

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fifth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, April 25, 1951.

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

Prayer by the Rev. Mr. Ralph H. Hayden of Bar Harbor.

The journal of the previous session was read and approved.

**Papers from the Senate  
Bill Received by Unanimous  
Consent**

From the Senate:

Bill "An Act to Appropriate Moneys for the Expenditures of the State Government for the Fiscal Year Ending June 30, 1951" (S. P. 557)

Came from the Senate received by unanimous consent, given its several readings under suspension of the rules, and passed to be engrossed without reference to a Committee.

In the House, the Bill was received by unanimous consent and under suspension of the rules was given its two several readings by title only.

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

Mr. CHASE: Mr. Speaker, I think there are some members of the House who do not know what this bill is, and I would like to have the bill read, omitting the emergency preamble.

Thereupon, the Bill was given its third reading in its entirety, with the exception of the emergency preamble.

The Bill was then passed to be engrossed in concurrence.

**Senate Reports of Committees  
Ought Not to Pass**

Report of the Committee on Welfare reporting "Ought not to pass" on Resolve Providing for State Pension for Louis Sirois of Caribou (S. P. 152)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

**Ought to Pass in New Draft**

Report of the Committee on Business Legislation on Bill "An Act

Concerning the Qualifications of Fire and Casualty Insurance Agents and Brokers" (S. P. 427) (L. D. 991) reporting a new draft (S. P. 551) (L. D. 1310) 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, and the Bill read twice, and tomorrow assigned.

**Ought to Pass with Committee  
Amendment**

**Tabled and Assigned**

Report of the Committee on Transportation on Bill "An Act relating to Penalties for Violation of Truck Weight Laws" (S. P. 460) (L. D. 1074) 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.

(On motion of Mr. Burkett, tabled pending acceptance of Committee Report in concurrence, and specially assigned for Wednesday, May 2nd)

**Non-Concurrent Matter**

Bill "An Act Amending the Auburn Sewerage District" (H. P. 1505) (L. D. 1058) which was passed to be engrossed in the House on March 6.

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

In the House: The House voted to recede and concur with the Senate.

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

**SENATE AMENDMENT "A" to H. P. 1505, L. D. 1058, Bill "An Act Amending the Auburn Sewerage District."**

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

**'Sec. 10. Assessment of Abutters. So much of the general laws of the state relating to the construction**

of drains and common sewers as authorize the assessment against lots benefited thereby of an amount not to exceed  $\frac{1}{2}$  of the cost of said drain or sewer shall not apply to assessments made under this act. In lieu thereof the owners of estates benefited and abutting on streets or ways public or private, in which sewers shall hereafter be laid under the provisions of this act shall pay to said sewerage district toward defraying the cost of such sewers, systems of sewerage and sewerage disposal an assessment or charge as follows: 25c a linear foot of frontage of such estates on any street or way where a sewer is constructed, and 1c a square foot computed upon the area of such estates within a fixed depth of 150 feet from such street or way; provided, however, that in no case shall an assessment be made that shall exceed the special benefit to the estate assessed; also, that no assessment shall be made upon any estate, which, by reason of its grade or level, or for any other cause cannot be drained into such sewer, until such incapacity is removed; and provided, also, that when such estates abut upon more than one such street or way, such linear assessment shall be made upon the whole of the largest frontage, and 75 feet of the frontage upon such other street or way shall be exempt from such assessment, but all length in excess of said 75 feet upon such other street or way shall be subject to said assessment. Whenever, after the effective date hereof, in order to provide for sewerage disposal, it shall become necessary to construct sewerage disposal tanks or treatment plants, then, until the full cost thereof has been recovered by the sewerage district, the owners of estates benefited thereby shall pay to said sewerage district such additional sum or sums as the sewerage district shall fix and determine to be the proportional part of the cost of said construction by which each estate is benefited, not to exceed, however, the sum of \$150 for each dwelling house or other structure from which an entrance is made into said sewerage disposal tank or treatment plant. The remainder of the cost of said system, or systems, shall be borne by said sewerage dis-

trict. No other sewer from any estate or part of an estate shall be entered into a common sewer except upon such terms and conditions as the sewerage district shall fix and determine.

Any person not satisfied with the amount for which he is assessed for entering a sewer connected to a sewerage disposal tank or treatment plant may within ten days after receipt by him of notice of the amount of his assessment by request in writing given to the clerk of the district have the assessment upon his lot or parcel of land determined by arbitration. The trustees shall nominate 6 persons who are residents of the City of Auburn, 2 of whom selected by the applicant with a third resident person selected by said 2 persons shall fix the sum to be paid by him which sum shall not exceed the original assessment and the report of such referees made to the clerk of the district and recorded by him shall be final and binding upon all parties. Said reference shall be had and the report of the referees made to said clerk within 30 days from date of receipt of notice by said clerk of the request for arbitration.

Sec. 11. Collection of abutters' assessment. Upon the completion of any sewer in any street or way, public or private, or of any sewerage disposal tank or treatment plant, included within any system now constructed or hereafter to be constructed, and when the same is ready for use, the sewerage district may file a certificate with its clerk designating the street or way, or part thereof, in which the sewer has been completed, and setting forth the names of the owners of the estate abutting and benefiting and the amount of assessment or charge to be paid by each, and referring to the plan on file in the office of said district, which plan shall show frontage, the area assessed, the name of the owner and the amount of the assessment of each estate abutting and benefited on said street or way; and the clerk shall forthwith, upon the receipt of such certificate, make a demand in writing for the payment of said assessment or charges, and every such owner shall within 3 months after such demand is served on him, or on

the occupant of his estate, or sent by mail to the last address of said owner known to the clerk, pay the sum so assessed or charged, to the clerk. If said assessments are not paid within said 3 months, or within 3 months from the filing of a report by arbitrators if arbitration has been requested as provided in the preceding section, then the said sewerage district in its own name may maintain an action against the party so assessed for the amount of said assessment as for money paid, laid out and expended in any court competent to try the same and in such suit may recover the amount of such assessment with 6% interest on the same from the date of said assessment and costs, and no person, whether the owner of the estate abutting and benefiting at the time said assessment or charge is made or not, shall have the right to connect to any sewer in any street or way, public or private, included within any system now constructed or hereafter to be constructed, unless and until said assessment or charge shall have been paid.'

Thereupon, Senate Amendment "A" was adopted and the Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

#### Non-Concurrent Matter

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to the Ogunquit Village Corporation" (H. P. 1121) (L. D. 708) which was accepted in the House March 28, and which was recalled to the Senate from the Legislative files.

Came from the Senate recommended to the Committee on Legal Affairs in non-concurrence.

In the House: On motion of Mrs. Hanson of Lebanon, the House voted to recede and concur with the Senate in the recommitment of the bill to the Committee on Legal Affairs.

#### Non-Concurrent Matter

Bill "An Act relating to Driving of Deer" (H. P. 1753) (L. D. 1297) on which the House accepted the Minority Report of the Committee on Inland Fisheries and Game reporting a new draft (H. P. 1753) (L. D. 1297) on April 19, and passed

the new draft to be engrossed on April 23.

Came from the Senate with the Majority Report reporting "Ought not to pass" accepted in non-concurrence.

In the House:

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

Mr. PLUMMER: Mr. Speaker and Members of the House: Sometimes I think that we could get along very well and pass pretty good laws at this end of the House without any help from outside, but nevertheless, in the hope of salvaging something from a bill which I think has a great deal of merit, I move that we insist on our former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Lisbon, Mr. Plummer, moves that the House insist on its former action and ask for a Committee of Conference.

The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker, I second the motion.

The SPEAKER: The gentleman from Lisbon, Mr. Plummer, moves that the House insist upon its former action on Bill "An Act relating to Driving of Deer" and insist on a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

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

#### House Reports of Committees Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Fifty-One and for the Year Nineteen Hundred Fifty-Two" (H. P. 1675) (L. D. 1254)

Report was signed by the following members:

Messrs. NOYES of Hancock  
ALLEN of Cumberbund  
WIGHT of Penobscot  
—of the Senate.

SINCLAIR of Pittsfield  
CARTER of Bethel

LOW of Rockland  
 DOW of Falmouth  
 CHASE of Cape Elizabeth  
 DUQUETTE of Biddeford  
 —of the House.

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

Report was signed by the following member:

Mr. ROLLINS of Greenville  
 —of the House.

Report was read.

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

Mr. WOODWORTH: Mr. Speaker, I note the absence of the gentleman from Greenville, Mr. Rollins. I do not know where he is, but in order to keep the matter open I move that the matter lie on the table until later in the day.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Fifty-one and for the Year Nineteen Hundred Fifty-Two" and Minority Report of the same Committee reporting "Ought to pass" lie on the table and be specially assigned for later in today's session.

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

Mr. CHASE: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. CHASE: For a parliamentary inquiry, Mr. Speaker.

The SPEAKER: The gentleman may state his point.

Mr. CHASE: Mr. Speaker, if this matter is tabled until later in the day, what will its status be with relation to all of the unfinished business and assigned matters on the calendar?

The SPEAKER: The Chair will state that it will take its place at the end of today's assigned matters.

Mr. CHASE: In that case, Mr. Speaker, I ask for a division on the motion to table.

The SPEAKER: The gentleman from Cape Elizabeth asks for a division on the motion to table.

All those in favor of the motion that the matter lie on the table

and be specially assigned for later in today's session will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Forty-two having voted in the affirmative and sixty-two having voted in the negative, the motion to table does not prevail.

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

Mr. CHASE: The Majority Party Leadership, the members of the Taxation Committee, have been trying as hard as they can to bring these other tax suggestions before the House for consideration. If they are going to be considered before we vote on some major tax measure, the people who sponsor these bills will obviously have to be here. I intend no discourtesy to anyone, but there comes a time in the session where members who have to be absent, it seems to me, should assign their job to some other member.

Now this bill is a State property tax at eleven mills. I believe, with one minor exception, it is identical with the usual State property tax. There is another State property tax in the committee for later disposition, depending on the action of the Legislature with respect to other tax matters.

Now here is an opportunity to find out how many members there are in this House who want to increase the State property tax to eleven mills or to such other figure as has been determined.

I am a member of a party which in its platform promised to abolish the State property tax and in the face of that pledge I am certainly not going to be one who is going to vote to increase it.

Now action on this measure at this time, although in the absence of the gentleman from Greenville (Mr. Rollins), does not finally dispose of the property tax matter because the committee has another bill under which the Legislature can act appropriately when the time comes, and in view of the present situation I think this morning is the right time to find out how many members there are in this House who have any no-

tion of voting to increase the State property tax to eleven mills or to some such figure, and in order to bring the matter before the House and have the vote taken on that issue, which is the main issue, I move the acceptance of the majority report of the committee, "Ought not to pass," on this bill which would increase the State property tax to eleven mills.

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

Mr. WOODWORTH: Mr. Speaker, I understand that the gentleman from Greenville, Mr. Rollins, is in the building and will be here within a few minutes. I am instructed to keep talking until he gets here. (Laughter) I don't know as I wish to talk very long on this bill. I would like to say, Mr. Speaker, that I shall support the gentleman from Cape Elizabeth, Mr. Chase, but not on his premises because, although I am a member of the same party, I forgot to accept that particular plank in the platform. I shall vote in favor of it, but I still reserve the right to change my mind as it has not yet become apparent how much money we are going to raise and how we are going to raise it. I will suggest, Mr. Speaker, that you now call upon the gentleman from Limestone, Mr. Burgess, who wants someone to keep talking, and he can do it.

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

Mr. FULLER: Mr. Speaker, in all fairness to the gentleman from Greenville, Mr. Rollins, and his tax bill, I move that the House recess for five minutes.

The SPEAKER: The gentleman from South Portland, moves that the House recess for five minutes. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the House recessed for five minutes.

#### AFTER RECESS—9.30 A. M.

The House was called to order by the Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House accept the majority "Ought not to

pass" report on Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Fifty-one and for the Year Nineteen Hundred and Fifty-Two" H. P. 1675, L. D. 1254.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: First let me apologize for causing the commotion. I was down trying to get a cup of coffee and a bite to eat. I didn't think that we were coming up here so quickly, but I overslept this morning, and my landlady is out nursing and there was nobody there to wake me up. (Laughter)

The Speaker was kind enough to tell me that he would call me after this in the morning, and I will appreciate it very much. (Laughter)

I also want to thank you for the filibuster that went on here to hold this matter for me, and I don't expect to be able to do much on an empty stomach, but at least I will do the best I can.

Mr. Speaker and Members of the House: I am opposed to the motion of the gentleman from Cape Elizabeth, Mr. Chase. I believe we are getting to a point where we might want something to hang onto. I put this bill in, in the first place, with the understanding that if everything else kind of fails, we would have something to tie to. I thought of a man out in Moosehead Lake. If he falls out of a canoe, he will grab at a straw, he will grab at the paddle, he will grab at a leaf, even, before he goes down. I was in hopes perhaps we might have something to grab onto before we went home from this House.

When we reported this bill out of committee it was with the understanding that we could table it, but the way the table is cluttered up, I agree with the gentleman from Cape Elizabeth, Mr. Chase, that we might as well thrash the thing out here and now.

This bill calls for an additional three and three-quarters mills on the State tax. The first reason for this is that it does not cost one cent to collect it. There is no organization necessary, no build-up of another bureaucracy, or an increase in such, to make collections. It does not make a lot of more tax collectors in the State because ev-

ery town and municipality in the State has a tax collector.

Of course you realize I am speaking in my opposition to the sales tax bill which makes every merchant a tax collector for one dollar. He is paid one dollar. This is the fairest tax that can be devised. I will state here, I am absolutely against going out of the property tax field on the State level. I have always opposed it from the time certain groups started advocating it. The property tax has been in existence ever since the State of Maine has been in existence, and many, many years before, and it is a sound base of taxation. The property is here. They won't move it out of the country and nobody takes it away with them when they go, but they do take their worldly goods and their tangible personal property and their incomes and everything else. They walk away with it when they go.

This property will always be here; whether you or I own it, it doesn't matter. It will be here just the same. It is a physical fixture, and it should be more or less stable. My point of view is that unless we stay in the property tax field, we will never get a real just and honest valuation of this State, only from a State level. When the State goes out of the property tax field, you will see your towns; they will jump here, they will jump there; some will increase to fifty per cent, to forty per cent, and seventy per cent, a hundred per cent, very few, perhaps, a hundred per cent, but there will be a very high valuation. There is just as much difference in the several communities of our State as there is between twenty and a hundred, and that being the case, I look forward to the economic structure of the community. If you could take your community—think of your own—and put it up to a hundred per cent valuation, would the present check of the Constitution of five per cent of the valuation for a debt limit, which now we are putting up to seven and a half per cent, where would the State of Maine be, if we had an honest value of one hundred per cent on our community and a seven and a half per cent debt on

it in addition to all of these by-passes which we have passed here in past Legislatures and present, of school districts, water districts and so forth. The State of Maine would be bankrupt in every sense of the word, the same, almost, as the nation is today.

I do believe, Ladies and Gentlemen, that the real estate tax of a few mills will hurt nobody. In this bill I have allotted \$500,000 to the University of Maine in this special assessment, with which to carry on their increased burden. The ordinary taxpayer, the ordinary home owner, as you demonstrated here the other day, when the young upstarts of veterans who never fought a minute for Uncle Sam, who never were under gunfire, slapped the boys that crawled in the mud and in the cooties in the face. \$1,500! Well, \$1,500 with a three and three-quarter mill tax additional will hurt no man, and we said here that that was the average of a veteran home owner, a veteran's valuation. I think, no doubt, probably it would be, and more, at the present scale of thirty to forty per cent valuation in our communities, but be that as it may, it does not mean any new tax; it does not change anything; and my whole thought behind this tax is that if we increase the property tax, possibly a little more luxury tax, pare our appropriation bill down to where it should be, and at this time I might say stop spending money like drunken sailors, and in making that remark I want to apologize to any sailor no matter where he be; I have heard that remark since I was a boy, on the Maine coast. This was a fishing state, a sailing state, and that is an old remark; it was no detriment to any sailor boy of Uncle Sam's fleet, and I here publicly want to ask their apology if they feel that way.

But I do believe that with about five million dollars, with a little extra which this bill will bring, this bill with three and three-quarters addition will bring a little over six million dollars bi-annually; that is three million dollars each year. It will force the people of the State of Maine to demand of the next



Legislature to come down here and really revamp the tax structure of the State of Maine. That is not what we are doing at the present time, with the leadership we have and the commotion of putting on a sales tax to broaden the tax base of Maine. It is not my idea of broadening the tax base of Maine. The first time and the first way and the first essential to broaden the tax base of Maine is to get a real honest-to-goodness valuation in the State of Maine, and each and every one of us knows that that is not the case today.

I also saw, on the calendar yesterday, the return ruling of the Supreme Court on going out of the property tax field. I have said that repeatedly. I told them that last summer. I told you—well he is the new boss of the racing and runners now; he was Chairman of the Republican Committee, and he said: "What do you mean Harry?" I said: "Here is the Attorney General standing right along beside you. Ask him how you are going out of the property tax field." and the Attorney General said: "I don't know, Harry." That was the Honorable Ralph Farris who was then Attorney General of Maine.

Now I have contested it all the time. I say that the Constitution of Maine says that all property shall be assessed equally, and I believe, the way I read the ruling, that if we even attempt to go out of the property tax field at the local level, we will go out of the property tax field on eight million acres that we call our wild lands. I don't feel that that is just to the citizens of the State of Maine, and I do hope that we will, even if we do not put on this extra additional tax, as I request—it has been held for many years and I know it is sacred, that seven and a quarter mills, and I know that you may all think of your towns. What is sacred about your mill tax in your towns? Where has it gone? In my town it has gone from forty-one to forty-one and a half to eighty-eight. Many towns can say the same thing, but the mill tax on the State level is the sacred seven and a quarter mills.

I still believe that this is worthy of consideration, that we have a

way to pay our bills, meet requirements of the State and cut down within that limit with some additional luxury tax to carry on, and not upset the whole structure by adding in another monstrosity. That is all we have been doing in past legislatures; we have stuck on gas, we have stuck on cigarettes, and we have kept on adding more taxes, and the first thing you know they will be wanting to tax that dusty air of ours, but I hope not.

Mr. Speaker, I hope the motion of the gentleman from Cape Elizabeth, Mr. Chase, does not prevail, and I would ask for a division.

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

Mr. DUNHAM: Mr. Speaker and Members of the House: I cannot think of any greater catastrophe to happen to the citizens of Maine than to raise the property tax. I just cannot think of any greater catastrophe. Why, you are crucifying, you are crucifying the small towns in this State. All they can do is to bear up under the burdens which they now have. I would like to ask the gentleman from Greenville, Mr. Rollins, if he has not read that people are moving out of these small towns, moving off the farms and moving into larger communities, and leaving their families in these towns because they just cannot bear the burden of these high taxes, and why, why cannot we see that we have just got to broaden this tax base. Why can't we see that? Why do we resist having these people who are going to get the benefit from our government, who are getting the benefits at the present time, and who are going to get them, why cannot we see that they should be paying just a little something, a little something toward the support of their government? I just cannot understand it.

