

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

Friday, May 9, 1947

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

Prayer by Rev. Wesley Riedel of Augusta.

Journal of yesterday read and approved.

Mr. Hayward of Machias, was granted unanimous consent to address the House.

Mr. HAYWARD: Mr. Speaker and Members of the House: There has been brought to my attention this morning a matter of concern to the town of Warren. They would like to have a resolve which was passed back in 1945, and which was to be spent this year, reallocated to be used in the town of Warren on a road running to the depot. The road on which the money is to be spent this year is being discontinued, and they would like to have this money spent this year in this new location.

This will not hold up the Legislature in any way, and, if it meets with approval, I will move that it be given its two several readings at this time and be passed to be engrossed without reference to a committee.

The SPEAKER: The gentleman from Machias, Mr. Hayward, presents a resolve and requests unanimous consent for its introduction. The Clerk will read the title.

The CLERK: (reading) "Resolve in favor of the Town of Warren" (H. P. 1757)

The SPEAKER: Is there objection to the reception of the resolve?

The Chair hears none and it has been received by unanimous consent.

Thereupon, on motion by Mr. Hayward, under suspension of the rules, the resolve had its two several readings and was passed to be engrossed without reference to a committee and sent up for concurrence.

Paper from the Senate

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER

May 8, 1947

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

Pursuant to Joint Rule 8, the House is informed that the Senate today adopted Report "A" "Ought Not to Pass" 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 Provide for the Payment Thereof by Running Horse Racing." (H. P. 1736) (L. D. 1478). In the House on May 6th, Report "B" was accepted, and the bill passed to be engrossed.

Respectfully,

(Signed)

CHESTER T. WINSLOW

Secretary.

The communication was read and ordered placed on file.

Emergency Enactor

An Act Increasing the Share of the State in Pari Mutuel Pools (H. P. 1730) (L. D. 1460)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Sweetser.

Mr. SWEETSER: Mr. Speaker, in view of the fact that I represent a group of people interested in horse racing and in which there is the consensus of opinion that this bill, if passed, will definitely establish a conflict with a race program already scheduled, I propose to move that we indefinitely postpone this measure.

The race meetings which are scheduled, as provided by the schedule from the Racing Commission, show that on June 16th to June 21st, there is a race meet scheduled for Gorham; and June 23rd to June 28th, a meet scheduled at Cumberland; on June 30th to July 5th, a race at Norway and South Paris and also, at that same time, one at Skowhegan. Naturally the plan for a race at Gorham would not conflict as the set-up in this bill provides for racing at Gorham. I feel that the situation is such that if this bill should pass allowing for six weeks of racing prior to the last Saturday of July, it brings us into these dates that I

have established, in fact, the first night racing could be on the 16th day of June. So we have those conflicts that I have referred to.

The Cumberland meet is the one which I am most concerned with. Last year, at that meet, a total of \$283,481 was wagered and the State's take was \$9921. It might be argued that competition would not seriously affect the Gorham meet but my first argument is that the competition of night racing would very definitely affect the Cumberland meet. We believe that that would be a very unfair situation as these races have already been scheduled, the details have been pretty much worked out by committees and plans are definitely on foot to go on with that meet. You might say that, it would not affect the Gorham meet but this thing works both ways. Last year, for instance, at Gorham during approximately those same dates as might be there this year, they had both day and night racing.

The night racing, you may argue was definitely opposed by the day meeting in the same fashion that night racing would be opposed by day racing at Cumberland this year. I show you these figures in comparison with the figures that have been given us as to the possible take at those night meets. We have been told that they would average at least \$400,000 a week at that program proposed for Gorham. Last year, in the six days, the total for the night racing was \$202,775. I grant you that with favorable weather for six consecutive nights that that might be increased some. I do believe, however, that the \$400,000, which has been given us as the probable take, is certainly a maximum take that might be received in case the bill should pass. Six weeks, at \$400,000 a week, gives us \$2,400,000 out of which the State takes six per cent, a total only of \$144,000, providing they have maximum attendance and good weather so that no dates have to be cancelled.

I think, then, gentlemen, that there are two points that should keep us from enacting this bill. My first one is that this year at least, there is definite competition, that it will hurt the Cumberland meet. I am not saying how much it may hurt the Norway-South Paris and Skowhegan meets,

which would be the last week of June, or the last day of June and the first five days of July, but I think you realize that it would hurt those meets, too.

The second argument is that we have been, perhaps, misinformed as to the probable take. The figures which I have given you have been secured from the Racing Commission just this morning. If it is in order, I would like to move indefinite postponement.

The SPEAKER: The gentleman from Cumberland, Mr. Sweetser, moves indefinite postponement of H. P. 1730, L. D. 1460, "An Act Increasing the Share of the State in Pari Mutuel Pools.

The Chair recognizes the gentleman from Sebago, Mr. Fitch.

Mr. FITCH: Mr. Speaker and Members of the Legislature: You have just heard from a representative of the fairs. I would like to say a few words as a representative of the horsemen.

