

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-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Tuesday, April 24, 1951.

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

Prayer by the Rev. Mr. James A. Doubleday of Brunswick.

The journal of the previous session was read and approved.

Senate Reports of Committees Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program" (S. P. 274) (L. D. 613) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WEEKS of Cumberland
HASKELL of Penobscot
—of the Senate.

MARTIN of Augusta
HAND of New Limerick
BURKETT of Portland
HAWKES of Saco
WOODCOCK of Bangor
STEWART of Paris
THOMAS of Waterville
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. ELA of Somerset
—of the Senate.

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

In the House Report was read.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker and Members of the House: It is certainly not my wish to take one unnecessary minute talking about this or any other bill. I am fully cognizant of the good advice of our Leader yesterday. However, I do think, personally, that this is one of the most important measures presented to the House, and be-

cause there is a possibility of some slight confusion, I would like the indulgence of the House for just a very few minutes.

This is not a prohibition bill. It deals with sick men and women, and as far as I personally am concerned, I am interested in sick men and women, the alcoholics I refer to.

Most of us probably know that alcoholism nowadays is considered a disease, a malady. Some describe it as an allergy of the body and an obsession of the mind. There is not nearly enough known about this disease of alcoholism. If there were more people familiar with it, I think our problem would be partly solved. It is a medical and social disorder, ladies and gentlemen, of the fourth in importance in our country.

Four years ago, I understand, an attempt was made to set up a commission to study this disease of alcoholism. It failed of support. Two years ago a commission was set up to study this matter of alcoholism. Unfortunately, the money that was involved in some way got sidetracked; I never did know how it occurred, but anyway, the good people who were appointed on the committee took it upon themselves to make a good study of the question, and we all had on our desks, some days ago, the Report of the Liquor Research Commission to the 95th Maine State Legislature. It is a good report. It shows an understanding of this problem among these good people. I do not know personally all of the members on this commission by any means, but I want to publicly thank them at this time for doing a mighty good job.

They say, in this report, among many other things, that there are 5,000 sick men and women suffering from alcoholism in the State of Maine. I have no reason to doubt that figure. They also state that 1,000 alcoholics have had their cases arrested because it is a fact that "once an alcoholic, always an alcoholic." It is very similar to diabetes. A diabetic cannot take sugar into his system; it is poison to him. An alcoholic cannot take alcohol in any form into their sys-

tem because alcohol is poison to him.

The thing that is not as generally known as I wish it were is the fact that it is pretty well substantiated in many parts of the country that there is no moral issue involved particularly in being an alcoholic. Alcoholics are not all moral lepers by any manner of means. Alcoholism is no respecter of persons, I can assure you. It strikes high and low. The economic loss to our State, and we will try to confine it to our State, is in the millions without any doubt. There is no way of our knowing the cost in broken homes, in heartbreaks, loss of respect of our fellowmen, and loss of respect of the alcoholic himself or herself. There is no way of counting that; it is large, I am sure.

One of the finest things about this report and the bill which we are considering now is that the committee decided on a modest program. There is much yet to learn about the proper treatment of alcoholism, but some facts have been determined by such large medical centers as Yale University and Johns Hopkins Institute, and they are still at work on it. I don't have much of any doubt that this Legislature is going to face this matter realistically and squarely, as the other body did. When we consider, if there are 5,000 alcoholic men and women in the State of Maine and that probably every alcoholic touches the lives of twenty others, we see something of the magnitude of this social disorder. Certainly, with an alcoholic's family, his dear ones, his employer or employees, whichever, twenty is a modest figure. If we need any proof that this matter is a social disorder of the first magnitude, we should consider such companies as Eastman Kodak, DuPont, American Tel. and Tel., Metropolitan Life, General Motors, and many others, and the Saco-Lowell Shops, in our own State, have considered this matter so serious that they have taken steps in the right direction to alleviate the suffering of the alcoholic, probably from an economic standpoint, but they also have brought serenity, peace of mind and happiness to a great many people by their program.

In this bill the word "education" is used. It may be that much good may come of initiating in our schools and colleges a program that would explain to the younger people coming along that alcoholism is a disease and also explain as much as they know about it. Some way or other I attach a great deal more importance to the items in the report that they plan to set up "reference centers", one or more, as the modest amount of money involved in this bill would allow. I think it might be in order to say that in spite of the fact that this commission had no money to work with two years ago, they did the work on their own, dipping down into their own pockets, and the printed reports that were delivered to this House some weeks ago were printed from private sources and sources that did not reveal themselves.

All right! If we are satisfied that alcoholism is a very important social disorder, then what can be done about it? Sixteen years ago two men in Akron, Ohio, got together and started what has become to be almost a miraculous fellowship in this country. I am referring to Alcoholics Anonymous who, I hasten to say, take no part in politics or anything of that nature, and I have taken from their book the official description, so that we will keep that part of it straight: "Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. The only requirement for membership is an honest desire to stop drinking. A. A. has no dues or fees. It is not allied with any sect, denomination, politics, organization or institution, does not wish to engage in any controversy, neither adopting nor opposing any causes. The primary purpose is to stay sober and to help other alcoholics to achieve sobriety."

I might say that in our State of Maine, in the last five or six years, one thousand people at least — there are probably more now — have recovered from alcoholism. They are back in society. They are producers, and economically sound.

Many homes have been brought together again. Many heartaches have been alleviated.

These reference centers which this commission proposes to set up will make it possible for this fellowship of men and women to easily contact those who want help, and might I say that they are not a group of starry-eyed do-gooders; they pump no guns; come only when asked. The great trouble seems to be that people have difficulty in locating the groups, although there are groups from one end of our State to the other. It seems to me that this program would bring to our people clearly the fact that there is no disgrace in being an alcoholic; these people are suffering from a disease; and that there is a way, a way to find new hope, new peace of mind, and be brought back to a normal way of life.

I will not go into the A. A. program here because there was a fine outline in the report made by this Liquor Commission. Personality changes, that they talk about. Yes. Everybody could use some of it. One of their things that I like particularly is that they refer often to the fact that "Let him among us who is without sin cast the first stone." I think if we all paid attention to that, there would be darned little gravel moved. It is a program of helpfulness. This will allow A. A. to do its work in its own way, in its quiet way.

I hope, Mr. Speaker and Members of the House, that we will accept the majority report in concurrence. Thank you.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves that the House accept the Majority "Ought to pass" report on Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program."

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

Mr. ROUNDY: Mr. Speaker and Members of the House: This bill that is before us, Legislative Document 613, has been finely outlined by the previous speaker, but it did occur to me that I cared to emphasize the first part of Section 2 of the bill which emphasizes the educational program that the com-

mission will be able to institute in public schools, colleges and universities in such ways as they find feasible, important and practical and valuable, and I would like to urge that that is included in this bill as a very important part of that which the previous speaker has so well outlined, and it does seem to me a very splendid thing that with these alcoholic centers there is opportunity furnished for help through the means of a clinic to any of the larger number of so-called excessive drinkers that would be characterized under the term of "Alcoholics Anonymus".

I very much hope this report will be accepted as moved, and that the bill will go forward to passage.

The SPEAKER: Is the House ready for the question?

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

Mr. WOODWORTH: Mr. Speaker, I rise in opposition to the motion of the gentleman from Island Falls, Mr. Crabtree, that this report be accepted.

I am not opposed to the general purpose behind the bill. Information about alcoholism should be spread about. I don't know how much good it will do to teach it in the schools. This bill says that the Liquor Research Commission shall have the power to prescribe a program of education in the public schools and so forth. Now we have a Department of Education which is supposed to prescribe the course of studies in the public schools. We are informed that we have a nice report which tells all the things that they ought to know in order to prescribe such a course. I do not know why the Department of Education should not take charge of that and prescribe the course without any additional appropriation.

The gentleman from Island Falls (Mr. Crabtree) has said that this Liquor Research Commission does not consist of starry-eyed do-gooders. I do not know whether he means to suggest that our Department of Education is composed of starry-eyed do-gooders or not. He could perhaps make out a case. But in fact we have the Educational Department. The purposes of this bill, to prescribe a

course, is certainly within their authority. I think that if we are going to teach this subject in our public schools, the Department of Education should take full charge of it, that no further appropriation is needed, and I hope that the bill may be rejected.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I am vitally interested in the alcoholics. I am interested in doing something to heal the wounds that are inflicted upon any family and to put the bread-winner back to work.

I am not just sure about this bill. I want to know what this amendment is going to do to this bill, and I want a chance to study it and I believe there are others here that do, and Mr. Speaker, if it is in order, I move that this bill lie on the table until we can have a chance to study this.

The SPEAKER: The gentleman from Blaine, Mr. Bubar, moves that Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program", with the accompanying reports, lie on the table, pending the acceptance of the majority "Ought to pass" report. All those in favor of the motion 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 Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, very well. I don't think this bill will do anything for the alcoholic. When it comes to research, you can find anything and everything that you will ever find up to the present moment right down in this library. I could bring up loads of it. I have studied it, and it didn't cost me or anybody else \$12,000 to do it. But I cannot see that this bill is going to do anything for the alcoholic, more than just have a committee to study something and then advise that it go into the public schools. There is nothing established; this bill does not establish anything. It doesn't establish a home or any place where the alcoholic can go. It is just a case of study and advise, and

accomplish nothing. Now the way the bill is set up here, without further amendments, I am dead opposed to it.

The SPEAKER: The Chair recognizes the gentleman from New Limerick, Mr. Hand.

Mr. HAND: Mr. Speaker and Members of the House: In order to clarify the point brought out by the gentleman from Fairfield, Mr. Woodworth, the Legal Affairs Committee amended the bill by striking out the word "prescribe" which is part of Committee Amendment "A" and inserting in the place the word "recommend" to the Educational Department. That was done because the Department of Education appeared before our committee and also objected to the fact that a Liquor Research Commission could prescribe matters that should be taken care of by their department, and I am sure that Committee Amendment "A" takes care of that objection of the gentleman from Fairfield, Mr. Woodworth.

The SPEAKER: Is the House ready for the question?

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

Mr. BURKETT: Mr. Speaker and Ladies and Gentlemen: I signed the majority report on that bill, from the Legal Affairs Committee, and I was quite interested in the subject matter at the hearing. Strangely enough, last night, at an organization to which I belong in Portland, I heard one of the best speeches on any subject that I have heard for years, even including some of the oratory that we have heard last year.

A lady who is highly educated and a very intelligent lady who had occupied important positions in the social and in the business world found out that she was an alcoholic, and drank herself into the gutter literally, and her story of the steps by which she cured herself, as well as anyone can be cured of alcoholism, and got herself straightened out and is now holding a very important position in this State, was very enlightening and convinced me that even if one life like that can be rehabilitated by an act like this, it is worthwhile.

The SPEAKER: Is the House ready for the question?

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

Mr. BEARCE: Mr. Speaker and Ladies and Gentlemen of this House: Since 1922 I have had charge of men, from three to three thousand, and alcoholism has been a problem which I have always had to face as an employer or as a foreman, and I have tried all the different things that I could think of in trying to straighten some of the employees out. Very seldom it did any good, simply because I did not understand the problem.

I was invited, a year ago I think, about this time, to attend a meeting of the A.A. I learned more there in fifteen minutes on the subject of alcoholism than I had been able to gather together in all of my life up to that time.

We who are not alcoholics do not understand or know the problems as they do, and I want to say it was one of the greatest privileges of my life to be able to attend that meeting because I could commence to understand the reason why. It is not a proposition of locking them up. It is not a proposition of censure. It is a proposition of understanding the problem, and I hope that this motion before the House will prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Island Falls, Mr. Crabtree, that the House accept the majority report of the Committee on Legal Affairs on Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program." All those in favor of accepting the majority "Ought to pass" report in concurrence will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the majority "Ought to pass" report was accepted in concurrence.

Thereupon, the bill had its two several readings.

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

COMMITTEE AMENDMENT "A" to S. P. 274, L. D. 613, Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program."

Amend said Bill by striking out the word "prescribe" in the 2nd line of Section 2 of said Bill and inserting in place thereof the word 'recommend'.

Further amend said Bill by striking out the 1st sentence of Section 4 of said Bill and inserting in place thereof the following:

"There is hereby appropriated from the general fund the sum of \$12,500 for the fiscal year 1951-1952 and the sum of \$12,500 for the fiscal year 1952-1953 to the said commission to be expended in the promotion of its objectives and in the payment of the necessary expenses of the commission."

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

Ought to Pass in New Draft

Report of the Committee on Public Buildings and Parks on Bill "An Act relating to Payments to Towns in Lieu of Taxes" (S. P. 108) (L. D. 161) reporting a new draft (S. P. 549) (L. D. 1305) 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.

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

Ought to Pass

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act Authorizing Clerk Hire for the Westbrook Municipal Court" (S. P. 285) (L. D. 624)

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, the Bill read twice and tomorrow assigned.

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

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act

Authorizing Clerk Hire for the South Portland Municipal Court" (S. P. 286) (L. D. 625)

Report of the same Committee reporting same on Bill "An Act Authorizing Clerk Hire for the Brunswick Municipal Court" (S. P. 287) (L. D. 626)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act relating to the Building Inspector of the City of Lewiston" (S. P. 307) (L. D. 658) 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 read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 307, L. D. 658, Bill "An Act Relating to the Building Inspector of the City of Lewiston."

Amend said Bill by adding after the words "fire protection," in the 5th line, the underlined words 'annual fire inspection'

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

Report of the Committee on Legal Affairs on Bill "An Act relating to Board of Education of City of Lewiston" (S. P. 308) (L. D. 659) 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 read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 308, L. D. 659, Bill "An Act Relating to Board of Education of City of Lewiston."

Amend said Bill by adding at the end thereof the following underlined sentence: 'The terms of office of the members of the present board of education shall terminate on the 3rd Monday of March of the 5th year next following their appointment.'

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

Messages and Documents

OPINION

Of the Justices of the Supreme Judicial Court Given Under the Provisions of Section 3 of Article VI of the Constitution

Questions Propounded by the House of Representatives in an Order Passed April 19, 1951, Answered April 21, 1951

House of Representatives Order Propounding Questions

STATE OF MAINE

In House of Representatives

Whereas there is now pending before the House of Representatives of the 95th Legislature of the State of Maine,

Bill "An Act to Facilitate Extension of the Maine Turnpike" (House Paper 686) (Legislative Document 416), a printed copy of which is hereto attached and made a part hereof; (Exhibit "A")

Whereby it is proposed to add a new sub-section VIII to Sec. 107 (Limitation on Use of General Highway Funds) of Chapt. 20 (State Highway Department) of the Revised Statutes of 1944, which proposed new subsection VIII provides for the payment by the Treasurer of the State to the Maine Turnpike Authority created by Chapt. 69 of the Private & Special Laws of 1941, a portion of the state tax on gasoline for the purposes more fully stated therein, and

Whereby in the last sentence of the proposed new subsection

VIII it is provided that "Upon the issuance of Turnpike revenue bonds or Turnpike revenue refunding bonds by the Authority under the provisions of Chapt. 69 of the Private & Special Laws of 1941, as amended and supplemented, the provisions of this subsection shall be deemed to constitute a material part of the contract between the authority and the holders of such bonds," and

Whereas an amendment is proposed to said Bill, a copy of which proposed amendment is hereto attached and made a part hereof; (Exhibit "B") and

Whereas, grave doubt has arisen as to the constitutionality of such Bill, with or without the proposed amendment, with relation to

1. The pledging of the credit of the State, directly or indirectly, and
2. The diversion of State Highway funds, and

Whereas, to the House of Representatives of the 95th Legislature it appears that the questions of law herein raised are important and that the occasion is a solemn one; NOW, THEREFORE, BE IT ORDERED, That the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution in this behalf, their opinion on the following questions, to wit:

Question 1. Is the Maine Turnpike Authority a "State Department" within the meaning of Article LXII of the Constitution?

Question 2. Would Bill "An Act to Facilitate Extension of the Maine Turnpike" (House Paper 686) (Legislative Document 416) if enacted by the Legislature, in its present form, pledge the credit of the State directly or indirectly, contrary to the Constitution?

Question 3. Would Bill "An Act to Facilitate Extension of the Maine Turnpike"

(House Paper 686) (Legislative Document 416) if enacted by the Legislature, in its present form, divert State Highway Funds contrary to the Constitution?

Question 4. Would Bill "An Act to Facilitate Extension of the Maine Turnpike" (House Paper 686) (Legislative Document 416) if amended as proposed (Exhibit "B") and if enacted, pledge the credit of the State directly or indirectly, contrary to the Constitution?

Question 5. Would Bill "An Act to Facilitate Extension of the Maine Turnpike" (House Paper 686) (Legislative Document 416) if amended as proposed (Exhibit "B") and if enacted, divert State Highway Funds contrary to the Constitution?

Exhibit "A"

NINETY-FIFTH LEGISLATURE
Legislative Document No. 416
H. P. 686

House of Representatives,
February 2, 1951.

Referred to Committee on Highways. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.
Presented by Mr. Sinclair
of Pittsfield.

STATE OF MAINE
IN THE YEAR OF OUR LORD
NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Facilitate Extension of
the Maine Turnpike.

Preamble. Whereas, by chapter 69 of the private and special laws of 1941, approved April 17, 1941 (herein sometimes called the "act"), the Maine Turnpike Authority (herein sometimes called the "authority") was duly created as a body corporate and politic and was authorized and empowered to construct, maintain and operate in integral operating

units a turnpike from a point at or near Kittery in York county to a point at or near Fort Kent in Aroostook county, and to issue turnpike revenue bonds payable solely from revenues to pay the cost of such construction; and

Whereas, it is declared by the act that the accomplishment by the authority of the authorized purpose stated in the act is for the benefit of the people of the state of Maine and for the improvement of their commerce and prosperity in which accomplishment the authority will be performing essential governmental functions, and when all bonds issued by the authority for paying the cost of the turnpike and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose, the authority shall be dissolved and the turnpike, its connecting tunnels and bridges, overpasses and underpasses, its leases, rights, easements, franchises, land and property shall become the property of the state of Maine and all revenue therefrom shall become payable to the treasurer of state as a part of the highway funds of the state and the turnpike, its connecting tunnels, bridges, overpasses and underpasses shall be maintained and operated by the state highway commission, and all funds of the authority not required for the payment of the bonds and all machinery, equipment and other property belonging to the authority appertaining to the maintenance and operation of the turnpike shall be vested in the state highway commission; and

Whereas, the first integral operating unit of the turnpike, extending from a point in the town of Kittery at or near the approach to the interstate toll bridge over the Piscataqua river to a point in the city of Portland in Cumberland county connecting with Congress street in the Stroudwater section, with an approach connecting with U. S. route No. 1 at or near Cash corner in South Portland, has been constructed by the authority and such construction was financed by an issue of turnpike revenue bonds

of the authority in the aggregate principal amount of \$20,600,000, all of which are now outstanding and unpaid; and

Whereas, the construction of an additional unit of the turnpike, extending from the present northern terminus of the first unit at Portland into or through the heart of the state will greatly improve the commerce and prosperity and the health and living conditions of all the people in the state; and

Whereas, the construction of such additional unit will relieve traffic congestion on existing highways which is rapidly becoming a menace to the safety of the inhabitants of the state, and will relieve the highway funds of the state of enormous expenditures for widening and constructing extra lanes on existing highways; and

Whereas, the construction and operation of such additional units will substantially add to the funds available by the state of Maine for construction of public highways and will attract many motorists to Maine who will, in turn, buy more gasoline and further increase revenues of the state for use on other public highways; and

Whereas, the provisions of this supplemental act are necessary to effect the financing of such additional unit; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 20, § 107, sub-§ VIII, additional. Section 107 of chapter 20 of the revised statutes is hereby amended by adding thereto a new subsection, to be numbered VIII, to read as follows:

‘VIII. For returning and paying to the Maine Turnpike Authority, created by chapter 69 of the private and special laws of 1941, an amount equal to the amount of the tax on that number of gallons of internal combustion engine fuels which are consumed on each integral operating unit of the turnpike theretofore constructed by the authority under the provisions of said chapter 69, the amount to be paid to the authority to be calculated on the basis of 1 gallon of fuel for each 15 miles of motor vehicle travel over each such unit. On or before the 15th day of each month, the executive director of the authority shall cer-

tify to the treasurer of state the number of miles of motor vehicle travel over each such unit in the preceding calendar month, and within 15 days after the receipt of each such certificate, the treasurer of state shall pay to the secretary and treasurer of the authority, or to such trustee or cotrustee of funds of the authority as shall be designated by the authority, the amount payable to the authority according to such certificate and calculated as above set forth; provided, however, that there shall be deducted from the amount payable for the last month of each calendar year a pro rata part of the amount expended during such calendar year under the provisions of subsection IV. The amount so paid to the authority on account of each such unit shall be deemed to be revenues of such unit the same as tolls and other revenues collected by the authority. Until bonds are issued by the authority for paying the cost of an additional integral operating unit of the turnpike, all moneys received by the turnpike authority under the provisions of this subsection shall be deposited in a special fund and may be used by the authority only for the purpose of conducting traffic and engineering studies preparatory, and deemed by the authority necessary, in order to extend or construct an additional operating unit of the turnpike. Upon the issuance of any turnpike revenue bonds or turnpike revenue refunding bonds by the authority under the provisions of chapter 69 of the private and special laws of 1941, as amended and supplemented, the provisions of this subsection shall be deemed to constitute a material part of the contract between the authority and the holders of such bonds.'

