revenue, which would become immediately available. As part of the same program, it further proposes that we pass an income tax, presumably the same as the one now under consideration, but amend it so that it would be referred to the people who could take it as a substitute for the State property tax which is now in effect.

By that method the finances of the State are not placed in any danger. If the people should vote under an income tax under those considerations and they approved it, the State property tax would be out and the income tax would be in.

If the members can agree to the bare bones of this proposal and work together along those lines, I feel sure that amendments can be very quickly drawn to make these two bills conform to this program.

Now if there are those here who do not think that this is a good method of procedure, and we vote on this Resolution in order to find out what the opinion is, and if they should vote against it because they object to it on procedural grounds rather than on its merits, the vote on the Resolution will still disclose to the members of the House who are willing to give and take in the middle ground which now exists between the sales tax as a method and the income tax as a method.

It is a matter of very easy statistical computation from those who vote for this Resolution to determine the possibility in this program which I have outlined.

I hope it will be voted upon on its merits, but to those who are not in favor of this proposal, I hope that they will stick with the Resolution and express themselves on it. When the vote is taken, I ask that it be taken by the yeas and nays.

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

Mr. McGLAUFFLIN: Mr. Speaker, I am one of the members who do not favor this proposition and my chief reason is because I do not believe in sending these tax measures back to the people. The proposition is up to us; it is our responsibility and we should perform this task ourselves.

I happened to pick up a Press-Herald yesterday which has an editorial along the lines that I am speaking and have spoken several times in this Legislature. I want to read it. It speaks of this matter of referring things back to the people:

"The democratic process expects that the representatives of the people will use their best judgment to frame legislation that will serve the best interests of the State. We refuse to assume responsibility; passing the buck back to the people is a denial of responsibility and the democratic process. The National Congress seems about to pass a tax bill, as it has passed many of them. It acts according to its lights and there is no referendum except by a biennial election. That has always been hailed as the democratic process at work. It could work as well in Maine. It is not working if the Legislature bogs down and refuses to act."

I do not like this proposition, when we have a problem to solve, of running home to mother.

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

Mr. MILLS: Mr. Speaker, I hope the individuals understand that this is not the resolve of a party caucus of any caucus or steering meeting. I am speaking as a representative from Farmington. I say that particularly because this matter does have considerable implications. I do not question but what the gentleman from Cape Elizabeth engendered this in his own head. I do not think he had to look elsewhere for this idea. I know he is capable of this one and a good many greater ideas but I do question that he needs to propose it in this way. I shall vote against it, not because I am not willing to take it on its merits, I am willing to do that, too, but I shall vote against it also on its merits.

The first reason is that he has all the avenues open to him that all the rest of us have in presenting his ideas by way of amendments to the income tax bill, for one thing, which was before us yesterday and is before us now. The amendment to the income tax proposing to do exactly what he asks this resolution to express is very much in order and he can get a debate on its merits.

Also, in regard to the sales tax, all he has to do is vote for the sales tax and carry through and try to get a two-thirds vote for the sales tax, and that will carry out what he tries to express in the resolution.

Now I want to express some individual ideas of my own in regard to the program which approaches next week.

The Republican party, I know, has not tried to gun any particular tax in this Legislature. It has not gotten behind the income tax, combination tax, sales tax, cigarette tax, or any other levy. It has purposely, I think, kept away from that position because it wants a free and unfettered expression of the membership of this Legislature. Now, when the time comes, when there is a clear expression of what the majority of this Legislature wants, I, as an individual and as a member of the Republican Party, will urge upon the Republican Party that we do our duty here and now and that we enact, by a two-thirds vote if we can get it, the necessary tax

measures to carry on the programs which we have been voting on so long by an overwhelming and unanimous vote. Now, if we are not able to do that, there is an alternative. The alternative is: Take the strongest tax measure there is here, the one which comes out in the last analysis as the one which the majority wants and favors, and take the expenditures such as that for the University of Maine,—and we have been very benevolent in that respect — the teachers' salaries, and others, and pile them together and have our own referendum as soon as we can, perhaps in June, and give the people the last word, which they can have anyway, if they wish to have it. Unless we are able to get a two-thirds vote, we might just as well face the situation that we operate under the referendum, because that is the system under which we operate.