These fairs, as you all know—I think very few of them will admit otherwise—have made money for the past few years. If you talk with the horsemen, you will find very few that have been able to eat and make expenses.

This bill which we have here increases the take, for one thing, from ten to fifteen per cent.

Next Monday night, the horsemen of the State of Maine are having a meeting in Portland. I will tell you all frankly that we are going to demand a minimum purse of \$400 for dashes, two and three dash races. If we have a one dash race, we are going to demand a \$500 purse.

As far as competition is concerned, if these fairs continue on with the take that they have now, there is a question in my mind if they will be able to come up to these purses. They can go along with this bill with the fifteen per cent take and they will get money enough so they can pay the horsemen the purses they are demanding and keep the horsemen from going to Topsfield where there will be a thirty-day meet this year.

To get back to the competition end, if you will check back, you will find that one day last year Lewiston and Windsor ran on the same day. There is very little difference between the distance between Lewiston and Windsor and Cumberland and Gorham.

You will find on that day that Lewiston ran both afternoon and evening races, Windsor ran just the afternoon races, but at both tracks they were crowded and I believe one of the best days was experienced for the entire year.

The figures have been given as to what was bet at the night racing last year. You compare the amount bet at the pari mutuel the first year the law was passed and compare it with the amount bet last year, you will find that there was considerable difference. Last year was the first year pari mutuel horse racing was allowed in the evening at Gorham. Going on the same assumption, it would lead us to believe that there is the possibility that the betting at night racing at Gorham will increase this year over last year. With these very things in mind, I hope that the motion of the gentleman from Cumberland, Mr. Sweetser, will not prevail.

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

Mr. BREWER: Mr. Speaker and Members of the House: I thought I enjoyed a fairly good reputation until this bill came along and the day after the hearing it was intimated to me that I walked out on the committee. At that time we were especially busy on appropriations, and I informed Mr. Weston approximately the location where I was and told him that if he wanted me he could send down for me and I would appear against the bill which at that time included July and August. Most certainly on those dates it would interfere with the fairs.

I want it understood that I am speaking for myself as an official of the Northern Maine Fair at Presque Isle. I happen to be Secretary of that fair. I also want it understood that Mr. Cianchette, whom everybody knows sponsored this bill, does not own one share of stock in our outfit, and the only connection that we have had with Mr. Cianchette is the fact that Presque Isle, Bangor, Skowhegan and Gorham have joined and hired their vaudeville and midway. By having at least a four weeks run they have hired their vaudeville and midway at a much more reasonable figure.

To get back to saying I thought I had enjoyed a very good reputa-

tion until this bill came out, I was surprised one day to see my picture on the back of the Lewiston Journal as one of the teams in the House, and under "Ye Sport Sandwich" by Norman S. Thomas this editorial, and I would like to read it to the members:

"We understand that one of the backers of the Gorham racing bill, who says he was against it first, has explained why he changed sides of the fence. He didn't do it, we judge, because he thought it would help racing in Maine. Perhaps the gentleman will say the bill won't hurt the rest of the state but we don't think he can really believe it. His Presque Isle pals were against the bill at first because it would hurt them. At that time the bill gave Gorham the "ambling concession for eight weeks, from the first of July until the first Monday in September. That would be bad for Presque Isle, which planned to operate during that period. Then the bill was changed to take in the six weeks previous to the last Saturday in July. Presque Isle wouldn't be hurt by that, so word went out that it was all right for the gentleman, whose brother wants to be the new racing commissioner, to let conscience be his guide. Being a friend of the Gorham track owner, they knew what he'd do and he did. Summed up, the interest of the state at large is just secondary."

The article goes on to say:

"We hear that one member of the Legislature put out quite a savage blast on the owner of the Gorham track when the bill was voted through the House and when that gentleman had no chance to say a word in his own defense. To us, that's uncalled for. No one should blame the owner for a legitimate attempt to help out his own business. It is, however, to be regretted that he should take the rights of other spots in the state. Passed in the Senate, the proponents for the bill stressed added income for the State, something which of course the 15% cut, not the six weeks at Gorham will provide."

Now I subscribe to everything that is said in that editorial, in fact I am rather proud to think that they took notice of us. The fact that I did recede from my stand—I was offered this bill in the first place, and being a representative, or, in fact, Chairman of the Legislative Committee of the Fair As-

sociation, my people at that time, when it was proposed to run races in July and August, felt that it would hurt our fair, because our fair begins July 28th and runs to August 2.—but the fact that the sponsors of this bill were willing to back up so that they did not interfere with any fair held at that time, I certainly say to you was considered.

The fact that my brother happened to be a candidate for the State Racing Commission, I say to you gentlemen that he would be much better off if he did not take the job; I do not think he wants it, and he certainly did not whisper in my ear.

I do want you to know that there is not any connection financially or otherwise, except as a friend, that Mr. Cianchetti and I or any of our fair association are associated with. I think this editorial itself has given the explanation. And I say to you that in these dates that this cannot hurt the fairs in any way. I am speaking only for my fair, our fair officials and myself as secretary.