Exhibit "B"

COMMITTEE AMENDMENT "A" to H. P. 686, L. D. 416, Bill "An Act to Facilitate Extension of the Maine Turnpike."

Amend said Bill by striking out everything after the words "subsection IV." and inserting in place thereof the following:

Until bonds are issued by the authority for paying the cost of an additional integral operating unit of the turnpike, all monies received

by the turnpike authority under the provision of this sub-section shall be deposited in a special fund and may be used by the authority only for the purpose of conducting traffic and engineering studies preparatory, and deemed by the authority necessary, in order to extend or construct an additional operating unit of the turnpike. Upon the issuance of any turnpike revenue bonds or turnpike revenue refunding bonds by the authority under the provisions of Chapter 69 of the Private and Special Laws of 1941, as amended and supplemented, the amount so paid to the authority on account of each such unit shall be deemed to be revenue of such unit the same as tolls and other revenues collected by the authority.

ANSWER OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

The undersigned, Justices of the Supreme Judicial Court, having considered the questions submitted to them by the Order of the House of Representatives passed April 19, 1951, respectfully answer as follows:

The Maine Turnpike Authority is not a "State Department" within the meaning of Article LXII of the Amendments to the Constitution. Our answer to Question 1, therefore is "No."

The Maine Turnpike Authority not being a state department within the meaning of said provision of the Constitution, the payment to it of any part of the revenues referred to in said provision of the Constitution, as provided for in House Paper No. 686, Legislative Document No. 416, being an act entitled "An Act to Facilitate Extension of the Maine Turnpike," either in its present form or if amended as proposed by Exhibit "B" would constitute a diversion thereof contrary to said provision of the Constitution. Our answer to Questions 3 and 5 is "Yes."

In view of the answers to Questions 1, 3 and 5 it seems unnecessary to answer Questions 2 and 4.

Dated at Portland, Maine, this twenty-first day of April, 1951.

Respectfully submitted:

(Signed)

HAROLD H. MURCHIE
SIDNEY ST. F. THAXTER

RAYMOND FELLOWS
EDWARD F. MERRILL
WILLIAM B. NULTY
ROBERT B. WILLIAMSON

Placed on file.

Mr. Rollins of Greenville was granted unanimous consent to address the House.

Mr. ROLLINS: Mr. Speaker and Members of the House: It was called to my attention about two weeks ago by the Public Utilities Commission that what we call Mile Island Light in Moosehead Lake was inoperative. They don't pay much attention to it in the winter-time, but in the summer season this is quite an important light. It is situated just outside of the town of Greenville, in the Saco Free Bridge Grant, sometimes called by us locally Cove Point Gore, and there is no means of replacing the cable without we have some funds, and it is very essential to both boat and airplane traffic that enter in that cove.

The Fish and Game Department has a sea plane base also a boathouse for their boats on one side of the cove, in the exercise of their duties, and on the other side of the cove is the Maine Forestry boathouse, an anchorage for their planes, which they use as a base for that whole area for fire protection. They store their hose and pumps and other things there, and they are available from the garage to go by truck or plane, to go by water, whichever is necessary, therefore it is quite essential that this light be renewed, and it is impossible to repair it any more. The cable is gone. The Central Maine Power Company's officials claimed that it was beyond repair, and the Public Utilities Commission have checked it up, and as I say, they brought it to my attention and they now estimate that to reactivate the Mile Light at the gore above Greenville a thousand feet of submarine cable, \$850, light and fixtures, \$150, labor for laying cable—this also includes the installation of poles and crossarms—\$200, approximately \$1200. Of course that is an estimate, and they wish to have that fund transferred from the general fund to the Public Utilities Commission so they can use it to replace this light.

Of course they will not use any more than they have to.

Therefore at this time, out of order and under suspension of the rules, I would request the privilege of entering a resolve by unanimous consent.

The SPEAKER: The Clerk will read the title of the resolve.

The CLERK (reading): Resolve Appropriating Monies to Reactivate Mile Light at Cove Point Gore.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, presents a resolve entitled Resolve Appropriating Monies to Reactivate Mile Light at Cove Point Gore. Is there any objection to its reception? The Chair hears none, and the resolve is received.

On motion of Mr. Rollins, the resolve was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Mr. Watson from the Committee on Inland Fisheries and Game on Bill "An Act Relative to Complimentary Fishing Licenses for Members of Canadian Immigration Customs Forces" (H. P. 726) (L. D. 417) reported leave to withdraw as it is covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Fogg from the Committee on Claims reported "Ought not to pass" on Resolve in favor of the Town of Litchfield (H. P. 374).

Same gentleman from the same Committee reported same on Resolve in favor of Clyde H. Getchell of Augusta (H. P. 875) (L. D. 523).

Reports were read and accepted and sent up for concurrence.

Tabled

Mr. Hall from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Wells for Support of Laura Gregoire and Louis Lindquist (H. P. 183).

Report was read.

(On motion of Mrs. Hanson of Lebanon, tabled pending acceptance of Committee Report)

Mr. Hall from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Crystal for the Support of Charles Williams and Family (H. P. 1563)

Report was read and accepted and sent up for concurrence.

Mr. Hall from the Committee on Claims reported "Ought not to pass" on Resolve in favor of George Parks of Woodland for Damages to his Automobile through a Highway Defect (H. P. 775)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: We have a resolve here that I am pretty much concerned with, and I would like to move that we substitute the resolve for the "Ought not to pass" report at this time and clear it up.

There is a little explanation on this claim. Here is a man driving along the road and finds a sign up, "Road Under Repair." He drives along for some two miles and sees nothing. All at once he pops over a hill into fresh tar, and no one around. The car sways, goes off from the road into the ditch; the whole side of the car is smashed in, and his wife is shaken up considerably. His car was damaged to such a state that he had to forego all the pleasures of that car for the season. Immediately the case was called to my attention and I came in and placed the matter before the Highway Commission. They said they would look into it. I visited them several times during last summer and nothing was done about it. So last fall, when we came in here to the Legislature, I was informed by the Commission that the only way to get the case straightened out was to file a claim, which I did.

I believe that this claim is justified because, to my way of thinking and to the way of thinking of the other witnesses, along the highway the day this happened, there was neglect on the part of the crew that was doing this work. I think when we talk about safety on the highways, I think our crews who

are working on the highways should start in and practice that safety. They use the same sign no matter what is taking place. No matter what they are doing along the highway, the same usual sign is put up. If the fellows are cutting bushes on the knoll, they put up the sign "Road Under Repair."

It seems to me as though this resolve is certainly justified, and I hope that the House will sustain me in seeing that the resolve is substituted for the "Ought not to pass" report, and I so move.

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that Resolve in favor of George Parks of Woodland for Damages to his Automobile through a Highway defect be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Calais, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: The Committee on Claims looked at both sides of this question, as we always do. There was a conflict of stories as to just exactly what did take place. We had been told by one witness that the man, Mr. Parks, was attempting to pass a truck at the time the car left the road, trying to pass the truck in fresh tar. With such a conflict of stories as we had the only thing which we could do was to take both stories and base our opinion on the matter. The sign definitely was out—now this isn't a question of safety on the highways or a debate on what kind of a sign should be used. The gentleman from Baileyville, Mr. Brown, has made some remarks on highway safety and on the fact that the same kind of sign is used for all types of work—that has nothing to do with this case, the fact of the matter being that the sign was out, we took into consideration the fact that it may have been further from the actual job than perhaps it should have been, although that was a matter of estimation; the highway crew say it was approximately a mile and Mr. Parks says two miles; in other words, this is one of those cases where we have two different stories and it is almost impossible to get any definite proof that the sign was too far

from the job or, on the other hand, any definite proof that Mr. Parks was travelling too fast. Therefore, with this in mind, the Committee turned out an "Ought not to pass" report, feeling that if the damage was extensive enough, and there was actual neglect which would hold up in court, such would be Mr. Parks' next move.

I hope the motion of the gentleman from Baileyville, Mr. Brown, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I secured a photostatic copy of the police report, who investigated the case. I do not think in that report there is any sign of any truck being there. In fact the State Cops said there is no question of neglect or negligence in any way. This gentleman is one of the most careful drivers in the country, and I think that the neglect is on the part of the crew who was performing the work because this long stretch of tar was stretched out there for a long distance, and the crew was way down at the other end sitting on the bank at the time it happened. The gentleman popped over this little hill, and on that road there are a lot of them, he popped right over the hill and went into the ditch and hit a jagged ledge there, stove in the whole side of the car also the top; the car was in such a manner that for the rest of the season he wasn't able to shut the doors; they were tied with rope yarn to hold them to whenever he drove his car on the road.

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

Mr. HALL: Mr. Speaker and Members of the House: Speaking of that police report, that is where I got my information on excessive speed. The police report states "excessive speed."

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Baileyville, Mr. Brown, that the House substitute Resolve in favor of George Parks of Woodland

for Damages to his Automobile through a Highway Defect for the "Ought not to pass" report of the committee. All those in favor of substituting the resolve for the report will say aye; those opposed, no.

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

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

The SPEAKER: The Chair notes the presence in the balcony of the Hall of the House of twenty-six students from the University of Maine, members of the International Club, under the direction of Rev. Charles O'Connor of Orono. Included in this group are sixteen students from foreign countries, namely, Venezuela, India, Greece, China, Finland, Mexico, Austria, Germany, Estonia, Holland, France and Hawaii.

In behalf of the House, the Chair at this time bids you all a cordial welcome. (Prolonged applause)

Mr. Hamilton from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Millinocket for Support and Medical Care of Warren Dorr and Family (H. P. 115)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Hamilton from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Cora and George Reynolds, of Bath (H. P. 1570)

Report was read.

(On motion of Mrs. Moffatt of Bath, a viva voce vote being taken, tabled pending acceptance of Committee Report, and specially assigned for Thursday, April 26th.)

Mr. Ingraham from the Committee on Claims reported "Ought not to pass" on Resolve Reimbursing Ira B. Hagen, of Ellsworth Falls, for Storage of State Highway Equipment (H. P. 1517)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Potter from the Committee on Claims reported "Ought not to

pass' on Resolve in favor of Dexter Bottling Company, Inc. of Dexter (H. P. 1609)

Report was read.

(On motion of Mr. Roberts of Dexter, tabled pending acceptance of Committee Report, and specially assigned for tomorrow morning)

Mr. Taylor from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Special Deputy Sheriffs in Cumberland County" (H. P. 1357) (L. D. 932)

Mr. Jones from the Committee on Transportation reported same on Bill "An Act relating to Exhaust Pipes on Trucks and Busses." (H. P. 1284) (L. D. 822)

Reports were read and accepted and sent up for concurrence.

The SPEAKER: Members of the House: The gentleman from Machiasport, Mr. Hanson, was first elected to this House in 1893, and has been re-elected several times since that date. He is now serving his fourth consecutive term since 1945, and I feel confident that you will all agree with me that he would do us an honor to serve as Speaker pro tem for a short time, and the Chair at this time appoints the gentleman from Machiasport, Mr. Hanson, Speaker pro tem, and directs the Sergeant-at-Arms to escort him to the rostrum.

Thereupon, Mr. Hanson was escorted by the Sergeant-at-Arms to the rostrum, where he assumed the Chair amid the prolonged applause of the House, the members rising, and Speaker Silsby retired.

Passed to be Engrossed

Bill "An Act relating to Suspension of Hunting and Fishing Licenses" (S. P. 374) (L. D. 900)

Bill "An Act relating to Clerk Hire in the Office of the Recorder of the Portland Municipal Court" (H. P. 166) (L. D. 97)

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

Amended Bill

Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for

Bridge Repairs" (H. P. 658) (L. D. 367)

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

Mr. Burkett of Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H.P. 658, L. D. 367, Bill, "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs."

Amend said act by inserting before the last paragraph headed "Emergency Clause" the following:

"There is hereby created a board to be called the Portland Bridge Advisory Board to be composed of the members of the State Highway Commission, the City Manager of Portland, the City Manager of South Portland, and five members of the 95th Legislature; one to be a member of the Senate to be appointed by the President of the Senate, and four members of the House of Representatives to be appointed by the Speaker of the House, and a representative of Portland Terminal Company, to be appointed by the President of that corporation, which said board shall organize and elect a chairman and a secretary from their own number, and who shall serve without compensation, but shall be reimbursed, as hereinafter provided, for their necessary expenses incurred while serving as a member of said board. Said board, together with the County Commissioners of said Cumberland County shall study the present needs for repairs and maintenance of said bridge as now existing, and the advisability of construction of a bridge at a location and of a height that will make unnecessary the construction and maintenance of a draw for the passage of vessels; and for said purposes the State Highway Commission shall employ its engineers and may, if it deems advisable, consult with other engineers specially experienced in bridge design and construction, and shall obtain estimates of cost.

Said board shall make a report to the Governor and Council of its

findings and recommendations not later than November 30, 1951.

Any expenses incurred by said board, including necessary expenses of the members of the board, except officials and employees of the State Highway Commission and Portland Terminal Company, while engaged in the duties of the board, and the expenses of any necessary or emergency repairs or replacements to said bridge, shall be paid by the county treasurer on written order of the county commissioners, from the Bridge Repair and Reconstruction Fund authorized by Chapter 131 of the Private and Special Laws of 1949.

House Amendment "A" was thereupon adopted, and the bill was given its third reading, passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

Passed to be Engrossed (Cont'd)

Bill "An Act relating to Expenses of the Brunswick Municipal Court" (H. P. 1069) (L. D. 649)

Bill "An Act relating to Special Deputies in Cumberland County" (H. P. 1241) (L. D. 793)

Bill "An Act relating to Salary to the Deputy Treasurer of the County of Cumberland" (H. P. 1440) (L. D. 1051)

Bill "An Act relating to Salaries of the Judge and Recorder of the Ellsworth Municipal Court" (H. P. 1763) (L. D. 1307)

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

Amended Bills

Bill "An Act to Amend the Charter of the City of Bath" (H. P. 1119) (L. D. 706)

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

Bill "An Act to Clarify Laws of Division of Animal Husbandry" (H. P. 1462) (L. D. 1078)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be

engrossed as amended by House Amendment "A" and sent to the Senate.

At this point Speaker Silsby returned to the rostrum.

The SPEAKER: Mr. Hanson, in order that you may have some token by which to remember this occasion, may I have the honor of presenting you with this small gavel.

Mr. HANSON: I thank you very much.

Thereupon, Mr. Hanson was conducted by the Sergeant-at-Arms to his seat on the Floor, amid the prolonged applause of the House, the members rising, and Speaker Silsby resumed the Chair.

Passed to be Enacted

An Act relating to Definition of Private Road in Right of Way at Entrances Thereof (S. P. 431) (L. D. 994)

An Act Amending the Gasoline Road Tax (S. P. 534) (L. D. 1265)

An Act to Increase the Salary of the Judge and Recorder of the Yorkshire Municipal Court (H. P. 660) (L. D. 368)

An Act relating to Open Season on Otter (H. P. 729) (L. D. 419)

An Act relating to Adulterated Meat or Meat Products (H. P. 954) (L. D. 566)

An Act to Authorize the Treasurer and County Commissioners of Knox County to Procure a Loan to Remodel the Court House (H. P. 1215) (L. D. 772)

An Act Permitting Closing of Banks on Saturday (H. P. 1255) (L. D. 829)

An Act relating to the Recorder of the Brewer Municipal Court (H. P. 1348) (L. D. 923)

An Act relating to the County Law Library of Franklin County (H. P. 1366) (L. D. 957)

An Act relating to Stamping of Meat for Human Consumption (H. P. 1400) (L. D. 1061)

An Act relating to Fees of Sheriffs and Their Deputies (H. P. 1435) (L. D. 1046)

An Act relating to Closed Season on Pheasants (H. P. 1479) (L. D. 1086)

An Act relating to Junior Guides (H. P. 1533) (L. D. 1126)

An Act relating to Fees for Boiler Inspection and Certificates (H. P. 1679) (L. D. 1247)

Finally Passed

Resolve to Make Lawful the Fishing for Cusk in Long Lake and Sebago Lake, Cumberland County (H. P. 1689) (L. D. 1200)

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

The SPEAKER: The Chair at this time notes the presence in the balcony of the Hall of the House of a delegation from the Gorham Magazine Club in charge of C. C. Hovis. In behalf of the House the Chair at this time bids you a cordial welcome. (Applause)

Orders of the Day

The SPEAKER: The Chair lays before the House the first item of unfinished business, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Labor on Bill "An Act Repealing Industrial Homework" (S. P. 241) (L. D. 511) tabled on April 16 by the gentleman from Baileyville, Mr. Brown, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker and Members of the House: In order to expedite matters, I am going to move acceptance of the majority report of the Committee on Labor, "Ought not to pass" on Bill "An Act Repealing Industrial Homework," L. D. 511, and I will offer just a few words of explanation.

In the 94th session of the Legislature we had a bill before the Labor Committee establishing the law pertaining to industrial homework. At that time we had appear before us a lot of people in favor of the setting up of this law. The law was established and went along o.k. for some time. At that time we were working, as you all know on goods going into interstate commerce which came under the minimum wage law, and at that time the minimum wage law requirements were forty cents an hour. After the passage of the minimum wage change which raised

the minimum to seventy-five cents an hour for that type of labor on goods going into interstate commerce, there then appeared a little controversy in regard to this law. In this session of the Legislature this bill came in; it was heard before the committee, the committee heard both sides of the story, and, as a result, in weighing the thing and long discussion in the Labor Committee, it was decided to report the bill out "Ought not to pass." Defending the action of the committee, I move that we accept the majority report, "Ought not to pass."

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that the House accept the majority "Ought not to pass" report of the committee.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I well recall the act of the last Legislature on this Industrial Homework law. I, for one, and I think I voice the sentiments of a great many of the members here today who were present at the last session, did not realize the import of this law, depriving thousands of women in this State the privilege of doing home work in their own homes. If I had known, and I think if the other members of this House at that time had known, it would never have passed. We little realized then what the import of it would be to these women throughout the State and every county in the State in regard to this home work.

They were obliged, under the law, to charge 75 cents an hour for work done, like knitting and crocheting and other methods which they employed to earn an extra dollar. They also had to register with the State of Maine. And also the buyers of these products had to pay a license fee of twenty-five dollars in order to buy these products that these women accomplished in their work at home. I believe that we never realized what we were doing. Many of these women attended the hearing, over two hundred women throughout the State came here at their own expense to listen to what they had to say before this committee. They little realized the import of it.

In one county alone, the County of Waldo, there are over a thousand women working at home work, piecework I call it, who are disfranchised by this law. Their products before this law passed amounted to \$264,000 in one year. All over this State and in every county of this State, this law has affected home workers. In my own county of Androscoggin thousands of women were deprived of the privilege of crocheting and knitting sweaters and so forth because this law went into effect. It is impossible, ladies and gentlemen, for these women to put in a seventy-five cents an hour law on this piecework, as I call it, because it is not constant work. It was work done by these women when they had time and leisure, listening to the radio, waiting for the men folks to come to supper or to meals, after the evening's work was over, to sit down and crochet and knit a while.

It is impossible to maintain that minimum wage law in this respect. Thousands of them, all over the State, are affected. They had to go out of business because they could not conform to the law.

You will notice, you who are Grangers and club members, women sitting there listening to the programs, knitting away quietly, trying to earn an extra dollar for the larder of the home. I say it is wrong to deprive these women throughout the State of the privilege of working extra time on this matter of home industry. I believe that the State Grange at its annual session — and the State Grange represents fifty thousand people in the State of Maine—voted unanimously against this law.

Now I believe, ladies and gentlemen of the House, that we should repeal this law, restore this work to these women who want to work. I know of several in my vicinity, one in the town of Turner. This woman has an invalid husband, a paralytic, she cannot go out to work, and she cannot get old age assistance because they are sixty-two and sixty-three years of age: She knits sweaters to help the family. Now she is deprived of this privilege. She cannot sell them because the law almost prohibits it.