I believe, first, that we should try to get our two-thirds vote, and I believe that, actually, these are pending emergencies: teachers' proposition, University of Maine, and many others, and I think it warrants the use of the emergency clause. I think we should face our duty and try to put through by an emergency bill whatever tax measure the majority will go along with. If that fails, do as I said, set our own referendum and put the question to the people as they will be able to call for anyway.

I believe that this matter should be indefinitely postponed and I make that motion because the gentleman has the same avenues of approach as the rest of us have and which I have outlined. If this resolution were carried through and the provisions of it carried out, it would, in effect, bury the income tax and take it out, of legislative consideration for another ten years. If you send it to the people and they vote as they are likely to do, they will turn down most any tax that comes before them. I think if it is coupled with the real estate tax, even then it will be turned down.

The other proposition is if you have an income tax, sales tax, cigarette tax or anything else that is coupled up with the immediate necessities which the people all know and sense just as we do, I think they will have the courage to pass it. But I hope we will get together next week and pass whatever we

have to do as an emergency measure and that that procedure will not be necessary.

And I might speak to my brothers of the opposite party for a moment. If they are going to vote a flat "No" on anything, they might just as well stay at home next week, because we would be glad to record their votes as indicative of their attitude right across the board. But I would like to point out that they do have a little choice and I think they will be charged with that choice. I hope they will consider that and consider their duties as citizens to come down here and try to do something constructive.

The SPEAKER: The question before the House is upon the motion of the gentleman from Farmington, Mr. Mills, that this matter be indefinitely postponed.

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

Mr. COLLINS: Mr. Speaker, I would like to rise in support of Mr. Chase's resolution. First and foremost, as you all know, I am in favor, definitely, of enacting some tax legislation. I believe that it is absolutely necessary; I believe, also, that the emergency feature of the sales tax would be very vital in the enactment of it, and I am in favor of that part of it. I also voted for an income tax so you can see that I am not definitely opposed to an income tax. However, I do believe that it would be much more difficult to pass an income tax measure as an emergency measure in this House than it would a sales tax. I believe that when we get a tax program at the level that we think it necessary to produce the necessary revenue, I am confident that the Members of this House are going to support that program. On the other hand I think the program as suggested by Mr Chase has real merit; it certainly seemed to get the acceptance of a great many people when they were talking it over among themselves, and I hope that the resolution will be adopted.

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

Mr. JALBERT: Mr. Speaker, I wonder if I could ask a question of the gentleman from Farmington, Mr. Mills, through the Chair.

The SPEAKER: The gentleman may ask his question.

Mr. JALBERT: Would it be advisable to have the forty-two Re-



publicans that hang around with us stay home, too?

The SPEAKER: The gentleman may answer if he wishes.

Mr. MILLS: I see no point in answering the question.

The SPEAKER: The question before the House is upon the motion of the gentleman from Farmington, Mr. Mills, that this matter be indefinitely postponed.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I am unable to support the resolution of the gentleman from Cape Elizabeth, Mr. Chase, because, first, I do not think it is proper procedure for us to attempt to bind, even informally, any member of this Legislature to vote for any bill, the terms of which he is not perfectly familiar with. This might be a proper procedure in a party caucus but I do not think it is a proper procedure here in this House and, if I understood the gentleman correctly, he has assumed that we were going to vote to support the present income tax law which is now before this House.

You will recall, a few days ago, that when the gentleman from Corinth, Mr. Elliott, moved the acceptance of the majority report he did not understand what was in the bill. I do not understand what is in the bill although I have attempted to study it during what spare time I have had. It is a bill thirty-five pages long, very complicated, it strikes out a lot of statutes and amends them, and I do not feel that I want to be bound, informally or otherwise, to vote for any bill the contents of which I am not perfectly familiar with, and I would hope that the gentlemen's motion will be defeated.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: I am rising to speak only for myself because I object very strongly to the suggestion of the gentleman from Farmington that in my position on these tax matters I am acting not as a citizen interested in the welfare of the other citizens of this State. If you will recall the statement that was issued by the minority party, some time ago, if he reads that

statement as carefully as I hope he reads most of the legislation that affects all of the citizens of our State, he will note that that statement gives us as individuals in the minority party certain freedom of action. It gives us that freedom of action because we are interested in acting in the welfare of the citizens of our State. We said in that statement that we consider our present revenue sufficient to take care of all essential functions of our government. As to functions that, at this time, are not absolutely essential, we consider the people, themselves, should be allowed to express an opinion.