At first the horsemen—and in fact we have some of the finest horses in Aroostook County owned in the State of Maine; one man last fall, after the racing season, sold one horse for fifty thousand dollars and another one for thirty five thousand and they were taken out of the country—those fellows came to me and argued that under this bill, by reason of the fact that the sponsors were willing to run a part of June and July, it would keep these horses in the State so they would be available for the fairs, and the most we might expect we would have to do would be to pay the freight on these horses from Gorham to our various fairs.

Over and above that, in regard to the specifications under this so-called Cianchetti bill of a seventy-foot track, these men with good horses argued to me that they will not put their good horses on most of the tracks in the State of Maine, in fact they prefer to race outside. Now your specifications of seventy feet was put in this bill to cover U. S. Trotting Association regulations.

I will say to you that we are making our track over this summer in Presque Isle so that we can compete with Gorham and ask for U. S. Trotting Association races. They will consider a half mile track with

seventy feet for eight horses—they had rather have eighty feet, but they will go along on seventy.

If the Army will let us light our track up, we intend to go into night racing in Aroostook County. I do want to recall to you the fact that horsemen in our county have been so dissatisfied with the treatment they have received from fairs down here, being promised certain purses and certain races, and when the horses were brought here they did not materialize, that they formed, this summer, their own racing circuit, the Maine and New Brunswick Racing Circuit.

I have talked with those men who follow the night racing, and they tell me that in New York they have the night racing, the pony racing, and they hold their fairs and nobody seems to be bothered by one or the other, but they do not like to continue racing at night, they would like to leave those places and race in the daytime. So I say to you we feel they will hold those good horses, and the good horses are what we want. We have plenty of what we call "rats," cheaper horses. To show you the difference in money bet on good horses and on poor ones; at one race in Gorham, I believe a slow race, the betting ran around \$60,000, and on the next race, a free-for-all, they bet about \$11,000. So the people want to see the good horses race.

The only objection, or the only reason that I can see that the fairs do not want night racing, it is not so much the fact it is going to hurt them, but only to the extent that they have got to dig down and pay purses to get good horses—and the purses have not been too generous in the past.

I believe it is a step in the right direction, I believe some of these other fairs, whether they want to or not, are going to be forced into night racing themselves. I feel it is important for the horsemen, and I do not see any reason why these men with good horses have got to go out of the State and race elsewhere when we have just as many people interested in racing and a lot of good horses. I hope that the motion of the gentleman from Cumberland, (Mr. Sweetser) does not prevail.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I rise to oppose this measure for several reasons. First, I want to mention the gambling proposition in general, which we all must agree does not produce anything constructive or add anything except entertainment.

It happens I was attending law school in Massachusetts at the time some of these race tracks opened there, and I well remember the comments by the merchants in the neighboring towns and the bad effect that it had on their business.

It will also, I believe, be detrimental to the interests of the fair associations and the tracks that they are operating. It would in particular hurt the association at Cumberland, and one in Androscoggin County and the one in Oxford County.

Probably many of you have seen the article in a recent issue of Life, "The Racing Racket," which covers not only the difficulties involved in the legalized pari mutuel betting but also the attendant gambling which under the laws in most states is illegal and therefore is done through the bookies.

I want to quote very briefly one or two paragraphs or sentences in that article. The first one is: "Horse racing as now conducted in America is the most gigantic racket since Prohibition."

Another paragraph:

"A good race track, thanks to the pari-mutuel system of betting, is much more valuable today than a gold mine. All money wagered at the track is placed in pools which later are divided among holders of winning tickets. But before the track pays the winners, it skims off what is known as the mutuel "take." The amount of take, set by state law, ranges from 8½% in Michigan to 16% in New York, Florida and Arkansas. Part of the money goes to the state as taxes, the rest to the track. By currying favor among legislators and sometimes by outright bribery the tracks have managed to keep their share so high that most of them could show a handsome profit even if managed by a crew of monkeys."

One track in California, the stock was originally worth \$5000 a share and is now worth \$65,000 if and when you can buy it.

This bill proposes to increase the State's take, also the amount that would go to the operator.

It seems to me that one of the worst features that attends any of these is the tendency to increase the interest in gambling which would result in an increase in the racket operated by bookies. I quote again:

"Bookmakers in the aggregate make even more money than the tracks. There are no accurate statistics on the bookmaking trade, which is illegal in every state except Nevada. Even the estimate the bookmakers handle \$4.5 billion a year in bets is only an informed guess and nobody can attempt to say what percentage of the total handle represents clear profit. But it is certain that the profit figure is enormous. The odds in horse racing are so stacked against the bettor that almost everybody who wagers on the horses over a period of time loses steadily and heavily. A bookmaker can afford to go to considerable expense to get new customers—one New York City bookie recently offered to pay an old client \$100 a week if the client would introduce him to six friends who made bets every day. Bookmakers can also afford to pay an enormous sum in graft for permission to operate."

There is a lot more along that line, but I will not attempt to quote that to you.

