

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, May 9, 1951.

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

Prayer by Rev. Mr. Robbins of Augusta.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that a recess committee, to be composed of 2 members of the Senate appointed by the President of the Senate and 3 members of the House appointed by the Speaker of the House, be appointed to consider matters of publication and issuance of the session laws and matters of the revision of the statutes; and be it further

ORDERED: that the recess committee be instructed to consult and advise with and seek the advice of an advisory committee to consist of 1 Justice of the Supreme Judicial Court, 1 Justice of the Superior Court and 3 members of the Maine State Bar Association, the 2 Justices to be appointed by the Chief Justice and the 3 members of the bar to be appointed by the President of the Bar Association; and be it further

ORDERED: that the recess committee report the result of its considerations and any recommendations to the 96th legislature; and be it further

ORDERED: that the recess committee be paid their actual expenses incurred in the performance of their duties from the regular legislative appropriation. (S. P. 575)
 Came from the Senate read and passed.

In the House, read and passed in concurrence.

Senate Reports of Committees Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Change of Purposes of Corporations Without Capital Stock" (S. P. 344) (L. D. 811)

Report of the same Committee reporting same on Bill "An Act

Clarifying the Election Laws" (S. P. 101) (L. D. 156)

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

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

Tabled

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Time Sales on Motor Vehicles" (S. P. 509) (L. D. 1227) which was recommitted.

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

In the House: Report was read. (On motion of Mr. Turner of Auburn, tabled pending acceptance of report in concurrence.)

Ought to Pass with Committee Amendment**Tabled**

Report of the Committee on Judiciary on Bill "An Act relating to the Greater Portland Public Development Commission" (S. P. 527) (L. D. 1252) 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. Chase of Cape Elizabeth, tabled pending acceptance of report in concurrence.)

Report of the Committee on Judiciary on Bill "An Act relating to the Establishment and Use of Common Trust Funds" (S. P. 317) (L. D. 756) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 317, L. D. 756, Bill "An Act Relating to the Establishment and Use of Common Trust Funds."

Amend said bill by striking out the second and third sentences of that part of Sec. 1 of said bill which is designated as "Sec. 224" and inserting in place thereof the following underlined sentences:

'Whenever a petition for the allowance of such an account is presented, the judge of the court having jurisdiction thereof shall assign a time and place for hearing and shall cause public notice thereof to be given, meaning thereby notice published 3 weeks successively in a newspaper published in the county whose court has jurisdiction; and in addition thereto said judge shall, except to such extent as the several instruments creating the trusts participating in such common trust fund provide otherwise, order personal notice upon all known beneficiaries of the participating trust estates who have a place of residence known to the accountant. Personal notice to known beneficiaries having a place of residence known to the accountant shall denote service by a written notice deposited in the mails addressed to each such known beneficiary at such known place of residence at least 14 days before the time of hearing, or by a written notice either in hand or left at such known place of residence 14 days at least before the time of hearing; the method of service and the form of such notice to be as the court shall order.'

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

Report of the Committee on Judiciary on Bill "An Act relating to Conditional Sales Agreements" (S. P. 240) (L. D. 510) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 240, L. D. 510, Bill "An Act Relating to Conditional Sales Agreements."

Amend said bill by striking out all of the first sentence after the underlined word 'him' in the fifth line thereof.

Further amend said bill by inserting after the underlined word 'agreement' in the seventh line thereof the following underlined words 'without his written authority to do so'

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

Ought to Pass in New Draft—Amended

Report of the Committee on Highways on Bill "An Act to Authorize the Issuance of Bonds on Behalf of the State of Maine for the Purpose of Building State Highways" (S. P. 270) (L. D. 609) reporting same in a new draft (S. P. 564) (L. D. 1357) under same title and that it "Ought to pass."

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

In the House: Report was read.

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

Mr. ROBBINS: Mr. Speaker and Members of the House: I rise to move the acceptance of the "Ought to pass" report. At the same time I wish, on behalf of the Highway Committee, to spend a few minutes attempting to explain to you the Highway Program for this year.