The gentleman, himself, has suggested that we tie these measures which are over and above what we consider absolutely essential measures to a revenue measure which the people, themselves, are sufficiently aware of the necessity of to approve. He referred specifically to the teachers' bill and to certain capital construction programs and I, myself, speaking for myself and no one else, am in favor of such a referendum. I see no reason why we should assume to ourselves all the wisdom of the State and to decide for the people as to items that are not absolutely essential, that they should swallow the type of program that is suggested in this resolution.

If the gentleman from Farmington proposes to tie the teachers' bills to a tax measure and submit it to the people, I think he will find that I will be as aware of my obligation as a citizen as he is.

The SPEAKER: The question before the House is upon the motion of the gentleman from Farmington, Mr. Mills, that this matter be indefinitely postponed.

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

Mr. WOODWORTH: Mr. Speaker, I wish to go on record in opposition to the resolution which has been offered and in support of the motion to indefinitely postpone.

I think it is our business here to give full, free, and careful consideration to bills which are designed to produce revenue to meet the needs of the State. I do not think that we ought merely to give foremost consideration to bills which we mean to refer to the people for the purpose of letting them decide what we are elected to decide for ourselves. If a referendum is to be put on such bills afterwards, that is one thing, but the decision should

be made here first. I, personally, have definite views on both of these tax bills and I have heard enough this morning to know that my views are contrary to those of quite a few of the members here and, perhaps, all of them. But, I think, as a member of the Legislature, I have a right to express those views.

The SPEAKER: Is the House ready for the question?

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

Mr. HARRIS: Mr. Speaker and Members of the House: I believe we need money, tax money. I would like to go along with this body on some tax measure but until the straight sales tax can be amended I will not vote for it.

What I most object to in the sales tax is the fact that the inhabitants of this State least able to pay will be the principal tax payers. In the bracket system of the sales tax, the person wanting a quart of milk will pay an extra cent, or a five per cent tax; the person buying a loaf of bread would pay an extra cent, or a six per cent tax. Now I realize that we can not have any tax without hurting someone and I will vote for a sales tax exempting food and fuel but right now I will vote "yes" on this question.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Detroit, Mr. Rich.

Mr. RICH: Mr. Speaker, perhaps there will be some in this hall who will not be able to hear me. There is a frog in my throat and I have tried as hard as I could but I could not get him out.

I would like to express my opinions on this matter. You realize that I have not spoken before; I thought I would keep my mouth shut. Today, I can not—I think the gentleman from Farmington gave me the reason why I can not. He stated that the Republican Party has not gotten behind any program and that, to me, is a shameful statement to make.

We have, in this resolution, a program put forward and, in my opinion, it is high time that the Republican Party decided upon a program and either vote for it or against it, and that we, as members of this House, will accept the referendum two years from now which decries whether or not we will be reelected. I think there are too many of us here who are afraid to come out for

what we believe because we are afraid of that referendum.

It has also been suggested that we could amend any of these tax bills we saw fit as individual members. True, that avenue is open to us. But what will be the result? The result will be a hodge-podge bill going out of here, the value of which none of us can say. We put an amendment on the sales tax, yesterday. It was not debated, no one told us how it would affect the revenue, nobody asked that question. Are we going to accept something like that blindly? I learned this morning that single amendment will reduce the revenue provided by that bill by approximately thirty per cent. I wonder why we did not consider that, yesterday.

In the sales tax bill, as it now stands, or as it stood before amended, it is estimated that approximately \$3,000,000 would be turned back to the towns. To the best of my ability I can see no strings attached to the way the towns would use that. I consider it very unwise on our part to subsidize a general spending program by the municipalities. I do not believe it would be for their good to turn \$3,000,000 back to them. For those reasons, I will never vote for that sales tax. I would vote for a sales tax that would raise the amount of money that the State needs without amendments and with no exemptions. That would be a sales tax at the rate of approximately one per cent, or ten dollars for every thousand dollars spent, which is not high. Now, there has been some pressure brought to bear by municipalities for relief of their property tax but I do not consider that we are giving them proper relief when we simply throw money back in their laps and say: "Here, boys, go and spend it as you see fit." I think we would find out at once and for all what the municipalities really thought if we sent back a new tax measure and said: "If you will accept this, this gives the State the same amount as the property tax does and, if you accept this, the State will get out of the property tax field." We could really find out then how the municipal officers and the people in those towns really felt.