The reason why I feel that this would increase the illegal betting as well as the so-called legal betting, the betting permitted by this State, is that it would focus attention on racing, not merely during fair association meets but during evenings throughout the season. You can only bet at the pari mutuel window if you are present or have an agent there with the money. Therefore, those who are unable to go to these meets will have another incentive, there will be an added attraction, because the bookie can point out to them this track which operates nearby and the results of the races are featured in the local press, and therefore the betting in this fashion will, in my judgment be greatly increased.

I would like to point out what would happen to a group who go down to bet even at the track. You all know this. If you take ten dollars and go down to the track, hold a little in reserve, and bet under the old law ten dollars, even at the legal take with the cut out of that one dollar would be gone, therefore you would only have to bet on ten

aces for your entire ten dollars to be gone. Now when you increase the take to fifteen per cent you only have to put your money in seven times to have lost the entire ten dollars and have to dip into your reserve.

I do not feel that in the long run the State of Maine will gain anything by basing its source of revenue to any greater extent upon the proceeds received from gambling or any other business of this type, and therefore I am opposed to this bill.

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Bove.

Mr. BOVE: Mr. Speaker, I am opposed to this motion for indefinite postponement made by the gentleman from Cumberland, and the only reason is this: I am not a horseman and I have no desire to be one, but I am interested in the interest of the State. If I am not in error, when the bill came in I think it was signed* by nine in favor and one against it, and the bill was discussed and it was voted here that it ought to pass.

Now the gentleman from Cumberland has given us some figures. I am not certain of the accuracy of those figures: they may be accurate and they may not be. I will say now, as I said before, as long as we can derive \$400,000 from this measure certainly I welcome that. We have been here, this is not the eleventh hour, this is the twelfth hour, and what do we come to. We are endeavoring to raise a little money to pay our expenses, and, so far, we have not been able to get anywhere. Therefore, I certainly am opposed to this motion as made by the gentleman from Cumberland, Mr. Sweetser.

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

Mr. McCLURE: Mr. Speaker, there goes that man again! But I feel, members of this House, that we should look at this in the right light. True, there are many of us that differ on what is right and what is wrong. We are receiving money today from liquor in the State of Maine, and I know many people in our State who do not use it and do not believe in it any more than they do in gambling.

The matter of competition was brought up a while ago, that it

would hurt the fairs in Maine. It is my opinion that competition, whether it is in business or in horse racing, will help. It helps the people. It reduces the price in business, and it should make for better racing in horse racing.

I trust many of you have witnessed our racing meets in Maine. After witnessing them, I can understand why pari mutuel racing cannot perhaps be classified the same as gambling. Gentlemen, I think this night racing will help the man that is behind it; I have met him and I think he stands for what will help me.

Let us look at it honestly: if we are going to have pari mutuel racing in Maine, let us have the best, conducted by one of the best men, by his acts, that we have seen around this Legislature.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Sweetser, for indefinite postponement of the bill.

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

Mr. JALBERT: Mr. Speaker, the remark was made, or words to that effect, that those who are able go to the track. It should be "those who want to go to the track." You do not have to go to the track if you do not want to. As far as the bookies are concerned, the State of Maine happens to be the bookie in this situation. I will guarantee to you that if there are any bookies that would go to the tracks that Captain Young, who has been going to the tracks for years, will spot them and they will disappear mighty quickly.

As far as I am concerned, I like to go watch these horse races once in a while. I love it. I would have gone to Presque Isle last year, but a certain gentleman told me he would mail me tickets, but I notice, in reading the paper, that he forgot all about it.

I went to the races in Lewiston last year, I went to Cumberland, I went to Bangor twice, in what time I could take off or at night. Some of us who work during the day, if this bill passes will be able to go to Gorham or any other track where they have it and enjoy ourselves, if we want to. If we do not want to, we will stay at home. As the old adage says, if we want to go and our wives do not want us

to go, we can still compromise and stay home.

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

Mr. HARRIS: Mr. Speaker, I have no quarrel with this bill as to who races when or where. I only wish to say I think we are making a mistake to raise the pari mutuel take by ten per cent or fifteen per cent.

For illustration: two men bet two dollars each on a horse in a private bet, and the winner would get four dollars. As the take stands now, that would return to the winner on a pari mutuel ticket \$3.56 — forty cents for the ten per cent out and one per cent for breakage. In other words, the winner is paying 44 cents for the privilege of betting legally, and now you are asking him to pay 66 cents for making the smallest bet that you can make in the State of Maine. I know there is a sucker born every minute, but I do not believe there are enough super-suckers who will bet with this much take, and I think the State's revenue will be less each year than with the ten per cent.

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

Mr. SLEEPER: Mr. Speaker, since that pamphlet was passed around yesterday that says that anyone who says "I did not intend to speak on this measure"—I hardly dare say "I do not intend to speak on this measure," so I will preface my remarks by saying I did intend to speak on this measure.

We have argued the pros and cons of the situation, but I think we have the same mind as regards the moral breakdown or moral value of racing. I think we established it in making pari mutuel a State law.