I am going to address my remarks not only to this bill but to two others which we have on the table, Legislative Document 726, Bill "An Act Relating to Use of Joint Fund for State Aid Road Constructions," and Legislative Document 869, Bill "An Act Relating to Construction of State Aid Highways" and I think it will save time if I try to explain all three bills at once.

I think that members of the House are aware—if they have read

the excellent report of the Legislative Research Committee — they are aware that our present Highway Program leaves a great deal to be desired.

One of the key facts, in my opinion, is that since the 1st of July, 1948, when the Highway Commission prepared this study on Maine Highway Needs, until the present time, although there have been three seasons of construction, there are, nevertheless, today, some eighty-seven miles more of deficient highway in our State Highway System than there were three years ago.

I made the statement here to this House in 1949 that we were losing ground. I did not at that time have the exact figures to support it, but in the interim the Highway Commission has made further studies, and our Research Committee has made studies, which point up to the truth of this observation.

I think we should all appreciate the fact that our basic difficulty here in Maine is that we have a very thinly scattered population. Maine is the most thinly populated of any state east of the Mississippi River, and if we are to enjoy a good highway system we are going to have to make some special effort.

During the war there was no construction to speak of and very little maintenance work was done, so that our previously antiquated highway system fell even further behind during the war years. On top of that there has been a very marked increase in the amount of traffic going over all classes of our roads, particularly trucks, and as we all know, it is trucks that are doing the most damage to our highway surfaces.

Now the Research Committee characterized the so-called "Pay-as-you-go Program" as rather inadequate, which is an understatement in view of what I have just told you, that we are actually losing ground at the approximate rate of thirty miles a year.

I think we should realize that the towns, as well as the State, have their problems, and the first bill to which I want to call your attention is Legislative Document 726. Legislative Document 726 would permit any town, at its own option,

to utilize the State Aid money in conjunction with the Town Road Improvement Fund. Now the requirements for building highways under the Town Road Improvement Fund are not as high and as strict as the State Aid Highways, so that the result of this bill will be, if any town chooses to take advantage of it, that that town will get about twice as many miles for the money as they would if they turned the money into State Aid. In other words, your committee and the Research Committee are anxious to enable the town to "get out of the mud," as the saying is, at the earliest possible time, and we feel that this bill, Legislative Document 726, is an excellent step in that direction.

The second bill to which I would like to invite your attention is Legislative Document 869, which would require any town which appropriates more than one unit of State Aid, and you remember that each town may appropriate two, any town which appropriates more than one unit must use the extra money for reconstruction of State Aid highways rather than for construction. Now the object there is threefold, twofold, anyway. One of the reasons that we are enabled to match our Federal Aid money, and one of the reasons why the Maine highways are described in the Research Committee Report as the orphan stepchild of the Highway program, is that the Legislature, in a very commendable effort to relieve the towns of financial responsibility, has from year to year undertaken more and more of the financial responsibility for highways.

As I pointed out two weeks ago, in connection with another bill, the State now does all the maintenance on State Aid roads. We do all the bush cutting; we do all the snow removal and so on, and we have so whittled down the General Highway fund so that the amount available for construction on the main lines is hopelessly inadequate.

Now, this bill would have two results. It would oblige the reconstruction of some of these State Aid roads that are costing the State so much in maintenance; in other words, this bill is going to reduce the maintenance costs against the

State by rebuilding some of the worst road and by retarding the increase in new highway added to the State Aid highway system, and the towns, at the same time, are not going to be losing anything because the State Aid system within each township is going to be improved.

Now this brings us to the Bond Issue Bill which is intended primarily to assist the trunk lines. It calls for application of the money to any road on the State Highway system and any State Aid road which is on the Federal Aid system.

The Legislative Research Committee concluded that the average Maine driver does eighty per cent of his driving on fifty-three per cent of deficient highways, the fact being that the State Highway system is fifty-three per cent deficient where the State Aid system is only twenty-four per cent deficient.