This property tax has been the workhorse, it has been the workhorse all through these years, bearing the burdens in the State of Maine to raise the money with which to carry on the cost of government, and now we have broadened our services in the State, therefore why shouldn't we broaden the tax base so that everybody

should be sharing the burdens along with the property taxpayer.

I just cannot go along with the gentleman from Greenville (Mr. Rollins).

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

Mr. DELAHANTY: Mr. Speaker and Members of the House: The gentleman who has just spoken has indicated that he can realize no greater catastrophe than raising the property tax. I think it should be uppermost in the gentleman's mind and in the mind of every member of this House a bill that is referred to as the sales tax. If you do not find that that is a greater catastrophe than the raising of the property tax, then I would like to know what is fair and equitable, and what would be a catastrophe?

The remarks further indicated that those people who are getting the benefits of the money we are raising should be paying. I am wondering whether those who are getting Old Age Assistance must pay their proportionate share of the burden, those who are getting Aid to Dependent Children, and the pauper. Shall they pay their proportionate share? Is it a catastrophe that we don't take money from them? I leave that as a thought in response to the remarks made by the gentleman from Ellsworth, Mr. Dunham.

I want to say now that I cannot indicate that the raise indicated in this particular bill is the amount that the property tax should be raised, but my party has indicated that the State must not go out of the State property tax. I shall carry that demand of my party and that platform so long as I am a member of this House, and, believing in it personally, I shall carry it after I leave the House. I feel that the bill that the gentleman from Greenville (Mr. Rollins) has here today will meet my approval although before the session is over it may call for a revamping of the amount that he has specified, but in response to this particular bill my action will be favorable.

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

Mr. DOW: Mr. Speaker and Members of the House: The gentleman from Greenville (Mr. Rollins) stated, I believe, that should the State go out of the property tax field, we would thereby lose the tax on some millions of acres, eight millions I believe he said, but I believe that there is a much simpler method of getting a tax from the wild lands which could very easily be put into effect to take the place of that, which is a severance tax on the products of those wild lands, timber, pulpwood, and veneer. Many states have severance taxes on all natural products, and I think that could very well take the place of the loss of the property tax on the wild lands.

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

Mr. CHASE: Mr. Speaker, the opinion of the Maine Supreme Court on the proposed Maine School District bill has been mentioned, which has raised this question of the wild lands.

The opinion of the Maine Supreme Court that the proposed Maine School District bill would be unconstitutional should not prevent the Legislature from accomplishment of its purpose which contemplates relieving the municipalities from the burden of the State property tax in order to give the cities and towns increased capacity to finance local requirements, while at the same time deriving a revenue for the State from the tax on the unorganized territory, or the wild land. Apparently all that is necessary to accomplish the same purpose is to assess the property tax state wide and to pay to the cities and towns as State aid in education, or for any other constitutional purpose, the same amounts which the cities and towns pay to the State under the State property tax.

The case of Sawyer v. Gilmore, 109 Maine Reports, which the Justices cite in their opinion, expressly states that the method of distribution of the proceeds of this tax among the cities and towns is for the Legislature to determine and that it may be according to population or "according to valuation, or partly on one basis and partly on another." It is equality of assess-

ment which the Constitution requires, not equality of distribution. So said the Court in *Sawyer v. Gilmore*, and it is that case to which the Justices refer in their recent decision.

If the Legislature assesses the State property tax for 1951 and for 1952, there would seem to be no reason why the State could not pay to the organized municipalities in 1952 exactly the same amounts which these municipalities would pay to the State in that year. It might not even be necessary to exchange checks. That case upon which the Justices lean expressly states that the Legislature can distribute the money according to valuation.

Now the gentleman from Greenville (Mr. Rollins) said that we ought to have an honest valuation in the State. I assume he means by that that the present valuation is inequitable or dishonest. If it is so, as he himself says, it seems to me pretty obvious that any continuing increase of the tax rate, based on a dishonest valuation, increases and accentuates the dishonesty.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I would just like to call your attention before the words are forgotten of the gentleman who preceded me, Mr. Dow of Falmouth, regarding a subject which I think some day — perhaps not at this session or the next session — but some day will become very important in the State of Maine and all of the United States, and that is a reasonable tax on the extracting of raw materials from a state.

Now it may not seem too important to you at the moment, but as you may well know the State of Maine possesses some low-grade manganese deposits. The State of Maine also possesses some low-grade pyrite deposits.

It so happens that the States of Texas and Louisiana are slowly but surely losing their sulphur deposits, and when they are gone, they are gone for good. We in the State of Maine hope and feel that the lumber that is being cut will re-

seed itself and return, but possibly the time will come when the raw materials will be taken from the State of Maine, and therefore I say that Mr. Dow has dropped some seeds of wisdom here which it might be well to take note of, that if we go out of the property tax field, and I feel that the vote here this morning will be for that decision, keep in mind what the gentleman from Falmouth, Mr. Dow, has said. It is not a hazy idea; it is a very sensible idea, that what raw materials the State possesses, if they are extracted from the State for good, perhaps we in the State of Maine should be entitled to a tax on those raw materials.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: I think it is about time we really seriously considered the importance of the terrific burden that we are trying to put in the minds of the people as to the impact of this State property tax. Of all the misunderstood, over-emphasized calamities which the gentleman from Ellsworth, my good friend Mr. Dunham, has just so eloquently testified to, about the burden of the poor people paying property tax, I would refer him to the report of the Commissioner of Taxation which you now have on your desks. The city of Ellsworth paid to the State \$28,000 State property tax. The total tax for the city of Ellsworth was \$284,000, yet the State property tax is responsible for the ills and all the distortion and all the terrific burden that poor little hamlet has to undergo.

You will find in your list of State aid and your school subsidies — I will say that Ellsworth is one of the least favored in this respect, but they got back \$17,301 for the year 1950 on their educational program, but their welfare program which comes from this fund — I wouldn't hazard a guess — but I am sure it would be vastly in excess of the \$11,000 between the amount paid and the amount received, and this is from General Fund money.

I am not accepting the challenge of the distinguished leader from Cape Elizabeth that this is a test of the State property tax. I do

not believe we need the amount that my good friend, the gentleman from Greenville, Mr. Rollins, has suggested. I think there are other ways to meet the deficiency in the amount of money to balance this allegedly distorted budget. It is a budget that has been distorted in the making and not from any necessity. I can assure you of that, and I will take that up later in more detail. This morning I am just confining myself to the iniquity of the State property tax as affecting hamlets and communities and towns. It is true, and we know it—we don't have to be told—we can leave it to any individual member of this House—that the value in most of the towns is very, very low, twenty-five to thirty per cent would probably be a fair figure, and I will leave that to your own consciences and your own knowledge of your local conditions. I am not attempting to state just what that value should be. If it is thirty per cent of the value of what is being assessed, then the property tax is sixty per cent of the amount that is there, in other words, if there is a third value and you are paying seven mills, you are actually only paying about two mills, or between two and three mills.

We have some bright young fellows; we have a bright and very clever City Manager in our city, and he came up and appeared before the Taxation Committee and he advocated the repeal of the property tax, but when the situation is analyzed in the real light, for a saving of \$21,000 which he purports to make, it would cost the citizens of Bangor about half a million to make it, with the sales tax.

Now I am going to pay my respects to the sales tax later, but I just want to say to you that if the towns are anxious and the cities are anxious to be relieved of the property tax, if they will just take over the school subsidy program, I will go along with them and I will vote to repeal it, but somebody has got to pay those subsidies, and as I say, later on we will find out who they are, so while I am not in sympathy with the amount of tax, I don't think

it is necessary, I do just want to get this thought before you, that this is not a one-way street by any manner or means, and as a plank in the Republican Platform, I repudiated that before Primary, so I am not bound by any plank or trap or whatever you wish to call it, that was engineered, constructed and was put over by the distinguished leader of this House. He has been planning this for a long time.

The SPEAKER: The Chair at this time notes the presence in the balcony of the Hall of the House of the Brunswick High School, Civics and World History and Problems of Democracy Classes, under the supervision of Mr. James Torrance, and in behalf of the House, the Chair at this time bids you all a cordial welcome. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Stewart.

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

The SPEAKER: The gentleman from Paris, Mr. Stewart, 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 please rise and stand in their places until counted and the monitors have made and returned the count.

A sufficient number arose.

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

Calls of "Doubted."

The SPEAKER: All those in favor of the Chair entertaining the motion for the previous question will please rise and remain standing until the monitors have made and returned the count.

A division was had.

The SPEAKER: Fifty-four having arisen, the question before the House now is: Shall the main question be put now? All those in favor of the main question being put now 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 Cape Elizabeth, Mr. Chase, that the House accept the majority "Ought not to pass" report of the Committee on Taxation on Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Fifty-One and for the Year Nineteen Hundred Fifty-Two," H. P. 1675, L. D. 1254, and the gentleman from Greenville, Mr. Rollins, has requested a division.

All those in favor of accepting the "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.

Eighty-nine having voted in the affirmative and twenty-nine having voted in the negative, the motion prevailed, and the "Ought not to pass" report was accepted and sent up for concurrence.

#### Ought Not to Pass

Mr. Fogg from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Richmond Packing Company for Loss of Meat (H. P. 1077)

Mr. Hamilton from the same Committee reported same on Resolve in favor of Axel Nelson of Thomaston (H. P. 456)

Mr. Ingraham from the same Committee reported same on Resolve in favor of the City of Biddeford (H. P. 963)

Mr. Potter from the same Committee reported same on Resolve in favor of Emile Couillard of Auburn (H. P. 1567)

Mr. Robbins from the Committee on Highways reported same on Bill "An Act to Facilitate Extension of the Maine Turnpike" (H. P. 686) (L. D. 416)

Mr. Dennison from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Open Season for Salmon, Trout, Togue and White Perch" (H. P. 385) (L. D. 221)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft Assigned

Mr. Jacobs from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for the Issue of State of Maine Building Construction Bonds for the Construction and Equipment of State Buildings" (H. P. 1297) (L. D. 855) reported same in a Resolve under title of Resolve Proposing an Amendment to the Constitution to Clarify the Provisions that Relate to the State's Borrowing Power (H. P. 1782) (L. D. 1320) and that it "Ought to pass"

Report was read.

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

Mr. CHASE: Mr. Speaker, what we have before us is a constitutional amendment, apparently designed to increase the legislative discretionary borrowing power, which is a new draft of an Act to provide for the issue of building construction bonds and I presume that the purpose of this proposed amendment to the Constitution is to raise money by which subsequent legislatures can take care of those buildings but, in view of the somewhat unusual nature of the new draft, it seems to me that it should be explained to the House just what the intent of this constitutional amendment is and how it ties into the building program and just what is intended to be built with the money if the bonds are authorized and the State does borrow.

The SPEAKER: The question before the House is on the acceptance of the committee report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As you know, the possibility of putting into the Maine Building Authority, the office building, all the measures calling for all these non-recurring measures such as a building at the Augusta State Hospital, the Western Maine Sanatorium, all major repairs and major building projects, have been declared unconstitutional. This will call for the State to go from \$2,000,000 to \$10,000,000 on a bond issue, borrowing power, and it would allow us to build these various projects such as the Augusta State Hospital, construction

and equipment of a hospital building at Central Maine Sanatorium and a class room and library building at Farmington State Teachers College, some of our normal school construction and some of our major repairs.

This bill would have to go before the people in a referendum at the next election. If it has passage, then it would make it possible for us to go into an extended building program, constitutionally.

The SPEAKER: The question before the House is on the acceptance of the report. Is it the pleasure of the House to accept the report of the committee?

The motion prevailed and the committee report was accepted. Thereupon, the new draft, having already been printed, under suspension of the rules, the resolve was given its first reading.

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

Mr. CHASE: Mr. Speaker, it seems to me that the committee ought to consider at least the question of the title of this bill if the people are going to vote on it with any knowledge of what the intent may be, the resolve proposing an amendment to clarify the provisions that relate to the State's borrowing power. It seems to me that more is intended here than mere clarification. In order that the committee may consider the title of the measure and the question which is to be submitted to the people, I move that it be assigned for second reading next Tuesday.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth that the resolve be assigned for second reading on May 1st at ten o'clock. Is this the pleasure of the House?

The motion prevailed, and the resolve was assigned for second reading on Tuesday, May 1.

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

Mr. JACOBS: Mr. Speaker, Item 6 got by me and I would like to refer back if I may, if the House may see fit, to Item 6.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves

that the House reconsider Item 6, whereby we accepted the "Ought not to pass" report of the Committee on Claims on Resolve in favor of Emile Couillard of Auburn, H. P. 1567. Is it the pleasure of the House to reconsider?

The motion prevailed.

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

Mr. JACOBS: Mr. Speaker, this is a resolve that I put into this House a short time ago in regard to one of our citizens, Mr. Couillard, who for several years has conducted a grocery store, what they call a neighboring store, in the City of Auburn. On January 2nd, after he had purchased a license to sell malt beverages in his store, he was taken sick and is sick today, so much so that he had to sell his business to someone else. He thought he could convey that license of \$100 to the man who bought his business but the Liquor Commission said that he could not do so, that the only way he could get back his \$100 was to present a resolve to the Legislature, which I have done. I think it only fair that this gentleman, who was taken sick on the 2nd day of January and had never used the license and the State had not lost anything thereby because the purchaser of the business bought the license and paid \$100 for it. It does seem fair to me that this gentleman should have his \$100 back; that is all he asks. He has never used it and that is why I ask you to have that resolve passed in favor of this gentleman, Mr. Couillard.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that the House substitute the Resolve in favor of Emile Couillard of Auburn 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 prevailed and the resolve was substituted for the "Ought not to pass" report.

Thereupon, the resolve was ordered printed under the joint rules.

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

Mr. SINCLAIR: Mr. Speaker, I would like to ask permission to return to Item 7. I am sorry I was called out just at the time —

The SPEAKER: The Chair will inquire if the gentleman wishes to move to reconsider?

Mr. SINCLAIR: I do, Mr. Speaker.

The SPEAKER: The gentleman may state his motion.

Mr. SINCLAIR: I would like to have the House reconsider its action on Item 7 whereby the "Ought not to pass" report was accepted.

My reason for requesting that—

The SPEAKER: Does the Chair understand the gentleman from Pittsfield, Mr. Sinclair, makes the motion to reconsider?

Mr. SINCLAIR: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Pittsfield, Mr. Sinclair, moves that the House reconsider its action taken earlier in today's session whereby it accepted the "Ought not to pass" report of the Committee On Highways on Bill "An Act to Facilitate Extension of the Maine Turnpike", H. P. 686, L. D. 416. Is it the pleasure of the House to reconsider?

The motion prevailed.

Mr. SINCLAIR: Mr. Speaker, I would like to ask permission to have this bill lie on the table and be specially assigned for Friday of this week.

The SPEAKER: The gentleman from Pittsfield, Mr. Sinclair, moves that Item 7, Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act to Facilitate Extension of the Maine Turnpike" lie on the table pending acceptance of the committee report and be specially assigned for Friday, April 27. Is this the pleasure of the House?

The motion prevailed and the report and accompanying papers were so tabled and so assigned.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker and Members of the House: I haven't been asleep but I have been sort of debating with myself and I finally decided that I would like to ask the

House to reconsider its action whereby the "Ought not to pass" report of the committee was accepted on Item 2, Resolve to Reimburse the Richmond Packing Company for Loss of Meat, H. P. 1077, I will state this—

The SPEAKER: Does the gentlewoman wish to make a motion to reconsider?

Mrs. MOFFATT: Yes, please, Mr. Speaker.

The SPEAKER: The gentlewoman from Bath, Mrs. Moffatt, moves that the House reconsider its action taken earlier in today's session whereby it accepted the "Ought not to pass" report of the Committee on Claims on Resolve to Reimburse the Richmond Packing Company for Loss of Meat. All those in favor of the motion to reconsider will say aye; those opposed, no.

A viva voce vote being doubted.

A division of the House was had.

Forty-seven having voted in the affirmative and eleven having voted in the negative, the motion to reconsider prevailed.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker, I would like to table this for the gentleman from Bowdoinham, Mr. Jones, whom, I notice, is not here and has been absent for a day or two. I assume him to be sick. I would like to table it.

The SPEAKER: The gentlewoman from Bath, Mrs. Moffatt, moves that Item 2, Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse the Richmond Packing Company for Loss of Meat, H. P. 1077, lie on the table.

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

A viva voce vote being taken,

The motion prevailed and the report with accompanying papers was tabled, pending acceptance of the committee report.

#### Ought to Pass in New Draft (Cont'd)

Mr. Robbins from the Committee on Highways on Bill "An Act relating to Fines for Overloaded Trucks" (H. P. 461) (L. D. 281) reported same in a new draft (H. P. 1779) (L. D.

1317) under same title and that it "Ought to pass"

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

Mr. Chaples from the Committee on Highways on Resolve Authorizing a Reclassification of Highways (H. P. 970) (L. D. 757) reported same in a new draft (H. P. 1780) (L. D. 1318) under same title and that it "Ought to pass"

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

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

Mr. WOODWORTH: Mr. Speaker, am I correct that Item 11, L. D. 1318, is now before the House?

The SPEAKER: The gentleman is correct.

Mr. WOODWORTH: This is one of those blank checks—

The SPEAKER: The Chair will state that the question before the House is on the assignment for second reading.

Mr. WOODWORTH: Mr. Speaker, I move that the resolve lie on the table pending assignment for second reading.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that Item 11, Resolve Authorizing a Reclassification of Highways, H. P. 1780, L. D. 1318, lie on the table pending assignment for second reading.

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 Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, I move the indefinite postponement of this item.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that Item 11, Resolve Authorizing a Reclassification of Highways be indefinitely postponed.

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

Mr. WOODWORTH: Mr. Speaker, I want to find out what is behind this bill and for that reason I asked to table it. But, as there is no information, apparently, given on it, I take this way to get the information.

This bill, L. D. 1318, provides that the State Highway Commission "be and hereby is authorized and directed to study" and so forth "all public highways in the State and reclassify the highways." But to supplement this problem of reclassification, the State Highway Commission is "authorized and directed to employ an impartial and non-profit consulting organization" and so forth.

But the commission is authorized to enter into a joint agreement with the federal government in making this study and it is authorized to pay the State's share of its cost out of the general highway fund.

I think it is the duty of every member of this Legislature when a bill comes up of this sort to find out what it is going to cost. As it is, the bill calls for a blank check and it is another one of these agreements whereby we go into some kind of a deal with the Federal Government and get some kind of a hand-out and pay a very severe penalty for it before we get through. If this isn't that kind of a bill I want to know what it is going to cost and what good it is going to be to us to do this.

We have had a lot of outside agencies coming here and telling us what to do and I think it is fair to say that the majority of these outside reports have landed in the wastebasket before we got through and all we have is a receipt to show for what we did.

I would appreciate it very much if anybody knows what this is all about and would explain just why we should give anybody a blank check against the highway fund.

The SPEAKER: The Chair recognizes the gentleman from Hudson, Mr. Chaples.