It was unfortunate when this bill was first brought up that some personalities entered into it. I wish to apologize to the members of this House for the way I acted on that because I am sorry that I was fool enough to take offense at him.

The gentleman from Presque Isle (Mr. Brewer) has shown us that this bill will not result in one-man control of racing. If the night harness racing proves satisfactory — and undoubtedly it will — other tracks will undoubtedly take it up,

and that will result in that much more revenue to the State.

I can truthfully say, and I am not two-faced about it, because if I was I wouldn't wear the face I am wearing—I can truthfully say that I am not an exponent of horse racing or betting. I have never yet and probably never will bet on a horse race, because I know that you cannot win. You cannot tell everyone that ninety-nine people out of a hundred enjoy it. A lot of people go and they do not want to win; they just want to bet and they do. This six weeks of harness racing in that period, from the middle of June to the last of July, will undoubtedly attract mostly, perhaps two-thirds or three-quarters of the people who attend these races will be out-of-state people, so, if we want to be selfish about it, we will not be harming the pocketbooks of our Maine citizens, and, if we do harm the pocketbooks of our Maine citizens, at least every cent that we take, that Mr. Cianchette takes, every cent that the tax takes for the State of Maine will stay in the State of Maine; it will not go to Rockingham Park, Suffolk Downs, or the Irish Sweepstakes. The urge is in every person, apparently, to gamble. Perhaps it is not right—we will not deny that—but at least in this case every penny that the State takes, the individual takes or the track takes will all stay in the State of Maine, and that is not really stealing money or taking our money; it is just circulating money.

I do not blame the gentlemen for being concerned. If my business was quite close to that of another company that was coming in, I would be concerned too. His concern is warranted. I doubt very much that he will be injured. If he should be, I have no doubt that if he returns in two years we can remedy that somehow or other. I am very much in favor of the country fairs; I have some close friends that run Union Fair in Union and who are opposed to the bill, and still I doubt very much if Union Fair will be hurt very much, because they hold their meets in August.

The main point, however, is that this bill is a revenue-producing measure. It would produce—perhaps I am optimistic when I said it would produce \$400,000, but if it only produces \$200,000 or \$300,000, that is quite a lot of money.

We have been stymied here, and

I am afraid we will still be stymied. I notice amendments on our desks to revive the sales and income taxes, which I will vote for if they take the emergency clauses off of them, because if the people want them they are still entitled to have them. But we will need a little money this coming summer, and all of you people who have been disappointed by this fool cigarette tax bill, you still have this two or three hundred thousand or even four hundred thousand dollars that might arrive from this bill to add to our appropriations.

So I hope when we vote on this thing that we will get an emergency two-thirds vote. If we do not get a two-thirds vote, Mr. Speaker, I think that I will vote "No" so that I can reconsider and take away the emergency measure. However, I hope we pass this with a two-thirds vote. There is no moral issue involved; there is nothing involved except almost a gift to the State of three or four hundred thousand dollars. And we are not making that one individual any richer, because that individual, as I understand it, is pretty well fixed, and any slight profit he might make from this venture will be put back into that track, into the grounds and equipment. It is just very fortunate that he happens to be a citizen and resident of this State and not some outside interest who might be interested in that same thing.

I hope very much that we can get a two-thirds vote on this measure and bring in thirty or forty thousand dollars to the State. I hope that the motion of the gentleman from Cumberland (Mr. Sweetser) does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Fitch.

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

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Cumberland, Mr. Sweetser, that the House indefinitely postpone H. P. 1730, L. D. 1460, "An Act Increasing the Share of the State in Pari Mutuel Pools," and a division has been requested.

Those in favor of the indefinite postponement of this bill will please stand and remain standing until counted and the monitors have made and returned the count.

The Chair will repeat for the benefit of those who have just arrived that the question being voted upon is the motion of the gentleman from Cumberland, Mr. Sweetser, that Bill "An Act Increasing the Share of the State in Pari Mutuel Pools" be indefinitely postponed.

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: Twenty-seven having voted in the affirmative and ninety-two in the negative, the motion does not prevail.

The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker, I move that we reconsider our action whereby this measure as an emergency measure was indefinitely postponed, in order that I may prepare an amendment to pass the bill as a regular bill minus the emergency measure. I voted "No."—I voted "Yes," for indefinite postponement.

The SPEAKER: The motion for indefinite postponement has failed. The question before the House is upon the passage of this bill to be enacted as an emergency measure.

This bill having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported that it is truly and strictly engrossed, is it now the pleasure of the House that it be passed to be enacted.

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House.

Those in favor of its passage as an emergency measure 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 and three having voted in the affirmative and fourteen in the negative, the bill has been passed to be enacted. It will be signed by the Speaker and sent to the Senate.

The Chair wishes to call to the attention of the members that we

have emergency enactors, and it is very necessary that every member remain in their seats.