For the reasons which I have expressed, and I hope you understand them, I will support this resolution because to the best of my knowl-

edge it is the only program that has been brought forward by any member of the Republican Party here.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, it seems to me that thus far this morning we have been following our usual line of procedure on tax legislation in that we have been wasting time expressing the same viewpoints which we have been expressing on every one of the tax measures which have come before this body. We are, in effect, holding a caucus on the floor of the House and it does not seem to me that this is the proper place to hold such a caucus.

Now there may be many others who feel that the proposition before us is a good one; that it has merits; and there may be many who are opposed. The fact remains that by the mere passing of a resolution we will not accomplish the purpose we are seeking to accomplish. We can accomplish the purpose if we amend the tax bill to carry out these provisions and then have a vote of the House to see what the opinion of the House is on the proposition.

In view of this fact, and to give the time to those who wish to work out these amendments, that we might see or get the feeling of the House in regard to this proposition, by going through the usual parliamentary procedure of offering an amendment and getting the opinion of the House as to what we should do, in view of that fact, I, at this time, move that we table the resolution to allow the people to work out the amendments and specially assign it for next Wednesday morning.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that this matter be laid on the table pending the motion of the gentleman from Farmington, Mr. Mills, for the indefinite postponement, and that it be specially assigned for next Wednesday, May 7th.

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

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

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

Mr. JORDAN: Mr. Speaker, I am not going to argue in relation to the rightness of the policy of this resolution and I want to agree that we should decide for ourselves about an emergency vote for the expenditures of this government, but I am strongly in favor of Mr. Chase's program. When we came down here the first of January, we had only one definitely sponsored tax measure before us and that was the one sponsored by the grange. That was the proposition about the sales tax and an income tax, with the State retiring from the property tax. This House voted that proposition down but that does not mean that it was not a well-considered plan and one that would not receive the favorable consideration of the people. I, for one, voted against it and probably I would vote against it in the referendum but I do not feel that my personal decision on this matter is conclusive as to the desire of the citizens as a whole to retire from the State property tax. This program of Mr. Chase certainly sounds sensible to me. It takes care of the State expenditures and it allows the people, themselves, to decide on that very question as to the advisability of replacing the State tax by the income tax. As I said, I, myself, believe that it should not be done yet this is one proposition on which the people should vote and to their decision I should bow with due respect.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Sargent.

Mr. SARGENT: Mr. Speaker, for four months, we have been getting nowhere very fast on this tax proposition. I think the gentleman from Cape Elizabeth should be commended for trying to formulate some definite plan for us to follow. He is trying to accomplish this, it is true, by a formal action of this House, to do something which, in my opinion, should have been done long ago by party caucus or, better, by action of this House as a committee of the whole. I hope the motion of the gentleman from Farmington will not prevail.

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

Mr. ROLLINS: Mr. Speaker, this proposition is quite interesting and, as far as I am concerned, I guess every man knows that I never dodge

a yes and no vote, and I will be right here when it is taken. That is not the trouble with the whole proposition. They get records on this vote and on that vote and then they start working on the noes and while they are working on the noes, the noes are working on the yeses. (Laughter) That is about the way it has been working here, and we are getting nowhere. But this resolution is getting us nowhere, it is nothing but an open caucus in the well of the House. We generally have one here before we convene the Legislature and elect our officers; that is the only time I ever knew of a caucus being held in the House, unless it excluded the members of the other party.

I am opposed to the idea behind this bill for this reason: The people are not going to vote an income tax on themselves. The sponsors of this bill know it as well as I do. Are they going to vote an income tax upon themselves and relieve ten million acres in the State of Maine of taxation? No! I am opposed in every nature to the 7½ mill relief of the towns; from the property tax. If this program should go through unanimously, the way it is, and each part, the sales tax to the State, the income tax to the State and the communities, we would be cut off forever in the community from any other means of taxation. We have talked for years, I have talked and talked of relieving real estate. You are not relieving real estate when you take a 7½ mill tax off when many of our communities this year have increased their rate more than that. The average increase in the State, all over, is nearly that amount, between five and six mills.