The situation is going to get worse before it gets better, no matter what we do. I say that for a good many reasons, but particularly in the light of the statement I made earlier, that we have lost ground. As I say, eighty-seven miles in three years has become intolerable, and intolerable means, technically, that the road is either too narrow or the line of sight distance is too little for safety, or the surface is unsatisfactory or the maintenance is too high, one of those four factors, if you will look in the accelerated highway program which the Highway Commission has given us, you will see that all these projects in there are designated as to which type of deficiency applies to them.

Two years ago and four years ago, I, personally, presented a bond issue of a larger size than this because, as the result of many months of study, I came to the conclusion that we had to do something like that in order to get back on our feet. Now the Legislative Research Committee and the Highway Commission have come to the same conclusion.

The bill itself would authorize the issuance of \$27,000,000 in bonds, which would be used to supplement regular highway revenue. We have

limited the interest rate that may be paid to two per cent and we have restricted the length of issue to fifteen years, and I would like to call attention particularly to those members who are reluctant to borrow for any purpose that one of the great objections to the borrowing for highway purposes in the past has been that we have issued bonds which lived longer than the highways they were intended to build. Today we are still paying off some bonds that were issued in 1913, and nobody, in his right mind, would defend such a practice. We are suggesting that we issue short-term bonds which will be paid off well before the life of the road which we are going to build terminates. The highways today last anywhere from twenty-two to twenty-five years and maybe longer, and as I say, these bonds are limited to fifteen years.

Now I, myself, would not be in favor of what I call "deficit financing". "Deficit financing" meaning borrowing to pay current expenditures. But I submit that highways and bridges are expenditures of a capital nature. In a private business, no private business undertakes to make extensive capital expenditures out of current income. We have the income to pay for this. If you care to study these tables you will see that by 1971 highway income will be approximately \$3,000,000 greater than it is today. Nevertheless, if we stick to the so-called "Pay-as-you-go" method, which one newspaper called "Pay-as-you-creep," by 1971 we are going to have so many miles of deficient highway that no amount of consumer revenue would solve the problem.

Now here in Maine our economy is pretty well dependent on highways. Most of our industries are dependent on highways to some extent, including particularly the agricultural industry. We invite into Maine, year after year, millions of tourists who come and leave us their money. It is up to us, as I see it and as the committee sees it, to offer these tourists and offer our industries a good first-class highway system, and in our best opinion the State has reached the point where, if we do not come to some decision and

undertake some such program as this, we will not have any highway system in ten or fifteen years that we will be able to save.

Mr. Speaker, I move the acceptance of the report.

Mr. SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Robbins, that the House accept the "Ought to pass in New Draft" report on Bill "An Act to Authorize the Issuance of Bonds on Behalf of the State of Maine for the Purpose of Building State Highways." Is it the pleasure of the House to accept the "Ought to pass in New Draft" report?

The motion prevailed, and the "Ought to pass in New Draft" report was accepted in concurrence.

Thereupon, the new draft was given its two several readings.

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

SENATE AMENDMENT "A" to S. P. 564, L. D. 1357, Bill "An Act to Authorize the Issuance of Bonds on Behalf of the State of Maine for the Purpose of Building State Highways."

Amend the title of said Bill by adding after the word "Bonds" the following words: 'in the Amount of Twenty-Seven Million Dollars.'

Further amend said Bill by striking out section 2 thereof and inserting in place thereof the following sections:

Sec. 2. Contingent upon ratification of bond issue. No action shall be taken or liability incurred under this act unless and until the people of Maine shall have ratified the issuance of bonds in behalf of the state at such time and in such amounts as set forth in this act for the purpose of construction or reconstruction of state highways and bridges.

Sec. 3. Referendum for ratification. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, at the next general or

special state-wide election, to give in their votes upon the acceptance or rejection of the foregoing act, and the question shall be: "Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize the Issuance of Bonds in the Amount of Twenty-Seven Million Dollars on Behalf of the State of Maine for the Purpose of Building State Highways', passed by the 95th legislature?"