I believe that this law should be

repealed, and I ask you not to support the motion of the gentleman from Baileyville, Mr. Brown.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker and Members of the House: I hesitate to differ with such an experienced legislator as the gentleman from Auburn, Mr. Jacobs is, but I do differ with Mr. Jacobs because I do not believe that the State Industrial Homework law, that is our Maine law, puts anybody out of work; it was the Federal wage regulation, the federal law, that made it necessary to pay seventy-five cents an hour. It was the federal law that put these people out of work, not our State law.

As a merchant who buys the products from this home work, I am in favor of the motion of the gentleman from Baileyville, Mr. Brown. We sell in our stores infants' jackets, infants' booties made in the home, and it is absolutely essential, for the protection of public health, that the homes where these products are made be inspected. As a merchant, I cannot go and inspect the home to make sure that cleanliness is observed, and when I buy these products and offer them to the public for sale, I want to be sure that they will not carry any disease or germs, and I believe that the inspection is vitally necessary.

But the main point is, and I think that the misunderstanding on this bill is the fact that it was the federal wage law that put the people out of work and not our State law. Therefore I am opposed to the repealing of this law, and I hope that the motion of the gentleman from Baileyville, Mr. Brown, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Jacoby.

Mr. JACOBY: Mr. Speaker and Members of the House: It is one of our customs here in this House to recognize students from the various schools who attend these meetings. I wish to call your attention also to a group of ladies in the rear of the Hall who attended this hearing sometime in the past and who have attended perhaps every

meeting for the last weeks, to see what the action on this bill was going to be.

I come from an area where thousands of dollars worth of this work has been turned out. They go to the grange and they knit and they crochet. They come into my store, waiting for their husbands and they knit and they crochet. I do not call this wages; I call it pick-up work.

The gentleman from Auburn, Mr. Jacobs, has covered the case very thoroughly, and I hope that this House will not accept the "Ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker, I am the last person in the world to want to do anything that will hinder anyone from earning a legitimate living, in fact in the last ten years of my life I have been devoted in my work to try to better the conditions of every working man and woman, not only in the State of Maine but over this country. It is true that maybe there has been some hardship in the State of Maine, but I want to tell you that it is not due to the Industrial Homework law, it is due to the Wage and Hour law which is in existence today. The Wage and Hour law in the State of Maine not only affected women in their homes who were knitting, but we had several small industries in the State that went out of business and folded up because they could not meet the minimum wage law. In fact, there is a town right alongside of mine where they had a small lumber mill which operated for years and years, and it was compelled to go out of existence because they claimed that they could not meet the seventy-five cents an hour minimum. Now you all know that any goods that go outside of the boundaries of the State of Maine, regardless of what they are, where they are manufactured or sold, come under the minimum wage law as it is established at the present time.

Now I am not going to argue the merits of the minimum wage law because it is in existence and it is

in the law of the land. If the Industrial Homework law is repealed it won't help the situation as far as goods going outside of the State are concerned; they will still come under the ruling of the Federal Wage and Hour law.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Hayes.

Mr. HAYES: Mr. Speaker and Members of the House: I am one of those who object very seriously to the regulation and control of our citizens, and particularly to the delegation of the power to regulate and control our citizens unless it is absolutely demonstrated that it is necessary in the public interest.

This law which was enacted in 1949 is a regulatory law and is full of things which deprive our citizens of the right to operate in the ordinary course of business. It goes much farther, I think, than even the proponents of the law at the beginning ever thought it would.

There is one phase of this matter which has not been discussed, I think, either in the House or before the Labor Committee. There is a gentleman, a friend of mine in my town, who for many years was engaged as an automobile mechanic and machinist. He bought and for many years operated a garage which was used for the ordinary purposes and also for custom machine work. Early in the period of the last war, he bought and installed a complete machine shop in his garage and, as a sub-contractor, made intricate parts for radar devices, performing a very useful and patriotic service. After the war, he got a chance to sell the garage and the land on which it stood, and he did sell it. He immediately bought himself a house to which he attached a large barn which was of radical construction and suited to the continuance of his own business, and he moved this machinery, probably twenty-five or thirty thousand dollars' worth, into his barn. He set it up, hired some men, and started to do business. He got a sub-contract from another contractor to manufacture other intricate parts for machinery which had to do with defense work. Last winter he came in to see me, and he said, "I find

that I am an industrial homemaker." I said, "What is an industrial homemaker?" And he said, "Well, you ought to know; you were a member of the 94th Legislature and you probably voted for it." I could not deny it, although frankly I had no recollection of it whatsoever. So I said, "Well, I do not believe this affects you. You are not an industrial homemaker." But I got out the law and I read it, and among other things it says, on the question of whether anybody who manufactures things in his home is an industrial homemaker: "Home is any room, house, apartment or other premises including a trailer, whichever is most extensively used in whole or in part as a place of dwelling, and includes outbuildings upon premises that are primarily used as a place of dwelling where such outbuildings are under the control of any person dwelling on such premises or when any such person engages in or supervises any manufacturing in such outbuildings for an employer." Well, he lives in his house and the barn is hitched to his house and it certainly is on the same lot. I said, "Well, after all, I do not agree with this thing but it is in the books. How does that hurt you?" He says, "In the first place we have got to register, we have got to pay a license fee, and the prime contractor from whom I am buying these things says that he is under obligation not only to run his own business but to see that I run mine in compliance with all the laws and regulations, and if I am an industrial homemaker and if I am under these regulations I cannot give you any more work to do."

Now that is just a sample of what the regulatory devices are in this law. I think you made a mistake in passing it two years ago, and I do not believe that the continuance of the law is justified in the public interest. I hope that the motion of the gentleman from Baileyville, Mr. Brown, will not prevail.

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

MR. JACOBS: Mr. Speaker, I wish to refer to a little clipping from the Press Herald last week. They commented very favorably on what the Upper House did on this question.

There seems to be no question about the legality of it. They passed this twenty-one to five. Now let us pass this a hundred to one this morning so these women in the homes can do this work as they want to do it, and they will take their chances with the federal law.

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

MR. MARCH: Mr. Speaker and Members of the House: I want to say that I am heartily in accord with the gentleman from Auburn, Mr. Jacobs. I feel that we should repeal this law. The arguments for and against have been presented, and I am not going into that at all. But I have several letters: I have fished around in my pockets to find them, and I have just one with me, which is a sample of what the people want. This is from New Gloucester:

"Dear Mr. March:

Both my mother and I do knitting at home for sale. I also sell some home-made jams and jellies. We wish to state that we favor the repeal of this bill passed by the last Legislature."

I am of the opinion that we will please the people and do more good by repealing this bill than we will by keeping it among our laws. I hope that the motion of the gentleman from Baileyville, Mr. Brown, will not prevail.

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

MR. ROLLINS: Mr. Speaker and Members of the House: In my area we have been very fortunate, because we have a gentleman who summers in Piscataquis County who, during the depression years—which many of us, I guess, from the way we are spending money, have forgotten—realized the necessity of doing something for the people. It was a generous act. He started a little hand-frame knitting business in the home, and that developed into a gigantic business, in fact so much so that he could not handle it himself, he had to give it up and hire a manager to look after the business. But the women in my area, in all the towns in that area, many of them are earning good money by knitting on these hand looms, and they are

opposed to this bill. They feel that they do not need this State regulation and that it is just another encroachment upon the people's rights. I do know that the gentleman who put the bill in two years ago appeared at the hearing and sponsored its repeal, finding that it was not acting the way he thought it would. I, not being a member at the last session, learned that by inquiry. But I think it is unnecessary control and unnecessary law, and I hope that the motion of the gentleman from Baileyville (Mr. Brown) does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Lord.

Mr. LORD: Mr. Speaker and Members of the House: I would like to reiterate that the repeal of this law will not put back the work on the women who have been thrown out by the federal law. We here in the State of Maine Legislature can in no way repeal the federal wage and hour act, no matter whether we repeal our own state law or not.

This was proposed and passed as progressive legislation for two reasons: for the protection of the consumer and also for the protection of the worker.

Now there have been several cases where ads have been run in the Maine papers by out-of-state employers and these ads have offered a great chance at great profits by the home workers in making dresses or knitting or something along those lines. Upon inquiry by the State Department of Labor for the person who ran the ad to register in the State of Maine, the ads have been dropped and discontinued. Now I think and the department thinks that this has saved a good deal of money, because these people who advertise sell the workers this cloth which is to be made up into dresses and presumably to be bought back by the person who runs the ad, but what they do is sell the cloth to the individuals in the state and then refuse to buy it back, leaving the work done by the homeworkers with no market for their material after it is completed. By asking these people to register it has forced several of them out of the state and thereby saved a considerable amount

of money due the people in the State of Maine who do this type of work.

I think that this law should stay on the books, as the same reasons exist today that existed at the time of its passage, and I hope that the majority "Ought not to pass" report of the committee will be accepted.

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

Mr. PATTERSON: Mr. Speaker and Members of the House: I think the gentleman from Auburn (Mr. Jacobs) stated those facts very clearly and so clearly that I do not see how anybody is going to vote the other way. I now move the previous question.

The SPEAKER: The gentleman from Freeport, Mr. Patterson, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

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

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

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

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

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

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

The SPEAKER: The question before the House is on the motion of the gentleman from Baileyville, Mr. Brown, that the House accept the majority report "Ought not to pass" on Bill "An Act Repealing Industrial Homework" (S. P. 241) (L. D. 511). The gentleman from Auburn, Mr. Jacobs, has requested a division.

All those in favor of the motion of the gentleman from Baileyville, Mr. Brown, that the House accept

the majority "Ought not to pass" report will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Ten having voted in the affirmative and one hundred and eighteen in the negative, the motion to accept the majority "Ought not to pass" report does not prevail.

On motion of Mr. Jacobs of Auburn, a viva voce vote being taken, the minority "Ought to pass" report of the committee was accepted in concurrence and the bill was given its two several readings and tomorrow assigned for third reading.

The SPEAKER: The Chair lays before the House the second item of unfinished business, Majority Report "Ought to pass" in New Draft "B", H. P. 1734, L. D. 1293, and Minority Report "Ought to pass" in New Draft "A", H. P. 1733, L. D. 1292, of the Committee on Labor on Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation", tabled on April 18 by the gentleman from New Sharon, Mr. Caswell, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CASWELL: Mr. Speaker, I want to say just a few words in relation to the feeling of the minority who signed this report and then I will yield to one of my colleagues, who signed the majority report.

The SPEAKER: The Chair will state that the gentleman cannot yield.

Mr. CASWELL: All right, Mr. Speaker. As you will note, these two bills, the minority signed their report on bill L. D. 1292, which differed from L. D. 1293 only in the omission of the last paragraph of 1293. The members of the committee were in accord on all of the bill except the last paragraph of 1293. The minority members felt that the Section 2, Revised Statutes Chapter 25, paragraph 10, failed to spell out in detail enough the duties and powers of the board which would have the handling of the questions provided the mediation board failed to bring the parties into agreement.

As you will understand, this bill applies to companies, to small companies and concerns, doing an intra-state business and the minority had the feeling that the turning over of this to the board of arbitration, in only a matter of a few words explaining, or spelling, the duty of that board, in the last line of section 2, might lead to more rather than less trouble.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. West.

Mr. WEST: Mr. Speaker, I now move the acceptance of the majority "Ought to pass" report.

The SPEAKER: The gentleman from Stockton Springs, Mr. West, moves that the House accept the majority report "Ought to pass" in New Draft "B", H. P. 1734, L. D. 1293, of the Committee on Labor on Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation".

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

Mr. Woodworth: Mr. Speaker, I do not see anything in this bill that we can't get along very well without and I move that both reports and the bill be indefinitely postponed.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the two reports and bill be indefinitely postponed.

The Chair recognizes the gentleman from Stockton Springs, Mr. West.

Mr. WEST: Mr. Speaker and Members of the House: I see no reason why this bill should not be for the benefit of all concerned because what it is set up to do is to mediate disputes before they come to a point of work stoppages. Certainly we want to avoid work stoppages if possible. They don't fill any lunch boxes or pay any dividends. It should not interfere in any way with affiliation and arbitration; it simply tries to settle disputes before they come to that point. I hope the motion of the gentleman from Fairfield (Mr. Woodworth) does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is on the

motion of the gentleman from Fairfield, Mr. Woodworth, that the two reports of the Committee on Labor and Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes through Mediation" be indefinitely postponed.

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

A viva voce vote being doubted,

A division of the House was had.

Forty-two having voted in the affirmative and fifty-nine in the negative, the motion did not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Stockton Springs, Mr. West, that the House accept the majority report "Ought to pass" in New Draft "B", H. P. 1734, L. D. 1293, of the Committee on Labor on Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation".

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

A viva voce vote being taken, the motion prevailed. New Draft "B", having already been printed, was given its two several readings under suspension of the rules and assigned for third reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the third item of unfinished business on today's calendar, House Report "Ought to pass" of the Committee on Taxation on Bill "An Act Relative to Use Fuel Tax", H. P. 332, L. D. 191, tabled on April 18 by the gentleman from Greenville, Mr. Rollins, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker and Members of the House: I tabled this bill for another member and I straightened him out on it. Then another member came to me, I think I can straighten him out and push the thing along. I will read from the Used Fuel Tax Act: "Fuels shall mean and include all combustible gases and liquid used in an internal combustion engine for the generation of power to propel vehicles of any kind or

character on the public highways except such fuels as are subject to the tax imposed by the Gasoline Tax Act."

The question he brought up was he wondered if that might mean an additional tax on gasoline, which it will not. Therefore, Mr. Speaker, I move the acceptance of the report of the committee, "Ought to pass".

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the House accept the "Ought to pass" report of the Committee on Taxation on Bill "An Act Relative to Use Fuel Tax". All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the "Ought to pass" report was accepted. Thereupon, the bill, having already been printed, was given its two several readings under suspension of the rules and assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the fourth item of unfinished business, Bill "An Act to Provide Special Number Plates for Certain Officials", S. P. 504, L. D. 1215, tabled on April 18 by the gentleman from Bangor, Mr. Finnegan, pending third reading; and the Chair recognizes that gentleman.

Mr. FINNEGAN: Mr. Speaker, I would like to offer House Amendment "A" to L. D. 1215.

In explanation, this simply adds to the people who are entitled to apply for and pay for special plates: The United States District Court Judge, the United States Attorney and his assistants, the Chief Justices of the Maine Supreme Court and the Justices of the Maine Judicial and Superior Courts. It is simply a courtesy to extend to them and there is no money involved. If they apply for these plates, they pay for the cost of them. So, I move the adoption of this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Finnegan, presents House Amendment "A" to Bill "An Act to Provide Special

Number Plates for Certain Officials" and moves its adoption. The Clerk will read the the amendment.

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

HOUSE AMENDMENT "A" to S. P. 504, L. D. 1215, Bill "An Act to Provide Special Number Plates for Certain Officials."

Amend said Bill by striking out the 1st underlined sentence thereof and inserting in place thereof the following underlined sentence: **'The secretary of state shall, upon application therefor by members of the executive council, members of the legislature, president of the senate, speaker of the house, secretary of the senate, clerk of the house, United States district court judge, United States attorney, assistant United States attorney, chief justice of the Maine supreme judicial court and justices of the Maine supreme judicial court or superior court, issue 1 pair of specially designed number plates and a certificate of registration for 1 designated motor vehicle owned or controlled by each of the officials named herein.'**

Further amend said Bill by adding at the end of the next to last sentence, before the period, the following underlined words **'or appointed'**

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

Mr. PERRY: Mr. Speaker and Members of the House: I rise to oppose the adoption of this amendment, House Amendment "A," presented by the gentleman from Bangor, Mr. Finnegan. As a member of the Transportation Committee of the House, we have had hearings on a great number of bills that have been introduced requesting special plates for different automobiles.

As you know the history of this particular plate having to do with the Legislature was adopted and put on before it ever came to the hearing of the Transportation Committee. We turned down any and all requests for special plates for ham radio operators, who had some logical reason, insisting they would like to have them. We turned that down because of the mere fact that it was opening it up so every person concerned from sheriffs, doc-

tors, bakery truck drivers, ham radio operators and what have you would have special number plates. Every one of those bills have come out and have been passed by the members of the Legislature here concurring and refusing to allow these particular people to have special number plates.

As for the Legislature, itself, having special number plates, we could go on record as stating that we are definitely assured that there is only one Legislature and, therefore, we wouldn't have to break a precedent of letting these plates go out to every organization that had some reason why they might want the plates.

The second reason for the Legislature, in my opinion, being advantageous to have such special plates is the mere fact that a good share of the Representatives and Senators whom we have here represent a large number of towns and a lot of people, three and four and five towns in a lot of cases, and it makes it a little easier for the citizens in all those towns to be able to know who their Representative is as he is going through their towns and to be able to talk with him and get some information and impart knowledge that they might have and what they would like to have done at the Legislature. By adopting this amendment now and bringing in the Superior Court Justices and what have you, right on down through, we have broken the particular precedent that we have tried in the Transportation Committee to withhold and stop them doing and it goes from there right on down through the municipal court justices, the county attorneys, the sheriffs and what have you. Therefore, for that reason, I oppose the adoption of this particular amendment. Thank you.

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

Mr. DELAHANTY: Mr. Speaker and Members of the House: It is really with no little embarrassment that I undertake to speak on this measure. I am sure my good friend, the gentleman from Chelsea, Mr. Perry, did not intend that we should align ham operators with the men who are set up in this particular amendment. I feel that we

have many bills before us in this House and knowing that the dignity of the members of the House might be somewhat lessened after we pass some of those bills, especially one called a sales tax, it might be well if we have others who could bear the burden for us such as members of our courts and some of the United States Attorneys.

I feel that this measure, seriously, should have the consideration of this House. The officers of this State and the Federal Government who are described in the measure should command at least the same dignity that the members of this House have and the upper branch, and I feel with due regard to the sentiments of the gentleman from Chelsea (Mr. Perry) this is a measure that we should pass and the men who would carry these plates, as set out in the amendment, are high officials of our State and maybe once in a while an attorney could spot a judge on the street and ask him what the procedure in this particular case is going to be.

The suggestion here would only be to carry about seventeen new plates and that would be not going too far outside of the scope of what we have set up for this session and I feel that the amendment as presented by the gentleman from Bangor, Mr. Finnegan, should be adopted.

The SPEAKER: Is the House ready for the question?

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

Mr. TRAVIS: Mr. Speaker and Members of the House: As a member of the Transportation Committee, I simply want to support the gentleman from Chelsea, Mr. Perry. This act is simply to legalize the House order, the plates which we already have on our cars. I think extending it to include the judiciary department would be a wrong move and if the judges want special plates, they should put in a bill two years hence and have a public hearing on such a proposal.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Hermon, Mr. Nowell.

Mr. NOWELL: Mr. Speaker and Members of the House: As a member of the Transportation Committee, I wish to go along with my

good colleagues, the gentleman from Chelsea, Mr. Perry, and the gentleman from Westbrook, Mr. Travis, on the same and hope that this does not prevail.

The SPEAKER: The question before the House is on the adoption of House Amendment "A" presented by the gentleman from Bangor, Mr. Finnegan, to Bill "An Act to Provide Special Number Plates for Certain Officials," S. P. 504, L. D. 1215.

All those in favor of the motion to adopt House Amendment "A" will say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail and House Amendment "A" failed of adoption.

Thereupon, the bill was given its third reading, and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

The SPEAKER: The Chair now lays before the House the fifth item of unfinished business, An Act Relating to Transportation of Poultry, H. P. 1399, L. D. 1012, tabled on April 18 by the gentleman from Raymond, Mr. Edwards, pending passage to be enacted; and the Chair recognizes that gentleman.

Thereupon, on motion of the gentleman from Raymond, Mr. Edwards, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair lays before the House the sixth item of unfinished business on today's calendar, An Act Relating to Vital Statistics, S. P. 401, L. D. 949, tabled on April 18 by the gentleman from Standish, Mr. Center, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. CENTER: Mr. Speaker and Members of the House: First of all, I want to apologize to the members for not having studied this bill a little more carefully before it got to the stage of an enactor, but there seem to be quite a few of these bills to study.

Therefore, in order that I may offer an amendment to this bill, I would move that under suspension of the rules, the House reconsider its action whereby it passed this bill to be engrossed.

The SPEAKER: The gentleman from Standish, Mr. Center, moves that the House, under suspension of the rules, reconsider its action whereby Bill "An Act Relating to Vital Statistics" was passed to be engrossed on April 12th. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CENTER: Mr. Speaker and Members of the House: This legislation is intended to correct and strengthen a weak spot in our present law but it goes too far. At the present time, when a person dies without medical attention, the town clerk upon presentation of the evidence submitted by the person in whose house the death occurred or by a relative may issue a death certificate. This bill would obviously strengthen the provision by making it necessary to have a practitioner of medicine called and, upon hearing the circumstances and history of the death, the practitioner would issue the certificate.