Mr. CHAPLES: Mr. Speaker and Members of the House: I do not think I quite understand what the gentleman from Fairfield, Mr. Woodworth, means by a blank



check. Possibly I do, but this bill has a lot of merit. It is a bill to reclassify our State and State Aid Highways, in other words, that means that instead of being compelled to put them where our towns want them now, they will go where they will do the most good, and that is to be based upon the travel and the people who benefit by it, and I think that it is a very good bill and the money is to be taken out—the commission is to appoint a non-profit organization and the money to pay them to study this is to come out of the State Highway fund. I don't think that a blank check has got anything to do with it.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Robbins.

Mr. ROBBINS: Mr. Speaker and Members of the House: The estimated cost of this bill to the State of Maine is about \$15,000; as against that, we expect that it will save the State many thousands of dollars if not millions. I think most members are aware that the highway program has been developed over a period of years without very much system. We have been building a few miles here and a few miles there without any standards by which to tell whether the roads should be on State Highway or the State Aid system or town ways.

The State of Maine controls—I am trying to find the exact figure here—the State of Maine maintains fifty per cent of all highways in the State. The average outside of Maine is only twenty-seven per cent. You all know that the highway fund has been reduced to such a point that we are unable to match federal aid. A smaller amount is available for construction every year and since 1945, the Legislature has passed bills increasing the statutory obligations of the Highway Department by some two million dollars. For example, two or three years ago, the State took over the obligation of cutting bushes at a cost of \$400,000. Sometime before that, we authorized the addition of improved third class highway to a State Aid system at an annual maintenance cost of half a million. About the same time, we took in 800 bridges under the State highway

system at a cost of two hundred and fifty thousand dollars annually. We also liberalized State Aid at a cost of \$400,000. We relieved the towns of their share of maintenance of State and State Aid Highways at a cost of \$455,000. Now, even so, most of our towns have a lot of mud roads which they would like to get rid of and so would the State.

The purpose of this survey and classification is to see if the State hasn't classified roads too high. That is, we would expect as a result of this survey that some sections of the State highway system would be reduced to State Aid and some sections of the State Aid would be put back on the town ways and some town ways would be increased to State Aid.

At the present time, we have no way of knowing whether any given stretch of road is being administered by the proper authorities. Some of the questions that we hope to get answered by this survey are: How many miles can and should the State maintain? Can highway funds be more equitably distributed? What are the relative needs of the primary and secondary highway systems, and whether present laws provide for the construction and maintenance of these systems on an equitable basis?

The objection that was made by the gentleman from Fairfield, Mr. Woodworth, of an outside firm, I can only say that it was the opinion of the committee that there was nobody in the State of Maine qualified to conduct this survey and the Bureau of Public Roads will pay half of the total cost. The total cost, including the survey of town ways, is estimated to be about \$30,000, half of that, or \$15,000, will be the State's share. I sincerely hope that this resolve receives passage.

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

Mr. WOODWORTH: Mr. Speaker, I appreciate the information given by the gentleman from Houlton, Mr. Robbins, on the cost, \$30,000, and to go outside the State because there is nobody in Maine competent to do the work. I think I have heard that before. I notice that we have on the payroll, which

was printed at the request of the Legislature, 39 paid supervisors who certainly have a large staff of engineers and accountants in the Highway Department. I do not see why we can't spend this extra \$15,000 out of the State Treasury just as well as we can spend the first \$15,000 so that somebody in Maine will get the benefit of it. I do not subscribe to the notion that we do not have anybody in Maine who can do this work. I hope my motion may be sustained.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from South Portland, Mr. Spear.

Mr. SPEAR: Mr. Speaker and Members of the House: I think if you will read the bill again you will find that it is a non-profit institution which is going to make this survey. I think there are certain foundations outside of the State of Maine which maintain these boards of engineers which are available to highway departments such as we have in the State of Maine. It is a non-profit institution and I think that although we do have competent engineers in the Highway Department I think that they, at times, like we do ourselves here, like to have advice from experienced persons. As far as the expenditure is concerned from the highway funds, I just want to impress upon you members that the highway fund is only so much money; it does not mean an increase in taxation. The Highway Department has a certain income and it is up to the Highway Commissioners and also the thoughts of the committee to spend this money judiciously and well.

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

Mr. BURGESS: Mr. Speaker and Members of the House: Sometime within the next few days, this House and the other branch of the Legislature will be considering an accelerated highway program which, if enacted and accepted by the people, will call for the spending of millions upon millions of dollars in the construction of state highways. Into that fund will go federal dollars under the Federal Highway Act.

The measure which you are now discussing and have for your consideration is a very essential program in order to wisely expend the money if you provide it under an accelerated program. To continue the construction of highways helterskelter and in a political form as you have in the past is not good business and we should not allow it to continue. This is an honest endeavor to place the money where it is needed based upon traffic and ton miles. It is an honest endeavor to impartially distribute funds which we are in hopes to provide for the betterment of our Maine highway system.

Although it does not give me any pleasure to disagree with my good seatmate, the gentleman from Fairfield, Mr. Woodworth, I feel it essential that the House defeat his motion.

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 Item 11, Resolve Authorizing a Re-classification of Highways, H. P. 1780, L. D. 1318, 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 resolve was assigned for second reading tomorrow morning.

Mr. Fuller from the Committee on Judiciary on Bill "An Act to Confer the Right of Eminent Domain Upon Wiscasset Water Company" (H. P. 239) (L. D. 135) reported same in a new draft (H. P. 1781) (L. D. 1319) under same title and that it "Ought to pass"

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

#### Ought to Pass

##### Ordered Printed Under Joint Rules

Mr. Fogg from the Committee on Claims reported "Ought to pass" on Resolve in favor of Jackman Plantation (H. P. 38)

Same gentleman from the same Committee reported same on Re-

solve to Compensate Edwin Blanche of Augusta for Personal Injuries (H. P. 1521)

Same gentleman from the same Committee reported same on Resolve to Reimburse Freeport Grain Company for Damage Done by Escapee (H. P. 1523)

Mr. Gowell from the same Committee reported same on Resolve in favor of C. Curvin Hovis of Gorham (H. P. 71)

Same gentleman from the same Committee reported same on Resolve in favor of Guy L. Chretien, of Westbrook (H. P. 815)

Same gentleman from the same Committee reported same on Resolve in favor of Arthur H. Molaskey of Gorham (H. P. 880)

Same gentleman from the same Committee reported same on Resolve in favor of C. H. Mallory of Strong (H. P. 1569)

Mr. Hall from the same Committee reported same on Resolve in favor of the Town of Warren (H. P. 810)

Mr. Hamilton from the same Committee reported same on Resolve in favor of Leo Smith of Pittsfield (H. P. 579)

Mr. Ingraham from the same Committee reported same on Resolve in favor of Christian M. Jensen of Westbrook (H. P. 11)

Same gentleman from the same Committee reported same on Resolve in favor of Oscar Pinette of Portland (H. P. 12)

Same gentleman from the same Committee reported same on Resolve to Reimburse Percy E. Severance, of Hampden, for Taxes, etc. (H. P. 965)

Same gentleman from the same Committee reported same on Resolve in favor of Dwight D. Dixon of Clinton (H. P. 1604)

Same gentleman from the same Committee reported same on Resolve in favor of W. I. Hamilton of Bath (H. P. 1648)

Mr. Potter from the same Committee reported same on Resolve in favor of Arthur W. McLellan of Topsfield (H. P. 1559)

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

### Ought to Pass

#### Printed Bill and Resolves

Mr. Dow from the Committee on Highways reported "Ought to pass" on Resolve Designating Bridge at Burnham as Burnham Memorial Bridge (H. P. 1611) (L. D. 1171)

Mr. Robbins from the same Committee reported same on Bill "An Act relating to Designation of Through Ways by Highway Commission" (H. P. 1341) (L. D. 916)

Mr. Bearce from the Committee on Inland Fisheries and Game reported same on Resolve Opening Meduxnekeag Lake to Ice Fishing for Certain Fish (H. P. 1010) (L. D. 597)

Reports were read and accepted and the Bill and Resolves having already been printed, the Bill was read twice under suspension of the rules, the Resolves read once and tomorrow assigned.

### Ought to Pass with Committee Amendment

Mr. Phillips from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salary of Justices of the Supreme Judicial and Superior Courts" (H. P. 1657) (L. D. 1229) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1657, L. D. 1229, Bill "An Act Relating to Salary of Justices of the Supreme Judicial and Superior Courts."

Amend said Bill by striking out all of section 3 thereof and inserting in place thereof the following:

**Sec. 3. Limitation.** No increases in salaries hereinbefore authorized shall be included in the annual salaries upon which retirement pay payable under the provisions of section 5 of chapter 91 and section 3 of chapter 94 of the revised statutes shall be computed, nor in the salaries upon which the compensation of active retired justices of either the supreme judicial court

or the superior court are computed.'

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

Mr. TURNER: Mr. Speaker and Members of the House: Here's a chance for us to save a little money and I am just wondering how many lawyers are here today. I was beaten by them yesterday on a pension racket and there are around fifteen of them here and all want a thousand dollar raise. They are getting nine and ten thousand now and they want ten and eleven, so I am going to move indefinite postponement of this bill and see how these lawyers take hold of it today, the bill.

The SPEAKER: The gentleman from Auburn, Mr. Turner, moves that Bill "An Act Relating to Salary of Justices of the Supreme Judicial and Superior Courts," H. P. 1657, L. D. 1229, be indefinitely postponed.

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

Mr. BURKETT: Mr. Speaker and Members of the House: I appreciate the effort that the gentleman from Auburn, Mr. Turner, is making to save the State money but I do not believe that this is any place to start. As the legislative processes get more and more complicated, more and more every day, it shows the necessity of having a strong, intelligent judiciary. Now, these men are not overpaid on the basis of present salaries and the cost of living and I think we can well afford to spend the small amount of money involved here to see and help guarantee that we have good judges and intelligently operated courts. I hope that this motion does not prevail.

The SPEAKER: The question before the House is on the adoption of Committee Amendment "A." All those in favor of adopting Committee Amendment "A" will say aye; those opposed, no.

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

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Turner, that Bill "An Act relating to Salary of Justices of the Su-

preme Judicial and Superior Courts" be indefinitely postponed.

All those in favor of the indefinite postponement of the bill will say aye; those opposed, no.

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

Thereupon, the bill as amended was assigned for third reading tomorrow morning.

#### Ought to Pass with Committee Amendment

##### Ordered Printed Under Joint Rules

Mr. Gowell from the Committee on Claims on Resolve in favor of Charles Norton Pratt of Leeds (H. P. 881) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

Mr. Hall from the same Committee on Resolve in favor of Allagash Plantation (H. P. 1560) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

Mr. Hamilton from the same Committee on Resolve in favor of Folsom Brothers of Monticello (H. P. 1074) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

#### Ought to Pass with Committee Amendment

Mr. Lackee from the Committee on Highways on Bill "An Act Providing for Construction of Roadside Picnic Areas" (H. P. 72) (L. D. 34) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

COMMITTEE AMENDMENT "A" to H. P. 72, L. D. 34, Bill "An Act Providing for Construction of Roadside Picnic Areas."

Amend said Bill by adding at the end of that part designated "Sec. 74-A" thereof the following underlined sentence: "The cost of constructing any one such project shall not exceed \$350."

Thereupon, Committee Amendment "A" was adopted and the Bill

was assigned for third reading tomorrow morning.

Mrs. Fay from the Committee on Judiciary on Bill "An Act to Incorporate the Rumford Finance Co., Inc." (H. P. 1111) (L. D. 691) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

**COMMITTEE AMENDMENT "A"** to H. P. 1111, L. D. 691, Bill "An Act to Incorporate the Rumford Finance Co., Inc."

Amend said bill by adding thereto a new section to be designated Section 7, and to read as follows:

**Section 7. Fee payable to Secretary of State.** The certificate mentioned in Sec. 5 of Chapter 49 of the Revised Statutes shall not be received and filed by the secretary of state except upon payment to him for the use of the state, the sum of \$150., in addition to the fees prescribed by Sec. 6 of said chapter 49.

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

Mr. Fuller from the Committee on Judiciary on Bill "An Act to Incorporate Town Finance Corporation" (H. P. 319) (L. D. 185) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

**COMMITTEE AMENDMENT "A"** to H. P. 319, L. D. 185, Bill "An Act to Incorporate Town Finance Corporation."

Amend said bill by adding thereto a new section to be designated as Section 7, and to read as follows:

**Section 7. Fee payable to Secretary of State.** The certificate mentioned in Sec. 5 of Chapter 49 of the Revised Statutes shall not be received and filed by the secretary

of state except upon payment to him for the use of the state, the sum of \$150., in addition to the fees prescribed by Sec. 6 of said chapter 49.

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

Mr. Harding from the Committee on Judiciary on Bill "An Act to Incorporate the Exchange Finance Corporation" (H. P. 1052) (L. D. 632) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

**COMMITTEE AMENDMENT "A"** to H. P. 1052, L. D. 632, Bill "An Act to Incorporate the Exchange Finance Corporation."

Amend said bill by adding thereto a new section to be designated as Section 7, and to read as follows:

**Section 7. Fee payable to Secretary of State.** The certificate mentioned in Sec. 5 of Chapter 49 of the Revised Statutes shall not be received and filed by the secretary of state except upon payment to him for the use of the state, the sum of \$150., in addition to the fees prescribed by Sec. 6 of said chapter 49.

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

Mr. Hayes from the Committee on Judiciary on Bill "An Act to Incorporate the Public Loan Corporation of Portland" (H. P. 742) (L. D. 428) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

**COMMITTEE AMENDMENT "A"** to H. P. 742, L. D. 428, Bill "An Act to Incorporate the Public Loan Corporation of Portland."

Amend said bill by adding thereto a new section to be designated as Section 7, and to read as follows:

**Section 7. Fee payable to Secretary of State.** The certificate mentioned in Sec. 5 of Chapter 49 of the Revised Statutes shall not be received and filed by the secretary of state except upon payment to him for the use of the state, the sum of \$150., in addition to the fees prescribed by Sec. 6 of said chapter 49.

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

Mr. McGlaulin from the Committee on Judiciary on Bill "An Act to Incorporate the Public Loan Corporation of Lewiston" (H. P. 744) (L. D. 430) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

**COMMITTEE AMENDMENT "A"** to H. P. 744, L. D. 430, Bill "An Act to Incorporate the Public Loan Corporation of Lewiston."

Amend said bill by adding thereto a new section to be designated Section 7, and to read as follows:

**Section 7. Fee payable to Secretary of State.** The certificate mentioned in Sec. 5 of Chapter 49 of the Revised Statutes shall not be received and filed by the secretary of state except upon payment to him for the use of the state, the sum of \$150, in addition to the fee prescribed by Sec. 6 of said Chapter 49.

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

Mr. Woodworth from the Committee on Judiciary on Bill "An Act to Incorporate the Public Loan Corporation of Bangor" (H. P. 743) (L. D. 429) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

**COMMITTEE AMENDMENT "A"** to H. P. 743, L. D. 429, Bill "An Act to Incorporate the Public Loan Corporation of Bangor."

Amend said bill by adding thereto a new section to be designated as Section 7, and to read as follows:

**Section 7. Fee payable to Secretary of State.** The certificate mentioned in Sec. 5 of Chapter 49 of the Revised Statutes shall not be received and filed by the secretary of state except upon payment to him for the use of the state, the sum of \$150., in addition to the fees prescribed by Sec. 6 of said chapter 49.

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

The **SPEAKER:** The Chair, at this time, appoints the gentleman from Augusta, Mr. Martin, Speaker pro tem and directs the Assistant Sergeant-at-Arms to escort the gentleman to the rostrum.

Thereupon, the gentleman from Augusta, Mr. Martin, was escorted to the rostrum by the Assistant Sergeant-at-Arms where he assumed the Chair amid the applause of the House. Speaker Silsby then retired.

#### Passed to be Engrossed Tabled

Bill "An Act relating to the Absent Voting Law in Cities" (S. P. 59) (L. D. 63)

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

(On motion of Mr. Edwards of Raymond, tabled pending passage to be engrossed.)

Bill "An Act Repealing Industrial Homework" (S. P. 241) (L. D. 511)

Bill "An Act Authorizing Clerk Hire for the Westbrook Municipal Court" (S. P. 285) (L. D. 624)

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

Bill "An Act Authorizing Clerk Hire for the Brunswick Municipal Court" (S. P. 287) (L. D. 626)

Bill "An Act relating to Payments to Towns by State in Lieu of Taxes" (S. P. 549) (L. D. 1305)

Bill "An Act Permitting Basketball on Sunday" (H. P. 106) (L. D. 53)

Bill "An Act relative to Use Fuel Tax" (H. P. 332) (L. D. 191)

Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation" (H. P. 1734) (L. D. 1293)

Bill "An Act relating to Running Horse Racing in the Daytime" (H. P. 1021) (L. D. 580)

Bill "An Act Repealing the Merit Award Board" (H. P. 1252) (L. D. 826)

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

Bill "An Act relating to Taxation of Boats" (H. P. 1356) (L. D. 931)

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

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

Mr. DOW: Mr. Speaker, I want to take only two or three minutes of your time. You heard this argued yesterday. The motive was supposed to be to prevent these boats escaping taxation. If a boat is in Moosehead Lake, for instance, in no way does he need to pay a tax if he simply wants to move his boat onto wild land but, on the arguments from the members around Sebago Lake, it is a wonder to me that they didn't want to collect an excise tax and a poll tax also. But just one suggestion, since this bill has passed, anyone who has a boat in Sebago Lake should remove it from the vicinity of White's Bridge before April 1st because on one side of the bridge the tax rate last year was 68, and the other side 67, and he could go across the bay to Raymond Cape and get a lower rate. He could even go beyond Raymond Cape to the Town of Casco and get the lowest rate in the county last year, 47. In going around, possibly he might land on Frye's Island and stay a day or so and escape taxation altogether. Thank you. (Laughter)

Thereupon, the bill was given its third reading.

The SPEAKER pro tem: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I move that Item 12, Bill "An

Act relating to Taxation of Boats," L. D. 931, be indefinitely postponed.

The SPEAKER pro tem: The gentleman from Friendship, Mr. Winchenpaw, moves that Item 12, Bill "An Act Relating to Taxation of Boats," H. P. 1356, L. D. 931, be indefinitely postponed.

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

Mr. CENTER: Mr. Speaker and Members of the House: I am not going to take up the time of this House at this time arguing the merits of this bill over again. I think it was thoroughly discussed yesterday. We voted on this same motion yesterday to indefinitely postpone and it was defeated by a large number and I am quite sure the boats are in the same status this morning as they were last night.

I certainly hope the motion will not prevail.

The SPEAKER pro tem: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Friendship, Mr. Winchenpaw, that Bill "An Act relating to Taxation of Boats" be indefinitely postponed. All those in favor of indefinite postponement of the bill will say aye; those opposed, no.

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

Thereupon, the bill was passed to be engrossed and sent to the Senate.

Mr. TOTMAN: Mr. Speaker —

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. TOTMAN: I rise, Mr. Speaker, to make an inquiry on an item that has already passed. May I ask reconsideration at this time?

The SPEAKER pro tem: The gentleman may make his motion.