And the inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of said ratification voting "YES" and those opposed to said ratification voting "NO" and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of said act, the governor shall forthwith make known the fact by his proclamation, and the act shall thereupon become effective as of the date of said proclamation.

Secretary of state shall prepare ballots. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof.

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

Non-Concurrent Matter

From the Senate:

Bill "An Act to Incorporate the Exchange Finance Corporation" (H. P. 1052) (L. D. 632) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 26, and which was recalled to the Senate by Joint Order.

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

In the House: The House voted to recede from its former action of April 26 whereby it passed the Bill to be engrossed as amended by Committee Amendment "A".

The House then voted to recede from its former action whereby it adopted Committee Amendment "A".

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

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

Amend said Amendment by striking out the figure "6" in the last line thereof and inserting in place thereof the figure '11'

Senate Amendment "A" to Committee Amendment "A" was adopted.

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

Non-Concurrent Matter

From the Senate:

Bill "An Act to Incorporate Town Finance Corporation" (H. P. 319) (L. D. 185) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 26, and which was recalled to the Senate by Joint Order.

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

In the House: The House voted to recede from its former action of April 26 whereby it passed the Bill to be engrossed as amended by Committee Amendment "A".

The House then voted to recede from its former action whereby it adopted Committee Amendment "A".

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

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

Amend said Amendment by striking out the figure "6" in next to

the last line thereof and inserting in place thereof the figure '11'

Senate Amendment "A" to Committee Amendment "A" was adopted.

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

Non-Concurrent Matter

From the Senate:

Bill "An Act to Incorporate the Public Loan Corporation of Lewiston" (H. P. 744) (L. D. 430) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 26, and which was recalled to the Senate by Joint Order.

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

In the House: The House voted to recede from its former action of April 26 whereby it passed the Bill to be engrossed as amended by Committee Amendment "A".

The House then voted to recede from its former action whereby it adopted Committee Amendment "A".

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

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

Amend said Amendment by striking out the figure "6" in the last line thereof and inserting in place thereof the figure '11'

Thereupon, Senate Amendment "A" to Committee Amendment "A" was adopted.

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

Non-Concurrent Matter

From the Senate:

Bill "An Act to Incorporate the Public Loan Corporation of Bangor" (H. P. 743) (L. D. 429) which was passed to be engrossed as amended by Committee Amend-

ment "A" in the House on April 26, and which was recalled to the Senate by Joint Order.

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

In the House: The House voted to recede from its former action of April 26 whereby it passed the Bill to be engrossed as amended by Committee Amendment "A."

The House then voted to recede from its former action whereby it adopted Committee Amendment "A"

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

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

Amend said Amendment by striking out the figure "6" in next to the last line thereof and inserting in place thereof the figure '11'

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

Mr. TOTMAN: Mr. Speaker and Members of the House: In view of the fact that we are acting here on the sixth bill of the same nature, I apologize for not being able to find Committee Amendment "A" but I am just a little curious to know what this substitution of the figure '11' for '6' is. It probably isn't too important. Would the Speaker please have Committee Amendment "A" read?

The SPEAKER: The Clerk will read Committee Amendment "A" to this bill.

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.

Thereupon, Senate Amendment "A" to Committee Amendment "A" was adopted.

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

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

Non-Concurrent Matter

Bill "An Act to Incorporate the Public Loan Corporation of Portland" (H. P. 742) (L. D. 428) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 26, and which was recalled to the Senate by Joint Order.

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

In the House: The House voted to recede from its former action of April 26 whereby it passed the Bill to be engrossed as amended by Committee Amendment "A".

The House then voted to recede from its former action whereby it adopted Committee Amendment "A".

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

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

Amend said Amendment by striking out the figure "6" in next to the last line thereof and inserting in place thereof the figure '11'

Senate Amendment "A" to Committee Amendment "A" was adopted.