This bill, however, goes further than that because it also makes the provision apply and specifically mentions cases of sudden death, which the present statutes do not. Now, under our existing law, as a matter of practical procedure, the medical examiners are called in nearly all cases of sudden death and I believe that they should be. The sudden death of any person who apparently has been in good health should be investigated by someone who has had experience and has made a special study of these cases.

I will illustrate just one case which I happen to know about: There was a young boy who was killed in the tie-up of a dairy barn. A doctor was called. He got the story that these boys had been out there in the barn and that this boy had been bored by a heifer. He signed the death certificate. When the undertaker came, he would not accept the body because it was a case of sudden and accidental death. A medical examiner was called and subsequent investigation showed that this boy had been shot.

Now, this practitioner had no legal right to sign this certificate under our present statutes but if

this had happened under existing law, how much more liable it is to happen if we specifically charged doctors with this responsibility.

This bill, as presently written, would also contradict another section of the law. Section 196 of Chapter 22 of the Statutes says: "No person shall inject into any cavity or artery of any persons who have died from an accidental or sudden death or under any suspicious circumstances any fluid or substance until a legal certificate of the cause of death by the attending physician or medical examiner."

For these reasons, I firmly believe that the words stated "or in case of sudden death" should be stricken from this bill and I present House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from Standish, Mr. Center, presents House Amendment "B" to Bill "An Act Relating to Vital Statistics," S. P. 401, L. D. 949, and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "B" to S. P. 401, L. D. 949, Bill "An Act Relating to Vital Statistics."

Amend said Bill by striking out from the 8th and 9th lines of that part of said Bill designated Sec. 370, the underlined punctuation and words "or in case of sudden death,"

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

The SPEAKER: The Chair lays before the House the seventh item of unfinished business, Bill "An Act to Revise the State Civil Defense Law", H. P. 152, L. D. 84, tabled on April 19 by the gentleman from Kennebunk, Mr. Littlefield, pending third reading; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Littlefield of Kennebunk, the bill was given its third reading.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker, under suspension of the rules, I now move that the bill be sent up for engrossment.

The SPEAKER: The Chair will state that the matter will be sent up in the regular course.

Mr. GAY: Mr. Speaker, I arise to inquire of the Chair if there is any method by which this bill can be sent immediately.

The SPEAKER: The Chair will state that the bill requires Senate concurrence before it can be engrossed.

Mr. GAY: Thank you, Mr. Speaker.

Thereupon, the bill, having had its third reading, was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair now lays before the House the eighth item of unfinished business, Senate Report "Ought to pass" of the Committee on Judiciary on Bill "An Act relating to the Absent Voting in Cities," S. P. 59, L. D. 63, tabled on February 8 by the gentleman from Fairfield, Mr. Woodworth, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. WOODWORTH: Mr. Speaker, I move that the report be now accepted in concurrence.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the House do now accept the "Ought to pass" report of the Committee on Judiciary on Bill "An Act relating to the Absent Voting in Cities" in concurrence.

The Chair recognizes the gentleman from Sebec, Mr. Parker.

Mr. PARKER: Mr. Speaker, I arise for information and it is about this bill we just passed and I expect after you finish what you are on now, you will hear me on it. I have in mind the fifth item of unfinished business. After this one is cleared, perhaps you will hear me on this.

The SPEAKER: The Chair will be pleased to do so after the House has completed Item 8.

The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept Senate Report "Ought to pass" of the Committee

on Judiciary on Bill "An Act relating to the Absent Voting in Cities," S. P. 59, L. D. 63. Is it the pleasure of the House to accept the "Ought to pass" report in concurrence?

The motion prevailed and the "Ought to pass" report was accepted in concurrence. Thereupon the bill was given its two several readings and assigned for third reading tomorrow morning.

The SPEAKER: Will the gentleman from Sebec, Mr. Parker, please inform the Chair what item he has reference to.

Mr. PARKER: Mr. Speaker, I arise for information on the unfinished business which we just passed, An Act Relating to Transportation of Poultry, H. P. 1399, L. D. 1012.

If my memory serves me right, there was an amendment to that bill which made it workable and as we passed it there was no reference made to an amendment. I am wondering if there is an amendment and did we pass it with the amendment and, if we did I have no objection but if it was passed as L. D. 1012, I certainly would raise a very serious objection.

The SPEAKER: The Chair will inform the gentleman that the bill was enacted as it was engrossed.

Mr. PARKER: Does that include the amendment, Mr. Speaker?

The SPEAKER: The Chair will advise the gentleman from Sebec, Mr. Parker, that the amendment was adopted in both branches.

Mr. PARKER: Thank you, Mr. Speaker.

The SPEAKER: The Chair lays before the House the ninth item of unfinished business, Joint Order relative to Joint Legislative Committee to Study the Tax Structure of the State, H. P. 1192, tabled on February 14 by the gentleman from Greenville, Mr. Rollins, pending passage; and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker and Members of the House: As you perhaps have forgotten that we got caught in a jam the last couple of days and I couldn't specially assign this item. This item is something I would like to take up perhaps after the air has cleared a little bit

on taxes. Therefore, I would make the motion that I would have made had we not got tangled up, that this be retabled and specially assigned for Monday, April 30th.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the ninth item of unfinished business, Joint Order relative to Joint Legislative Committee to Study the Tax Structure of the State, be retabled and specially assigned for Monday, April 30th, pending passage. All those in favor of the motion will say aye; those opposed, no.

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

The SPEAKER: The Chair now lays before the House the tenth item of unfinished business, Bill "An Act relating to Old Age Assistance", S. P. 77, L. D. 80, tabled on February 21 by the gentleman from Fairfield, Mr. Woodworth, pending passage to be engrossed; and the Chair recognizes that gentleman.

Thereupon, on motion of the gentleman from Fairfield, Mr. Woodworth, the bill, having already had its three several readings, was passed to be engrossed in concurrence.

The SPEAKER: The Chair lays before the House, the eleventh item of unfinished business on today's calendar, Bill "An Act relating to Aid to Dependent Children," S. P. 76, L. D. 79, tabled on February 21 by the gentleman from Fairfield, Mr. Woodworth, pending assignment for Third Reading; and the Chair recognizes that gentleman.

Mr. WOODWORTH: Mr. Speaker, I move that the rules be suspended and the bill be given its third reading at this time.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that, under suspension of the rules, Bill "An Act relating to Aid to Dependent Children" receive its third reading at this time. Is this the pleasure of the House?

The motion prevailed and the bill was given its third reading under suspension of the rules and passed to be engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the twelfth item of unfinished business, Report "A" "Ought to pass" and Report "B" "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Permitting Basketball on Sunday", H. P. 106, L. D. 53, tabled on March 2 by the gentleman from Bucksport, Mr. Pierce, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. PIERCE: Mr. Speaker, in an attempt to minimize possible potential oratory, I now move the acceptance of the report of the Legal Affairs Committee, Report "A" "Ought to pass".

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves that the House accept Report "A" "Ought to pass" of the Committee on Legal Affairs on Bill "An Act Permitting Basketball on Sunday".

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

Mr. BURKETT: Mr. Speaker, I signed the "Ought not to pass" report on this bill with four other members of the committee and the other five signed the "Ought to pass" report.

It may be interesting to note in passing that the "Ought not to pass" report was signed by the three members of the upper branch and the gentleman from Augusta, Mr. Martin, and I, perhaps the older members of the committee whereas the younger members who are closer to their basketball days than I am, certainly, signed the "Ought to pass" report.

It seems hardly possible that it was only about fifteen years ago that the State first passed legislation lessening the harshness of the old Sunday Blue Laws which provided, as you all remember, that all places of business shall be closed on Sunday and no one should travel except on errands of necessity or charity and Sunday was rather a quiet day.

In 1933, the Legislature passed an act providing that certain outdoor, amateur, competitive games and sports could be legalized on Sunday and enjoyed if the community had a referendum on the subject and voted in favor. But that bill, however, exempted certain things that were not to be

enjoyed at that time, including horse racing, wrestling and boxing. Of course, under that law, those activities could not be legalized. Under that law, many towns and cities of the State have voted in favor of those sports to the enjoyment of a great many people.

The gentleman from Bucksport, Mr. Pierce, comes along with a bill to legalize basketball and, of course, that doesn't come under the scope of the act of which I have been speaking and requires a special enabling act. Basketball, of course, is not an outdoor game, as I understand it; it probably is a competitive game of sport but the majority of the committee, the five of us I have spoken of, who signed the "Ought not to pass" report, didn't feel that there was any great public demand for the passage of another enabling act permitting basketball. The only one who personally appeared at the hearing was the gentleman from Bucksport, Mr. Pierce, and he presented the matter very clearly but there was a large group of opponents, including ministers from some of the churches, some educators, some mothers of basketball players who objected and I, for one, felt that we had gone far enough in liberalizing this Sunday law without taking another step. I don't think it is any argument in favor of the bill. Since that act was passed of which I spoke, bowling has been legalized under the same provision but we felt it unnecessary because we had opened up certain activities we should continue when there wouldn't be anything left for Sunday to make it any different from any other day.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I was pleased when the sponsor of this bill came in and I promised that this particular sport of basketball will have my support. If you read the papers in this State you have probably noticed the "Twenty-five years ago today" column, which was interesting to me in two ways. First, it brought home to me, the period of twenty-five years ago, that my years are piling up. Second, it brought back the pleasant reminder of twenty-five years ago I was

captain of a basketball team which played for the championship of the Nation's Catholic schools at the University of Loyola in Chicago.

I have had my share of ups and downs and some highlights in life and the memories of my basketball days have always brought me pleasant contemplation. Basketball is a clean, healthy sport. It is as healthy and clean as baseball or fishing, and it certainly deserves as much consideration.

When a man does hard, physical, exhausting, sweating toil and supports a family thereby and does it cheerfully, I believe that is akin to a prayer to his Maker. And when he uses the excess energy, which is his in youth, in a sport which requires every ounce of his energy, every resource of his brain, I believe that is akin to a prayer to his Maker. It is a law of health, it is a law of nature, that a man should work and play.

As the proud parent of three children, I can conceive of no recreative sport of a Sunday that I would rather have my children play than playing basketball. Commercialize Sunday? I will not dwell on that because we have a long day and a long week. I will merely say this: One's soul, if one has a soul and I believe one has, should not be a hell, if there is a hell, about such poppycock. I thank you.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I was brought up, by being taught to remember the Sabbath Day and keep it holy. I don't know that I followed that as much as I should but I can see no need whatsoever of having basketball games on Sunday. Those who have toiled, as the gentleman from Eagle Lake, Mr. Martin, said, could usually do that during the week.

I am not prepared to make an address, a lengthy address, on this matter but I want to go on record as being definitely opposed to Sunday basketball and I think that every Christian member in this House should cast his vote against it.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Bucksport, Mr. Pierce, that the House accept Report "A" "Ought to pass" of the Committee on Legal Affairs on Bill "An Act Permitting Basketball on Sunday", H. P. 106, L. D. 53. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and Report "A" "Ought to pass" was accepted. Thereupon, the bill, having already been printed, was given its two several readings under suspension of the rules and assigned for third reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the thirteenth item of unfinished business, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Beano", H. P. 930, L. D. 530, tabled on March 7 by the gentleman from Eliot, Mr. Dow, pending acceptance of the report.

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

Mr. BURKETT: Mr. Speaker, I note the absence from the House of the gentleman from Eliot, Mr. Dow, whose bill this is, and I am informed by members of the York delegation that he has been ill and was not here last week. I ask that this matter lie on the table until his return.

The SPEAKER: The gentleman from Portland, Mr. Burkett, moves that House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Beano" be retabled pending the acceptance of the committee report. Is this the pleasure of the House?

The motion prevailed and the report and accompanying papers were retabled.

The SPEAKER: The Chair lays before the House the fourteenth item of unfinished business, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Prohibiting Sunday Stock Car Racing, Horse Pulling and Harness Racing", H. P. 931, L. D. 531, tabled on March 7 by the gentleman from Eliot, Mr. Dow, pending acceptance of the report.

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

Mr. BURKETT: Mr. Speaker, I make the same motion.

The SPEAKER: The gentleman from Portland, Mr. Burkett, moves that the fourteenth item of unfinished business, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Prohibiting Sunday Stock Car Racing, Horse Pulling and Harness Racing", H. P. 931, L. D. 531, be retabled pending the acceptance of the report of the committee. Is this the pleasure of the House?

The motion prevailed and the report and accompanying papers were retabled.

The SPEAKER: The Chair lays before the House the fifteenth item of unfinished business, Bill "An Act relating to Signals for Stopping and Turning Motor Vehicles", H. P. 93, L. D. 38, tabled on March 8 by the gentleman from Portland, Mr. Burkett, pending adoption of Committee Amendment "A"; and the Chair recognizes that gentleman.

Mr. BURKETT: Mr. Speaker, I make the same motion.

The SPEAKER: The gentleman from Portland, Mr. Burkett, now moves that the fifteenth item of unfinished business on today's calendar, Bill "An Act relating to Signals for Stopping and Turning Motor Vehicles" be retabled pending adoption of Committee Amendment "A".

Mr. BURKETT: Mr. Speaker, I would like to withdraw that motion.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Burkett, withdraws his motion.

Mr. BURKETT: Mr. Speaker, I move to take from the table the fifteenth item of unfinished business.

The SPEAKER: The Chair will state that the matter is before the House.

Mr. BURKETT: Mr. Speaker, this fifteenth item of unfinished business, Bill "An Act relating to Signals for Stopping and Turning Motor Vehicles" had rather an active career and there have been a great many conferences held with interested people at which I had the privilege to be present to try

to straighten it out so that it would have some benefit.

I am entirely in sympathy with the desire of the State Police and the Secretary of State's office and other interested people in maintaining anything that will add to highway safety, and I think perhaps this bill does in some of its aspects. However, it was apparent to me from the start of the discussion that it was not practicable to try to give hand signals and make one mandatory for trucks and buses. And to check that up, I, myself, got into the cab of several trucks and tried to reach out far enough with my left hand to give a signal. I found it impossible and I think all of the other people interested in the subject would agree with that. As far as buses are concerned, there is no window on the lefthand side of the driver that can be opened so it is impossible for buses to give signals with the left hand.

Therefore, I have prepared House Amendment "A" and I move the adoption of that. What that House Amendment "A" does, it exempts trucks and buses from the mandatory provision of the law requiring hand signals.

As far as the rest of the bill is concerned, there have been a lot of conferences and conversations held with law enforcement officers over the method of giving hand signals. Up to the present time, there has been no uniformity of agreement on the type of hand signals to be given. There are, to my knowledge, at least two systems and they are used by summer visitors coming in here and create some confusion. While I have no objection to the rest of the bill, I think perhaps it might be a good idea to find out if some improvement cannot be made from year to year on the giving of hand signals by pleasure cars.

Now, it is true that practically all the new automobiles, both pleasure cars and trucks, that are coming through, have flashing signals on the rear and, within a short time all such equipment will be built in that way but, at the present time, to require their installation on pleasure cars in view of the shortage of necessary materials for doing it, would be harsh,

would be unfair to people and I do not believe that it could be accomplished by legislation.

I, therefore, move the adoption of House Amendment "A".

The SPEAKER: The pending question before the House is on the adoption of Committee Amendment "A". Does the gentleman wish to make a motion?

Mr. BURKETT: I am sorry, Mr. Speaker. I move that Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Burkett, moves that Committee Amendment "A" to Bill "An Act relating to Signals for Stopping and Turning Motor Vehicles", H. P. 93, L. D. 38, be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed and Committee Amendment "A" was indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Burkett, now presents House Amendment "A" to Bill "An Act relating to Signals for Stopping and Turning Motor Vehicles" 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. 93, L. D. 38, Bill "An Act Relating to Signals for Stopping and Turning Motor Vehicles."

Amend said bill in that part designated Sec. 107-A, by inserting after the word "vehicle" in the second sentence thereof, the underlined words and punctuation, '**designed for the purpose of transportation of persons, other than busses,**'

Further amend said Sec. 107-A of said bill by inserting after the word "of" in the first line of the third paragraph the underlined word '**such**'.

Thereupon, House Amendment "A" was adopted and the bill, having had its three several readings, was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The SPEAKER: The Chair now lays before the House the sixteenth item of unfinished business,

Bill "An Act relating to Elevator Inspection Fees," H. P. 1017, L. D. 577, tabled on March 14 by the gentleman from Auburn, Mr. Maguire, pending passage to be engrossed; and the Chair recognizes that gentleman.

Thereupon, on motion of the gentleman from Auburn, Mr. Maguire, the bill, having had its three several readings, was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair lays before the House the seventeenth item of unfinished business on today's calendar, An Act relating to Hours of Sale of Liquor, H. P. 932, L. D. 542, tabled on March 14 by the gentleman from Eliot, Mr. Dow, pending passage to be enacted.

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

Mr. ALBERT: Mr. Speaker, in the absence of the gentleman from Eliot, Mr. Dow, I move to retable this bill.

The SPEAKER: The gentleman from Augusta, Mr. Albert, moves that An Act relating to Hours of Sale of Liquor be retabled pending passage to be enacted. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled.

The SPEAKER: The Chair lays before the House the eighteenth item of unfinished business, Bill "An Act relating to Salary of the Forest Commissioner," S. P. 223, L. D. 498, tabled on March 21 by the gentleman from Auburn, Mr. Turner, pending passage to be engrossed; and the Chair recognizes that gentleman.

Thereupon, on motion of the gentleman from Auburn, Mr. Turner, the bill, having had its three several readings, was passed to be engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the nineteenth item of unfinished business, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for State Military Defense Commission, H. P. 872, L. D. 520, tabled on March 21 by the gentleman from Strong, Mr. Jennings, pending acceptance of

the report; and the Chair recognizes that gentleman.

Mr. JENNINGS: Mr. Speaker and Members of the House: This resolve was sponsored by the State Military Defense Commission. It has to do with the construction of armories and repair and remodelling of armories. It is somewhat difficult, at this time, for me, and I trust most anyone else, to ask for money through a resolve whereby we do not know where the money is coming from but I feel it my duty to explain a little about this resolve.

There has recently been passed in the Congress, a bill known as the "Brooks Bill." This bill has to do with the construction of armories and remodelling of armories. The proportion of money expended is 75 - 25, the Federal Government spending seventy-five cents and the State twenty-five cents. We have in the State of Maine several armories that need repair and to be remodelled. We also have a set-up where the Military Defense Commission feels we should have new armories. I had hoped that I would not make this talk until we knew more about money but I feel that this should start going along and I trust that we, in the Legislature, will have money enough to carry out and pass this resolve.

We, as a State, on record, have sent into the armed forces many good soldiers. These soldiers have been handicapped to a great extent in their own quarters before they left for federal service. They have been handicapped for the reason of not having adequate buildings for their training. At the present time, and in the set-up we have, for example in Calais, they are using an old school house that they feel quite dubious about, whether or not the building will stand up and they cannot, at the present time, accept some equipment that would be issued to them on account of this reason.

Mr. Speaker and Members of the House, I do not think that I need to explain any more. I could give a list of the new armories needed. There are several and there are also three places where they want to do remodelling and repair work but I am, at this time, going to move that we substitute the resolve for the

"Ought not to pass" report of the committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Jennings, that the House substitute Resolve Appropriating Moneys for State Military Defense Commission for the "Ought not to pass" report of the Committee on Appropriations and Financial Affairs.

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

Mr. JACOBS: Mr. Speaker, as Chairman of the Appropriations Committee perhaps it is my duty to point out this situation. In the present crisis that we are facing today, not only in the State of Maine but throughout the country and the world, we felt that it was not proper at this time to start building or repairing these armories to the extent of \$300,000 the next two years. That is the reason why we voted "Ought not to pass."

The SPEAKER: Is the House ready for the question?

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Jennings, that the House substitute the resolve for the "Ought not to pass" report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for State Military Defense Commission, and the gentleman from Cape Elizabeth, Mr. Chase, requests a division.

All those in favor of substituting the resolve for the report will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Nine having voted in the affirmative and fifty-seven having voted in the negative, the motion to substitute the resolve for the "Ought not to pass" report did not prevail.

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

The SPEAKER: The Chair now lays before the House the twentieth item of unfinished business, House Report "Ought not to pass" of the Committee on Transportation on Bill "An Act relating to Motor Ve-

nicles Following Fire Apparatus and Crossing Fire Hose," H. P. 1038, L. D. 603, tabled on March 22 by the gentleman from Brunswick, Mr. Lacharite, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. LACHARITE: Mr. Speaker and Members of the House: The proponents of this measure undoubtedly had some very good intentions when they presented this bill, but unfortunately, and probably without realizing it, they carried their intentions a little too far in the language of this bill and the Committee on Transportation, which had the privilege of hearing this bill, saw fit to report "Ought not to pass."