Mr. TOTMAN: Mr. Speaker, Item 7. I would like to explain the reason for reconsidering Item 7.

The SPEAKER pro tem: The Chair will inquire if the gentleman refers to Item 7, Bill "An Act Permitting Basketball on Sunday", H. P. 106, L. D. 53, which has just been passed to be engrossed?

Mr. TOTMAN: That is right, Mr. Speaker, I move that the House re-

consider its action whereby this bill was passed to be engrossed.

The **SPEAKER**: The gentleman from Bangor, Mr. Totman, moves that the House reconsider its action just taken whereby Bill "An Act Permitting Basketball on Sunday" was passed to be engrossed.

Mr. **TOTMAN**: May I explain the reason for that motion, Mr. Speaker?

The **SPEAKER pro tem**: The Chair will state that the motion is debatable.

Mr. **TOTMAN**: Mr. Speaker, I simply rise to give the House an opportunity, if they wish in courtesy to the gentleman who sits behind me, who is sick and is out of the House and is not intentionally absent, I understand. He is not using any of the strategy that I believe has been used here in the past weeks. I know, having talked with him, that he is very definite in his feelings about any activities on Sunday.

If you will look on page 19 of our House Calendar, you will see under the fifth tabled and unassigned matter that yesterday, the gentleman from Portland, Mr. Burkett, out of courtesy to the gentleman from Eliot, Mr. Dow, tabled the Act Prohibiting Sunday Stock Car Racing, Horse Pulling and Harness Racing because it took place on Sunday. The gentleman from Eliot, Mr. Dow, is very much interested in any events that take place on Sunday. I, therefore, would like to give the House the opportunity to extend the courtesy to Mr. Dow that we wait until he is here to argue on that bill.

The **SPEAKER pro tem**: The question before the House is on the motion of the gentleman from Bangor, Mr. Totman, that the House reconsider its action whereby it passed to be engrossed Item 7, Bill "An Act Permitting Basketball on Sunday". Does the gentleman from Bangor, Mr. Totman, now wish to move that his motion lie on the table?

Mr. **TOTMAN**: Yes, Mr. Speaker.

The **SPEAKER pro tem**: The Chair will state that the gentleman must assign a time for reconsideration.

Mr. **TOTMAN**: Mr. Speaker, in view of the fact that the item I

just referred to, the fifth unassigned matter, was not assigned for a specific date but I presume that if the gentleman from Eliot, Mr. Dow, came back the matter would be immediately taken from the table, I do not feel that it would be proper to assign a date.

The **SPEAKER pro tem**: The Chair will state that the rules require that a motion to reconsider when tabled must be definitely assigned.

Mr. **TOTMAN**: Mr. Speaker, I will assign Tuesday next, which, I believe, is May 1st.

The **SPEAKER pro tem**: The gentleman from Bangor, Mr. Totman, moves that the House reconsider its action taken earlier in today's session whereby Bill "An Act Permitting Basketball on Sunday," H. P. 106, L. D. 53, was passed to be engrossed and further moves that his motion lie on the table and be specially assigned for May 1. Is this the pleasure of the House?

(Cries of "No")

The **SPEAKER pro tem**: All those in favor of the motion being tabled will say aye; those opposed, no.

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

The **SPEAKER pro tem**: Is it now the pleasure of the House to reconsider its action whereby this bill was passed to be engrossed? All those in favor will say aye; those opposed, no.

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

#### Amended Bills

Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program" (S. P. 274) (L. D. 613)

Bill "An Act relating to the Building Inspector of the City of Lewiston" (S. P. 307) (L. D. 658)

Bill "An Act relating to Board of Education of City of Lewiston" (S. P. 308) (L. D. 659)

Were 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 relating to Motor Vehicles Following Fire Apparatus and Crossing Fire Hose" (H. P. 1038) (L. D. 603)

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.

Bill "An Act relating to Emergency Lights on Police and Fire Department Motor Vehicles" (H. P. 1491) (L. D. 1098)

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" to House Amendment "A" thereto and sent to the Senate.

At this point Speaker Silsby returned to the rostrum.

**SPEAKER SILSBY:** Mr. Martin, in order that you may have a token to remind you of this occasion, may I present you with this little gavel. (Applause)

**Mr. MARTIN:** Thank you very much, Mr. Speaker.

Thereupon, Speaker Silsby assumed the Chair and Mr. Martin of Augusta was conducted by the Assistant Sergeant-at-Arms to his seat on the Floor amid the applause of the House.

#### **Passed to be Enacted Emergency Measure**

An Act relating to Acquisition of National Forests in Oxford County (S. P. 537) (L. D. 1274)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 112 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act Providing for Funds for Civil Defense and Public Safety (H. P. 792) (L. D. 472)

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

emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 114 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify Certain Provisions of Motor Vehicle Law (S. P. 72) (L. D. 78)

An Act relating to the Salary of Sheriff of Kennebec County (S. P. 175) (L. D. 349)

An Act relating to Board of Registration in Medicine (S. P. 243) (L. D. 514)

An Act to Increase the Salary of the Judge and Recorder of the Rumford Falls Municipal Court (S. P. 282) (L. D. 621)

An Act relating to Salary of Register of Deeds of Kennebec County (S. P. 385) (L. D. 911)

An Act relating to Taking Animals and Birds for Scientific Purposes (S. P. 454) (L. D. 1068)

An Act relating to Refunds of Gasoline Tax (S. P. 395) (L. D. 942)

An Act relating to Complainant and Witness Fees and Costs of Police Officers and Constables (S. P. 522) (L. D. 1250)

An Act relating to the Salary of the Deputy Clerk of Courts of Penobscot County (H. P. 659) (L. D. 375)

An Act Amending the Act Creating the Maine Turnpike Authority (H. P. 685) (L. D. 415)

An Act relating to Salary of Clerk of Courts of York County (H. P. 762) (L. D. 449)

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

#### **Tabled**

An Act Establishing a Tri-State Authority to Enable the Collective Construction and Operation of Institutions in Maine, New Hampshire and Vermont (H. P. 928) (L. D. 541)

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

(On motion of Mr. Jacobs of Auburn, tabled pending passage to be enacted.)

An Act to Increase the Salaries of the Judge and Recorder of the

Western Washington Municipal Court (H. P. 1067) (L. D. 647)

An Act to Increase the Salary of the Judge of the Calais Municipal Court (H. P. 1068) (L. D. 648)

An Act relating to Gardiner Water District (H. P. 1062) (L. D. 642)

An Act to Amend the Charter of the City of Augusta by Providing for the Appropriation of School Funds by the City Council (H. P. 1178) (L. D. 745)

An Act relating to the Salary of the Sheriff of Knox County (H. P. 1237) (L. D. 789)

An Act relating to Town Ordinances for Junk Yards (H. P. 1431) (L. D. 1037)

An Act relating to Funds of Volunteer Fire Department (H. P. 1489) (L. D. 1095)

An Act Amending the Charter of the Town of Fort Fairfield relating to the Number of Councillors (H. P. 1588) (L. D. 1160)

An Act relating to Automobile Junk Yards (H. P. 1620) (L. D. 1185)

An Act Regulating Closing-Out Sales, So Called, and Similar Types of Sales (H. P. 1698) (L. D. 1278)

An Act to Incorporate the Wells Beach Sewer District (H. P. 1699) (L. D. 1279)

#### Finally Passed

Resolve relating to Taking Crabs in Cumberland County (H. P. 850) (L. D. 489)

Resolve Extending Appropriation of Money to Improve the Approach to the Fish Way at Aroostook Falls (H. P. 1634) (L. D. 1199)

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

#### Tabled and Assigned

Resolve Regulating Fishing in the Fish River Chain of Lakes (H. P. 1690) (L. D. 1267)

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

(On motion of Mr. Bearce of Caribou, tabled pending passage to be enacted and specially assigned for Friday, April 27.)

The following papers from the

Senate were taken up out of order and under suspension of the rules:

From the Senate: The following Orders:

ORDERED, the House concurring, that the following bill be recalled from the Engrossing Department to the Senate:

(H. P. 1543) (L. D. 1136) "An Act Relative to Revision and Publication of Municipal Ordinances" (S. P. 558)

ORDERED, the House concurring, that the following Resolve be recalled from the Governor to the Senate:

(H. P. 1589) (L. D. 1161) "Resolve, Authorizing the Forest Commissioner of the State in the Island in Cumberland County to H. Norman Cole, of Gray" (S. P. 559)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

#### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first item of unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Trespass on Lands," H. P. 1174, L. D. 730, tabled on April 4 by the gentleman from Woolwich, Mr. Bailey, pending acceptance of the report; and the Chair recognizes that gentleman.

Thereupon, upon motion of Mr. Bailey of Woolwich, 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 second item of unfinished business, House Report "Ought not to pass" of the Committee on Towns and Counties on Bill "An Act relating to Annual Reports of Certain County Officers," H. P. 1594, L. D. 1166, tabled on April 4 by the gentleman from Lisbon, Mr. Plummer, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. PLUMMER: Mr. Speaker, I tabled this matter at the request of the gentleman from Webster, Mr. Wood. He is here and he can speak for himself.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Wood.

Mr. WOOD: Mr. Speaker, I introduced this bill for the sole purpose of making it easier to adjust the county salaries. In talking with a few members of the House they seem to think that there is a little bit of economy in it, and acting upon the advice of my good friend, the gentleman from Auburn, Mr. Turner, any economy seems to be out of order in this House and figuring that the committee gave it their best consideration, and to speed up legislation, I move that the committee report be accepted.

The SPEAKER: The gentleman from Webster, Mr. Wood, moves that the House do now accept the "Ought not to pass" report of the Committee on Towns and Counties on Bill "An Act relating to Annual Reports of Certain County Officers," H. P. 1594, L. D. 1166. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the third item of unfinished business, Bill "An Act relating to Greely Institute" (H. P. 1070) (L. D. 604) tabled on April 6th by the gentleman from Falmouth, Mr. Dow, pending further consideration; and the Chair recognizes that gentleman.

Mr. DOW: Mr. Speaker and Members of the House: This bill has had its head cut off and been shot full of holes and various other things have happened. The last action was that it came back from the other body with the committee version passed to be engrossed. I move that the House insist on the House action which was to adopt the amended bill and ask for a committee of conference, and I can assure you that if you grant this motion you will dispose of this matter some way.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the House insist upon its former action where it passed Bill "An Act relating to Greely Institute" (H. P. 1070) (L. D. 604) to be engrossed and ask for a committee of conference.

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

Mr. BURKETT: Mr. Speaker and Members of the House: I have an idea that the gentleman from Falmouth, Mr. Dow, will be just as glad as I am if you can finally dispose of this bill because it has caused more trouble than any other bill we have been interested in this session.

The story of it is briefly—and I recited it once before, but probably everyone has forgotten it; I don't know what happened myself, it has been so long—was that a man named Greeley left a sum of money to the Town of Cumberland, which happens to be in my county but not in my district. That money was to be used to build an institute or school. Shortly after that, a few years after, in order to have some machinery for handling the situation, a group of people came to the Legislature and were incorporated by legislative act. That act provided that there should be seven trustees, of whom the selectmen of Cumberland should always be members. Now that left the situation so that there could be four members who are not selectmen and three selectmen. That worked out nicely for a good many years until the Town of Cumberland, which is a town of a wide area and includes some of the islands in Casco Bay, voted to increase their board of selectmen from three to five. Now obviously there could not be four non-selectmen members on that board if all of the selectmen were going to be members. So they came down to the Legislature with this bill. The committee heard it, and feeling very definitely that we should stay as closely as possible to the original idea of seven trustees, of whom four should not be selectmen, we prepared a new draft which we thought at the time would solve the problem. That new draft provided that there should be seven trustees, leaving the four non-selectmen members on the board as before; and further provided that the selectmen, no matter what their number was, whether they increased the board or not, should still be the same, but they should select from their number three of their number to be trustees. That

would leave it with three selectmen as before and four non-selectmen.

In 1945 an act was passed creating a joint board to handle the institute, which provided for six board members and that three of them should not be selectmen. So it is necessary, in order to comply with the provisions of that joint board, to keep at least three trustees on the board who are not selectmen.

I think the solution that was worked out by the Legal Affairs Committee is fair and just to everyone. The gentleman from Falmouth (Mr. Dow) and I have had numerous telephone calls and our Saturdays and Sundays have been disrupted by calls from the two factions, but I still think that is the way to leave it. I hope that the motion of the gentleman from Falmouth, Mr. Dow, does not prevail and that we will get rid of it finally, and if his motion does not prevail I shall move that we recede and concur with the Senate.

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

Mr. **DOW**: Mr. Speaker and Members of the House: I had not intended to take up any more time on this bill, but under the circumstances I think I will.

Since the March town meeting of the Town of Cumberland, I have received this letter:

"William E. Dow,  
Representative to the Legislature,  
State House, Augusta.

Dear Sir:

At the annual town meeting held on March 6, 1951, the selectmen reported to the townspeople on the status of L. D. No. 180, with which you are familiar.

When it was learned that a small minority group had appeared at the hearing in opposition to this bill, a great deal of unfavorable comment and criticism was aroused. In order that you, as our representative, and the Legislature as a whole would know the feeling of the townspeople, a motion was offered and passed almost unanimously to the effect that you should be informed of this. The people had expressed their wishes regarding this matter in the annual town

meeting in March, 1950, and the action taken in this meeting of 1951 was a fuller definite expression of opinion that the document No. 180 should have passage.

Sincerely yours,  
HERBERT S. FOSTER,  
Town Clerk."

Some time ago, when this matter came back from the other house, I moved to insist at that time. Previous to that, another thing occurred. That was the first of the week. On Friday I approached the gentleman from Portland, Mr. Burkett, and told him that I proposed to move to adhere, which, if accepted, would have finished the bill right there. He did not think that was a good idea, and he suggested that I move to insist and ask for a committee of conference. I made that motion at his suggestion, and, to my surprise, he was the first one to arise in opposition. That night in the Augusta House I remonstrated with the gentleman and told him I considered it a double-cross. He informed me at that time he did not wish to have anything more to say on the subject and he did not want to talk any more about it. When it came up in the House the next time, he wasn't present, but I assumed that I had been relieved of the responsibility in that respect. The gentleman from Portland, Mr. Roundy, noting his absence, tabled it. I asked Mr. Roundy why he wanted it tabled and he told me. I told him what had occurred, and, under the circumstances, he kindly allowed me to proceed with the bill in his absence.

That is briefly what has occurred in the past. Now when I make the same motion the same gentleman arises in opposition. I hope that the House will support my motion to insist and ask for a committee of conference.

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

Mr. **HAWKES**: Mr. Speaker, being a member of the Legal Affairs Committee, I remember this case quite vividly because we practically had a town meeting down there from the Town of Cumberland. It seems to me, if I remember cor-

rectly the case at the time, a question arose as to one Greeley, who evidently gave some money, although some people say it was nothing, but nevertheless they very graciously accepted it, to the town of Cumberland, in order to build a high school or academy of some sort.

When the committee discussed the matter, they unanimously felt that Mr. Greeley had expressed some intentions in his will, and they tried, in order to give all fairness to both sides that are now living in the Town of Cumberland, not to forget the gentleman who passed on and gave this sum of money to the Town of Cumberland which they are gratefully accepting now and using, although some would like you to believe they do not care whether they have it or not.

It would seem to me that in discussing this question that some thought might be given to the deceased testator, knowing full well that that is one of the few things in life that we have no control of; nevertheless we hope that when we pass on our wishes are carried out as much as possible. It seems to me that it would be proper at this time to move that we recede from our former action and concur with the Senate.

The SPEAKER: Does the gentleman so move?

Mr. HAWKES: The gentleman so moves.

The SPEAKER: The gentleman from Saco, Mr. Hawkes, moves that the House recede and concur with the Senate.

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

Mr. BURKETT: Mr. Speaker and Members of the House: I am very sorry that the gentleman from Falmouth, Mr. Dow, feels that I did anything that was not proper in connection with this bill. I may have. There have been so many things engaging my attention and the attention of everyone else and so much time has elapsed that it may be possible. Anyway, I want to offer my sincere apologies if he thinks I have done anything wrong, and I will here and now attempt to atone for it by withdrawing any objection to his motion that I may have expressed.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Saco, Mr. Hawkes, that the House recede and concur on Bill "An Act relating to Greeley Institute" (H. P. 1070) (L. D. 604)

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

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

The SPEAKER: Fifty having voted in the affirmative and forty-one in the negative, the motion to recede and concur prevails.

Mr. Burgess of Limestone presented the following order, out of order and under suspension of the rules, and moved its passage:

ORDERED, WHEREAS, the members of the House of Representatives of the Ninety-fifth Legislature have learned with profound sorrow of the untimely death on April twenty-fourth, of the sister of an esteemed colleague, Honorable Dwight W. Dorsey, Representative from Fort Fairfield.

Be it further requested that the Clerk of the House be requested to arrange for the delivery of a suitable bouquet of flowers to the residence of Mr. Dorsey, and express our profound sympathy in his bereavement.

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

The motion prevailed.

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

Mr. CHASE: Mr. Speaker, I ask unanimous consent to address the House regarding plans and suggestions for the afternoon session.

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

Mr. CHASE: Mr. Speaker, a day or two ago, the gentleman from Limestone, Mr. Burgess, kindly consented to change the assignment on his income tax bill to today. It appeared then possible that we might reach it in the regular order but it now seems unlikely. With the consent and approval of the gentle-

man from Limestone, Mr. Burgess, and in order to expedite consideration of this important measure, I ask unanimous consent that the so-called Burgess Income Tax, L. D. 666, be made a special order of business as the first item of business after the recess this noon.

I will say in explanation that subsequently it is my intention to move to recess until 2:00 p.m.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, requests unanimous consent that the seventh tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Taxation on Bill "An Act Imposing a Personal Income Tax", H. P. 1133, L. D. 666, tabled on April 19 by the gentleman from Limestone, Mr. Burgess, pending his motion to accept the Minority Report, be a special order of business to be taken up immediately after the recess today. Is there any objection? The Chair hears none and it is in order.

On motion of Mr. Chase of Cape Elizabeth,

The House recessed until 2:00 p.m.

#### AFTER RECESS—2 P.M.

The House was called to order by the Speaker.

The SPEAKER: The Chair lays before the House, under special order of business, the Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Taxation on Bill "An Act Imposing a Personal Income Tax" (H. P. 1133) (L. D. 666) tabled April 19 by the gentleman from Limestone, Mr. Burgess, pending his motion to accept the minority report; and the Chair recognizes that gentleman.

Mr. BURGESS: Mr. Speaker and Members of the House: At the time of public hearing for this tax measure I took the liberty of pointing out to the Committee on Taxation certain defects in the draft of the bill. One or two places in the bill did not seem to meet the constitutional requirements and there was an error in drafting which included in the measure a corporation tax. Now it was not the in-

tention of the proponent that the corporation tax be included in the measure. The bill as reported out by the committee and, as you know, a majority number of the committee reported "Ought not to pass," remains the same as when it was presented, so that if the House should accept the "Ought to pass" report, I have prepared, and will offer at the proper time, an amendment which would clarify the defects in so far as I know.