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

Non-Concurrent Matter

From the Senate:

Bill "An Act to Incorporate the Rumford Finance Co., Inc." (H. P.

1111) (L. D. 691) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 26, and which was recalled to the Senate by Joint Order.

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

In the House: The House voted to recede from its former action of April 26 whereby it passed the Bill to be engrossed as amended by Committee Amendment "A".

The House then voted to recede from its former action whereby it adopted Committee Amendment "A".

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

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

Amend said Amendment by striking out the figure "6" in the last line thereof and inserting in place thereof the figure '11'

Thereupon, Senate Amendment "A" to Committee Amendment "A" was adopted.

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

Non-Concurrent Matter

From the Senate:

Bill "An Act relating to Open Season for Hunting Deer with Bow and Arrow" (S. P. 357) (L. D. 872) on which the House accepted the Minority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass"

Came from the Senate with the Majority Report reporting a new draft (S. P. 561) (L. D. 1348) accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

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

SENATE AMENDMENT "A" to S. P. 561, L. D. 1348, Bill "An Act Relating to Open Season for Hunt-

ing Deer with Bow and Arrow."

Amend said Bill by striking out the underlined punctuation and words ; **Penobscot, Piscataquis** in that part designated "Sec. 96-A" thereof.

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

Mr. CARVILLE: Mr. Speaker and Members of the House: I am going to move that we concur with the Senate in the adoption of this amendment. They have confined it to just two counties to give it a trial. These two counties apparently are very much in favor of the bow and arrow hunters. We had a lot of the camp owners down here within the last two or three days and they are very much concerned about the bill not passing through here. Now the bill has gone through the other branch twice. This time we have cut it down to just two counties.

It is a very high type of sportsman who follows this game. I think it will be one of the greatest advertising stunts, if nothing else, that we can bring to the State, and I certainly hope that the House will see fit at this time to concur with the Senate.

The SPEAKER: The gentleman from Eustis, Mr. Carville, moves that the House recede from its former action whereby it accepted the Minority "ought not to pass" report of the Committee.

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

Mr. CHAPLES: Mr. Speaker and Members of the House: A few days ago we took a vote on this bill. I am going to be as brief as possible. We debated this bill thoroughly in this House and the vote was "Ought not to pass." The vote was definitely against the bill. If I recall it rightly, the vote was 69 to 37. Now, if we adopt this amendment, we are just simply letting down the bars for other counties to come in eventually.

Now I am going to ask that we indefinitely postpone this bill and the amendment with it, and when the vote is taken, I ask for a division.

The SPEAKER: The question before the House is on the motion of

the gentleman from Eustis, Mr. Carville, that the House recede from its former action, and the Chair would inform the gentleman from Hudson, Mr. Chaples, that the motion to indefinitely postpone is not in order at this time, but a motion to adhere and insist is in order. Does the gentleman wish to move to adhere?

Mr. CHAPLES: I make the motion, Mr. Speaker, that we adhere and insist.

The SPEAKER: To insist?

Mr. CHAPLES: Yes, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Moose River Plantation, Mr. Watson.

Mr. WATSON: Mr. Speaker and Members of the House: I am happy to see this bow and arrow bill back on the calendar again. As most of the members know, it has been cut down to two counties. This is more experimental than anything else. It has been a very popular bill in other states, and we would like to have it actually tried out in Maine.

Now I cannot see where there is any harm in the other fourteen counties going along with us up in Somerset and Franklin Counties, and then, as I said the other day, if it doesn't work out good, we can come back and have it kicked out, and if it does work good, and the other counties should want it, why we would have had two years' experience, and they would know whether they wanted it or not.

I sincerely hope that the members will go along with us and let us have it in Somerset and Franklin Counties.

The SPEAKER: Is the House ready for the question?

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

Mr. PLUMMER: Mr. Speaker and Members of the House: The gentleman from Hudson, Mr. Chaples, has said that this bill was thoroughly discussed a few days ago. I think at that time we voted upon the merits of the bill, and this fact of cutting out two counties and reducing it to two counties doesn't alter my opposition to the bill as an opening wedge and purely class legislation.