Finally Passed

Resolve in favor of Freedom Academy (S. P. 375) (L. D. 1059)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act relating to the Fire Department of the city of Lewiston (S. P. 317) (L. D. 875)

An Act relating to Police Commission of the city of Lewiston (S. P. 322) (L. D. 870)

An Act to Effect Certain Changes in Administrative Procedure Under the Unemployment Compensation Law (S. P. 533) (L. D. 1443)

An Act to Amend the Pension Law for Members of Police and Fire Departments of the city of Waterville (S. P. 545) (L. D. 1472)

An Act Exempting Certain Independent Contractors from the Registrations in re Motor Vehicles Used in Intrastate Traffic (S. P. 546) (L. D. 1485)

An Act Creating a Sewer District in the town of York (S. P. 550) (L. D. 1497)

An Act relating to the Salary of the Judge of the Lisbon Municipal Court (H. P. 186) (L. D. 134)

An Act relating to Determination of Valuation of Property With Relation to Inheritance Tax (H. P. 1069) (L. D. 700)

An Act relating to Liquor Licenses in Unorganized Territory (H. P. 1597) (L. D. 1251)

An Act to Repeal the Charter of the Bay Point Village Corporation (H. P. 1606) (L. D. 1272)

An Act relating to State Normal Schools' Reserve Accounts (H. P. 1708) (L. D. 1434)

Finally Passed

Resolve in favor of the city of Calais to Aid in Rebuilding School (S. P. 342) (L. D. 975)

Resolve in favor of Knox Memorial Association, Inc., for Support

and Maintenance of "Montpelier" (H. P. 1045) (L. D. 684)

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

On motion by Mrs. Hatch of Minot, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

On motion by Mr. Mills of Farmington, by unanimous consent, all matters acted upon up to the present time were ordered sent forthwith to the Senate.

On motion by Mr. Mills of Farmington,

The House recessed until 2:00 P. M., E. S. T.

After Recess

2:30 P. M., E. S. T.

The House was called to order by the Speaker.

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I speak to you, now, not as a member of a group, not as a Democrat, not as a Republican, but as a representative from my community. There is a group, of which I am a member, and I have often times been called an obstructionist, sometimes jokingly, sometimes seriously, in that I have taken the part as a member of the so-called anti-taxation bloc. As the leader of my party, night before last, I took a stand in the form of a suggestion that we get together around a table to discuss the situation facing us. It was quickly accepted by the opposition and we, too, as the gentleman from Farmington stated, were long and late to bring forward a program after our agreement that we would

meet yesterday morning at nine o'clock to discuss the pros and cons. As you know, we stood alone to cool our heels as so was stated.

I am about to make a motion and before I do I would make a few brief remarks that if I, for one, were to be termed an obstructionist, I am willing at this time to go back to my people and let them decide as to whether or not I am an obstructionist whether it was done January first or done, as also has been stated, at this belated time.

I am willing to accept the Governor's budget message on its face value. I am also, now, at the point where I want to face the situation squarely. I might say, at this time, that I have heard often times remarks and I know they are always sincere. When we speak, as I say, we speak as individuals, we don't intend to say this or we don't intend to say that, we think a great deal of the gentleman, we have a lot of respect for him, I, for one, say it now to all the Members of the House, say it to the stenographers who have done a very able job, the unsung heroes, I say it to the Clerk, the Assistant Clerk, the pages and certainly to our extremely able Speaker, I have that feeling and I say it sincerely and honestly.

Let us look around in our seats for a moment, gentlemen, let us look at all these empty seats, let us look at all these boxes that are being brought in, let us face it squarely, we are on our way home. We are on our way home because we have to go home. The remark may be made that we did not have to come up here if we felt that we could not serve and serve the length of time required but is there anybody here who thought that we would be here such a length of time? I have spoken to people since we met here this morning. "I have got to go home, I have got to attend to my business. I have got to go home, I have got to take care of my farming." And it is right, and it is true, and it is justified. I spoke to two members of my own party, today, and I told them to go and tend to their duties; two young men who have served here very, very ably; served in the service. Business comes to them; they must be there when it comes to them. I have spoken to another gentleman. "I have something going on now I have got to go home." I have spoken here, and you know it, gen-

tlmen, in your own minds, some of us have said it, probably, kidding and some of us, I know, have got the interests of the State at heart, but in that we say: "I am going home", we may be here but we should be home and why? Why are these people going home? Because some of them, and I mean it, because it was told to me today, perhaps I would not be on my feet at this time, they are going home because "I have got to go home." Number 1, "I have got to take care of my business. I have got to go back to work." And Number 2, 3, 4, 5, "the program is gone; I can not see the set-up; I can not have anything rammed down my throat. Consequently, I am getting out."

Let us face it squarely. Let us assume for the moment that we are not members of the Legislature. Let us assume for the moment that January first, you or I began consulting or asking someone to do something for any one of us and we have pounded our points over, they gave us their points against, they gave us once, twice, ten, fifteen, twenty times — the pros and cons were all discussed back and forth. We did not arrive anywhere. Here we have been in session four months and eight days and a few hours. Now, if we stay here any longer to push through any major taxation or push through any other program that might be brought forward, for one, I am willing to stay, I will stay, because I am one of those fortunate people, I would say, who can do my work regardless. I have done business with many members of the Legislature in my work. If you can not convince anybody for the length of time that we have been here or anything, if we can not reach an agreement, my friends, can we reach it if we stay here one week or two weeks or longer?