May I state on the start that this income measure was never designed to finance any such wildcat spending as the House has embarked upon at this present time. It is estimated that the measure would yield approximately five million dollars annually, and at the time the measure was submitted it was my sincere hope, and it is still my sincere hope, that some economy would be practiced in our appropriations, and if adequate economy was practiced, this bill would yield enough to properly finance the necessary requirements for State government for each of the next two years according to the Governor's budget figures, and it would further retire a substantial part of your State property tax.

I need not repeat, because our good floor leader pointed out this morning, that due to a recent ruling of the court it probably will be necessary that the State continue as far as statutory law is concerned to assess a State property tax and devise a method which is fair and equitable in distributing the income from the property tax assessment. So I submit to you that this measure is designed to finance State government on a sound, practical basis, the same type of financing that you would do in your own business, up to the amount of the Governor's budget, which I believe to be adequate, and then some, and would also refund a substantial part of your property tax.

Now with respect to the Party Platform: This measure comes nearer to meeting the statement of the plank in the Party Platform which relates to taxation more than any measure we have had before us and I quote: "We favor and propose to effect a revision of the State Tax System. An essential feature of such

revision must be the abolition of the State property tax on municipalities. Funds required by the State to replace the loss from property tax revenue, together with such additional funds as may be required to meet other proven needs, should be raised by new taxes to be levied upon the broadest base consistent with fairness and ability."

Due to the fact that I, or no one else, can accurately estimate the income that will be derived from this or from any other tax measure which we have under consideration, I propose, and I sincerely believe in the proposal, that we should enact a tax bill which will provide a minimum amount that will meet the State's requirements and refund the State's property tax in part, as we progress and as we accurately find out the amount of revenue which this or any other tax measure will yield. In other words, put into effect trial by error, such as you do in your own business.

Now in the new concept of continuing with State property tax, we will gain \$300,000 from the unorganized townships. I am sure you all understand that and it needs no elaboration. The ruling of the court, in effect, said that a fair and equitable assessment against all property must be made, but once the assessment and the collection had been made, the disbursement of it was left to the wisdom and the judgment of the Legislature.

I stated on the floor of this House a few days ago that I was one who believed that the State should not retire from the property tax field all at one time. I made the further statement that if for no other reason than for its influence upon local debt, it should remain. Under the ruling my argument is lost because we necessarily must continue in the property tax field, so I must withdraw that objection.

I have also stated previously to this House, and I am firmly convinced, that in the event the State should wholly retire or refund the amount of your State property tax that you should place back on the municipalities certain services such as allowing the towns to contribute more to their educational program, and I say that because there are practically no Federal dollars mixed

up with your educational subsidies. If I understand correctly, Federal subsidies are only provided for educational courses such as agriculture and one or two others. I do not believe in enacting a tax bill, whether it be this or any other, that is going to collect five and a half million dollars and turn it back and still give the municipalities throughout the State more services than they are now receiving or more services than they expect to receive in the future.

This House is well aware of my views with respect to the welfare state to which we are well headed and well along down the road, and so I submit to you, Ladies and Gentlemen of the House, whom I know to be fair and just, and I hope that in the very near future you will become more economically minded, that you will consider a tax measure of this type, which recognizes ability, which is fair and just because it is based upon the ability of people to pay, and that you will finally enact a measure which will not yield too much money and which will retire your State property tax on a piece-meal basis.

The mechanics of this measure are very simple, and with your permission I will explain them very briefly. I believe that if this income tax measure were to become law that the State could very well adopt the forms and the collection methods used by our good neighboring State of Vermont, and in making the return in the State of Vermont—this is the form (holds up blank) down to here which is in duplicate, and on that form, which would eventually be the size of this, there would be eight questions, and you would start off by taking your gross income from Line 6 in your Federal return, and then deducting from that amount the income from such items as are exempt from taxation by the statutes, and then deduct your dependency allowance of \$600. each, and arrive at the net figure on which you would multiply by the rate applied. A very simple matter of form to make the return to the State, and it could be made out by any child in grammar school.

Now as to the cost of administering this type of a tax bill, it would not require the investigators or the

police so-called, to go into your business and my business and someone else's business to make us account to their satisfaction as to the honesty of our handling the type of tax invoked. All that would be required for the proper policing of this would be a formal request on the part of the Governor in writing to the Collector of Internal Revenue of the State, asking permission that the files be made available to our Tax Department, and then by corresponding the figures that they start off with in this form and those arrived at in the Federal return, and comparing the number of dependents, you would have all the enforcement that would be required. The cost of administration would be practically nothing compared with the administration of other taxes which we have under consideration.

Now in pointing out or in mentioning to you just a few moments ago that this was a fair tax and that it was based on ability to pay, I have prepared a schedule which I believe to be reasonably accurate, and the figures which I will quote you are based on this particular bill, with four dependents. The income which I will quote is income before family deductions are taken or dependency deductions. Any person who has an income before deductions of \$1,000 would pay no tax, \$2,000 would still pay no tax, \$3,000, would pay \$7, \$3,500, \$20 and so up. Now I submit to you that I cannot believe that this House wishes to impose any type of tax measure which is arbitrarily going to declare that a low-income family which is not earning enough for whatever reason you may wish to contribute to the cost of State government, rather let me put it, to the cost of these new welfare programs which we have under consideration, and it looks as though we would pass.

It has been said, and correctly so, that regardless of the type of tax we pass, that the poor people will pay it in any event. That was true in percentages, but perhaps not true otherwise. The statement that has been made in this House is true that ninety-six percent of the people of Maine have a gross income before dependency deductions of five thousand or less; this is a

figure taken from the returns or given to us by your Collector of Internal Revenue, and I believe them to be correct.

Now you are all familiar with how an income tax operates, and I have no doubt but what many of us are prejudiced against an income tax because of tangles we may have had with the Federal government, and that is a handicap which I must assume at this time.

I would like to briefly summarize by saying that this tax measure, when properly amended to take out the constitutional defects, and when the corporation tax clause which is in it by error is eliminated, would be a strictly personal income tax, would be based upon ability to pay, would be fair and just, and it would make it necessary that this Legislature attempt to put into effect an economy that I cannot believe you do not want. In other words, I believe it is the intention of every member here to practice economy. I would hate very much to go home and answer to my people that I had been down here upon a spending spree and that I had helped to enact a tax which was going to cost them way beyond the proven needs of our State government.

I would hate to go home and tell them that I had contributed my vote and my share of assistance toward continuing the State down that road toward destruction, and I believe it is destruction if you have to continue to practice so-called welfare. There is now in existence, and you are all well aware of it, a group or a category which almost any of us could probably qualify for it if we wanted to apply for some sort of relief or public assistance, and the trend is to increase the categories rather than decrease them. I think it is our duty to put a damper to turn the tide back home, to let it be known that we believe that these affairs, these various assistances, should be assumed at the local level, first, at the family level, and if they are unable, at the local level, and that we should not be a contributing party toward encouraging more and more of it.

Now, you may say that I am getting away from the merits of



this tax bill. I do not believe that I am, for this reason: That it is designed for that very purpose; it is not intended to yield ten or twelve million dollars. It is intended to yield approximately five million dollars, which, as I said in the beginning, will properly finance the proven needs of the State and will retire gradually a substantial portion or refund a substantial portion of the tax which will be assessed on property.

Ladies and Gentlemen of the House, I hope that you will join with me in accepting the minority "Ought to pass" report and that you will allow me to make such amendments as are necessary to put the bill in proper form and that you will allow this measure to go to the other branch of the Legislature and there receive its consideration, and in doing so you will have shown a willingness not only to allow full debate but full discussion on all various types of taxation presented to us, and that you will give the other branch a chance to do likewise.

So Mr. Speaker and Members of the House, I sincerely hope that you will vote in favor of the acceptance of the minority "Ought to pass" report and I so move.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the House accept the minority "Ought to pass" report of the committee on Bill "An Act Imposing a Personal Income Tax," H. P. 1133, L. D. 666.

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

Mr. LOW: Mr. Speaker and Members of the House: We have talked quite a lot today about calamity, catastrophe and destruction, and I have had a little destruction practiced on me in the paper this morning, when a certain self-styled tax expert said that I didn't know what I was talking about when I said that the merchant would have very little work to do under a tax bill. But Ladies and Gentlemen, under this bill, the gentleman from Limestone (Mr. Burgess) waved a little sheet of paper at us and said that that was going to be no work. It seems to me I remember a little sheet of paper from the Federal government that looks just as sim-

ple, but it has been years since I could figure that thing out for myself, and I have had to hire people to do it and other people have had to hire people to do it.

There are 344,000 taxpayers in the State of Maine. There are 12,000 merchants. There is going to be a lot more paper work done. Nor is that little piece of paper the end of the matter. Anyone who pays anybody \$600 has got to make up a separate report, and if you will read that bill carefully you will find that there are many, many pieces of paper work involved besides that small piece of paper that is going to be no job.

I keep hearing about the ability to pay, and I think that phrase is considerably overworked. The State of Maine pays no attention to it in their four major forms of taxation. The man who buys a pack of cigarettes pays the same tax whether he is rich or poor; the man who buys a gallon of gasoline pays the same tax; the man who buys a bottle of liquor pays the same tax, and even the man who has a house is not taxed on his ability to pay; he is taxed on simply the value of the house. I prefer the term which we use in regard to a sales tax, which is the ability to purchase, but the difference is that you are taxed on the whole of your ability to pay but you are only taxed on those things which you actually do purchase.

I maintain, furthermore, that the sales tax is cheaper for the poor man than is the income tax. Let us take the man with a thousand dollar income, and let us say that he lives in a house, owns a house which has a tax of \$50. The State tax is almost exactly ten percent of the average real estate tax throughout the State, so he is going to pay a \$5. tax for the State tax. In turn, on the sales tax, he will pay, with the amendment, slightly under \$5. as his share of the sales tax, but he is going to be relieved of the \$5. which he would pay on the income tax on his property. In other words, the savings that he makes through the sales tax equals what he pays. If there is no sales tax, and he keeps the property tax, then he is going to pay the \$5. I cannot see but what

on the income tax he is \$5. behind.

The only argument against that which I think has any validity whatever is that the towns are going to spend the seven and a quarter mills just as soon as the State gives it up. Members, if you say that, you do not believe in the people in the State of Maine. You and I know the town meetings that are held. You know how every dollar is fought over. I just cannot see those town meetings saying: "Hip, Hip, Hooray, here are seven mills. Let's spend it." I don't think it works that way, and I think each one of you knows that it doesn't work in your town, but you think it may work that way in somebody else's town. There are certainly communities which are probably in the hands of a political gang who may take advantage of that seven mills to go ahead and spend it. The answer there, members, is to get rid of the gangs and put in some decent government.

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

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

Mr. **DELAHANTY**: Mr. Speaker and Members of the House: To state very simply and briefly my position with respect to the motion of the gentleman from Limestone, Mr. Burgess, I want to say that I shall support his motion to accept the minority report, and I would assign as reasons for accepting that report that we may have here a full and complete discussion of the adjustments of that bill as it has been reported and an enactment of the bill after those adjustments have been made.

I realize that many in my party have voted against the sales tax as it has come up before this House. I want to make a clear and simple statement that we, my party, are not here as obstructionists. We are here to make laws which we believe will be for the benefit of the people, based, in this particular case, upon their ability to pay.

Mention has been made of the so-called luxury taxes and the real estate tax. It is my firm conviction that those taxes are based upon one's ability to pay as he

wants those particular articles. A man pays a real estate tax in the same proportion that he owns a small house or a large house, and you will find a man paying a much greater tax if he is a man who owns a particularly large and valuable piece of property.

I feel that this bill meets the needs, after the adjustments may be made, that we have in this State. It does not call for money that would meet the appropriation as we have passed it in this House. It is my firm conviction that the amount of money that we have set up to be spent is far in excess of the needs that we have to provide for.

I hope that we do not say to the people of this State: "We have said you will have to pay \$8,900,000 in excess of previous years, that you will then have to kick in for money that will be set up under resolves," because that money that you are not calling for is far in excess of that which we need to operate our State government.

With this simple statement I urge the acceptance of the minority report.

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

Mr. **CHASE**: Mr. Speaker, I think the gentleman from Limestone (Mr. Burgess) has stated the matter fairly. He has called attention to certain technical defects in his bill, a small part of which might be cured by an amendment which I understand he proposes.

I do not propose to discuss the bill at this time as a technical document. If the Legislature wants an income tax, it may be presumed that competent assistance can be obtained to draw on which will fill the specifications when they are known.

The question is, it seems to me: Is an individual income tax a practicable method of dealing with the financial problem of State government?

Now the party platform, to which reference has been made here today, I do not urge upon anyone, except to say that I said, when I ran for this position, that I was going to follow it and that I hoped

that would be the basis of my program. I am not trying to persuade anyone else at all, but under those circumstances I must point out that this particular measure does not comply with the Republican Party Platform.

An income tax, no doubt could be drawn to comply with the Party Platform, but if assessed at practicable rates it would have to be both on individuals and corporations.

Now the elimination of corporations from this bill raises at least three very important points. In the first place, under this bill all you have to do to evade it and get out of it is to incorporate, and to incorporate in this State, for a small individual business man or for a professional organization, is a very easy business, and that is all you have to do.

Now this bill, in section 5, on page 11, amends in major respects the definition of personal estate, which is taxable in this State, and it strikes from taxable personal estate, which applies and must apply both to individuals and corporations under the terms of the Constitution, it strikes out of personal estate taxable all obligations for money or money at interest and debts and public stocks and securities and these various items of rights and credits and including, in the last clause, "all other property included in the last preceding State valuation for the purposes of taxation." Those things are eliminated from personal estate taxable both to individuals and corporations.

You are going to get nothing from the corporations under this tax which is on individuals. You are going to get nothing from the corporations under this tax, which is on individuals, but the amount of their property today which is taxable and presumably is considered in assessing and taxing them in this State to the amount of hundreds of millions of dollars, is completely eliminated from personal estate taxable, and it must be; if you exempt for individuals, you must exempt for corporations, for the corporations are relieved and the corporations don't pay.

Now if we are going to have an income tax as a basis for finance

in this State, for those two reasons and for other reasons which I will not take the time to go into, corporations, it seems to me, must be included. The bill has numerous technical defects. I will not refer to the minor ones, but it bases the tax — the bill is hitched to the Federal kite — and in the line which the gentleman would leave in the bill "net income is defined" and the definition of net income to which reference is made, in the Internal Revenue Code, runs from page 31 in the Internal Revenue Code to page 54, and that definition, which we take in toto presumably as it now is, as he proposes to amend it so that hereafter it will not apply, that definition was not applied and interpreted and ruled upon by a great mass of other Federal legislation.

I think, Mr. Speaker, I will say no more about the bill. It has been my constant effort in this Legislature to work for a sales tax in which everyone would participate. The reason why the average individual will pay less under the sales tax than he will under the income tax is because the sales tax derives a very substantial revenue from business from which this income tax would receive nothing.

Therefore, Mr. Speaker, I hope that the motion of the gentleman from Limestone (Mr. Burgess), will not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I shall vote for this bill. It is a major tax and it fulfills the promise that I made from the floor of this House a few weeks ago. I also stated that I felt that we should do the job ourselves. If we have an opportunity, however, to feel out the people by checking back, I think it is well that we should go along with what their wishes could be and would be.

This sales tax proposal that has been going from one branch to the other has been before the people twice. The first time it was defeated by some forty thousand votes. The second time there was a bonus bill tied to it, the special session bill, and that was defeated by sixty thousand votes. The only time an

income tax was ever placed before the people it was defeated by less than ten thousand votes.

The thought was brought about — someone mentioned that we did not believe in the people of Maine. I say that when you defeat this tax, you do not believe in the people of Maine, in at least their wishes.

The fact was also brought out that cigarettes, liquor and gas were not based on the ability to pay, but the ability to buy. I will amend that slightly and say that cigarettes, liquor and gas, in my opinion, are based on the privilege to enjoy. No one of the three certainly can be termed a necessity.

Now I have also procured myself this document that is rather burning my fingers, the Republican Platform. I would like to read to you the part of that platform that says "Finance and Taxation." "We favor and propose to effect a revision of the State tax system. An essential feature of such revision must be the abolition of the State property tax on the municipalities." It is obvious now that this would be unconstitutional because I do not think that you can take the cities and towns out of the property tax field and tell the unorganized towns: "We will put you into the property tax field." And that is what this Maine School District deal is all about.

"The funds required by the State to replace the loss in property tax revenue, together with such additional funds as may be required to meet other proven needs, should be raised by new taxes to be levied upon the broadest base consistent with fairness and ability. We urge the Legislature to enact forthwith, and upon its own responsibility, such tax measures as may be deemed fair, equitable and adequate for proven need consistent with our party policy here expressed."

True, it says here that the party platform that your convention adopted states that you would get out of the property tax field; there is not one word here mentioned about a sales tax or an income tax, so when some of my Republican friends, after our own convention told me that "we ducked as usual", I think you people did a little duck-

ing yourselves before the election. It is the old story of telling your town or city auditor, "show us those blue figures before the election and let us know the worst after the election."

As to the gentleman from Cape Elizabeth, Mr. Chase, and I mean it very seriously, as a legislator and as a citizen of Maine, sincerely, in that I have taken issue with him once or twice, he makes the remark —I have a great deal of respect for him, and I mean that sincerely—I do not question his wanting to go along with the wishes and the promises of the party platform because I am told by a few Republicans that he wrote it. I have heard that here a hundred times, if I have heard it once.

Now I would like to ask how many members of the Legislature in the Democratic Party were members of the platform committee at our convention last March 23rd, 24th and 25th; I would like to ask you to raise your hands, all of you members who were on the platform committee. I will raise mine. I am the only one here, and believe it or not, if you will read the paper of March 26, 1950, you will see that I objected to my own party platform because I didn't like the "ifs" in it. I wanted to vote for a major tax. I felt then that we needed more revenue, not what you people want but we needed some new revenue.

Now in regard to this platform, let me say that we met at eleven o'clock Friday evening, and adjourned at 5:15 Saturday morning, shaved and changed our clothes and came back at nine o'clock and it was a bedlam. We had another meeting of the committee, and if you have seen disunity, there it was. Now they tell me there might have been a little disunity in your convention. I would like to ask the members sitting here if they would be kind enough, those who served on the Republican platform, to raise their hands.

The SPEAKER: The Chair will rule that he must inform the gentleman that that particular request is out of order.

Mr. JALBERT: Well, so be it, but I didn't see too many hands raised, they tell me it was unanimous.

Mr. Speaker, I still maintain, and it was a very odd thing, and I think no member here can dispute this fact, that it seems that the legislators for the past few years have signified their wishes of wanting a sales tax, yet I have visited some towns and cities of the members of the Legislature and asked the people what they wanted for a tax, and the first answer was "no tax", but they want more services. Then when we explain to them and ask them "What would you take for a tax if you had to have one?" And the ratio was four to one against the sales tax and four to one for an income tax. Before stating that I like to have us place ourselves on the record, I will state this: We must bear in mind that right at the present sitting I think that the big issue is not necessarily taxation; it seems to me that it might be "Shall we or shall we not go out of the property tax field?" There is a question from our Judiciary whether or not we can. I certainly hope we cannot. I am willing to go on the record on this one. When the vote is taken, I move that it be taken by the yeas and nays.