I think the archers would have ample opportunity on October 21st, which is the opening season up in

those counties, to practice their art, have all the fun they want, see all the beauties of nature and have a good time. I think we are definitely embarking upon a dangerous program when we start opening up our woods on October 1st, and I hope that this amendment is not adopted.

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: The other day, when this bill was here, we had four counties that we proposed opening to hunting with bow and arrow. I disliked the bill at that time, and with two counties removed, I dislike it just as much.

I hope the motion of the gentleman from Eustis, Mr. Carville, does not prevail.

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

Mr. CENTER: Mr. Speaker and Members of the House: I would just like to go on record in favor of this bill. Archery has become a very popular sport in recent years. As has been said, the people who follow it are high-class sportsmen. You can ridicule this bill if you will but I fail to find any logical reason for not trying it out. I believe that these hunters cannot well compete with the gunners; as has been pointed out before, they are camouflaged, they must get close to their mark, and I don't believe there would be many wounded deer running around with arrows stuck in them which was described here before.

The gentleman from Hudson, Mr. Chaples, has said this was an opening wedge, and if we get it in two counties, we will get it in others. If it is a good bill we will want to extend it to other counties. If it is a poor bill we will want to write it off the statutes. I am in favor of trying this bill out.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Jennings.

Mr. JENNINGS: Mr. Speaker and Members of the House: It has been thought by some that deer would be partly killed or wounded and left in the woods to die with an arrow sticking into them. Deer die in the woods today from being

wounded, sometimes slightly and sometimes mortally, by rifles or shotguns.

I am in favor of this bill because I think that the archers that are interested are a select type of people, good sportsmen, and I feel that we should give them a chance. I am very much interested in this bow and arrow bill.

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

Mr. **ROLLINS**: Mr. Speaker and Members of the House: I was not in the House the day this matter was debated, but I want to be recorded as in favor of this experiment. I believe it is a good sport. I believe in trying it out. I believe it would bring revenue into the State of Maine, and we all have seen in this House where we have to give and take a little bit. I would like to have had it in Piscataquis County, but as I understand the record, my boys in Piscataquis County were very much opposed to it, so I am very willing to concede and take Piscataquis out, and I hope, with Franklin and Somerset as an experimental ground, that this House will go along and try this out, and I hope that the motion of the gentleman from Eustis, Mr. Carville, prevails.

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

Mr. **PLUMMER**: Mr. Speaker and Members of the House: I only wish this bill had been postponed, to come up tomorrow morning, because if any of the members attend the shindig tonight, the gentleman from Strong, Mr. Jennings, will demonstrate the inaccuracy of the bow and arrow. (Laughter)

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

Mr. **LORD**: Mr. Speaker and Members of the House: I, too, hope that we can recede and concur with the Senate in this bill and give it a try. I hope that Maine is not again going to be last in awakening to the possibilities of some new venture and new sport. This sport is legal already in forty-seven states of the Union, and I think there are a number of states which have already set aside special areas and

special open seasons for bow and arrow hunting.

Now New Hampshire is one of those states that has already permitted this type of hunting, and unless we want to get hunters into the habit of going over the State into New Hampshire instead of coming into the State of Maine, I think we, too, should have a special season here in Maine.

We know what happened last year, due to some of our roads being in the condition that they were, and traffic and tourists we re-routed and recommended to pass through the State of New Hampshire rather than coming up into the State of Maine. Now with New Hampshire already having its open season, and with a special area open to this sport, the same thing is going to happen with our sportsmen and deer hunters, and they will get into the habit of going there instead of coming into this State, and I certainly hope that you gentlemen and gentlewomen will vote for this bill and vote for the State of Maine.