The mechanics of the Legislature, I believe, could be carried out in the next day or two if we have to stay here until tomorrow night and at 11:59 cover up the clock and then, without any more attempt to push through any major taxation. Let us then go back to our people and discuss it with them, accept this balanced budget, and then come back and you good people of the farms, and you good people from Aroostook, if we are to retain, incidentally, the title that Maine holds, the empire potato State of the Union, they had better get home pretty

soon because the Idaho potato will really come in and swamp us. We will be eating them, ourselves. And then let us come back at a later date, when it is convenient, and that can be arranged, I am not suggesting any such date, and thrash this out within one or two days. I am sure and contend that we can arrive at a conclusion. I therefore move, Mr. Speaker, that when the mechanics have been gone over and when we have accomplished that, without any further attempt to put through any hasty major or a minor taxation program, we adjourn without day to a later date to be designated by those people who should designate that date. I thank you.

The SPEAKER: The Chair will request the gentleman to reduce his motion to writing.

Mr. JALBERT: Yes, Mr. Speaker.

The SPEAKER: The Clerk will kindly read the motion.

The CLERK: (reading) I move that when the mechanics of this 93rd Legislature have been accomplished, this body adjourn then, without day.

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

Mr. MILLS: Mr. Speaker, I move that the motion lie on the table.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this body adjourn when the 93rd Legislature has accomplished the mechanics. The Constitution provides that neither House shall, during the session, without the consent of the other, adjourn for more than two days nor to any other place than that in which the Houses shall be sitting, and the Chair rules the motion out of order.

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

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

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

Mr. MILLS: Mr. Speaker, due to the fact that there is on the record a statement which impugns my motives, I believe, to some extent at least, I wish to state that at that time—nine o'clock yesterday morning—I was in conference with

the Governor of the State, and at that time a member of the Legislature was requested to inform those who might be waiting in the Speaker's office, that that was the case, and that it would be impossible for us to meet at that time.

Mr. Speaker, out of order and under suspension of the rules, I present a Joint Order and move its passage.

The SPEAKER: The gentleman from Farmington, Mr. Mills, out of order and under suspension of the rules, presents an order and moves its passage.

The Clerk will read the order.

The CLERK: (reading)

ORDERED, the Senate concurring, that the following Bills:

"An Act Imposing a Sales and Use Tax to Raise Additional Revenue" (H. P. 1731) (L. D. 1470)

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

stand referred to a Joint Select Committee, consisting of the President of the Senate and Speaker of the House as members, ex-officio, seven on the part of the House to be appointed by the Speaker and three on the part of the Senate to be appointed by the President, and the minority party shall be represented on said committee;

AND BE IT FURTHER ORDERED, that said committee shall have authority to consider such Bills and report to the House either Bill or a consolidation thereof, or such other revenue measure as the committee may determine to provide sufficient revenue to the State to properly carry on the functions of government. (H. P. 1758)

The SPEAKER: Is it the pleasure of the House that the order receive passage

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

Mr. BOWKER: Mr. Speaker, I rise to a point of order. I do not object to the order, but I would like to know if this order would recommit the two bills, which to my way of thinking, have been killed in this House.

Now I don't object to the order whatsoever, but I don't see how you are going to recommit bills to a committee until first those bills have been reconsidered.

The SPEAKER: Will the gentleman state only his point of order.

Mr. BOWKER: Mr. Speaker, I wonder if, on the point of parlia-

mentary law, the bills could be re-committed to a Joint Conference Committee, bills that have already been acted on and not reconsidered by this House.

As I understand it, the bills are not before the House at the present time.

The **SPEAKER**: The Chair will state that the bills are before the House at this time, by virtue of the fact that motions for reconsideration have been made in both cases and those motions have been laid on the table, and if this House sees fit, with the concurrence of the Senate, to refer those bills to a Joint Select Committee, the legislative body may do so.

Is it the pleasure of the House that the order receive passage.

The motion prevailed.

The **SPEAKER**: The Chair will appoint on that Joint Select Committee, on the part of the House: The gentleman from Farmington, Mr. Mills, the gentleman from Caribou, Mr. Collins, the gentleman from Cape Elizabeth, Mr. Chase, the gentleman from Fairfield, Mr. Woodworth, the gentleman from Unity, Mr. Brown, the gentleman from Auburn, Mr. Williams, and the gentleman from Waterville, Mr. Muskie.

Thereupon, on motion by Mr. Mills, the Joint Order was sent forthwith to the Senate.

The following papers from the Senate were taken up out of order under suspension of the rules:

Senate Report Ought to Pass

From the Senate. Report of the Committee on Ways and Bridges reporting "Ought to pass" on Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River" (S. P. 186) (L. D. 517)

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 read twice and assigned for third reading this afternoon at four o'clock Eastern Standard Time.