However, I have had an amendment drafted which will do away with all the objections, or almost all the objections of the committee, and retain the good features of the bill. I have since contacted all the House members of this committee and they have agreed that there is some good in this bill and that they would have no objection to at least bringing the bill before the House so that the amendment could be presented.

We cannot present the amendment unless we have the bill before us, with these few remarks, Mr. Speaker, I move that we substitute the bill for the "Ought not to pass" report of the committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Brunswick, Mr. Lacharite, that the House substitute Bill "An Act relating to Motor Vehicles Following Fire Apparatus and Crossing Fire Hose" for House Report "Ought not to pass" of the Committee on Transportation. Is the House ready for the question?

All those in favor of the motion to substitute the bill for the report will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the bill, having already been printed, was given its two several readings under suspension of the rules.

The gentleman from Brunswick, Mr. Lacharite, then presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1038, L. D. 603, Bill "An Act Relating to Motor Vehicles Following Fire Apparatus and Crossing Fire Hose."

Amend said Bill by striking out all after the 1st paragraph thereof and inserting in place thereof the following underlined sections:

'Sec. 109-A. Following fire apparatus prohibited. The driver of any motor vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet nor park such vehicle within 500 feet of where fire apparatus has stopped to answer to a fire alarm.

'Sec. 109-B. Driving over fire hose regulated. No motor vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the state or municipal police or fire department official in command.'

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

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

Mr. **CHASE**: Mr. Speaker, in order to allow time for executive sessions of committees which have been duly called, I move that the House now recess until 3:00 P. M.

The **SPEAKER**: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House recess until 3:00 P. M. this afternoon. Is this the pleasure of the House?

The motion prevailed and the House recessed until 3:00 P. M.

After Recess—3:00 P.M.

The House was called to order by the Speaker.

The **SPEAKER**: The Chair lays before the House the 21st item of unfinished business on today's calendar, Report "A" "Ought to pass" and Report "B" "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Relating to Run-

ning Horse Racing in the Daytime" (H. P. 1021) (L. D. 580) tabled on March 23 by the gentleman from Gorham, Mr. Sanborn, pending the acceptance of either report; and the Chair recognizes that gentleman.

Mr. **SANBORN**: Mr. Speaker and Members of the House: I move the acceptance of the "Ought to pass" report of the committee.

When the 94th Legislature passed the Bill to allow running horse races, it was my belief and the belief of many others that the intent of the act was for daylight racing only—and I repeat, it was my belief and the belief of many others that the intent of the act was for daylight racing only. To substantiate this fact, Scarborough Downs opened for daylight or afternoon racing only. The operators of the track expected a tremendous rush of business when they opened. The expected rush of business did not come.

What did the owners of the running track do? They got the Racing Commission to transfer the Gorham Night Harness Meet to the Lewiston track and put the runners on a night schedule. That transfer closed our track in Gorham. That transfer took from the pocketbooks of the Gorham people at least \$125,000. That transfer caused my telephone to ring almost constantly. A steady stream of people were calling at my house, all asking the same question: "How can we get our racing back and the income they are taking away from us?" Good people, with nice families to support, and depending on the work at the track for food and clothing.

Harness racing at the Gorham Raceway means a lot of income to the people in the town of Gorham. It is estimated that an eight-week meet means at least \$250,000 in money brought in and distributed among the people in the town. That is equal to a \$5,000 a week payroll for a full year.

The Gorham track can stable 400 horses. They have to buy hay and grain. It takes many people to care for that number of horses. Many of these men are residents of Gorham. The other men that care for the horses bring their families with them. Some rent rooms

and apartments. Others live in trailers. These people have to eat. They either buy groceries at our stores or eat in our restaurants.

We have a Teachers' College in Gorham. Every available room in town is rented to students during the school year. When harness racing begins, during the summer vacation, every available room is taken by employees of the track.

The police, the firemen, the ushers and many of the ticket sellers are all residents of the town. The money paid to these employees and the money spent for supplies amounts to a substantial sum and is a very welcome income to the merchants of the town.

The town also realizes a tidy sum for taxes on the Gorham Raceway when it is operating and kept in good condition. If it does not operate and is allowed to deteriorate, it, of course, cannot be taxed as much as when it is operating and kept in good condition.

One of the arguments the opponents of this bill will no doubt present is the investment angle. There is an investment in the Gorham Raceway of several hundred thousand dollars and it is all Maine money. The income of several hundred thousand dollars for an eight-week meet is almost entirely distributed among Maine people.

We have a Maine Publicity Bureau and a Maine Development Commission, for the purpose of bringing money and people into Maine. Why send money out of Maine?

I have an article from a local newspaper which I would like to read. It is headed: Scarborough Downs Blamed For Bookies. Portland, April 2. County Attorney Daniel C. McDonald expressed belief tonight that Scarborough Downs had brought out-of-State bookmakers to Maine . . .

"Also participating in the forum, sponsored by the Junior Chamber of Commerce, were Detective Capt. Edward M. Kochian of the Portland Police, Lt. Adelbert R. Sargent of the State Police, and publisher Roger C. Williams of The Press Herald, Evening Express and Sunday Telegram.

"Kochian agreed that there had been 'an increase in bookmaking'

since Scarborough Downs opened . . .

"Kochian, declaring existing anti-gambling laws are strong enough, said that 'we need strict enforcement—from officials, the courts and the public.'

"Concurring, Williams said he is 'convinced that the public must be aroused to cooperate with enforcement officials' . . ."

I would also like to read a quotation by John I. Day as published in the magazine, "The Annals of American Academy of Political & Social Science." Mr. Day is from New York City and for seven years a Director of the Service Bureau of the Running Racing Association. The Service Bureau is a publicity bureau devoted to jockey racing. I quote: "The principal problem of racing today is not the individual cheat, but the perhaps well-meaning but ill-advised legislator who would legislate conditions such as off-course betting or night racing."

"If the running race supporters want night racing, let them get authorization by special act of the Legislature the same as the harness race people had to do."

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

THE SPEAKER: The gentleman from Gorham, Mr. Sanborn, moves that the House accept Report "A" "Ought to pass."

The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: As has been said, now it is post time. Our genial friend, the gentleman from Biddeford, Mr. Farley, says we have fed these horses all winter, bedded them, watered them, and taken care of them, and now it is time for action.

To be very serious, I am awfully surprised at this bill, awfully surprised. If ever I have seen discriminatory legislation, this is it. I was a member of the 94th Legislature and I voted on this running race bill, and when I voted on it, I didn't care whether they raced in the morning, in the afternoon, in the evening or in the middle of the night. I voted for running horse racing.

Now I have got to give you a little history so you will understand

this. This corporation, acting upon the good faith of the State of Maine through its Legislature, was organized in 1950, with the following members: Fred Snow was President, Robert Verrier of Scarborough was Treasurer, John Beard of Lewiston and Joe Cianchette of Pittsfield—I would like to just pronounce that name again, Joe Cianchette of Pittsfield, and by the way, he is no longer connected with Scarborough Downs, but owns the Gorham Race Track. The rest of the members are Daniel Sullivan of Boston, Clement Seavey of Old Orchard, Arthur McGee of Augusta and Theodore Rocher of Pine Point. Now these are all harness men with the exception of Mr. Verrier.

Now these gentlemen built a track at Scarborough Downs, costing a million and a half dollars. They raced in the daytime twenty-seven days and they lost \$212,000. Therefore, they tried racing in the evening for thirty days and they made somewhere around \$1,600. But they ran into financial difficulties, and they had to mortgage the property. In order to protect the citizens of Maine, a new corporation was formed, and this new corporation consists of Ralph Masterman of Bar Harbor, as President, Thomas Marcus as Treasurer, Edward Connors of Bar Harbor, John Clifford of Lewiston, and Guy Butler of Portland. And in their by-laws they say that fifty-one percent of the stock must be owned by citizens of Maine. Now these people also, relying on the faith and the integrity of the Legislature, the 94th Legislature, have already, they have already, members, before this Legislature met, gotten their license from the Commission, costing \$5,000, they have already spent out \$61,000 in contracts, in order to race this season.

Now what are you going to do with this thing? Are you going to tell them that they cannot race nights? Are you going to discriminate against these people? If I have a store downstreet here on one side of the street, and somebody else sells similar goods on the other side of the street, are you going to tell me that I can only keep open in the daytime while you tell the gentleman on the other

side of the street to keep open nights? Are you going to say that? Of course you aren't. That is discrimination.

Now this State hasn't any money to throw away. The Senate, the other day, lopped off about a million dollars in revenue out of the sales tax. This running race business brought to the State last year somewhere around \$383,000, and if allowed to continue under this new management, I predict that the revenue will be better than a half million dollars.

Now can you say to your constituents that you voted to throw away half a million dollars? Can you go home and tell your folks: "Yes, I voted against this running race business. I didn't like it and I voted against it." Well, how about that half a million dollar revenue? Are you going to kill the goose that lays the golden eggs?

Now let me show you where the money is in this racing bill. The Fairs throughout the country paid \$1,317,963.12. The Harness Racing paid \$9,765,228. Now get this: The Runners paid \$84,575,637. Now that is where the money is, and that is what we are interested in, isn't it?

Now let's localize this, let's take some of these states right around us and see what they did. New Hampshire: The Runners paid \$1,941,098. The Harness Racing paid \$6,479. Massachusetts: The Runners paid \$3,115,523. The Harness Racing paid \$415,658. New York: The Runners paid twenty million and a half dollars and the Harness Racing only paid \$7,000,000.

Now as I said before, they built themselves a track costing a million and a half dollars. If I took the speech of the gentleman who preceded me about the money that was laid out in his locality, the same thing applies over there in Scarborough. These people have built themselves houses around this area; they have put themselves out to entertain the people as they come in there; they have a \$1000 weekly payroll right in this center, and in the Portland area there are \$50,000 spent weekly. Are we going to discriminate and tell these people they just cannot run nights? That doesn't just seem sensible to me. We cannot discriminate here. Supposing it does take a little busi-

ness away from Gorham, it is competition isn't it? Isn't that the life blood of America? Isn't that true?

Let me read you what one of our papers says about this: Here is an editorial of the Evening Journal of Lewiston, dated March 13th of this year. Now get this: "It is inconceivable that Maine would permit a million dollar race track to be built on legislative authority and then two years later take back permission. We do not like anything that opens the door to more legal gambling, but it doesn't look like playing it square to knock down a project that two years ago was considered good enough to get legislative sanction and the Governor's approval. There have been no scandals connected with Scarborough Downs."

Now I understand that my good friends—my good Christian friends, let me put it that way, who belong to the W. C. T. U., don't agree with me on this. All I can say to them is this: "Lord, forgive them for they know not what they do", because if there is any way to promote gambling, it is by killing this bill. The only way to combat gambling anywhere is to bring it right out in the open. You cannot grow a rugged tree by putting it down cellar somewhere and trying to grow it; you have got to bring it out in the open where the winds and the storms and the rain can beat on it, so its roots will get firmly planted in the soil. That's what makes a strong tree. That's what makes strong character, by being able to meet these things. I say the Lord should forgive them, for they know not what they do.

Members, I hope that the motion of the gentleman from Gorham, Mr. Sanborn, is defeated.

The SPEAKER: The Chair recognizes the gentleman from Damarscott, Mr. Gay.

Mr. GAY: Mr. Speaker and Ladies and Gentlemen of this Legislative Body: Since the inception of the 92nd Legislature, when I became a Freshman member of this body, up to this day and this very moment I have carried in my soul, and in my mind, but one desire, to be fair and impartial with every living individual within the confines of this lovely State of Maine.

You have here today a man who is known as "Mr. Democrat". I stand before you today, and you can give me the title if you see fit, of "Mr. Democracy". I will honor that title, and I will treasure it for this reason: That there is fairness, there is justice in a Democracy. I am living in a time when I am seeing Democracy at work within the confines of the State of Maine. I am seeing opinions pro and con. Those who believe that there is justice in discrimination and those who see justice, and eye to eye, where there is no such word as "discrimination."

Today you have a tremendous investment within the confines of our State here, where the State of Maine has accepted five thousands of dollars from those who wish to run horses at Scarborough Downs. They have spent not only the \$5,000, the date has been set, but they have spent \$1,000 more in taxes. Facilities by the inhabitants near and about Scarborough Downs are being readied for the coming event of the season. The Selectmen of that area have gone to a great deal of trouble and a great deal of expense in preparation. The payroll from Scarborough Downs amounts to twenty thousands of dollars weekly. Certain men have made an investment. Whether or not it was a justifiable investment on their part it is not at this hour for you and me to criticize them.

There is justice meted out by the individuals in their unanimous votes before this House this afternoon. If you want to see a Democracy continue and be perpetuated, as it was founded by our forebears of this nation, it is about time that the individual members of this House put aside their personal and shameful interests. It is about time that you stop the Red of the colors of this national flag here from spreading the entire length and breadth of the standards of our national colors, and having in place thereupon the hammer of Soviet Russia which drives by force something that isn't good and conducive to a Democracy. It is about time that you stood on your own feet with the intestinal fortitude and with the courage of individuals say "I will not allow within

the confines of my soul any man to influence me, that I shall not play fair, square and just with my fellow man."

Members of this House, I shall say no more but I shall expect that you will vote against this measure.

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

Mr. McGLAUFFIN: Mr. Speaker and Members of the House: I certainly enjoyed the oratory of the two preceding members but I do not follow their reasoning, and I am against the stand of both of them.

When this matter came up two years ago I voted against the running races because I knew that it took thousands and thousands of dollars out of the citizens of Maine, and particularly from the citizens of my own city of Portland.

The men that came in here to get this racing were men who were here for the purpose of promoting gambling to their own advantage. They were gamblers. They knew that they were making a gamble, and when they find that there is objection to the night racing, they come in here and tell you that we were the ones that gave them this right. Didn't they come here and plead for it, knowing that it was a gamble? The State of Maine isn't under the slightest obligation to help these gamblers because they have spent money and a good many people have lost.

It was pointed out to me by good authority two years ago that these running races in such places as Florida, for instance, had brought what was called the scum of the earth to that section. I don't think it has added anything to the State of Maine to have these running races. The gentleman from Ellsworth, Mr. Dunham, bases his argument on the amount of money that we receive. I won't sell the soul of a single citizen of Maine for all the money that the gamblers have got. I don't believe in getting money this way. I think it is up to the Legislature to protect its citizens, protect them even against their own poor judgment.

Many people in Portland are sending me cards asking me to vote against the sales tax, and many of those same people will go out and

spend money gambling on those ponies that cannot afford to do it. If they stopped for a moment to reason, they would know they couldn't afford to do it, but in the excitement of the occasion they invest and lose their money.

You cannot carry on a successful gambling business without somebody suffering, and that somebody is the people of the State of Maine, and as Scarborough Downs happens to be near Portland, it is particularly bad for the citizens of Portland. I do not expect to be able to change a single vote in this House. I don't profess to have that ability, but I am going on record as being definitely opposed to anything that furthers the gambling that goes on in this State now. The gentleman from Ellsworth, Mr. Dunham, says we will kill the goose that lays the golden egg. Yes, I'd shoot that goose dead and I'd do it now. (Laughter) I don't believe in a goose that lays gamblers' eggs. I think it is up to this Legislature to see that the gambling does not increase. I am not at all impressed by this argument of fair play. I am for fair play, but I am for the people to have fair play, not the gamblers. I am not interested in them at all. If by getting them out of the night racing, it would drive them out of the State, then I say "Thank God for just such a thing."

As I stated, I don't imagine that I can change any votes, but I am going to make it plain that I am against increasing this gambling in the State of Maine, and I am trying the best I know how to protect the people of Portland from wasting their money in this diabolical gambling that does so much harm to the State of Maine that money cannot pay for it.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Sinclair.

Mr. SINCLAIR: Mr. Speaker and Members of the House: I want to go on record as favoring the motion made by the gentleman from Gorham (Mr. Sanborn). There has been mention made of the tremendous investment at Scarborough Downs. I recognize that investment at Scarborough Downs, but I would also like to point out the investment made in harness racing in the State

of Maine. There are some 700 harness horses owned in the State of Maine. I don't know of any running horses that are owned in the State of Maine. There may be some, but harness racing is an industry, it is a business that has grown up in the State of Maine over a long period of time. Harness racing was born in Maine, and with 700 Maine-owned horses, it has developed into quite a business. Those horses are trained in Maine. Most of them are stabled in Maine. The feed, hay, grain and straw, are purchased in Maine. There are a number of people employed in the training program.

Now as far as being fair is concerned, I would like to point out and call to the attention of the members of this House, particularly to the members who were here two years ago, that you will recall there were two bills going through the Legislature at the same time. These bill pertained to racing. One of those bills was for the extended night harness race meet. The bill stated "night racing;" it was written into the bill that it was night racing; there was no question in anybody's mind just what the bill was intended to do. At the same time, there was another bill before this Legislature asking that running racing be legalized. At no place in the bill did it say night racing, and at least in four places in the bill it referred to "days of racing."

I do not believe there was any thought in anyone's mind at that time but what the running race bill was intended to be "daytime racing." I venture to say that had there been any question in the minds of the members of the House or of the Senate either, that these two bills could come into conflict later on, that one or both bills could very well have been defeated. Both bills passed, however. The extended night harness meet was held in 1949, and in 1950 the runners came into the picture at Scarborough Downs. They raced twenty-seven days at Scarborough Downs, which further indicates that they, themselves, intended to ask for day racing.

Practically ninety-eight per cent

of the running race tracks in America operate days. The Thoroughbred Racing Association frowns on night racing for the runners. Nevertheless, they raced for twenty-seven days at Scarborough, and then decided they would race nights, and they moved into the night program, and the figures in the report of the Running Racing Commission will indicate very clearly that there was no appreciable amount of increase in the average for the amount wagered at night over what was wagered in the daytime. In the meantime, the harness racing program was curtailed in the southern part of the State.

Now, it has been stated that we would be undoing here what was done two years ago. I cannot see that we would be undoing what was done two years ago. They came in and asked to be allowed to race days. This Legislature granted them the right to race days, and I don't believe that they should be given the right to move into a field that has meant so much to the harness fans in the State of Maine, and I feel that the runners, by moving into the night racing, definitely are moving into a spot that was not intended they should occupy.

I hope the motion made by the gentleman from Gorham (Mr. Sanborn) prevails.

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

Mr. DOW: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Ellsworth, Mr. Dunham, through the Chair of course, as he is some distance from me.

The SPEAKER: The gentleman may state his question.

Mr. DOW: Mr. Speaker, I would like to ask the gentleman: Is not the actual control of Scarborough Downs at the present time in the hands of a mortgagee who is not a resident of Maine?

The SPEAKER: The gentleman from Falmouth, Mr. Dow, through the Chair, asks a question of the gentleman from Ellsworth, Mr. Dunham, and the gentleman may answer if he chooses.

Mr. DUNHAM: Mr. Speaker, yes, I believe the money which was put

up to save this proposition comes from out-of-state, but money, to me, makes no difference where it comes from. But the control of Scarborough Downs is in the hands of Maine people, prominent Maine people, people of respect and honesty. So far as the money is concerned, that doesn't matter at all to me, whether it comes from a foreign land or not.

The SPEAKER: The Chair recognizes the gentleman from Norridgewock, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker and Members of the House: I have raced horses in Maine harness racing, for sixteen to eighteen years, and last year was the only year that we didn't race successfully financially. We cannot race our horses daytimes, with harness racing, because they do not pay purses enough to secure good horses.

Now we fellows expected that the racing at Scarborough Downs was going to be in the daytime. We have trained our horses and are ready to race in Maine as soon as racing starts, and we feel sure that we should have night races in order to get the purses. Last year my horses were stabled in Gorham. When this night racing was taken over at Scarborough Downs, they cut our purses in two and we were not able to race for the prices offered. We had to give up racing and for three weeks in the State of Maine last year there was not any successful harness racing done.

Now I am in favor of the motion of the gentleman from Gorham, Mr. Sanborn, and I hope it prevails.

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

Mr. GOWELL: Mr. Speaker and Members of the House: I am not a sponsor of this type of amusement. I agree with the gentleman from Portland, Mr. McGlauffin, to a certain extent, that the State would perhaps be better off if we did not have running races within our borders, but I feel somewhat the same as the Clergyman did that had to deal with this issue in Massachusetts. A Pastor of a church in one of the larger towns in Western Massachusetts was criticized by his congregation for attending the County Fairs, and they whispered

around that he spent quite a little of his time going around the horse department, so the society known as the Society for the Prevention of Cruelty to Animals and the ladies in that community said they thought it was too bad that the minister should give his influence to anything like that because it involved those poor horses running when it was such warm weather.