There was a gentleman down here from Ernst and Ernst during the summer and the Maine Municipal Association president said to him: "If you will get out of the property tax field, we will take care of ourselves." The only comment he made, Ladies and Gentlemen, was "How long?" And that is just what I am trying to show you "how long."

This resolution, the way it is set up, is very cleverly drawn. If we could get the support, as the gentleman from Farmington says; it would put the income tax out of the picture for another ten years. Back in 1913, cleverly written, there was an amendment to the constitution that the Legislature could tax a different rate on intangible prop-

erty. A few of our cities have usurped that power of the Legislature illegally and have taxed some intangible property which they can get hold of. But, it is an illegal transaction because the Legislature is the only one that has the power to levy a tax. But that has not worked very well, as many members of this House know. I dug into that thing and fought it. I have not spoken on taxation this year but I have been quite predominant on tax measures in previous years and I have dug into it more or less. If this should pass, without a question the people would kill the income tax for the next ten years. You would have a sales tax on the books and that is what certain people want. I have claimed, perhaps in opposition to my friend, Mr. McGlauffin, who said we should clean up our House here and pay our bills, first; I am not so certain that we need more money but there are certain things which have slipped along here which are very clever.

The other day there was an amendment slipped in here for \$290,000, for the University of Maine, out of the post-war fund. They were only asking for \$110,000. No one raised a single voice. That is tied up. We have other money, we have between one and a half and two million dollars tied up, today, in the State of Maine which no one can use, that is not going to be used. Perhaps if we consider that a little, that might not make our shortage so big. But that is the case, we had it last summer at the special session. I thought I had gotten somewhere by cutting them off from two million to a million for that same institution, but they turned right around and borrowed a million. Who is responsible? The people of the State of Maine who have to pay it because they are a State institution.

I still think that there has been too much record made already. Although I am perfectly willing to vote yes and no on this question and I shall rise when the vote is taken in favor of it, but I do hope that the motion of the gentleman from Farmington prevails.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Now one thing that we do get out of coming to the Legislature is that after the

Legislature is over, you can go fishing together, you can go hunting together, you can visit one another in our respective homes, and I do quite a little travelling and, frankly one of the reasons why I want to come back is that I have always had a warm feeling for every member of both branches, everyone I have met here, and although I am on the other side of the fence, I also have had a great deal of respect for the opposition. But this morning my respect has gone up by leaps and bounds because, frankly, I have that respect but I never thought you could be such good fellows as to follow out my suggestion that I made three weeks ago to have a Republican caucus, and I never thought that you would be so fine as to invite us to attend it. (Laughter)

The SPEAKER: The question before the House is upon the motion of the gentleman from Farmington, Mr. Mills, that this matter be indefinitely postponed.

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

Mr. MILLS: Mr. Speaker, I am somewhat mellowed by the remarks of my very good friend, Mr. Jalbert, and, as I have been sitting here in my chair thinking over some of the things I have said this morning I feel a little regretful and repentant. I mentioned that the Democrats were going to vote no on everything; I say now that I do not think that was a very hospitable statement to make and I did not mean it that way; you know that I did not mean it that way. I think that they are charming gentlemen and ladies and I hope that we will have them with us—I won't say in increasing numbers—but perhaps in decreasing numbers, and I know that the same high quality that they have set in this House will be maintained in future Houses.

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

Mr. CHASE: Mr. Speaker, when I moved the adoption of the resolution, and I agree that the motion made to indefinitely postpone it has precedence, when I moved the adoption of the resolution, I asked for the yeas and nays. If the vote is not going to be taken on the adoption of the resolution, the vote would disclose very little which would be of value in determining how practical this program is, there

is no point in a yeas and nays vote on the motion to indefinitely postpone. When the question is put on that motion, I hope, however, that those who are in substantial agreement with me will vote against the motion to indefinitely postpone.

Mr. MILLS: Mr. Speaker, I request permission to address the House for the third time.

The SPEAKER: The gentleman from Farmington, Mr. Mills, requests consent to address the House the third time in this matter. Is there objection? The gentleman may proceed to address the House.

Mr. MILLS: I will withdraw any motion I have made and you may put the question any way you wish. I do not want it to be said that I am trying to complicate things or get any question of indefinite postponement in front of the membership that they might confuse with your request to adopt the resolution. If it will assist you, I will withdraw my motion to indefinitely postpone and you can have your yes and no vote on the adoption of the amendment, if that will assist you. I withdraw my motion to indefinitely postpone it.