Non-Concurrent Matter

From the Senate:

An Act to Define "Distributor" in the Gasoline Tax Law (H. P. 1639) (L. D. 1327) which was passed to be enacted in the House May 8th and

passed to be engrossed as amended by Committee Amendment "A" in the House on May 5th.

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

In the House: On motion by Mr. Peirce of Augusta, the House voted to recede and concur.

The following Reports of Committees were taken up out of order under suspension of the rules:

House Reports of Committees Ought to Pass

Mr. Boulier from the Committee on Ways and Bridges reported "Ought to pass" on Resolve in favor of a Bridge Across the West Branch of the Penobscot River, in Indian Purchase 3, Penobscot County (H. P. 549) (L. D. 393)

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

Leave to Withdraw

Mr. Dean from the Committee on Ways and Bridges on Bill "An Act Repealing the Town Road Improvement Fund" (H. P. 1527) (L. D. 1120), reported leave to withdraw. Report was read and accepted.

Ought not to Pass

Mr. Boulier from the Committee on Ways and Bridges reported "Ought not to pass" on Resolve relating to the Road Leading from Oakland to Smithfield (H. P. 967)

Same gentleman from same Committee reported same on Resolve in favor of a Road Leading from Brownville to Millinocket (H. P. 694) (L. D. 449)

Mr. Dean from same Committee reported same on Bill "An Act Relating to Snow Removal" (H. P. 76) (L. D. 63)

Same gentleman from same Committee reported same on Resolve for the Construction of a Dyke in the town of Howland (H. P. 274) (L. D. 186)

Reports were read and accepted.

Tabled

Mr. Hayward from the Committee on Ways and Bridges reported "Ought not to pass" on Resolve in favor of Route 15 from the towns

of Abbot to Greenville in Piscataquis County (H. P. 1436)

The SPEAKER: Is it the pleasure of the House to accept the report of the committee?

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

Mr. ROLLINS: Mr. Speaker, on this bill here I just want to leave a few facts with the members of this House. We have got an additional two-cent gas tax. The wholesalers of gasoline in the region that this road covers has paid, in the last year, \$49,000 in taxes to the State. With the addition of two cents, it will mean \$60,000 a year tax taken out of that territory. I am not going into the mathematics of the thing, but if you knew the registration in that area, you would soon realize that it was not the local cars that paid that gasoline tax. It is the summer visitor who comes to our State, and the road has been built for twenty-six years and is all worn out, and if we are not going to give them a chance to get in there, we are going to cut our revenue down terribly, and after all, a twenty-six year period at \$50,000 a year approximately—we feel that we are entitled to reimbursement of some \$7,500 to rebuild the road.

Mr. Speaker, owing to the movement that is going on, and the bills that perhaps are going to come before us, I move that this item lie on the table.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that "Resolve in favor of Route 15 from the towns of Abbot to Greenville in Piscataquis County be laid on the table pending acceptance of the committee report. Is this the pleasure of the House?"

A viva voce vote being taken, the motion prevailed, and the resolve was so tabled.

Mr. Hayward from the Committee on Ways and Bridges reported "Ought not to pass" on Resolve Appropriating Money for the State Aid Highway from Millinocket to Millinocket Lake, Penobscot County (H. P. 1529)

Same gentleman from same Committee reported same on Resolve in favor of a Bridge Across the Penobscot River (H. P. 514) (L. D. 309)

Mr. Elliott from the Committee on Welfare reported same on Bill

"An Act relating to General Assistance" (H. P. 1252) (L. D. 859)

Reports were read and accepted.

Orders of the Day

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 now move that the House recess until four o'clock Eastern Standard Time.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House now recess until four o'clock Eastern Standard Time. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

After Recess

4:15 P. M., E. S. T.

The House was called to order by the Speaker.

The SPEAKER: The Chair again calls to your attention the duty of attending each and every session following adjournment today. The Chair expresses the hope that you will each be in your seats promptly at ten o'clock tomorrow morning, with the expectation of concluding the session sometime during the day.

The SPEAKER: Is it now the pleasure of the House to take up the matters on supplement number three?

The following Report was taken up out of order under suspension of the rules:

House Committee Report Ought to Pass

Mr. Brewer from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Forty-Seven and for the Year Nineteen Hundred Forty-Eight" (H. P. 142) (L. D. 294)

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

Mr. FINNEGAN: Mr. Speaker, I move that this matter be tabled.

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

Calls of "No".

The SPEAKER: 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: Thirty-seven having voted in the affirmative and fifty-five in the negative, the motion fails.

Thereupon, the House accepted the "Ought to pass" report of the committee, and the bill, having already been printed, was given its three several readings under suspension of the rules and was passed to be engrossed and sent up to concurrence.

**Passed to be Engrossed
(Assigned for this time)**

Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River" (S. P. 186) (L. D. 517)

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

The SPEAKER: The House is proceeding under Orders of the Day. The Clerk will read the notices.

On motion by Silsby of Aurora,
Adjourned until nine o'clock tomorrow morning E.S.T.