The Clergyman was liberal in his ideas, and he didn't have much trouble in filling his church. He had heard this talk among the congregation, and so one Sunday morning, before the sermon, he just said a few words in regard to what he had heard. He said: "God Almighty made the dray horse and made him to pull. God Almighty made the race horse and He made him to run, and I love to see him go."

Well, I can sympathize a little with that Minister. I am not accustomed to betting on a horse race; I haven't the means, but I do rather like to see them go.

I don't know very much about the merits of this case, only what I have heard since I have been down here, talking with members of the last Legislature and the people in touch with the situation, but if the 94th Legislature made a mistake in permitting running races within our State, there is no reason why these people who have expended money at Scarborough Downs in the development of that property should be denied or abridged in the rights they acquired under that franchise. I have always understood that two wrongs never make a right. I regret that Scarborough Downs requires the privilege of operating night races during the coming season, if it interferes with Gorham or other tracks. I am but little interested in Scarborough Downs, I don't know who owns it, but that is a tract of land adjoining York County, and I know of several people in that community who are interested. If the people who own that property did not make good during the last season, I see no reason why they shouldn't be encouraged or given the chance to run another season and make good. It doesn't make much difference, as I see it, whether that mortgage is owned by someone

in Maine or in Massachusetts, because somebody evidently put in the money in good faith, and I am pleased to say that for once, during this session of the Legislature, I intend to vote with my friend, the gentleman from Ellsworth, Mr. Dunham. I believe this will be the first time. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker and Members of the House: My remarks will be brief. I am saving my thunder for the repeal bill in the other branch, but there are a few things that I would like to say here in regard to this, as being the sponsor of the running bill two years ago.

I was given to understand that the terms of that bill would be carried out on a high standard. I do not consider that this has been done. I will try and prove that to you at the time the repeal bill comes up.

There are a few things that I would like to correct. One is the impression that this was giving night racing at the time this bill was put through. The fact is that there were two factions here, one working for the harness horse bill and I working for a running bill. The only way that I could get the support, in fact, of the harness boys was that we brought in the fact that there would be no night racing. It was agreed, but actually we should have thought that we didn't have control of that, but it was agreed that they did not have any intention of racing nights, and where this night racing came in was an afterthought that was found as a loophole in the bill.

They speak of the money that they lost in the first twenty-seven racing days they had at Scarborough. They claimed they lost \$200,000. I believe the gentleman from Ellsworth, Mr. Dunham, said the figure was \$212,000. In the next thirty-one days of racing they made \$1,500—I don't know whether that was a day or for the period, which is to my favor if it was for the period. But at that same time the gentleman from Ellsworth, Mr. Dunham, didn't tell you that the day they started that night racing they cut their budget that was set

up for the daily operation from \$26,000 to \$12,500. Now if they had operated the first twenty-seven days on that basis, if they had operated on the new budget of \$12,500, it doesn't take a mathematician to figure out that instead of losing some \$7,000 a day, they would have made \$5,000. So I certainly do not see how we can call this the "Slow Death Bill." In fact they made more money in those days with day racing than they were making in the nights, or they would have if they had cut their budget, and this last budget, by the way, was set up by the Maine boys who tried to set up such a budget in the first place and told them that the State of Maine would not warrant the budget that they had set up, but the course of inflation, which I will show you on the repeal bill, that this was inflated from the time it started for the same reason that we have now—it is held as it is now, and instead of the \$383,000 that was made, as I understood it in the book, it was \$323,000 that was taken in on the runners.

Now remember that while these runners were operating, they closed the Gorham and the Lewiston tracks. If those two tracks had operated or if they were allowed to race nights, I don't think there would have been a great deal of difference in the income to the State of Maine. The Grand Circuit horses would be only too glad to go into the Scarborough track. They would love to have the chance to go in.

Their payroll, that is very interesting. I see it has been mentioned; I happen to have one here, their weekly payroll; it is very interesting. There were 143 Maine resident employees on this payroll and 84 out-of-state residents. The total wages for the week of August 7th, 1950, out-of-state employees, was \$13,398.84. That is the out-of-state employees which are only 84 in number. Now the total wages for the same week for the Maine employees is \$8,544, and there were 143. It is very interesting to see the prices they were paid. In the first place Allen Wilson, he gets \$25,000 for the season. He was the manager. That, I think, figures some \$431 a day. You can see, those are Hialeah prices; they are

prices that they pay in Hialeah; in fact I don't believe Hialeah is paying those prices. There was Eric Bryan, New Orleans. All of these pages here are from New Orleans, Miami and Providence and not one of these high-salaried ones come from the State of Maine. They are all out of State, and they go clear down through to New Orleans. These horses are all out-of-state horses. This money that they tell about that they were leaving in this payroll, where is it going? It is all going from here to New Orleans; it is not going into the State of Maine; just a very small part of it; not as much as there would be going to Maine if you were operating the Gorham track.

I could read these, but I will not; I will not bother you with them, but there is an awful difference here. I will put them into the record in the next bill.

Now the point I wanted to bring out was the question that the gentleman from Falmouth, Mr. Dow, I believe asked, was who really controlled and owned the track. There is no question about that. Mr. Goldfine has foreclosed on the track. Mr. Goldfine, as of next November first, will own the track lock, stock and barrel for \$350,000, the amount which he put in at the time they really needed it, but he took for that \$350,000, a mortgage for \$410,000; they gave him \$60,000 to persuade him to put that money in. On top of that I understand they gave him \$50,000 worth of stock. I bring that out to show you the way that this has been brought up. Now I understand that if they operate out there night's that the U. S. Trotting Association will not acknowledge their horses, that they are out of line with the U. S. Trotting Association, and what horses we will get, as I understand, for the night racing, will be just horses that are barred in other tracks. I bring those points out just to show you that some of the things that they are telling you are not as they should be. I do hope that the motion of the gentleman from Gorham, (Mr. Sanborn) prevails. Thank you.

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

Mr. FARLEY: Mr. Speaker and Members of the House; Two years ago, along with the gentleman from Gorham, I voted for that bill. I also voted with the gentleman to my right, and I now find myself in a vise. Not many have said they have bet \$2 on a horse. Well, I suppose I am a sinner because I have bet many a time.

The gentleman from Gorham and the gentleman from Pittsfield both know that I labored for them two years ago and never received a cigar nor asked for anything, also the gentleman to my right. I believed all three gentlemen and those who were connected with them.

I love horses. I have had them for years in the trucking business. At the age of twenty I drove a pair of grays in the fire department on the hose wagon, and at twenty-one I drove three.

We seem here to be condemning the runners. When I came here at this session I attempted to put a bill through so that a minority member could be placed upon the harness racing commission, so the public could be protected from what goes on with the harness races in the State of Maine. If there are any more crooked outfits than harness races, I want to know where they are. When you see a man owning a horse, in the grandstand of Gorham, and betting on another horse, with somebody driving his horse, where are the public going to go? And those conditions exist.

At Old Orchard the horses came down there and they were there for three weeks, and what did they bring down? Horses from the Grand Circuit. But the members of the Maine Harness Racing organization, did they attempt to beat any of those horses? No. It was in the bag for a fellow named Egan and a man named Berry, because they are all hooked together somehow or another.

I always went to Gorham, but I think the public is getting sick and tired of Foxy Grapes, Panama and Sarah's Boy. Even those people who tell you about what fine horses we have in the State of Maine. Yes, but they are out in New York. We don't get them here so we can see

them run. If we get any from Massachusetts, its only from a man named Dan Steele, and he brings down two or three, and that is all there is to it. When Gorham quit, in my estimation, I think they quit cold. To those of us who love harness racing, they could have given them competition for another week, but they didn't attempt to give them any competition. I was forced to go to Scarborough. I don't know anything about the runners; when it comes to handicaps and claims and allowances I am out in the left field some place. I watched for three nights before I bet any money on any horses and I went around a lot. They have one thing there at those running tracks that you don't see at a harness track. You see the Pinkerton detectives there and they are there for a purpose, to protect the public, but there is no protection in the harness races. Getting back to Gorham for a minute, I was told, in going along with them, that it didn't make any difference what horse run at night as long as there were stables enough, according to the architect, that built the track at Gorham, four hundred stalls.

Last week here we took the veterinarian in the State of Maine and we said he had class legislation, and we set him on his back. Now if this isn't class legislation, to let a trotter run and let a running horse stay in the barn, I want to know something. I think there is something here. The gentleman from Falmouth asked a question: "Who owns it?" If I recall, the Ex-Governor of the State of Maine, Governor Hildreth, said: "Who cares who owns them, whether it be Massachusetts or Maine. The horses are running just the same."

I could go on but I don't think it is fair. I think if one can run, why can't they all run? If I get sucked in at Gorham and then get sucked in by the gentleman from my right, and the gentleman to my right knows that I never attended a meeting of running horses that they had at the hotel and they had two or three of them—I simply told them I would vote with them. I don't believe that at that time there was any understanding whether they were going to run in

the morning, at noontime or at night, but I do really think that the State of Maine owes Scarborough something, and the little town of Scarborough is as much interested as Gorham is because there is a tax assessment there of \$3,000 and they need it. I am going along with the gentleman from Ellsworth (Mr. Dunham) not on the sales tax but on the running horses.

THE SPEAKER: Is the House ready for the question?

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

MR. BURKETT: Mr. Speaker and Ladies and Gentlemen: This is another report out of the Legal Affairs Committee, and my only justification for speaking on this is that as the Floor Leader has repeatedly told us that we should defend our committee report I think perhaps a word might be said along those lines.

The committee had three bills before it. Two of them, if they had passed, would have repealed the entire running race law. There was no sentiment in the committee for it at all. It was reported out unanimous "Ought not to pass"; no one wanted to go that far.

I happened to be a member of the Legislature of 1935, before which was presented the original pari-mutuel bill. At that time the financial situation was not as acute as it is now, and so the problem of revenue to the State was not an issue. The State, two years before, had gone into the liquor business on a big scale, and there was plenty of money to finance everything. The bill had sort of a stormy passage in both branches of the Legislature, and was passed only after considerable debate, and the arguments were not how much revenue it would produce but the reason given for its passage was that it would help the agricultural fairs which then were getting into a deplorable financial condition, and any of you who, like myself, have lived in a town where there has been held an agricultural fair, know what an important part it plays in the lives of the people of that community. Everyone agreed that something should be done to

help the fairs, so the bill was passed, and I think, up to now, it has furnished a lot of amusement and pleasure for a lot of people.

Now when the problem was presented to us in the committee of signing one report or the other, my own mind did not work along the lines that I wanted to hurt anybody or put anyone out of business, but I was convinced in my own mind that at the agricultural fairs, the harness horse racing which has been so prevalent here in the State and which as I say has been enjoyed by so many people, would be helped more by a vote of "Ought to pass" on this bill, and that is why I voted that way and why I shall support the motion of the gentleman from Gorham (Mr. Sanborn).

There is another thing to be thought of in connection with racing here in the summer which the gentleman from Norridgewock (Mr. Taylor) touched on in his remarks, and that is that July is the critical and important month in harness racing, and unless there is a harness race meet in the State which can be successful and pay good premiums and be well conducted, the good horses, so-called, will not come into the State from outside of the State and the good horses in the State of Maine will be forced to go somewhere else, because you cannot organize a race meet in a week; it takes a lot of planning and a lot of thought, and unless July is a successful month for harness racing, the whole season is ruined.

The SPEAKER: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker and Members of the House: It seems to me that after having given due consideration to the merits of the various conflicting interests here involved that we, as members of this House, have one primary duty and one only, and that is to determine what may be, and to assess, the interests of the people of the State of Maine in this particular bill.

I am not a horse man. I think perhaps four or five years ago I did see a horse race up in Bangor. I didn't bet on it, but I did enjoy it. That is just an aside.

Now then, it seems apparent that as the result of action taken by the 94th Legislature a sizeable amount of what might be legitimately termed "risk capital" was invested at Scarborough Downs, a million and a half, maybe two million dollars. The record apparently shows—I haven't examined it—that the people who invested that money haven't up to the moment done too well, but the people of the State of Maine, apparently, have done all right, I believe, to the extent of some three or four hundred thousand dollars. If that is wrong, I will stand corrected.

Now I cannot see that it is any worse to take a quarter of a million or half a million, maybe, from a race track than it is to take \$500,000 a month from the sale of liquor at liquor stores.

Now this morning I think I was one of nine or ten individuals who stood up when my friend, the gentleman from Strong, Mr. Jennings, spoke about a bill having to do with State Armories; a matter of a quarter of a million dollars was involved. The House felt that we could not find the quarter of a million dollars for that purpose. While I would not approve at this time of building any new armories, I do think that it would be a good investment to use whatever State funds might be necessary to keep what we have from falling down.

Now, then, if we are to continue to receive this income from Scarborough Downs, it seems apparent that the integrity of the original investment must be provided for, that the concern must be maintained as what they call a growing concern; otherwise we lose, we lose a substantial amount of money. For that reason I am glad to say that I can go along with my friend, the gentleman from Ellsworth, Mr. Dunham.

The SPEAKER: Is the House ready for the question?

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

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

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires

the consent of one-third of the members present.

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

A sufficient number arose.

The SPEAKER: Obviously one-third of the members present having arisen, the motion for the previous question is entertained.

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

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

The SPEAKER: The question before the House is on the motion of the gentleman from Gorham, Mr. Sanborn, that the House accept Report "A", "Ought to pass" of the Committee on Legal Affairs on Bill "An Act Relating to Running Horse Racing in the Daytime," (H. P. 1021) (L. D. 580) and the same gentleman has requested a division.

All those in favor of accepting Bill "An Act Relating to Running Horse Racing in the Daytime" will please rise and remain standing until the monitors have made and returned the count.

Seventy-eight having voted in the affirmative and forty-five having voted in the negative, the motion prevailed and Report "A", "Ought to pass" was accepted.

Thereupon, the bill, having already been printed, was read twice under suspension of the rules and was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the 22nd matter of unfinished business on today's calendar, Bill "An Act Relating to Inspectors of Public Utilities Commission" (H. P. 1433) (L. D. 1039) tabled on March 27th by the gentleman from Fairfield, Mr. Woodworth, pending third reading; and the Chair recognizes that gentleman.

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

This bill proposes that the Public Utilities Commission be author-

ized to employ five inspectors, who shall be uniformed, for the purpose of enforcing the laws against overloading trucks and so forth on the State Highway.

For many years this duty has been attended to by the State Police, and now the proposition is that we give the Public Utilities Commission a private police force. I am opposed to these private police forces in any department. I think one State Police Department is enough for the State of Maine. They have always done their work well, and I think they can continue to do so.

This bill says, "Inspectors not exceeding five in number." I understand that at the present time one State Police officer handles that assignment.

This bill apparently follows the usual pattern of State Department bills in that it asks about five times as much as is necessary in the hope that they can get part of it and keep building up as the years go along. If we are ever going to cut down on State expense and the continued inroads of expenses of State government, the only way we can do it is to stop these bills before they get started. I think this is a good one to stop. I don't believe that any uniform that they can give these inspectors will ever surpass in effect the dignity and standing of the uniform that is worn by our State Police.

From the very beginning, it was the duty of the State Police to enforce the highway laws. That duty has always remained with the State Police, in spite of the fact that since the State Highway Police were first created they have retained this duty and have had many more obligations imposed upon them. I think that we should not lose sight of the fact that the enforcement of laws on the highway is the primary duty of the State Police. It should not be taken from them; their authority should not be limited. I hope that the House will agree to the indefinite postponement of this bill.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that Bill "An Act Relating to Inspectors of Public Utilities

Commission." H. P. 1433, L. D. 1039, be indefinitely postponed.

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

Mr. FULLER: Mr. Speaker and Members of the House: I was the sponsor of this bill, so I am called upon, of course, to explain the situation as I see it. I feel that actually this matter is an administrative matter rather than being an effort to establish another police force. The Legislature has seen fit at divers times to enact laws governing the operation of motor trucks for hire, and the enforcement of those laws is part of the duties of the Public Utilities Commission, and, in addition to that, the Public Utilities Commission promulgates certain rules and regulations. The laws of the Legislature take seventeen and a half pages, and the regulations of the Commission take another nineteen or twenty. To carry out these regulations and laws, which do not include the laws on overloading, the situation at the present time is this: one member of the State Police is assigned to the Public Utilities Commission to perform duties in this field, and the Public Utilities Commission also has one civilian who is employed under their direct orders. I understand that they are paying for another civilian inspector who works with the State Police. So there you have a State Police officer working under the Commission and a civilian paid by the Commission working in collaboration with the State Police.

Now this law, I take it, is to clarify that situation, so that whatever number of employees is needed, not in excess of five, will actually be employees of the Commission and the set-up will be a little less involved.

Now in enforcing these various rules and regulations it may occasionally become necessary to make an arrest. The civilian inspectors now employed by the Public Utilities Commission would have to power to make arrests as I understand it, so that provision is in this bill in order to clarify that situation.

All of these provisions are permissive. In other words, the Com-

mission merely is authorized and empowered to appoint these inspectors and not over five in number.

This part of the work of the Public Utilities Commission is self-sustaining, therefore no more than the present three will be employed unless the volume of business increases. They may furnish uniforms if in their discretion that is deemed desirable, and, of course, if they take in sufficient revenue to pay for the uniforms.

I feel this bill was drawn for the purpose of clarifying the set-up that exists there and not for the purpose of spending more money and not for the purpose of setting up a new police force. So I hope that the motion of the gentleman from Fairfield, Mr. Woodworth, will not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. ALBEE: Mr. Speaker and Members of the House: As a member of the Public Utilities Committee when this bill was brought before that committee, I will say there was absolutely no opposition to this bill. Two years ago a bill of that same type was brought before that committee.

This bill involves no additional revenue from the State in the budget. This is going to be paid for from the Commission's funds. As it is now, this morning, coming up from Portland, we noted on the right-hand side in Brunswick there were some five troopers there with perhaps ten or twelve trucks. I do not know what their duties are, but they should have been out on the road, I assume, patrolling their districts. And as this involves absolutely no money whatsoever, and the number they need to enforce this law would be three to five, I hope that the motion of the gentleman from Fairfield, Mr. Woodworth, does not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Norway, Mr. Lord.

Mr. LORD: Mr. Speaker and Members of the House: I think that most of us came down here with the idea of supporting legislation

that we feel is beneficial to most of the people of the State of Maine and not necessarily legislation introduced for the benefit of any particular organization or group of people. What this bill actually does, in my mind, is to set up a private police force for the use of the Public Utilities Commission and the association that is mentioned in these sections which is the Trucking Association.

The members of the Third House, among which I have many friends — and we are fortunate in having the good members of that particular house that we do have — are paid to see that certain legislation goes through. We are paid here as legislators by the people who sent us here to act upon the bills that we think should or should not go through as we see them. Now I do not think there is any benefit to the State in passing this bill.

Very often the legislation of our neighboring states is held up before us as an example of good legislation. I also think that we might derive a little benefit by seeing legislation that has been passed in other states that has not proved as beneficial as they thought it would.

Massachusetts introduced a bill of this same type several years ago. It was started off with five members in the inspectors force. Today they have built up to forty members with distinguishing uniforms, and if it continues to grow they will be in direct competition with the State Police and will have two police forces in the State in direct competition with each other.

I think the State will be better off if you support the motion of the gentleman from Fairfield, Mr. Woodworth.

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

Mr. PERRY: Mr. Speaker and Members of the House: I would like to concur with the motion of the gentleman from Fairfield, Mr. Woodworth, and state that I think it would be doing the State some good if we vote for the indefinite postponement of this bill.

I checked into it myself somewhat and have found that regardless of the fact that it is not costing the State, supposedly, any larger

amount of money, these inspectors are not working for nothing and the money that is taken in from overloaded trucks and so forth would go to the State of Maine if it did not go for that purpose. These members of the Public Utilities Commission that travel around over the State of Maine have their expenses paid while living in hotels, while the State Police could handle it adequately right out of their own barracks without the added overhead cost of hotel bills and expenses. At the present time we have to have a State Police officer go along with them to do the stopping and so forth. They are tied up anyway. I have convinced myself, from thorough checking, that this could be handled adequately by the State Police and would not need two special State police authorities handed to the State of Maine. Therefore I hope that this House concurs in the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Keene.

Mr. KEENE: Mr. Speaker and Members of the House: I have no particular interest in this bill whatsoever, but I do want to leave with each member of the House this thought: that this bill was advertised for a public hearing before our committee, the hearing was held, and no one appeared in opposition. I am surprised to learn at this time that there should crop up so much opposition for the first time.