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: I am more amused than depressed to have a Democrat interpret the Republican Platform and tell us what to do.

I merely want to call attention to one little point: We have a great many summer visitors who come here that will help pay the sales tax if we pass one. They will be perfectly willing to do so and not one of them will stay out of the State because we have such a tax, but they pay nothing on an income tax.

I am against the motion of the gentleman from Limestone, Mr. Burgess.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I shall vote in favor of the motion of the gentleman from Limestone, Mr. Burgess, to keep this tax bill before us alive. I signed the minority "Ought to

pass" report for that same reason. I feel that perhaps we should do a little railroading around. It seems too bad to bring politics into this thing all of the time. We are all Republicans and Democrats, sent down here to do the best job we know how for the people of the State of Maine, but I, being a Republican, naturally pay some attention to the platform before me, and as it has been read a couple of times I will not bother to go through it, but at the bottom of it and I quote: "We urge the Legislature to enact forthwith and upon its own responsibility some such tax measure as may be deemed fair, equitable and adequate for proven need."

All of you have heard my opinion on proven need. At the present moment the Appropriation Bill is far beyond proven need. I am hopeful, very hopeful, that when we get our hands on it again, we will decide that we can do with much less money.

I was a little disappointed this morning in our esteemed Floor Leader in the procedure—taking a man away from his breakfast—(Laughter) but it was the understanding, when it was on my motion that the bill came out of the committee, that it would be allowed to be tabled. The bill came out of committee at the same time that Mr. Burgess' bill did and Mr. Bubar's bill, but it did not arrive here until this morning, and as usual Harry was late, but be that as it may, we didn't duck the issue and we carried on the best we could on an empty stomach, which wasn't very good, I'll admit. I met defeat. I expected to.

I am not feeling too badly about that because the gentleman from Cape Elizabeth, Mr. Chase, still has a bill in committee, about the same thing, only the usual seven and a quarter mills, and we can add to that if we need to; but I do take a little exception to the leaflet which he sends around. I will quote from it. This is a private circulation which he sends out to his constituents: "In the meantime sponsors of other tax bills, Burgess, Individual Income Tax, Bubar, Gross Income Tax, Rollins, Increase the State Property Taxes,

and so forth, are holding back on testing support of their measures, possibly in hope that one of these may be alive when all else seems dead. Content that their bills have not had a chance, they deny them the chance when it is offered. By this sense of obstructive system, the efforts of the majority have been wrecked in two Legislatures. It may happen again."

It may happen again, Ladies and Gentlemen, if we cannot pass the bill that our able Floor Leader wants passed. That is the situation before this House today.

There is one thing that I want to get in here right now and that is this movement which I understand stems from headquarters to move the previous question. I think that is absurd. I think it is absolutely wrong. I have fought for it time and again, for a man's right to speak, and then I would get up and vote against him, and I think we are carrying the thing a little too fast when we just jump the previous question in and stop the argument saying "Well, there is nothing left, nothing left; that is all there is left." That is the reason I am supporting the gentleman from Limestone, Mr. Burgess, so that there will be something left, and we are not going home, I have told you from the start, and I have always been what they call the economy group, I am not going home without taking care of the State's needs. I don't care how long we stay here, but I will reiterate again that we have talked and we have been here going into the fourth month, nearly—we have nearly completed the fourth month, and we have talked almost entirely on the sales tax, which is unfair and unjust. This tax is a tax which, according to my interpretation of the platform, is a fair, equitable and adequate tax for proven needs, and I trust that the members of this House may see that in that light.

This morning I would like to correct perhaps an opinion. Our capable Floor Leader made quite a lot of "dishonest assessment." I don't think I called it dishonest assessment. If I did, I certainly did

not mean to. I have not said that anyone made a dishonest assessment, but I do say, and I thought I did say this morning, "unfair assessment" and to carry out my point, and the fact remains that we still have a bill coming to us to revalue the State of Maine, which I feel is the just thing to be done, and I have heard the gentleman from Cape Elizabeth himself say of a certain good-sized community, one I will only mention and I could name them all night, that in a total valuation of \$11,000,000 there is one plant in that community that is worth \$40,000,000. Now I don't call that fair assessment. Do you?

I shall vote for this tax, as I say, to keep it alive, to keep this before this Legislature, so that we won't be down in a corner and just have one thing and have to vote for it, and I hope the motion of the gentleman from Limestone (Mr. Burgess) prevails.

The SPEAKER: Is the House ready for the question?

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

Mr. CRABTREE: Mr. Speaker, I had not intended to speak on this measure, but it occurs to me that there might be a total stranger in the House who might get the idea that our Floor Leader is all alone, and I don't want any such opinion to prevail because my opinions and his exactly coincide and I can lend a little weight, possibly, to him. (Laughter.)

I have been continually and everlastingly impressed with the lucidity of Mr. Burgess from Limestone, and that is why I am so doggoned puzzled at this cumbersome thing here, Number 666, because it is not like him. He is usually so clear; he has clarified so many things for me in my abysmal ignorance since January 1st, that I was sure he was going to prove to me that this was a splendid document instead of what seems to be an alleged self-purifying delusion and snare. (Laughter)

As near as I can make out, with what few brains I have, the low-income man or woman is a whale of a lot better off with the sales

tax that we have talked about. I don't like the idea of everybody that has an income of \$600 or more having to fill out one of these little bits of papers, although it said that a child of eleven, or seven, or something, could fill it out. There are going to be an awful lot of busy kids seven to eleven, and I am afraid, if I read this thing right, of the nuisance features of it. Of course there are a lot of us that are kind of allergic to sales taxes and to income taxes anyway, and I don't believe anyone has mentioned the fact that we have some pretty good residents in the State of Maine, who have moved here to get rid of the nuisance, and maybe the money too, of an income tax, and some more of them are coming in, and they are good citizens, worthy citizens. That is the thing that ought to be considered, it seems to me.

Now another thing that occurred to me as I listened to this discussion was that industry didn't seem to be paying under this Number 666 their fair share of taxes, and I believe in the other sales tax, as we have come to call it, in that measure they do pay their fair share, and I don't like the idea that in order to escape this tax all you have got to do is incorporate. We would be worse off than Delaware.

There are many other things about this that I don't like, but I am not going to take up your time, but for Heaven's sake, let us not throw out the baby with the bath water. (Laughter)

The SPEAKER: Is the House ready for the question?

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

Mr. BURGESS: Mr. Speaker and Members of the House: May I have just about one minute of rebuttal, and then I promise you I will keep still.

With all due respect to the very able, competent and considerate Committee on Taxation, I submit to you that this bill could have been remodeled in committee and the defects which I have pointed out, and if there be others, could have been eliminated. They still can if you wish this type of taxation.

I hope you will not be misled by

any statement that has been made that the low-income person will pay more under an income than he will under a sales tax, because that is not so. I should be in favor of the sales tax because as it now stands we have exempted every blooming thing that I am interested in excepting a new automobile and a suit of clothes. However, I am sure not in agreement with it.

I hope you will seriously consider one more point which has not been mentioned, and which I firmly believe has not been given enough consideration, and in making this statement I hesitate because you can accuse me of thinking of certain sections of the State, but I am convinced that from the farmer's standpoint, under the other type of taxation which is under consideration, even after eliminating those items which are exempt, that the two percent sales tax on his purchases throughout the year, and on the containers for the shipment of his crops, which I understand are not exempt, except the consumer container, that he will pay a sales tax of almost one-half of what his local property tax is at this present date. He is a great purchaser of things. Now I admit that if we are going to have a tax, the people have got to pay it. It does not, however, reflect ability to pay, and I am opposed to a tax which will tax the widow and the orphan or the man who is unemployed or any other type of people who are losing. I believe it should be based on ability, and that is what this proposes.

I hope you will seriously consider how it is going to react at home and also seriously consider economy, and if you consider economy, you will consider this type of bill which does not propose to assess all-out-doors away from our people.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House accept the minority report "Ought to pass" of the Committee on Taxation on Bill "An Act Imposing a Personal Income Tax."

The gentleman from Lewiston, Mr. Jalbert, has requested a roll

call. All those who desire that the yeas and nays be taken will rise and stand in their places until counted and the monitors have made and returned the count.

Thirty-one members arose.

The **SPEAKER**: One-fifth of the members present having expressed their desires for the yeas and nays, the yeas and nays are in order.

The Chair will repeat the question. The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House accept the minority report "Ought to pass" on Bill "An Act Imposing a Personal Income Tax, H. P. 1133, L. D. 666.

Those in favor of accepting the minority "Ought to pass" report will say yes when their names are called and those opposed will say no.

The Clerk will call the roll.

#### ROLL CALL

**YEA**—Albert, Barton, Brown, Bailleyville; Bubar, Burgess, Castonguay, Chaples, Chase, Belgrade; Cote, Couture, Delahanty, Dostie, Edwards, Emerson, Farley, Fenn, Fogg, Frechette, Gowell, Hamilton, Hancock, Hanson, Lebanon; Hanson, Machiasport; Jalbert, Kelly, Lacharite, Letourneau, Littlefield, Madore, Martin, Eagle Lake; O'Dell, Parent, Perry, Phillips, Robbins, Rollins, St. Pierre, Walls, Williams, Wood.

**NAY**—Albee, Archer, Bailey, Bearce, Caribou; Bearce, Hebron; Berry, Boothby, Bradeen, Brown, Robbins-ton; Brown, Wayne; Bucknam, Bur-kett, Campbell, Carter, Carville, Cas-well, Center, Standish; Chase, Cape Elizabeth; Chase, Whitefield; Clapp, Clements, Cobb, Cole, Crabtree, Dag-gett, Davis, DeBeck, Dennison, Dickey, Dow, Falmouth; Duquette, Fay, Fin-negan, Fuller, Bangor; Fuller, So. Portland; Gay, Gilman, Gosline, Hall, Hand, Hawkes, Hayes, House, Hussey, Ingraham, Jacobs, Jacoby, Jamieson, Jennings, Keene, Knapp, Lackee Lar-rabee, Leavitt, Lord, Lovely, Low, Ludwig, Macomber, Maguire, March, Martin, Augusta; Martin, Frenchville; Maxwell, McGlaulin, Moffatt, Mor-neault, Moulton, Nadeau, Nowell, Parker, Patterson, Peterson, Phil-brook, Pierce, Plummer, Potter, Ricker, Roberts, Roundy, Sanborn, Senter, Brunswick; Sinclair, Spear, Stevens, Stewart, Story, Taylor, Ly-man; Taylor, Norridgewock; Thomas, Jr., Totman, Travis, Turner, Vaughan, Watson, West, Winchenpaw, Wood-cock, Woodworth.

**ABSENT** — Bates, Dorsey, Dow, Elliot; Dunham, Gerrish, Harding, Jones, Latno, Lessard, Wallace.

Yes 40, No. 99, Absent 10.

The **SPEAKER**: Forty having voted in the affirmative and ninety-nine having voted in the negative, ten being absent, the motion did not prevail.

On motion of Mr. Chase of Cape Elizabeth, a viva voce vote being taken, the majority "Ought not to pass" report of the committee was accepted and sent up for concur-rence.

The **SPEAKER**: The Chair now lays before the House the fourth item of unfinished business, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Agriculture on Bill "An Act relating to Dealers in Livestock," H. P. 1398, L. D. 1011, tabled on April 6 by the gentleman from Auburn, Mr. Turner, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. **TURNER**: Mr. Speaker, I move that the House accept the "Ought to pass" report of the Com-mittee on Agriculture.

The **SPEAKER**: The gentleman from Auburn, Mr. Turner, now moves that the House accept House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Agriculture on Bill "An Act relating to Dealers in Livestock," H. P. 1398, L. D. 1011.

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

A viva voce vote being taken, the motion prevailed.

Thereupon, under suspension of the rules the bill was given its two several readings.

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

**COMMITTEE AMENDMENT "A"** to H. P. 1398, L. D. 1011, Bill "An Act Relating to Dealers in Live-stock."

Amend said Bill by striking out the last 3 paragraphs thereof and inserting in place thereof the 3 following paragraphs:

"Licensed dealers selling cattle over 6 months of age [to other than recognized slaughtering establish-ments for immediate slaughter] except as provided above shall fur-nish the purchaser with a health



certificate showing the date of the last known test for Bang's disease and tuberculosis. If the last Bang's disease test was made over 30 days previously he shall cause the cattle to be retested. If the last tuberculosis test is unknown or was made before 3 years previous to the time of the transaction he shall cause the cattle to be retested by an accredited veterinarian. The form of health certificate and the issuance of the same shall be at the direction of the commissioner or his duly authorized agent.

A licensed dealer shall at all times keep his motor vehicles or trucks and premises in a sanitary condition. No cattle known to be affected with tuberculosis or Bang's disease shall be transported in any vehicle with other cattle except those going directly for slaughter.

All motor vehicles, trucks or other conveyances used to transport known reactors to tuberculosis and Bang's disease shall be cleaned and disinfected before being used for the transportation of any other livestock.'

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Gosline.

Mr. GOSLINE: Mr. Speaker and Members of the House: I rise to oppose the motion of my friend, the gentleman from Auburn, Mr. Turner. —

The SPEAKER: The Chair will state that the pending question is on the adoption of Committee Amendment "A". Is it the pleasure of the House to adopt Committee Amendment "A"? All those in favor of adopting Committee Amendment "A" will say aye; those opposed, no.

The Chair recognizes the gentleman from Gardiner, Mr. Gosline. The question before the House is on the adoption of Committee Amendment "A". Does the gentleman wish to be heard on the adoption of Committee Amendment "A"?

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

Mr. PARKER: Mr. Speaker and Members of the House: As I understand Committee Amendment "A"—Mr. Speaker, I think perhaps I am out of order. Committee Amendment "A" is the one that calls for a test within 30 days?

The SPEAKER: The Chair does not undertake to interpret committee amendments. Committee Amendment "A" which is now under consideration is filing number 166.

Mr. PARKER: 166, Mr. Speaker?

The SPEAKER: Yes.

Mr. PARKER: I have no objection to that, Mr. Speaker.

The SPEAKER: All those in favor of adopting Committee Amendment "A" will say aye; those opposed, no.

A viva voce vote being taken, Committee Amendment "A" was adopted.

The SPEAKER: The gentleman from Auburn, Mr. Turner, now presents House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

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

HOUSE AMENDMENT "A" to H. P. 1398, L. D. 1011, Bill "An Act Relating to Dealers in Livestock."

Amend said Bill by drawing a line through the figures "30" and inserting immediately thereafter the underlined figures '90' in the 2nd sentence of the 3rd paragraph of said Bill.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Gosline.

Mr. GOSLINE: Mr. Speaker and Members of the House: I rise to oppose the motion of my friend, the gentleman from Auburn, Mr. Turner.

Last night, in the corridor, I overheard him tell the gentleman from Augusta that the reason he tabled the bill was to get my friend, the gentleman from Augusta, Mr. Martin, on his feet. I have a suspicion that that is about the extent of his interest in this bill.

Seriously, this law has been on the statutes for the past two years without complaint as far as I know. At the hearing, no opposition was expressed to it although there were over one hundred livestock men in attendance. The Committee on Agriculture reported out unanimously "Ought to pass."

The only reason for this bill at this time was to add the words "licensed dealer" to the original law and also the word "tuberculosis" with the other infectious diseases. This is a health measure

which ties in with the control of other disease programs. The health of the consuming public is dependent to a large extent on the safety of their food products. I move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Gardiner, Mr. Gosline, moves that House Amendment "A" be indefinitely postponed.

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

Mr. TURNER: Mr. Speaker and Members of the House: Back in '47, I had the pleasure of being a member of this House and this livestock bill came up at that time and it was killed at that time 85 to 18, or something like that. At the last session, nobody seemed to be much interested in livestock dealers and that bill was passed. But there is one clause in that about the testing of cattle every 30 days. If a dealer goes out and buys cattle from a farmer and wants to sell them again, he has got to do it in thirty days, every thirty days; but a farmer, if he tests once in six months that is all he has to do in order to keep his herd accredited. The whole set-up is nothing but a dealers' paradise—a veterinary's paradise. They are making a lot of money out of it. I can't see any harm if the cattle go for ninety days after you turn them out in the pasture that there is any danger of any disease. If a test is any good at all, it is surely good for ninety days rather than thirty and I would like to see that thing changed.

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: This is a bill I had in the Legislature two years ago, a dealer bill as the gentleman from Auburn, Mr. Turner, said. They carried it at that time and I think it has been pretty satisfactory among the dealers since.

This is a bill with which we endeavor to plug some of the leaks in regard to this Bang's disease. The dealers buying stock here and there and everywhere else, and peddling it around to the farmers

and everywhere else. There are no records on them. If a man bought a creature there and he didn't have the records on it or anything, he didn't know whether it was okay or not and this idea of cutting down from 30 days to 90 days, it may be more convenient for the dealer but it also lets in a lot of opportunity for the disease to get in there. Some herd may come out with a disease and if you are going to carry it back 90 days, you are going to lose a lot of the effects of this dealer bill. Since we have had the dealer bill we have gone a long way in clearing up this disease among the cattle. We have pulled out a lot of money here in the State of Maine to accomplish this and we have gone a long ways. Now, it seems to me that a little thing like this isn't going to be too much inconvenience to the dealer and is a safeguard to the farmer or anyone else who is buying. You understand that one dealer can sell to another one without having them tested. This is a change in the bill since two years ago. That eases up on the dealer who sells to another dealer so they both won't have to have them tested.

I think it would be a great mistake to drop that back to 90 days.

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

Mr. CENTER: Mr. Speaker and Members of the House: Your Agricultural Committee has spent a good deal of time in this session of the Legislature trying to stiffen up the regulations as pertain particularly to Bang's disease. The amendment which has been offered to this bill weakens the bill to a point where it practically loses its effect. The gentleman from Auburn, Mr. Turner, has stated that if the test is any good at all, it is certainly good for ninety days. I beg to differ with him in that particular because the incubation period of brucellosis is not definitely known but we do know that it is a short period of time and probably less than ninety days.

I would call your attention to the fact that there is another bill before the Agricultural Committee that will be reported out shortly

unanimously "Ought to pass", which will require the farmer, anyone who sells an animal, to have it tested within thirty days. I believe that that is right and I believe that the dealer should test within thirty days. If you want to protect the industry and protect the public health, defeat this amendment.

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

Mr. TURNER: Mr. Speaker and Members of the House: This bill is wholly a departmental bill. This was set up by the department and I noticed last winter in the paper the veterinaries had a big get-together and they had their pictures taken and who should be right in the center of the picture but Francis Buzzell and if he isn't working as hard for the veterinaries as he is for anyone, I will treat.

Now, I know this bill is all right, this amendment. Now I used to deal in cattle quite a lot of years ago. Now, I have a farm and I turn out a lot of cattle in the spring, and I always test them before I turn them out. But, in this case, if you happen to, say in thirty-one days, if you get a chance to sell an animal you have got to catch her up and get a veterinary and give him \$10, keep her in the barn probably a week before you get your returns back and I tell you it is quite a hardship.