The SPEAKER: The gentleman from Farmington, Mr. Mills, withdraws his motion to indefinitely postpone.

The Chair recognizes the gentleman from Portland Mr. McGlaufflin.

Mr. McGLAUFFLIN: Mr. Speaker, I do not quite comprehend of what value this vote is going to be. I do not want to throw any trigs in the way of progress but I shall vote "no", and that does not give you any idea at all of how I shall vote on these tax measures. I have told you already that I am willing to vote for an income tax or a sales tax or something that we can put through. How are you going to find anything from the record when I say I vote no on this resolution? I do not see that we are getting anywhere.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: As I read this resolution, I do not see that its adoption would accomplish any purpose that would be helpful in completing tax legislation. That is, assuming that some tax legislation is to be adopted. If I understood the gentleman from Cape Elizabeth, Mr. Chase, correctly, a vote

for this resolution is to be considered a promise to vote for a sales tax measure as an emergency and, at the same time, the thought was expressed that the measure would and should be amended. I submit to you that I do not believe any member of this House wants to make a blanket promise to vote for a tax measure until he knows what the terms of that measure are to be. I shall vote against the resolution.

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I heartily endorse the remarks of the gentleman from Auburn, Mr. Williams, and I shall vote no.

The SPEAKER: Is the House ready for the question?

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

Mr. HARRIS: Mr. Speaker, I believe there is some confusion now on this yes and no business that is about to go through and, if it is in order, I would like to make the motion, the same motion that Mr. Mills withdrew, that we indefinitely postpone and I ask for a division.

The SPEAKER: Does the gentleman request a division?

Mr. HARRIS: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Chelsea, Mr. Harris, moves that this matter be indefinitely postponed. The same gentleman has requested a division.

Is the House ready for the question?

All those in favor of the indefinite postponement of 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: Sixty-two having voted in the affirmative and fifty-three having voted in the negative, the matter has been indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I ask unanimous consent to address the House.

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

The Chair hears none and the gentleman may proceed.

Mr. BURGESS: Mr. Speaker and Members of the House: I rise at this time to discuss a problem relative to my own Town of Limestone and I promise you to be as brief as possible in covering the subject.

You have all read through the press of the recent announcement of the huge development of a bomber base in my town of Limestone. To give you an idea of the area, I am informed that the Bangor Air Base represents an area of six or seven hundred acres of land. The base in my town represents an area of 7200 acres of land. For several weeks, the engineering staff has been making its survey, and it is my opinion that the cost, although not fully established, will represent an expenditure of over \$200,000.

The town of Limestone, as you are all aware, is a small town of approximately 1800 population and a valuation slightly over one million dollars. I need not take your time to explain or point out what must necessarily happen to that town as the population moves in to work on this project, and those who will move in for business reasons. Although our town is now well equipped with school buildings, it is also true that it is geared in capacity to a population such as we have. You can readily see, from the evaluation of slightly over a million dollars that we would be unable to even borrow the funds to provide a capital investment for school buildings which we are now faced with the construction.

I am asking at this time that you consider a matter which will be brought to your attention from the rostrum very shortly, I understand. I will point this out to you: the Town of Limestone is not asking for any donation at this time. It is asking that there be set up in a reserve fund under the control of the Governor and Council a sum of money which may be drawn upon if the Federal government fails to assist us in our capital investment for the care of pupils in our civilian area. As I understand, when the base is completed, the federal government participates in the educational program for the Army personnel, but the matter of the influx of this population would be a problem to our town, and I know that you are aware that most of that influx will be a readjustment or

moving of people now living within the State of Maine.

With that explanation — I do not know what the procedure is, but I thank you and I ask you to give favorable consideration to the matter at hand.

The SPEAKER: Is it the pleasure of the House to take up out of order a paper from the Senate?

Bill "An Act to Provide for Capital Expenditures for School Buildings for the Town of Limestone." (S. P. 549)

In the Senate today received by unanimous consent and referred to

the Committee on Appropriations and Financial Affairs.

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

Thereupon the bill was referred to the Committee on Appropriations and Financial Affairs in concurrence and ordered printed.

On motion by Mr. Mills of Farmington,

Adjourned until Monday morning, May 5th, 1947, nine o'clock, E. S. T.