The committee reported it out unanimously "Ought to pass." At the hearing it was brought out that the State Highway Police have allocated to the Public Utilities Commission one trooper, a trooper that they need very badly in their own forces; and it was stated to us at the hearing that the State Highway Police were in favor of this move. It was also brought out, as has been previously stated, that this was not going to cost the State of Maine any extra money. The bill does call for five inspectors, but apparently, in the beginning, if this bill should pass, the Commission would add one inspector, and as occasion arose and there was demand for additional inspectors, they could add as many as five, but

their pay would come from the fines which these inspectors would gather in their services.

I know that the commission is very much in favor of this bill. There was no opposition. I can see no harm in it as it costs the State no additional money. I personally hope that the motion of the gentleman from Fairfield (Mr. Woodworth) does not prevail.

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

Mr. WOODWORTH: Mr. Speaker, I just wish to comment briefly on the points that have been made.

It has been said that no one appeared before the committee. Most of the legislators are employed in holding hearings of their own, and it has been my experience during three terms of service that the time that a committeeman has to be on his job is when nobody appears against a bill. That is the time that we should look out for the interest of the public.

I do not know yet just how many inspectors they want. The bill asks for five; the gentleman from Bangor, Mr. Fuller, said "we will settle for three"; the gentleman from Clinton (Mr. Keene) comes down to one; and I think that nothing would be just about right. (Laughter)

Up in Massachusetts they started the same way, as we have heard, and rose to forty.

One point more in regard to the power of arrest. Our State Police spend months of training learning when to make an arrest, and those of us who practice law have reason to know that the time and place to make an arrest is a very important thing to know. I do not believe that we ought to turn loose a bunch of so-called inspectors from the Public Utilities Commission with the power to make arrests without their knowing a great deal more than this bill requires them to know, and I hope that my motion may be sustained.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker and Members of the House: In regard to these extra police on this thing, they say they have plenty of

money to pay two, three, four or five of these fellows. It must be that they raised the Public Utilities license when there was no need of it when the State Police are doing that work. A year or two ago they went from fifteen dollars to twenty-five dollars on a Public Utilities application and five dollars for your plates. Now if they have got this extra money they can pay these extra men, why don't they turn it over to the State Police so that they can put on four or five extra State Police? I think the State Police are the lowest paid of any employees in the State of Maine for the things they do. I think that we had better keep this all under one head. The State Police can do the job on the trucks and also on this other work wherever they find it. If a man is out of line they can take him in and not have four or five or three or four special men running all over the State to pick up somebody.

You have got your State Police all over the State, as they should be, and I think they can do the job and do it cheaper and do it better. We all have a lot of respect for those boys.

The SPEAKER: Is the House ready for the question?

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

Mr. ALBEE: Mr. Speaker and Members of the House: I lived in Massachusetts for a number of years, and they say they have one police force here and they wish to give no more power. I wish to state they have the state troopers in Massachusetts, they have inspectors of motor vehicles, and they also have inspectors of public utilities, and all three branches have the power to make arrests. So that lets Massachusetts out.

I have been informed by the department down here that they have lost over six hundred thousand dollars in fines over the last two years in not catching them where they are getting by. The State Police themselves are willing to give this up because they just cannot do it along with their other duties. I hope that the motion of the gentleman from Fairfield, Mr. Woodworth, does not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. JALBERT: Mr. Speaker and Members of the House—and particularly Mr. Speaker: Just to break the monotony for a moment. I notice a man in the balcony who knows a great deal. I also happen to know from my informants that he has a picture-taking machine with him. I hope you keep your eye on him. (Laughter)

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that Bill "An Act Relating to Inspectors of Public Utilities Commission" (H. P. 1433) (L. D. 1039) be indefinitely postponed, and the same gentleman asks for a division.

All those in favor of the motion of the gentleman from Fairfield, Mr. Woodworth, that the bill be indefinitely postponed will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Ninety-one having voted in the affirmative and thirteen in the negative, the motion to indefinitely postpone prevails.

The bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Hayes.

Mr. HAYES: Mr. Speaker, I ask unanimous consent of the House to address it for not more than thirty seconds.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Hayes, requests unanimous consent to address the House for about thirty seconds. Is there any objection? The Chair hears none and the gentleman may proceed.

Mr. HAYES: Mr. Speaker and Members of the House: The Judiciary Committee, in the course of its deliberations, has encountered a constitutional question which it is unable to resolve. It has therefore prepared an order for submission to the House, requesting the Supreme Judicial Court to render its opinion. As I understand Rule 46, the order shall remain without ac-

tion for at least one day. I thought it would expedite the business of the House if I might introduce it now. I therefore ask permission, under suspension of the rules and out of order, to introduce the order.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Hayes, presents an order out of order and under suspension of the rules. The Clerk will read the order.

The order was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES ORDER

PROPOUNDING QUESTIONS

STATE OF MAINE

IN

HOUSE OF REPRESENTATIVES

April 24, 1951.

WHEREAS, under Section 14 of Article IV, part third, of the Constitution of Maine, it is provided:

"Corporations shall be formed under general laws, and shall not be created by special acts of the legislature, except for municipal purposes, and in cases where the objects of the corporation can not otherwise be attained; and, however formed, they shall forever be subject to the general laws of the State."

WHEREAS, Section 8 of Chapter 49 of Revised Statutes of Maine, 1944 provides:

"Three or more persons may associate themselves together by written articles of agreement, for the purpose of forming a corporation ***** to carry on any lawful business anywhere, including corporations for manufacturing, mechanical, mining or quarrying business; ***** and excepting corporations for banking, insurance, the ownership, maintenance, or operation of a cemetery or cemeteries, the construction and operation of railroads or aiding the construction thereof, and the business of savings banks, trust companies, loan and building associations, or corporations intended to derive profit from the loan of money except as a reasonable incident to the transaction of other corporate business or where necessary to prevent corporate funds from being unproductive," etc.

WHEREAS, Section 3 of Chapter 55 of the Revised Statutes of Maine, 1944, provides:

"No person, co-partnership, association or corporation shall do a banking business unless duly authorized under the laws of this state or of the United States, except as provided by Section 4. The soliciting, receiving, or accepting of money or its equivalent on deposit as a regular business by any person, co-partnership, association, or corporation, or a corporation intended to derive profit from the loan of money except as a reasonable incident to the transaction of other corporate business or when necessary to prevent corporate funds from being unproductive, shall be deemed to be doing a banking business, whether such deposit is made subject to check or is evidenced by a certificate of deposit, a pass-book, a note, a receipt, or other writing" etc.

WHEREAS, Chapter 55 of the Revised Statutes of Maine, 1944, provides in Sections 19, 86, 142 and 181 thereof for the incorporating of trust companies, savings banks, loan and building associations and industrial banks.

WHEREAS, there is now pending before the 95th Legislature of this State a special act entitled Bill "An Act to Incorporate the Guardian Finance Co.," H. P. 641, Legislative Document 383, a copy of which is hereto attached and made a part hereof.

WHEREAS, it is important that the Legislature be informed as to the Constitutional validity of the said special act entitled Bill "An Act to Incorporate the Guardian Finance Co.," H. P. 641, Legislative Document No. 383, now pending.

WHEREAS, it appears to the House of Representatives of the said 95th Legislature that the following is an important question of law, and the occasion a solemn one;

NOW THEREFORE, BE IT

ORDERED, That the Justices of the Supreme Judicial Court are hereby requested to give to the House of Representatives, according to the provisions of the Constitution on this behalf, their opinion on the following question, to wit:

QUESTION

Is it competent for the Legislature to create by special act of the Legislature a private corporation whose principal object shall be to engage in business intended to derive profit out of the loan of money, credit, goods, or choses in action, in an amount or value in excess of three hundred (\$300.00) dollars, whether secured or unsecured?

NINETY-FIFTH LEGISLATURE
Legislative Document No. 383
H. P. 641

House of Representatives,
February 1, 1951.

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk
Presented by Mr. Spear
of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED FIFTY-ONE

AN ACT to Incorporate the Guardian Finance Co.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Corporators; corporate name; powers and privileges. Maurice A. Branz, of Cape Elizabeth, Brewster A. Branz and Anna D. Branz, both of Portland, S. Arthur Paul of Falmouth and Wilfred A. Hay of Windham, all in the county of Cumberland and state of Maine, or such of them as may vote to accept this chapter, with their associates, successors and assigns, are hereby made a body corporate to be known as the "Guardian Finance Co.," and as such shall have the power to enact suitable bylaws and regulations, and elect such officers as it deems desirable to effect its corporate purposes and be possessed of all the powers, privileges and immunities and subject to all the duties and obligations conferred on corporations by the general corporation law of this state.

Sec. 2. Principal office. The principal office and place of business in Maine is to be located in the city of Portland, county of Cumberland, or as fixed by the directors.

Sec. 3. Purposes. The purpose for which this corporation is formed and the nature of the business to

be conducted by it are as follows: To engage in the business of making loans or to advance money upon contracts, promissory notes, secured or unsecured, upon such terms and conditions as are lawful and may be agreed upon; to purchase contracts or notes incorporated in or secured by conditional sales contracts or chattel mortgages or personnel property; to borrow money and secure payment thereof by pledging its assets or any part thereof; and to do any and all things necessary or incidental to the foregoing; to take over the loan and finance business of Maurice A. Branz, presently conducted by him under the firm name and style of Guardian Finance Co. and to assume all outstanding obligations of the said Maurice A. Branz incurred by him in the conducting of the said business.

Sec. 4. Capital stock. The corporation may determine the capital stock of the said corporation and the division of same into shares, either of par or non-par, common or preferred, and the amount of dividend to be paid or declared thereon; with the right to change the capital stock by majority vote of the holders of stock issued and outstanding, and having voting power, the fees therefor to be paid as prescribed by the laws of Maine.

Sec. 5. Subject to supervision of bank commissioner. The corporation may be subject to inspection and examination of its books and records by the bank commissioner or his deputies at all times.

Sec. 6. First meeting, how called. Any 3 of the incorporators named in this act may call the 1st meeting of the corporation by mailing a written notice signed by 3 incorporators, postage paid, to each of the other incorporators, 5 days at least before the day of the meeting, naming the time, place and purpose of such meeting; and at such meeting the necessary officers may be chosen, by laws adopted and any other corporate business transacted; provided that without such notice, all such incorporators may meet voluntarily at any time and effect their organization by electing officers, adopting bylaws and transacting other lawful business.

The SPEAKER: Under the rule the order will lie upon the table pending consideration and be specially assigned for tomorrow morning.

The SPEAKER: The Chair now lays before the House the 23rd matter of unfinished business on today's calendar, Bill "An Act Relating to Smoking in Buses" (H. P. 1553) (L. D. 1114) tabled on March 27th by the gentleman from Hermon, Mr. Nowell, pending passage to be engrossed, and the Chair recognizes that gentleman.

Mr. NOWELL: Mr. Speaker and Members of the House: I would like to give you my reasons for tabling this matter at the time I did. This covers smoking in all buses. Being a resident of Maine and having had a chance on several occasions to ride in some of our chartered buses, I thought it was a little unfair to hold this against all buses. I therefore present House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Hermon, Mr. Nowell, presents House Amendment "A" to Bill "An Act Relating to Smoking in Buses." The Clerk will read the amendment.

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

House Amendment "A" to H. P. 1553, L. D. 1114, Bill "An Act Relating to Smoking in Buses".

Amend said bill by striking out the period at the end thereof and inserting in place the following underlined phrase:

‘; provided, however, that this section shall not apply to passenger buses except when operated upon routes authorized by a certificate issued by the Public Utilities Commission.’

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

The SPEAKER: The Chair now lays before the House the 24th matter of unfinished business, Bill "An Act Relating to the Sale of Lobster Meat" (H. P. 1665) (L. D. 1235) tabled on March 27th by the gentleman from Friendship, Mr. Winchinpaw, pending third reading; and

the Chair recognizes that gentleman.

On motion of Mr. Winchenpaw, the bill was given its third reading, passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the 25th matter of unfinished business on today's calendar, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Relating to Term of Office of Mayor of City of Lewiston" (H. P. 1234) (L. D. 787) tabled March 28th by the gentleman from Lewiston, Mr. Cote, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. COTE: Mr. Speaker and Members of the House: Not wishing to bring a local problem which is controversial before this House, and seeing that there are forty-nine matters of unfinished business on this calendar, I now move indefinite postponement of this bill.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that the House accept the "Ought not to pass" report of the Committee on Legal Affairs on Bill "An Act Relating to Term of Office of Mayor of City of Lewiston." Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the 26th matter of unfinished business on today's calendar, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Permitting the Consolidation of Positions in the City Government of Lewiston" (H. P. 536) (L. D. 305) tabled on March 28th by the gentleman from Lewiston, Mr. Jalbert, pending acceptance of report.

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

Mr. COUTURE: Mr. Speaker and Members of the House: The gentleman from Lewiston, Mr. Jalbert, tabled this bill in my absence, so I now move to accept the "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, now moves that the House accept the "Ought not to pass" report of the Committee on Legal Affairs on Bill "An Act Permitting the Consolidation of Positions in the City Government of Lewiston." Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the 27th matter of unfinished business on today's calendar, "An Act relating to Clerical Assistance for Justices of the Supreme Judicial Court" (S. P. 154) (L. D. 329) tabled on March 29th by the gentleman from Auburn, Mr. Turner, pending passage to be enacted; and the Chair recognizes that gentleman.

On motion of Mr. Turner the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair lays before the House the 28th matter of unfinished business, "An Act relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement" (S. P. 155) (L. D. 328) tabled on March 29th by the gentleman from Auburn, Mr. Turner, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. TURNER: Mr. Speaker and Members of the House: I did not just like this bill and I have heard quite a lot of comment on it. It seems that this affects only one retired justice and he is getting now a pension of \$5620. He is actively retired and probably does a little work on the side, and he would like to get this pension raised up to \$7500. I don't think we ought to do it. I am going to move indefinite postponement.

The SPEAKER: The gentleman from Auburn, Mr. Turner, moves indefinite postponement of "An Act relating to Compensation of Justices of the Supreme Judicial and the Superior Courts upon Retirement."

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

Mr. MARTIN: Mr. Speaker and Members of the House: This bill, it is true, affects only one judge of our Superior Court, Judge Fisher by name. It seems that he retired some eight years ago and became an active retired justice. At that time the law stated that an active retired justice would receive a pension of three-fourths of the salary then being paid which at that time was \$7500. Later the salaries of the judges of the Superior Court were raised to \$9500, but Judge Fisher did not receive the benefit of this under his retirement plan.

I would like to call the attention of the members of the House to the fact that when a member of the bar takes a position upon the bench in the Superior or the Supreme Court of this State he has to forsake and give up all of his business and all of his practice which he has accumulated from the beginning of it. It is very seldom that a judge after retiring can pick up where he left off as a younger man, and therefore it was for this reason that pensions have been granted which in the eyes of some people may seem fairly liberal.

I want to assure you that the judiciary is an important branch of the government, it being one of the three, and if we are to have good laws and respect of those laws we must have a good judiciary.

The gentleman from Auburn, Mr. Turner, spoke of picking up something on the side. It is true that an active retired justice can, if he wishes, take reference cases. Before the Committee on Appropriations, which heard this bill, it was brought to light that in the last year Judge Fisher had received \$123 in reference cases.

This law would affect only this judge, because all judges retiring hereafter and those who have retired in the past four or five years will retire at a pension of three-fourths of \$9500. There can be no one else that will come under this.

An active retired judge is required to give service to the State of Maine, and for this service he receives nothing. I think all of you must have read during the past several years where Judge Fisher has held term after term in

your county seat. For this he receives no additional compensation but merely his pension.

This bill has the unanimous approval of the Committee on Appropriations. Justice Fisher is now a man nearly eighty, he is failing in health, he is in the twilight of his years, and I sincerely trust that this bill will not be indefinitely postponed but that this House will go along with the report of our Committee on Appropriations and pass it.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Turner, that Bill "An Act relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement" (S. P. 155) (L. D. 328) be indefinitely postponed.

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

Mr. WOODWORTH of Fairfield: Mr. Speaker—

The SPEAKER: Does the gentleman from Fairfield request a division?

Mr. WOODWORTH: Mr. Speaker, I would like to discuss this bill slightly.

The SPEAKER: The gentleman may proceed.

Mr. WOODWORTH: I understand this bill refers to Mr. Justice Fisher of the Superior Court. He is a man now somewhere in his eighties; he is serving his second term as an active retired justice. As you know, under the retirement of justices act, he must retire before he reaches the age of seventy-one years, but he may be appointed thereafter to be what is called an active retired justice, which means he stays on the job and does the same work and is subject to the same assignments as any other justice of the court. Mr. Justice Fisher is now serving his second term as an active retired justice and has been doing exactly the same work as any other justice does except that he has not been getting the pay. Except for that discrepancy in leaving him out when the pay was boosted he would be getting the pension which this bill would give him. I believe, in view of the fact that he has been doing that work, he should get the pen-

sion. I hope that the motion of the gentleman from Auburn, Mr. Turner, may not prevail, and when the vote is taken I ask for a division, Mr. Speaker.

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

Mr. TURNER: Mr. Speaker, they tell me that some of these retired justices earn from six to eight thousand a year on the side, and this is giving him a hundred dollars a week. It seems to me that is pretty good for an old fellow eighty years old to live on. I think if you are going to give him any more you are just Santa Claus, that is all.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Turner, that the House indefinitely postpone Bill "An Act relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement," S. P. 155, L. D. 328. The gentleman from Fairfield, Mr. Woodworth, has requested a division.

All those in favor of the motion to indefinitely postpone will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-seven having voted in the affirmative and sixty-four in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the 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 it as truly and strictly engrossed, was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair lays before the House the twenty-ninth item of unfinished business on today's calendar, Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve in favor of the Town of New Sharon for School Building, H. P. 109, L. D. 83, and Minority Report reporting "Ought to pass" (In House the Majority Report of the Committee ac-

cepted on March 2nd.) (In Senate the Minority Report accepted in non-concurrence and the Resolve passed to be engrossed in non-concurrence.), tabled on March 30 by the gentleman from New Sharon, Mr. Caswell, pending consideration; and the Chair recognizes that gentleman.

Mr. CASWELL: Mr. Speaker and Members of the House: I tabled this bill at that time because there was no assurance at that time that there would be money enough to supply anything to the Town of New Sharon. I was unable at that time to guess when such condition would prevail and we would know something about money. I have felt all along that if this came up before the matter of appropriations came up that I would be forced to vote against this. I couldn't conscientiously vote for an appropriation when there was no money available. I hate to go back to my town with that record against me so I must ask that this be retabled and specially assigned for a week from Wednesday, hoping that by that time we may know a little more about our finances.

The SPEAKER: The gentleman from New Sharon, Mr. Caswell moves that the twenty-ninth item of unfinished business be retabled and specially assigned for Wednesday, May 2nd, pending consideration. Is this the pleasure of the House?

The motion and the two reports with accompanying papers were so tabled and so assigned.

The SPEAKER: The Chair now lays before the House the thirtieth item of unfinished business on today's calendar, Committee Amendment "A" to Bill "An Act Relating to Emergency Lights on Police and Fire Department Motor Vehicles," H. P. 1491, L. D. 1098, tabled on March 30 by the gentleman from Brunswick, Mr. Lacharite, pending adoption; and the Chair recognizes that gentleman.

Mr. LACHARITE: Mr. Speaker, I now move the adoption of Committee Amendment "A".

The SPEAKER: The gentleman from Brunswick, Mr. Lacharite, now moves that the House adopt Com-

mittee Amendment "A". The Clerk will read the amendment.

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

COMMITTEE AMENDMENT "A" to H. P. 1491, L. D. 1098, Bill, "An Act Relating to Emergency Lights on Police and Fire Department Motor Vehicles."

Amend said Bill by striking out in the 9th. line thereof the underlined words "and deputy chiefs"

Further amend said Bill by striking out in the 10th line thereof the underlined words "and assistant chiefs".

Thereupon, Committee Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LACHARITE: Mr. Speaker, I now present House Amendment "A" to Committee Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Brunswick, Mr. Lacharite, now presents House Amendment "A" to Committee Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 1491, L. D. 1098, Bill "An Act Relating to Emergency Lights on Police and Fire Department Motor Vehicles."

Amend said Amendment by striking out the last two lines thereof.

House Amendment "A" to Committee Amendment "A" was then adopted.

Thereupon Committee Amendment "A" as amended by House Amendment "A" was adopted, and the bill as amended was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the thirty-first item of unfinished business on today's calendar, House Report "Ought not to pass" of the Committee on Welfare on Bill "An Act Liberalizing Old Age Assistance", H. P. 173, L. D. 104, tabled on April 3 by the gentleman from Blaine, Mr. Bubar, pending further consideration. (In Senate Report accepted in non-concurrence.) (In House recommended to Committee on Welfare.)