And this department patting themselves on the back for doing such a big job cleaning up Bang's disease, I will tell you what is cleaning it up more than anything else is the price of beef. Beef today at 50 or 52 cents a pound, a man is crazy if he keeps an animal around unless he produces and an animal that is affected with Bang's disease is not a producer and they are asking now, they have on their budget, asking for \$125,000 to eradicate Bang's disease. Now, that is just another Santa Claus. I told these fellows I would go along with them on that deal but I can tell you a lot about it a little later. (Laughter)

The SPEAKER: The Chair recog-

nizes the gentleman from Sebec, Mr. Parker.

Mr. PARKER: Mr. Speaker and Members of the House: I think I have got straightened out on these amendments so that I can talk with some degree of intelligence, possibly.

I just want to bring out the fact to the members of the House that the purpose of the livestock dealers' bill, the purpose of that bill is to protect the person buying an animal in regard to whether it will be infected with brucellosis or whether it will not. The law, as it stands today, says all animals offered for sale must be tested within thirty days with a few exceptions and those exceptions are accredited herds. If we extend this period of time from 30 to 90 days, we are to a great extent allowing the possibility of animals being infected with brucellosis or Bang's disease in those that are sold by dealers. And I say to you that one of the surest ways of defeating the purpose of this whole dealer law is to increase this period when they can be sold without being retested, from 30 to 90 days.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Gardiner, Mr. Gosline, that House Amendment "A" 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.

Sixty-six having voted in the affirmative and twenty-three in the negative, the motion to indefinitely postpone House Amendment "A" prevailed.

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

The SPEAKER: The Chair lays before the House the fifth item of unfinished business on today's calendar Resolve for Development of State Park Facilities H. P. 1125, L. D. 698, tabled on April 6 by the gentlewoman from Bath, Mrs. Mofatt, pending passage to be engrossed; and the Chair recognizes that gentlewoman.

Thereupon, on motion of the gentlewoman from Bath, Mrs. Mofatt, the Resolve was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair now lays before the House Senate Report, "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Tax Lien Law", S. P. 435, L. D. 998, tabled on April 10 by the gentleman from Brooks, Mr. Dickey, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. DICKEY: Mr. Speaker and Members of the House: You are in court this afternoon. The case before you is L. D. 998, An Act relating to Tax Lien Law. You are the jury. You must assume that seven members have been challenged by seven lawyers on the Committee on Judiciary because this afternoon they are defendants. They must defend their opinion of "Ought not to pass" on this case.

I will try to show you what happens under this bill. When a tax is not paid in the town there are five different copies, there is a ten-day notice, a notice to the holder of the mortgage, a notice to the man that owns the land. We don't need those three copies, they can file them in Senator Barne's round file. All we have now before us is the copy for the Register of Deeds and the Treasurer's copy. Under the present law, the treasurer takes these two copies to the register of deeds. They are indexed and they are printed in their books and filed in a binder. The fillers for these binders in my County of Waldo run around the neighborhood of \$50, and this binder costs around \$50 and the clerks in the registry have to print it in this book and stamp the copy of the register of deeds, stamp the copy of the treasurer's report, send them back to the town and the clerks have to proof read all these copies and it is quite a long job and involves quite a lot of work.

Under this bill, the case before us this afternoon, L. D. 998, they still have these two copies, the copy for the treasurer and the copy for the register of deeds. What we would like to do is to have you accept this bill whereby the original copy for the register of deeds

is filed and that is the original copy and it is bound in a cheap binder, you can probably buy it for \$10. That is a very simple procedure and will save a lot of money.

Therefore, I move that the House substitute the bill for the report in non-concurrence.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that the House substitute Bill "An Act relating to Tax Lien Law", S. P. 435, L. D. 998, for the "Ought not to pass" report of the Committee on Judiciary.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I merely say that the Judiciary Committee carefully considered this bill and they reported "Ought not to pass" and I won't spend any time arguing.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I gathered as much that they didn't want to spend any time on this. Evidently, they don't want to save any money. Waldo is a small county. They figure in Waldo County they have an average of 1300 of these tax liens filed every year.

As I mentioned before, the binders cost around \$50 apiece, and the fillers cost around \$50 to fill that binder. The average in Waldo County we will say will be \$500 a year, or \$1,000 a biennium. I think that is well worth saving; it certainly is in Waldo County. And the different lawyers or individuals who go to Waldo County know that there is a very efficiently run registry. I assume all the registries in the State of Maine are the same, at least I hope so. As I say, a saving of approximately \$500 a year or \$1,000 a biennium is quite a big figure. Assume down there in Waldo County that nearly fifty per cent of these tax liens are taken care of within eight or nine months. On the record, it shows that about five per cent of all the 1300 tax liens that are filed in Waldo County go over the expiration date of eighteen months.

I have heard quite a lot from the gentleman from Portland, Mr. McGlaulin, on various other arguments on consideration of reason. I realize in this bill that he assumed that it wasn't worth while, they only had it one day, they didn't want to bother with it, they turned it out the next day. So I don't think there was much consideration with it; therefore I don't believe they used much reason in their opinion.

And that is all we are asking for here, members, is their opinion. As I said before, we are the jury, and I still believe that this is a good bill, it would save the County of Waldo \$1,000 a biennium. If you will read L. D. 998, there is an emergency preamble on there. We wanted to save that \$500 this year but they said they were in haste to turn it out and they certainly did but it wasn't quite in time for the emergency to do us any good this year. So, if you will go along with my motion, I will enter an amendment at the proper time to erase that emergency preamble, because it wouldn't do us any good this year.

I hope you will go along with me on my motion.

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

Mr. WOODWORTH: Mr. Speaker, your Judiciary Committee does make mistakes and we could be wrong about this. This man buys a piece of land and he sends his deed down to the registry to have it recorded and it comes back to him. The procedure in the case of a tax lien is just the same. The lien is sent to the registry, recorded and sent back. This bill says that instead of sending the lien, the first paper, down and having it recorded and returned that that paper which is sent down will be placed in the records in a book, and become a part of the registry book. It doesn't go back. What goes back is a copy. The argument for the bill is that it saves the register of deeds the time and expense of copying it. If it saves that time and expense in the case of a lien, it would also save that time and expense in the matter of a deed.

Your Judiciary Committee thought that it is for the best interests of

the property owner to keep his own deed; it is for the best interests of the town when it has a lien to keep the original papers. I do not believe that any member of the Judiciary Committee is going to be upset if the House doesn't think so but I repeat: We think that we ought not to take these papers which may be in a more or less dilapidated condition when they get down to the registry and try to make a book of them.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that the House substitute Bill "An Act relating to Tax Lien Law," S. P. 435, L. D. 998, for the "Ought not to pass" report of the committee.

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

A viva voce vote was had.

The SPEAKER: The noes have it unless doubted.

(Cries of "Doubted")

The SPEAKER: All those in favor of the motion of the gentleman from Brooks, Mr. Dickey, that the House substitute the bill for the "Ought not to pass" report of the committee will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighteen having voted in the affirmative and fifty-seven in the negative, the motion did not prevail.

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

Mr. MCGLAULIN: Mr. Speaker, I now move the acceptance of the "Ought not to pass" report.

The SPEAKER: The gentleman from Portland, Mr. McGlaulin, now moves that the House accept the "Ought not to pass" report of the Committee on Judiciary on Bill "An Act relating to Tax Lien Law", S. P. 435, L. D. 998. Is this the pleasure of the House?

The motion prevailed and the "Ought not to pass" report was accepted in concurrence.

The SPEAKER: The Chair now lays before the House the seventh item of unfinished business on today's calendar, An Act relating to

Automobile Travel by State Fire Inspectors, H. P. 1194, L. D. 759, tabled on April 10 by the gentleman from Falmouth, Mr. Dow, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. DOW: Mr. Speaker and Members of the House: This was tabled because it was connected with the same chapter and section as another bill and the other bill as amended, as you probably remember, would place all State employees on the same basis as regards travel expense but through the argument of the Agricultural Department, ably presented by the gentleman from Limestone, Mr. Burgess, that amendment was thrown out and now there is something to which this bill can be tied. So far as I am concerned, the State Fire Inspectors travel over the same roads as any other inspector and I do not know why they shouldn't receive just as preferential treatment as any others and to expedite matters, I will move that this bill pass to be enacted.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that An Act relating to Automobile Travel by State Fire Inspectors, H. P. 1194, L. D. 759, pass to be enacted.

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, is it now the pleasure of the House that it pass to be enacted?

The motion prevailed, and the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House the eighth item of unfinished business, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to the Banking Department," H. P. 1282, L. D. 848, tabled on April 11 by the gentleman from Augusta, Mr. Martin, pending acceptance of the report.

The Chair recognizes the gentle-

man from Southwest Harbor, Mr. Phillips.

Mr. PHILLIPS: Mr. Speaker, I would like to have the privilege of tabling this bill until Monday, April 30th. It is tied in with the tax bill, that is the reason.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Phillips, moves that the House retable the eighth item of unfinished business, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to the Banking Department" pending acceptance of the report and that it be specially assigned for Monday, April 30, next.

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

A viva voce vote being taken, the motion prevailed and the report and accompanying papers were so tabled and so assigned.

The SPEAKER: The Chair now lays before the House the ninth item of unfinished business on today's calendar, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act to Increase the Taxing Powers of Municipalities" (H. P. 1371) (L. D. 953) tabled on April 11th by the gentleman from Fairfield, Mr. Woodworth, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. WOODWORTH: Mr. Speaker, I move that the bill be substituted for the report of the committee.

This seems to be the day for disposing of extraneous tax matters, and I think this one qualifies under that head, and so I would like to tell the House about it.

Several years ago a committee was appointed by the President of the United States according to an act of Congress which came to be known as the Hoover Commission, and it investigated the expenses of the federal government and it recommended certain things which could be done to save money. It went into the matter of taxation. It concluded a number of things. It decided that the federal government took too much of the taxpayer's dollar; it did not leave enough for the State government, and it concluded that the State government took too much of the taxpayer's dollar and did not leave enough

for the municipalities. It recommended that the Governor's Conference and the representatives of Congress and representatives of the municipalities get together and see if they could not split up this dollar in such a way that the town would get enough for its needs, the State would get enough for its needs, and the federal government would get what was left. In other words, they reversed the process.

I prepared this bill to give the towns more money. It is different from the general run of tax bills in that it does not cost anybody any money. I had supposed that the Taxation Committee would be delighted with such a bill, but it seems that it was not. The bills that the Taxation Committee seems to like this year are the bills that cost everybody a whole lot of money.

This bill provides that the town may levy, in addition to the rights enjoyed, any tax which the State does not now levy, with certain exceptions. It further provides that if the State afterwards levies such a tax the town tax dies. The exceptions are generally listed, and they eliminate taxes on public utilities and manufacturers' improvements and things of that sort which are designed to prevent any double taxation or imposition of undue hardship on industry. There is a limit to the revenue which can be realized to a sum equivalent to 15 mills on the dollar of the town valuation. There is a provision that if the town does adopt a tax under this statute that the money will not be spent during the year in which it is raised but it will be kept in the town treasury until the end of the year at which time it will be deducted from the town assessment for the succeeding year, so that it will be a direct benefit to the towns.

There are some imperfections. I have not bothered to correct them. I will have amendments ready if the House is ready to go along with this bill. But to me it seems very peculiar that we have talked so much about doing something for our towns and now when a bill is introduced which will be of direct benefit to the towns, there is no response from the Taxation Committee.

We have repeatedly heard that we ought to pass a tax bill with an emergency clause because if the people are asked to tax themselves they will not do it, yet here is a bill which gives the people the right to tax themselves and the Taxation Committee says "We want no part of it." Why is it?

It seems to me that if you want the people to have the money and you give them the right to tax themselves, if they won't tax themselves the bill will do no harm, and if they want to tax themselves I think it will do good.

I am not going to waste your time any more, but I ask you to remember that when you come to vote for the emergency clause don't be misled by the fact that the people won't tax themselves. They will when they know that they are going to get the benefit of their money. But I am afraid the situation now is that the people do not have the faith and confidence in the central government they once had. They do not like to send more money down to Washington, and I am afraid they do not like to send more money down to Augusta. I think that the proper course is to give them the right to tax themselves and keep their money. The Hoover Commission thought so, and I hope that this House will give some support to the idea. Thank you.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the bill be substituted for the "Ought not to pass" report of the committee.

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

Mr. DOW: Mr. Speaker, since it came to me to report this bill in, I suppose I should have something to say about it. I did not see any enthusiasm among the committee for the bill. It seemed to give the municipalities an opportunity to tax almost anything the State doesn't tax. Personally, I doubt if the municipalities should go into the tax-writing business, and, if they did, I think they would need the gentleman from Fairfield, Mr. Woodworth, or someone equally competent at their elbows to interpret the provisions of this bill. Thank you.

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 bill be substituted for the "Ought not to pass" report of the committee.

As many as are in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion to substitute the bill for the "Ought not to pass" report of the committee did not prevail.

Thereupon, a viva voce vote being taken, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The Chair lays before the House the 10th matter of unfinished business, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Payments to Certain Towns in Lieu of Taxes" (H. P. 1134) (L. D. 701) tabled on April 11th by the gentleman from Raymond, Mr. Edwards, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. EDWARDS: Mr. Speaker, as this bill is covered by other legislation, I move the acceptance of the "Ought not to pass" report.

The SPEAKER: The gentleman from Raymond, Mr. Edwards, moves that the House accept the "Ought not to pass" report of the committee. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the 11th matter of unfinished business, House Report, "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to the Taxation of Domestic Fowl" (H. P. 1448) (L. D. 1043) tabled on April 11th by the gentleman from Hudson, Mr. Chaples, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. CHAPLES: Mr. Speaker and Members of the House: I arise to speak upon this bill. First I will take the committee hearing. At

that hearing I was practically left alone; all I had was one more to speak on it with me. Our representatives were all on committee meetings of their own and could not appear.

Now this poultry industry is the second largest industry that we have in the State of Maine today. They are doing more than a thirty million dollar business and paying a very small amount of taxes. Some towns do not get any. I believe they should be taxed on their stock in trade based on their previous year's business, and that they should be taxed as our merchants are being taxed.

They move all the poultry that they can possibly move out of the State and towns before the first day of April, and some of our towns are completely cleaned out and we get no tax whatever. Now the hens that are kept for laying purposes, those people have to pay a tax on them because they do not try to hide them and get rid of them the first day of April.

Now, Mr. Speaker, I move that we substitute the bill for the "Ought not to pass" report.

The SPEAKER: The gentleman from Hudson, Mr. Chaples, moves that the House substitute Bill "An Act relating to the Taxation of Domestic Fowl" for the "Ought not to pass" report of the committee.

Is the House ready for the question?

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

Mr. PARKER: Mr. Speaker and Members of the House: I rise in support of Mr. Chaples' motion for the reason that, having served many years as selectman and assessor of my town, I am quite familiar with the method of taxing domestic fowl. As the law now reads, those that are on hand April 1st are taxable.

Now many of our leading poultry raisers in the State of Maine are what we call egg-producing poultrymen. In order to build up their flock for egg production it is necessary on April 1st that they have on hand, in most cases, their egg producers, also they have their coming flocks of pullets which will be egg producers later started at that time, and in this way they have their previous year's poultry



that should be taxed; they also have their coming producers which should not be taxed but under the present law are taxable. On the other hand we have a poultry raiser that raises his poultry to a maximum of twelve or fourteen weeks. These producers of poultry market their crop three or four times a year. It happens very often that on April 1st they have nothing in their poultry house to tax, but immediately after, their houses are full.

I believe this bill provides a fair tax for all of the poultry industry in the State of Maine. There are several in my district that keep poultry that have informed me they believe that this would be one of the fairest things that could be done, to tax poultry, and I certainly want to go along with the gentleman from Hudson, Mr. Chaples, on his motion.

The SPEAKER: Is the House ready for the question?

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

Mr. SINCLAIR: Mr. Speaker and Members of the House: I rise to support the committee report on this particular bill. As the gentleman from Hudson, Mr. Chaples, has stated, that he and one other appeared in favor of this bill, I might say that there were a considerable number of opponents who appeared on this matter, particularly the broiler group. I might say that the Secretary of the Poultry Raisers' Association — I don't know whether that is the proper name or not, as I am not a poultry man — but the facts that were presented before the committee were that it was a very exceptional case that an individual cleaned out his poultry pens by the first of April and then moved in a flock right after the first of April. It was brought out that the big broiler operators could not afford to clean out their pens at a certain time and then start in a week or two later, to avoid the tax.

For the record I want to say that the Association and a number of poultry raisers appeared at that hearing in opposition to this bill.

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker, I wish to support this bill because I think it is only fair to the poultry raiser himself. The producer of eggs, as the gentleman from Sebec, Mr. Parker, has told you, pays the taxes on his domestic fowl. Most of these birds which the gentleman from Hudson, Mr. Chaples, is endeavoring to tax are produced by corporations. The birds are put on the farm, the corporations furnish the feed, fuel, chickens, and the producer has no money involved in these birds. They are owned entirely by the corporation. The man that raises the birds receives usually a penny a week for a bird, for his labor, and it is customary in a great many cases, on the first of April or before, to clean these birds all out for the Easter trade. The Easter trade in broilers is always very heavy, and I will go along with the gentleman from Sebec, Mr. Parker, and the gentleman from Hudson, Mr. Chaples, in their statement that these birds are usually cleaned out for the Easter trade before the first of April, and the town receives no revenue whatsoever from these birds while the producers of eggs pays the tax.

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: A member of the Taxation Committee just said that the broiler men presented their case before the committee at the hearing. They stated that they did not clean out their pens as of April 1st. That doesn't sound consistent to me. If they don't clean out their pens April 1st, and they are taxed on their birds April 1st, why should they appear at a hearing asking that the birds not be taxed at that time?

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

Mr. ALBERT: Mr. Speaker and Members of the House: I think the State of Maine is greatly indebted to the poultry industry. Look at the abandoned farms we used to have a few years ago, and now that the poultry industry has moved into the State, these abandoned farms have been occupied by

people who have fixed up their places and now are raising poultry. The fowl, so-called, are being taxed and the farms are giving the towns and cities added revenues because of their occupancy, the increase in the value of the outlying buildings that pertain to these farms.

There are certain advantages in the State of Maine that are very helpful to the poultry industry, namely, the climate and the low cost of operating. I understand, from the Department of Agriculture, that disease is very, very low. However, there are disadvantages. We must bear in mind that they have to transport their poultry from Maine all the way into New York, New Jersey, and there compete with fowl grown in Maryland. I think this bill of my good friend and seatmate here, the gentleman from Hudson, Mr. Chaples, is very unfair, and I move for indefinite postponement of L. D. 1043.

The SPEAKER: The gentleman from Augusta, Mr. Albert, moves that Bill "An Act Relating to Taxation of Domestic Fowl," H. P. 1448, L. D. 1043 be indefinitely postponed.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I am very much in sympathy with the gentleman from Whitefield, Mr. Chase. I am a little puzzled as to what is objectionable about this bill to the poultry people. It simply says that they shall pay a tax on the average amount kept on hand during the preceding year or any portion of that year. Well, if they are now trying to refute this bill, paying, they claim, a tax on the first of April, this bill does not ask for any increase; it just says that in the case of once in a while, when a man deliberately cleans out his house to avoid taxation, he isn't going to escape. That doesn't say that you are going to tax him any more than he would ordinarily pay.