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

Mr. ROLLINS: Mr. Speaker, I note the absence of the gentleman from Blaine, Mr. Bubar, and I move that this item lie on the table.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the thirty-first item of unfinished business on today's calendar be retabled. All those in favor of retabling the thirty-first item of business will say aye; those opposed, no.

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

The SPEAKER: Is it the pleasure of the House to accept the "Ought not to pass" report on Bill "An Act Liberalizing Old Age Assistance"? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the "Ought not to pass" report of the committee was accepted in concurrence.

The SPEAKER: The Chair lays before the House the thirty-second item of unfinished business, Joint Order Creating a Special Investigating Committee to Study Criminal Activities and Crime in the State of Maine, tabled on April 3 by the gentleman from Blaine, Mr. Bubar, pending consideration.

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

Mr. ROLLINS: Mr. Speaker, I do not know where the gentleman from Blaine, Mr. Bubar, is but he may be in the building. If this could be deferred until a little later in the day I will go and see if I can find him and I would so move that it be passed over for the moment.

The SPEAKER: The Chair will state that the Assistant Sergeant-at-Arms will go and search for the gentleman from Blaine, Mr. Bubar, and the House may be at ease for three minutes while he is searching.

HOUSE AT EASE

Called to Order by the Speaker.

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

Mr. BURKETT: Mr. Speaker, I don't like the idea of taking advantage of the absence of the gen-

tleman from Blaine, Mr. Bubar, but apparently the House is reluctant to further table any of these matters. The other day I tabled a—

The SPEAKER: Does the gentleman from Portland, Mr. Burkett, wish to table?

Mr. BURKETT: I think it would be better, Mr. Speaker. I move that the matter lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Burkett, moves that the thirty-second item of unfinished business, Joint Order Creating a Special Investigating Committee to Study Criminal Activities and Crime in the State be retabled.

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

A viva voce vote being taken, the motion prevailed and the order was retabled pending consideration.

The SPEAKER: The Chair now lays before the House the thirty-third item of unfinished business, Majority Report "Ought to pass" and the Minority Report "Ought not to pass" of the Committee on Taxation on Bill "An Act relating to Taxation of Boats," H. P. 1356, L. D. 931, tabled on April 3 by the gentleman from Greenville, Mr. Rollins, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker and Members of the House: I move that the House accept the minority report "Ought not to pass" of the committee.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House accept the minority report "Ought not to pass" of the Committee on Taxation on Bill "An Act relating to Taxation of Boats." Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I introduced this bill at the request of the selectmen of several towns in my section of the State. This bill simply adds boats to the list of personal property to be taxed where found on April 1st rather than where the owner resides.

When the matter was brought to my attention, I made a rather care-

ful investigation and satisfied myself that there was a real need for this legislation. The reason for this need was that a great many boats in the lakes and rivers of our State are, at the present time, not being taxed at all. If a man lives in one section and keeps his boat in another section, how do the tax assessors of a city or town know that he has a boat and if they do know, how do they know, or how can they determine, its real value? An illustration: A man living in Portland, Lewiston, or Bangor or where have you, has a boat on Sebago Lake or Rangeley or Moosehead or any of the other of our fine lakes in the State, those assessors may not and probably do not know that the resident has a boat at all and, if they do know, they do not know whether that boat is worth \$10 or \$10,000. The only people who actually know that boat and its value are the assessors in the town where that boat is used and kept.

It is my contention that people who can afford to own expensive boats should pay a reasonable tax on them. The only way that this can be accomplished is to grant the authority to the towns where the boats are located April 1st, to levy that tax.

I hope the motion to accept the minority report will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: Probably most of you know that under the present law boats belonging to residents of other states are taxable where found on April 1st. Boats belonging to residents of this State are taxed in their town of residence. I believe this is as it should be.

This bill proposes to tax boats other than those used exclusively in tidal waters in the town where situated on April 1st. If you think this bill should pass, then I would offer an amendment deleting those words so that boats anywhere in the State would be taxed in the same amount. If this bill should pass and I kept a boat in Norway, for instance, where I have a daughter living on Pennesseewassee, if I kept a boat there and had it there on

April 1st, it would then be taxable in Norway because even though I kept my boat at home most of the time, it would not be used exclusively in tidal waters.

Most of you saw pictures of the boat of the gentleman from Norway, Mr. Lord, here in this room. Mr. Lord is a resident of Norway. His boat is kept in Falmouth, in sight of my house but it is taxable in Norway at present because that is the town of his residence and also because that boat is used exclusively in tidal waters.

One of the main arguments for this bill is that some boats now escape taxation. No doubt, this is true but if it is true it is the fault of the assessors. The assessors in towns of ordinary size should have no great difficulty in knowing which of their residents own boats.

I am deleting part of this (reading), I think perhaps you don't want to hear too much of it. This bill is discriminatory in that it favors a few towns that happen to so be situated as to benefit thereby, such as Standish. Approximately one-third of the shore line of Sebago Lake is in the Town of Standish. The largest boat yard on Sebago Lake is in the Town of Standish. This boat yard on April 1st may have boats from Windham, Raymond, Casco, Naples, Sebago, Portland and other places. The cost of education is the major item in any town's budget. Should the Town of Standish receive a personal property tax on all these boats or should it be paid by the owners in the towns where their children are educated? The present law is fair and should not, in my opinion, be changed but if the House decides it should be changed I would certainly then want to offer an amendment which is already prepared.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: I arise to oppose the motion of the gentleman from Greenville, Mr. Rollins.

I feel that this act could more properly be called an act to prevent the evasion of taxation on boats. All of us know, who live in small towns with lakes where there

are cottages owned by residents of other towns and cities, that there are many boats not taxed in either place. I am sure that the proponents of this bill would not suggest that real estate would be taxed in place of legal residence of the owner wherever located. It seems to me it would be just as fair to tax boats in the place where they are located and used.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker, the gentleman from Standish, Mr. Center, said that it is difficult to determine who owns boats. I would refer him to the tax assessors of the Town of Brunswick. They have found a source where they can get a complete list of all citizens in the Town of Brunswick who own boats and they further have an estimate of the value of those boats, and they are using that information to assess their taxes so it is possible to determine who owns boats in your community. I understand that they are registered.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Greenville, Mr. Rollins. As an assessor I know that our town would lose considerable revenue if these boats were taxed in the town where found.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I just rise in support of my position on the minority report of the Taxation Committee on this bill. I, being from Greenville at the foot of Moosehead Lake, no doubt perhaps would win a lot more than many other members in this House. But, I believe in being consistent as I have told you people here I am opposed to the sales tax, to tax the outside people on meals to pay for our schools, our poor and so forth in the community. Neither do I think that the man who owns a boat in Skowhegan, Rockland, Waterville, wherever he may be that has it in Moosehead Lake

should pay for the schooling of our children in Greenville or pay for our poor. I think I am only being too fair. I think the bill is poorly timed and I hope that my motion prevails.

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

Mr. HANCOCK: Mr. Speaker and Members of the House: The bill which the gentleman from Standish, Mr. Center, introduced here is designed to plug some of the loopholes and to clarify present laws that are now on the tax books. Not only are many boats—and I am not thinking of a beat-up old rowboat right now, I am thinking of the several thousand dollar cruisers that we have all over the place nowadays — are totally escaping taxation but they are utilizing the natural resources of some of our beautiful lakes in the country without paying for their privilege of doing so.

I certainly hope that the motion of the gentleman from Greenville, Mr. Rollins, does not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Whitefield, Mr. Chase.

Mr. CHASE: Mr. Speaker and Members of the House: I too arise against the motion of the gentleman from Greenville, Mr. Rollins. I was requested when I came here to introduce a bill similar to this one. We have several towns out in my district who have the same trouble that they do in Standish. There are many boats out there in the lakes in my area that are not being taxed. You go to them and ask them if they are being taxed and naturally they will say they are but the towns where these people live, the selectmen and officials, do not all the time know where the boats are and what the boats are like and the way the law reads now, as I understand it, is that you cannot tax a boat that is in your town if it belongs to someone out of the town.

I believe the gentleman before me, Mr. Senter of Brunswick, mentioned that they could collect. I understand that you can't. I feel that it is too bad to have all of these boats in the lakes and not be able to collect any tax on them. I

also believe that they are exempt from taxation in many places because the towns where they live do not know of the boats being in existence.

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

Mr. DOW: Mr. Speaker and Members of the House: As the gentleman from Brunswick, Mr. Senter, stated, it is a very easy matter for any assessor to get a list of all the boatowners in his town. As a matter of fact only four years ago, as an assessor in the Town of Falmouth, I had an occasion to assess a tax on a cabin cruiser. It was new; it had never been in the Town of Falmouth; I had never seen it; it was then in Florida. We assessed a tax on that boat for two years and the tax was paid. I wonder why that would not be paid under this bill?

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bridgton, Mr. March.

Mr. MARCH: Mr. Speaker and Members of the House: I arise merely to state that I approve of the position of the gentleman from Standish, Mr. Center. I feel that we presented this quite ably on both sides but unless these boats are taxed where found April 1st, a great percentage will escape taxation. I think that the motion of the gentleman from Standish (Mr. Center) should prevail.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: For the last twelve years I have served as assessor of the Town of Raymond and I know by experience that there are many boats escaping taxation and I rise in support of this bill of the gentleman from Standish, Mr. Center.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: The gentleman from Falmouth, Mr. Dow, spoke a moment ago of the fact that if this bill passed he would offer an amendment. I was going to wait and speak on that amend-

ment if and when presented. However, inasmuch as the gentleman from Brunswick, Mr. Senter, brought up this question about being able to get a list of all boats if the assessors care to do so, I am wondering if he is not confusing boats in inland waters of our State with boats in the tidal waters. It is very true that as far as boats in tidal waters are concerned, they are all registered with the Coast Guard and the United States Customs Service, and the Coast Guard is cooperating with our State Tax Department and are furnishing them with a list of all these boats. In turn, our State Tax Department, this year for the first time, is sending out information to the assessors of the various towns and cities together with a suggested questionnaire that they may address to those people who are supposed to own boats in tidal waters. But it does not apply as far as boats in inland waters are concerned and I still believe that it is very difficult and I think impossible to get any check on these boats on our inland waters.

The gentleman from Falmouth, Mr. Dow, also spoke about the fact that various towns around the larger lakes sometimes the boats were stored more in one place than in another and would be there April 1st. I am of the opinion that that will average up pretty well. He spoke of the fact that I had a personal interest, coming from the Town of Standish, as our town happens to have the largest lake shore of any of the towns but I am sure that no one would accuse me of being interested in that type of personal legislation for my town, and I would say that each and every town around Sebago Lake is interested in the passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Fay.

Mrs. FAY: Mr. Speaker, I would like to point out to the gentleman from Standish, Mr. Center, that if his interest is a sincere desire to make sure that these boats be taxed that as a person representing the City of Portland, a great many of our largest boats on the lake belong to residents of the City of

Portland and I know that our assessors would appreciate a little cooperation from the assessors of the small towns on the lakes and they would be quite willing to cooperate and see that these boats are taxed.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker, Mr. Senter of Brunswick would like to thank the gentleman from Standish, Mr. Center, for correcting me. Thank you.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the House accept the minority "Ought not to pass" report of the Committee on Taxation on Bill "An Act relating to Taxation of Boats," H. P. 1356, L. D. 931. All those in favor of the motion 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 Standish, Mr. Center.

Mr. Center: Mr. Speaker, I move the acceptance of the majority report.

The SPEAKER: The gentleman from Standish, Mr. Center, moves that the House accept the majority report "Ought to pass" of the Committee on Taxation on Bill "An Act relating to Taxation of Boats". All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the majority report "Ought to pass" was accepted. Thereupon, the bill having already been printed, was given its two several readings under suspension of the rules.

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

Mr. DOW: Mr. Speaker, I now offer House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to H. F. 1356, L. D. 931, Bill "An Act Relating to Taxation of Boats".

Amend said bill by striking out in the 10th line thereof the underlined word "and".

Further amend said bill by striking out from the 10th and 11th lines thereof the underlined words "other than those used exclusively in tidal waters".

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker, I arise in opposition to the amendment presented by the gentleman from Falmouth, Mr. Dow. As has already been pointed out this afternoon, the purpose of this bill is to stop the evasion of taxation and as already pointed out also the Coast Guard and the Customs officials are cooperating with our coastal towns in furnishing them with lists of boats engaged in the tidal waters of the State. Most of the boats which are engaged on our inland waters are pleasure craft but by far the majority of the boats in the coastal waters are fishing vessels, freighters, and various other ships engaged in the normal course of business. They furnish to our coastal towns a considerable portion of their tax money and when you come from a town which depends in great measure upon the fishing industry, you realize the importance of the tax money which comes from the fishing fleet.

Portland comes in that category; Rockland comes in that category; my own town comes in that category. I therefore feel that since these commercial craft and the pleasure boats which are located there also are being adequately taxed that I will oppose and do definitely oppose the amendment and hope that the motion will not prevail.

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

Mr. DOW: Mr. Speaker and Members of the House: The gentleman from Vinalhaven (Mr. Barton) has emphasized a point which I previously brought out that the tax should go to the town where the owner resides but since the House

has decided otherwise, this amendment which I offered treats them all alike: in the town where found April 1st, no matter what kind of water they sail in, fresh water or tidal water or whatever.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Whitefield, Mr. Chase.

Mr. CHASE: Mr. Speaker and Members of the House: I believe it is an old legislative trick, as near as I can find out, when you want to stop a bill to put an amendment on it.

This amendment makes the boats in the tidal waters affected under the same law as we are trying to put through for the towns. Before this time, the law stated that these boats in tidal waters should be taxed wherever the home port was. But, if this amendment is added to the bill, it seems to me that these boats would be travelling around looking for the cheapest tax rate, making their home port where they can get out of it the cheapest. I move for the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Whitefield, Mr. Chase, moves the indefinite postponement of House Amendment "A" presented by the gentleman from Falmouth, Mr. Dow.

The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker, the purpose of this bill, as I understand it, was to stop the evasion of taxation by boats. I would like to point out that many of our fishing fleet operate outside of the three-mile limit. If one of these boats was at sea on April 1st, and that could very easily be arranged, they would completely escape taxation.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Whitefield, Mr. Chase, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker and Members of the House: After the last remark of the gentleman from Vinalhaven (Mr. Barton) I suggest

that the Coast Guard take up its position because all of my boats will be there and I think there will be quite a flotilla all the way out.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I would just like to say that when this bill was drafted we were very careful to exclude those boats used exclusively in tidal waters. First for the reason that I mentioned a few moments ago that these boats are checked and registered with the Coast Guard and there is no problem as far as their escaping taxation. Secondly, for the very practical reason that these boats where the waters are open to navigation on the first day of April would look around and see where the tax rate was the lowest and that is where they would be anchored on April 1st. So, it just wouldn't work as far as tidal waters are concerned.

I hope that the motion to indefinitely postpone this amendment prevails.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I was rather surprised that the gentleman from Damariscotta, Mr. Gay, would inject anything into this, because as I recall a while ago on a running bill he believed in fair play, using everybody alike. And if I remember right, he wanted to be called Mr. Democracy! (Laughter) And, if my memory is right, I stand to be corrected, I think he stood here on the Floor of the House the other day, this week, and said that his people down there in that area did not want a sales tax but they didn't know what they wanted. He was for a sales tax because he knew. Well, now, ladies and gentlemen, do you call that Democracy? I don't. (Laughter)

As far as this boat bill is concerned, it isn't going to hurt my town. No! I have the largest lake in the State of Maine—350 miles of shore and members, all but about ten of it is wild land and they can haul their boats out there and get the seven and a quarter mill tax but according to the ruling on the

calendar today from the Supreme Court they can't even tax them the seven and a quarter so they will get their boats up there free and they have got 340 miles of shore line to put them on.

Mr. Speaker, I move that the bill and amendment be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Whitefield, Mr. Chase, that House Amendment "A" presented by the gentleman from Falmouth, Mr. Dow, be indefinitely postponed. All those in favor of House Amendment "A" being indefinitely postponed will say aye; those opposed, no.

A viva voce vote being taken, House Amendment "A" was indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that Bill "An Act relating to Taxation of Boats" be indefinitely postponed.

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

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

Thereupon, the bill was assigned for third reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the thirty-fourth item of unfinished business, Bill "An Act to Provide Fire Protection for Connor Township," H. P. 394, L. D. 230, tabled on April 3 by the gentleman from Limestone, Mr. Burgess, pending second reading; and the Chair recognizes that gentleman.

Mr. BURGESS: Mr. Speaker and Members of the House: As this matter has been adequately covered in another act which is still before the Legislature, I would like at this time to move the indefinite postponement of Item thirty-four.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the House indefinitely postpone Bill "An Act to Provide Fire Protection for Connor Township". Is this the pleasure of the House?

The motion prevailed and the bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the thirty-

fifth item of unfinished business, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Repealing the Merit Award Board", H. P. 1252, L. D. 826, tabled on April 4 by the gentleman from Wayne, Mr. Brown, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker and Members of the House: I would now move that we substitute the bill, "An Act Repealing the Merit Award Board" for the "Ought not to pass" report of the committee.

My reasons for doing so are these: The 94th Legislature set up what was known as the Merit Award Board with an appropriation of \$10,000. The purpose, as proposed by the proponents of this bill two years ago, was to encourage the employees to send in suggestions that might affect the efficiency of the operation of the State of Maine.

During the two years which have passed, according to a little booklet put out by the Merit Award Board, they have processed something like 467 suggestions. They have turned down 357 of them. They have made cash awards on 25 suggestions and issued certificates on 50. The total amount of the cash awards was the sum of \$1265. The rest, I suppose, has been spent in printing pamphlets such as this, posters which you have noticed posted on bulletin boards and so forth.

The purpose of this bill, possibly it is good in industrial organizations but I do not believe that the State of Maine should spend money in this manner. I do not believe we are getting our money's worth. They say that they have saved the State of Maine \$16,000. Well, that may be true but I submit to you that we have been called upon to increase the appropriations of practically every department in the State. Not only that, but this year they are asking not \$10,000 for two years but are asking for \$10,341 for the first year of the biennium and \$10,634 for the second year of the biennium, over \$21,000. I think that we can save this amount of money. I think there are other places where this amount of money would do more good and,

for that reason, I move that the bill be substituted for the report of the committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Wayne, Mr. Brown, that the House substitute Bill "An Act Repealing the Merit Award Board", H. P. 1252, L. D. 826, for the "Ought not to pass" report of the committee.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I arise in opposition to the motion of my good friend, the gentleman from Wayne, Mr. Brown, believing as I do that in putting into effect among State employees in the various departments of the State those practices which have proved sound in private business is the thing which we should have more of and not less. Now if I interpret the budget correctly there were unexpended balances in each of the years which lapsed to the general fund. One year the lapsed balance amounted to \$6,931.91. The purpose of the measure was outlined by the gentleman from Wayne, Mr. Brown, and I think in itself it deserves its continuation.

There is no business and particularly that of government which cannot stand changes for betterment and if an employee is interested enough in his work to make such suggestions as can be put into practice for the benefit of his department or of the State, which it has appeared and does appear and I believe to be true has in the over-all picture saved us money, I think that two years time which it has been in existence is too short a time to decide on its merits. I would very much like to see it continued. If, over a period of years, a reasonable period of years, it doesn't prove well worth while, I shall join the gentleman from Wayne, Mr. Brown, in its repeal if I am here.

But, at this time, I think it should be continued and each State employee should be given a chance of expressing for the good of the whole.

The SPEAKER: Is the House ready for the question?

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

Mr. BROWN: Mr. Speaker and Members of the House: It is not with pleasure that I arise to take issue with my good friend from Limestone, Mr. Burgess, but according to the budget report the actual lapsed balance for the year 1949-50 was \$6,931.91, which lapsed for the year 1950-1951 but the unexpended balance lapsed, estimated, was \$172.

I submit to you that when you start a board or department they usually come in first with a very small request for money and in the next year they double it or more. That is exactly what has happened on this case.

Now, I think the employees of the State of Maine are pretty loyal and a fine group of people and I think that any man or woman employed by the State of Maine who saw some way or means to save the State money that they would do it willingly and freely and not with the idea of possibly getting a \$50 or \$25 reward.

I think this is one item of expense the State can well do without.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Wayne, Mr. Brown, that the House substitute Bill "An Act Repealing the Merit Award Board," H. P. 1252, L. D. 826, for the "Ought not to pass" report of the committee.

All those in favor of substituting the bill for the report will say aye; those opposed, no.

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

Seventy-four having voted in the affirmative and twenty having voted in the negative, the motion to substitute the bill for the report prevailed.

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

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 9:00 o'clock tomorrow morning.