I don't understand what is so wrong about the bill, and I don't understand why there are a lot of people against it. I would be glad to hear someone on the Taxation Committee explain where it is going to increase the burden.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Augusta —

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

Mr. NOWELL: Mr. Speaker and Members of the House: I rise in support of the bill of the gentleman from Hudson, Mr. Chaples. Having served as tax assessor for some of the small towns, I do realize that some of these houses are thoroughly cleaned out the first of April, and I think it is nothing more than fair that these wholesale broiler dealers should pay their proportional part. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. ROLLINS: Mr. Speaker and Members of the House: It seems to be a taxation day, and I hesitate to arise upon this question with the record behind me on the ones that I have been on but the gentleman from Bangor, Mr. Totman, would like to hear from the members of the Taxation Committee. I happened to be a member of that committee, and as I remember, this was a unanimous "Ought not to pass" report. It was one of the few that our committee put out. After hearing all the arguments and all the evidence, we felt that, as has been reiterated here by my friend, the gentleman from Augusta, Mr. Albert, the great increase in the value of the property in many of our towns far offsets crowding this industry at this time. The competition at this time is very severe, over the State, especially in Waldo County. It is a big industry, and it brings in a pile of revenue, and I feel, from hearing the arguments in the Taxation Committee, that on one bill at least the Taxation Committee was sound in their unanimous report, and I hope that the motion to indefinitely postpone prevails.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Hudson, Mr. Chaples.

Mr. CHAPLES: Mr. Speaker and Members of this House: The majority of these chickens are raised in places wherein the farmer or the man that raises them pays the

taxes on his building, and they are not paying on their fowl.

In understand this has helped to build up some pretty good hen-houses in the State of Maine. However, every old barn, every old shed, two woolen mills that I know of and one tannery that I know of is filled up with chickens, but they are not paying the taxes on those buildings; the people who own the buildings are paying the taxes. They tell me that these chickens are turned over four times a year, and therefore I say that they should be taxed.

Now they have nothing to do with the buildings. No man here can stand up and say that they pay taxes on the buildings, because they do not; they don't even pay taxes on the equipment that is inside of the buildings, therefore I hope that the motion of the gentleman from Augusta, Mr. Albert, 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 Augusta, Mr. Albert, that House Report "Ought not to pass" of the committee on Taxation on Bill "An Act Relating to Taxation of Domestic Fowl" with the bill, be indefinitely postponed.

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

The SPEAKER: The gentleman from Hudson, Mr. Chaples, requests a division.

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

A division was had.

The SPEAKER: Thirty-five having voted in the affirmative and fifty-seven having voted in the negative, the motion does not prevail.

The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples, that the House substitute Bill "An Act Relating to Taxation of Domestic Fowl" for the "Ought not to pass" report of the Committee on Taxation. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

The SPEAKER: The Chair lays before the House the 12th item of unfinished business, House Report "Ought not to pass" of the Committee on Welfare on Resolve Providing for a State Pension for Donald M. Laughlin of Plantation No. 33 (H. P. 1381) tabled on April 11 by the gentleman from Ellsworth, Mr. Dunham, pending acceptance of report.

The Chair recognizes the gentleman from Belfast, Mr. Clements.

Mr. CLEMENTS: Mr. Speaker, I note the absence of the gentleman from Ellsworth, Mr. Dunham. He tabled this at my suggestion to enable him to find out just why this report came out "Ought not to pass." I assure you that he is satisfied with the report of the committee, so I move that the "Ought not to pass" report be accepted.

The SPEAKER: The gentleman from Belfast, Mr. Clements, moves that the House accept the "Ought not to pass" report on Resolve Providing for State Pension for Donald M. Laughlin of Plantation No. 33 (H. P. 1381)

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

The SPEAKER: The Chair lays before the House the 13th item of unfinished business, Committee Amendment "A" to Bill, "An Act Relating to the Salary of the Mayor of the City of Lewiston," S. P. 313, L. D. 664, tabled on April 11th by the gentleman from Lewiston, Mr. St. Pierre, pending adoption; and the Chair recognizes that gentleman.

Mr. ST. PIERRE: Mr. Speaker and Members of the House: Before I move to concur with the Senate, I wish to say that this pertains to one of my friends in Lewiston, and I told him I would take my stand

on the floor of this House as a matter of record.

I am pleased to be serving my third term in this House. During my service I have been willing to listen to both proponents and opponents of any measure. This bill has presented the first case where I have been ordered to support a bill, and I mean ordered, to support a bill—this time by the Mayor of Lewiston, which I resent very much, because he appointed me on the city board.

The people of Lewiston elected me to represent them, not to be dictated to by anyone. He has been asked to state his position publicly, but has refused to do so. In such a case the salary of the Mayor of Lewiston should be left to a vote of the people of Lewiston. My sentiment is that we should concur with the Senate, and therefore, Mr. Speaker, I move that we concur with the Senate.

The SPEAKER: The question before the House is on the adoption of Committee Amendment "A" to Bill, "An Act Relating to the Salary of the Mayor of the City of Lewiston."

Does the Chair understand that the gentleman moves to adopt the amendment?

Mr. ST. PIERRE: Not this amendment, Mr. Speaker. There is a Senate amendment that is supposed to be attached to that. It is here somewhere, I believe.

The SPEAKER: There is a Committee Amendment "A" that is pending, the Chair would inform the gentleman, and there is also a Senate amendment.

All those in favor of adopting Committee Amendment "A" will say aye; those opposed, no.

A viva voce vote being taken, Committee Amendment "A" was adopted.

The SPEAKER: The Clerk will read Senate Amendment "A."

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

SENATE AMENDMENT "A" to S. P. 313, L. D. 664, Bill "An Act Relating to the Salary of the Mayor of the City of Lewiston."

Amend said Bill by inserting at the beginning of the 1st paragraph there of the following: 'Sec. 1.'

Further amend said Bill by adding at the end thereof the 2 following paragraphs:

'Sec. 2. **Effective date.** The provisions of this act shall be retroactive to March 19, 1951.

**Local referendum; effective date.** This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the city of Lewiston at the next regular city election. For the purposes of such election the city clerk shall reduce the subject matter of this act to the following question: "Shall the Act Relating to the Salary of the Mayor of the City of Lewiston, passed by the 95th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election. The result of said vote shall be declared by the municipal officers of the city of Lewiston and due certificate thereof shall be filed by the city clerk with the secretary of state.'

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

Mr. BURGESS: Mr. Speaker and Members of the House: I do not wish to enter into any controversy relative to any of the elected officials or employees in the City of Lewiston, but as the House Chairman of the Committee on Towns and Counties which heard the bill which is now under consideration, I feel it my duty to explain to the House, prior to your vote on the Senate amendment, a little bit about the history of the case.

Senator Boucher of Androscoggin County introduced L. D. 664, which provided an increase in salary for the Mayor of Lewiston from the current \$1500 set by statute to \$4500. At the time of the hearing the Senator perhaps had a change of heart to the extent that perhaps \$4500 was too high. He suggested to the committee that perhaps \$3000 would be adequate to pay for the Mayor of that city. The committee amendment which

you have just adopted changed the proposed salary change which is represented in the bill from \$4500 to \$3000. Later, when the committee's report reached the other body of the Legislature, the same Senator had another change of heart and offered Senate Amendment "A" which is nothing more than a referendum amendment which would, if adopted in both branches, require that the people of the City of Lewiston vote on the salary of their mayor.

Now I have no personal interest in the affair one way or the other. I do believe that this House should consider the office of mayor and not the present or any other incumbent of that office. I cannot speak for the committee with respect to this local referendum, but I certainly would have voted against it had it been proposed in the committee.

Now with a firm conviction that there has been a double-cross along the line, and believing that if the salary of the mayor is going to be voted on in the City of Lewiston that the salaries of a great many other people should also be voted upon, I am now going to move the indefinite postponement of Senate Amendment "A."

**The SPEAKER:** The gentleman from Limestone, Mr. Burgess, moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Lewiston, Mr. St. Pierre.

**Mr. ST. PIERRE:** Mr. Speaker and Members of the House: I do not believe that it was a question of double-crossing as the gentleman from Limestone (Mr. Burgess) just said. I just want to read a few remarks by the gentleman from Lewiston when he was here at the 93rd Legislature and 94th. The gentleman was always for the referendum question. He was always on his feet here in this House in the 93rd and 94th Legislature on the referendum question; he presented the referendum question. That is why I felt we should let the people of the City of Lewiston decide this question.

The other day in Lewiston a gentleman resigned, and the Board of Finance had to replace this gentleman and they felt they

should give him a little bit more money. This same gentleman is opposing that. What is good for the other gentleman should be good for him too. If he is opposed to a raise he should be opposed to this one.

I won't take much of your time, but I want to read you his remarks on one of the measures on which he proposed an amendment:

"I call this bill one of the meanest bills I ever saw." He wanted to pass that over the taxpayers of the City of Lewiston without a referendum question. That is one of them. Here is another: "Mr. Speaker and Members of the House: My reason for offering this amendment is that I want to give a chance to the people of Lewiston to vote on this referendum question and decide whatever they would like to change."

Now is that enough? He was over here crying on his feet for a referendum, and now he tells me and orders me, just because he appointed me to a board, to lick this referendum question. He had me in the hallway right out here, and he came down here and lobbied for his own bill. The other day he sent a man over here to lobby, and yet he is against a good man to replace the Health and Welfare Department investigator in the City of Lewiston. I do not call that fair. I think it should be left to the City of Lewiston to decide this question.

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

**Mr. COUTURE:** Mr. Speaker and Members of the House: I had a bill in here with reference to the elected Mayor of the City of Lewiston, Ernest Malenfant, that came out in a report "Ought not to pass." I introduced this bill because I know our mayor of the City of Lewiston is doing a job that will not be forgotten for a long time. I had those bills to give him the right to consolidate these jobs so as to give him the power to do a job in the City of Lewiston on the charter that the people of the City of Lewiston are living on today. So I see he did not read this bill at all because he is doing the job now. He has come pretty close to getting everything that he wanted to because the man is liked. If a man

is doing that much work I think he should be given credit for it, so I hope the motion for indefinite postponement prevails.

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

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

Mr. DELAHANTY: Mr. Speaker and Members of the House: I am really this time admonished to silence, but I feel that I would like to straighten this matter out if at all possible.

The Mayor of the City of Lewiston, in 1939, when the present charter was inaugurated, received \$1200. Since that time, along the line, there has been an increase in that salary of three hundred dollars. The increase now would double the present salary.

The Mayor of the City of Lewiston is the chief magistrate who presides over the City Council and is Chairman of the Board of Finance. The members of the Board of Finance, of which there are five, receive \$400 apiece; the members of the City Council, of which there are seven, receive \$300 apiece. It is my candid opinion that the members of these boards do as much service for the City of Lewiston for this salary as the mayor does for the salary he is now receiving.

I have had my differences with the gentleman who is now Mayor, but I am speaking not of personalities but of the position. The men who devised the present system of government in the City of Lewiston felt that \$1200 was sufficient. That was, as I say, raised. I feel that it should be left to the people of the City of Lewiston now to decide whether they should raise his salary or the salary of that office to \$3000. I am confident that if you members of this House will go along with this measure that I will attempt to work out with the other members of this House and the sponsor of the bill a solution to the particular problem. I hope that you will vote against the motion to indefinitely postpone.

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

Mr. COUTURE: I hate to take issue with my friend, the gentleman from Lewiston, Mr. Delahanty. I think it is the opinion of the people of the City of Lewiston that the referendum should not be attached. I want to recall to him what \$1200 was worth several years ago and what \$1200 is worth today. We have voted for raises here in this House for different judges and other officers; they were voted upon and granted. Now I want to say to the gentleman from Lewiston, Mr. Delahanty, who is so much in favor of having the referendum on this certain bill because Mr. Ernest Malenfant was elected Mayor: when this bill was put up Mr. Ernest Malenfant was a defeated candidate. Now when Mr. Malenfant is Mayor of the City of Lewiston there seems to be a lot of opposition against that man, so now again I hope that this indefinite postponement will 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: I guess I am about ready to complete the cycle. I need only a little weight to be added to the finishing touches on this problem. (Laughter)

Seriously, this is my fourth term as a member of the House. During the previous three terms I presented legislation pertaining to the charter of the City of Lewiston. I have stated repeatedly, whenever I have presented amendments to the charter of the City of Lewiston that if the amendment did not pan out I would be the first one to come back here and present legislation myself to change and re-amend the charter. I have been steadfastly opposed to referendum questions.

Going back on charter amendments, at this session I did not present one charter amendment because my views are that the charter needs complete revision. This year there was no charter revision committee named. The charter of the City of Lewiston, so-called, is in its infancy, it has to be amended and some of the amendments that are presented might not be as good as others.

Some of the amendments that are presented are worthy, and, after due deliberation, the charter revision committee asked one member of the Legislature to present them for them at the Legislature.

There is not anybody here who is not aware of the fact—and I know people who have been here more than one term—that I was somewhat in disaccord or opposed at times to the gentleman who is presently Mayor of the City of Lewiston. This is not an issue as to who is Mayor of the City of Lewiston and who is not. I am not saying that he deserves \$1500 or whoever is Mayor deserves \$1500, \$2500, \$3000 or \$5000. I am saying this, however: there is no reason why this should go to a referendum. I, for one member of the Lewiston delegation, am willing to suffer the consequences if I stop this from going to a referendum. There is absolutely and positively no need of it.

I certainly hope that the motion of the gentleman from Limestone, Mr. Burgess, will prevail, because this amendment was not thought up at the committee: it was simply a dream that came from the other side of the alley, so let's let the other side of the alley clean out its linen.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that Senate Amendment "A" to Bill "An Act Relating to the Salary of the Mayor of the City of Lewiston" be indefinitely postponed, and the gentleman from Lewiston, Mr. St. Pierre, has requested a division.

All those in favor of the motion of the gentleman from Limestone, Mr. Burgess, that Senate Amendment "A" 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: Seventy-six having voted in the affirmative and twenty in the negative, the motion to indefinitely postpone prevails.

Thereupon the bill was tomorrow assigned for third reading.

The SPEAKER: The Chair now lays before the House the 14th item of unfinished business on today's calendar, House Report, "Ought not to pass" of the Committee on Claims on Resolve to Reimburse Robert Ballard of Hallowell (H. P. 1573) tabled April 11th by the gentleman from Hallowell, Mr. Vaughan pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. VAUGHAN: Mr. Speaker and Members of the House: This matter has been taken up briefly before the committee and new evidence has been presented, and they have graciously consented to recommit this matter to the committee for further consideration, and I so move.

The SPEAKER: The gentleman from Hallowell, Mr. Vaughan, moves that the report and resolve be recommitted to the Committee on Claims. Is this the pleasure of the House?

The motion prevailed and the report and resolve were recommitted to the Committee on Claims and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 15th item of unfinished business on today's calendar, House Report "Ought not to pass" of the Committee on Claims on Resolve Reimbursing the Town of Falmouth for Certain Hospital Expenses (H. P. 1564) tabled on April 11th by the gentleman from Falmouth, Mr. Dow, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. DOW: Mr. Speaker and Members of the House: As this resolve has not been before the House, I will present just a brief outline.

This is a hospital bill of \$283.74 from the Maine General Hospital which was paid by the Town of Falmouth for treatment of Vena Pelchier, wife of James Pelchier, who were a couple living in a shack in the woods and who worked part time and had no money with which to pay their hospital bills. He had no settlement in the Town of Falmouth, and, so far as we could ascertain, he had no pauper settlement in any town in the State. We naturally assumed that he would come under the

classification of State pauper. We wrote to the Department of Health and Welfare, Division of General Relief. We received on July 12th a form letter from Dorothy R. Baker, Assistant Director of General Relief, advising us that they would give a decision after reviewing and investigating the same.

On September 7th, not having heard from the department, we wrote to see if any decision had been reached. There was no reply. On October 16th we wrote again, and, in answer to this letter, under date of November 22nd, we were advised to forward pauper notice to the City of Bangor, which we did on November 25th. The Overseers of the Poor of the City of Bangor denied payment for the reason "that expense was incurred more than 90 days prior to notice of settlement," which, under our statutes, relieves them from obligation.

On December 20th we received a letter from the Division of General Relief, stating that the case in question had a settlement in Bangor—and we do not believe that Bangor will deny this fact—but, in view of the fact that we did not forward pauper notice to Bangor within 90 days after expense was incurred, they are justified in refusing to honor this claim. The Division of General Relief Health and Welfare, of course were opposed to the resolve, and their testimony was as follows:

"An application for State General Relief was received by the Department of Health and Welfare on July 5, 1950 for James Oliver Pelchier and his wife. Because the case was quite complicated, determination as to settlement was not made until December 13, 1950. At that time it was determined that James Oliver Pelchier and his wife had a settlement in Bangor, Maine. Falmouth could not collect from Bangor because did not send a notice to Bangor within 90 days from the time relief was first given. This is not a State case."

Since more than 120 days had elapsed before receiving first advice as to the settlement, more than 150 days before receiving final confirmation, we are of the opinion that we did what we could to ascertain settlement, believing it to

be a State case. If anyone could have advised us it would have been the State Department of Health and Welfare. Since our inability to collect from Bangor was due entirely to delay of the Department in furnishing the required information, we feel that the State should pay the bill. We feel that if the State was to deny that it was a State case they could and should have notified us within the ninety days so we could have properly presented our claim to the City of Bangor. Therefore we believe that the State should pay the bill and not the Town of Falmouth, because they never have been residents of the town except for a few months in this shack in the woods.

I move, Mr. Speaker, that we substitute the resolve for the report of the committee.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the resolve 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: Your Claims Committee is governed by certain laws which we have to abide by. One of them is the law concerning the ninety-day lapse of time on payments. The gentleman from Falmouth, Mr. Dow, has read to you the report of the Health and Welfare Department which we receive in all of these cases which come before the Claims Committee. Naturally we go to the Health and Welfare Department for their records on these cases, and we cannot pay on claims where a settlement has been determined. In this case the settlement was definitely determined to be the City of Bangor. The ninety days had elapsed before the Town of Falmouth got their notice from the Health and Welfare Department, which, of course, puts the town of Falmouth in a bad position so far as collecting from Bangor is concerned. However, the law does so state, and, due to the fact that we have so many claims coming in which hinge on this ninety-day law, we are, as a Claims Committee, forced to abide by that law, and in cases where the settlement is determined we are



also forced to abide by the decision of settlement. Therefore in this case the only thing which the Claims Committee could do was to turn out an "Ought not to pass" report, which we did by unanimous vote.

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

The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that the House substitute Resolve Reimbursing the Town of Falmouth for Certain Hospital Expenses, H. P.

1564, for the "Ought not to pass" report of the Committee on Claims.

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

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

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

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On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 9:30 A.M. tomorrow.