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

Mr. **TOTMAN**: Mr. Speaker and Ladies and Gentlemen of the House: I was hoping that some other member of the Bangor Delegation would get up and do this job for me but we have, in the city of Bangor, a fairly large archery group. As a matter of fact, our vast park is taken over on Sunday afternoons by the archers. It even outranks the baseball and the model airplane fans, and they have asked me to speak to you in behalf of not just the out-of-state people who want to come to Maine but our own Maine residents who would like to get a chance at this, and before I sit down I would like to clear up one very definite misrepresentation, I believe, that this is class legislation.

I would like to emphasize, as the gentleman from Standish, Mr. Center, has already told you, that it would be suicide to expect people to hunt by wearing camouflaged clothes, clothes to blend with the scenery, trying to get within twenty-five or thirty yards of a deer, to go out in the same season with hunters who wear bright red clothes. It

just doesn't make sense. Now please let us not have any more of this accusation that it is class legislation. If you believe in the bill, they must go out separately. If you don't believe in the bill, that is another thing.

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

Mr. MARCH: Mr. Speaker and Members of the House: I voted against this bill the last time we debated it, but I have listened today and I think we should give careful consideration to the remarks of the gentleman from Strong, Mr. Jennings. I have reason to make that remark. I see evidence of his prowess. He is a master archer. (Laughter)

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

Mr. CARVILLE: Mr. Speaker, I have one more point that I would like to bring out, the conservation angle. I come from a country that is very good hunting and we have a lot of deer. As the summer months go by these deer get very tame. You can drive around to these fields with your car. These deer stand there and look at you and they have no fear. The first day of open season with the rifles we have what we call these "road hunters" and that is their paradise. They are fellows that hunt there; you take them in the woods and turn them around three times and they couldn't find their way out. But they can ride around in an automobile and jump out of the car and shoot these so-called pets that we have been watching all summer. If we could give these archers a chance to get out around these fields, I think they will do a good job of scaring them back in those ten days before the season opens, and I, from that point alone, think this is going to be really a conservation measure.

We have an awful lot of deer that are shot the first two or three days of open season from automobiles, and they are not the class of hunters that we welcome into our country. They don't usually leave a thing; they usually come with their own can of beans, and I would like to do something to make it a little

more difficult for them to get their deer.

The SPEAKER: The question before the House is on the motion of the gentleman from Eustis, Mr. Carville—

The Chair recognizes the gentleman from Whitefield, Mr. Chase.

Mr. CHASE: Mr. Speaker and Members of the House: I am only too proud to rise in opposition to such an inhuman bill. This bill, in my mind, has been presented about 100 years too late, and I still maintain that this is class legislation favoring a privileged few.

I certainly hope the members of this House insist on their former action. It seems there must have been quite a bit of pressure put on since this bill was considered a few days ago.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Mr. DENNISON: Mr. Speaker and Members of the House: I was on the opposite side of this bill, as usual. One thing that the gentleman from Bangor (Mr. Totman) has just said "this doesn't make sense", cutting this out. This bill originated from Penobscot County, and it doesn't make sense to me that they are out of the bill now, if they were so anxious to have it. Now the bill leaves in Franklin and Somerset Counties only, and it is setting a time of year, trying to kill deer and wounding deer, and killing some deer, in the first of October when the weather is warm. It is an unreasonable thing, and if they want to practice their archery, they should take the same time as the riflemen.

Now it has been said that these were a high class bunch of people that hunt as archers. I don't think they are any higher class than those who hunt with the rifles.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Eustis, Mr. Carville, that the House recede from its former action whereby it accepted the minority "Ought not to pass" report of the Committee on Inland Fisheries and Game on Bill "An Act relating to

Open Season for Hunting Deer with Bow and Arrow," and the gentleman from Hudson, Mr. Chaples, has requested a division.

All those in favor of the motion that the House recede from its former action will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

Seventy-four having voted in the affirmative and thirty-three having voted in the negative, the motion to recede prevailed.

On further motion of Mr. Carville, a viva voce vote being taken, the House voted to concur with the Senate in the acceptance of the majority report reporting a new draft (S. P. 561) (L. D. 1348)

Thereupon, the new draft was given its two several readings.

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

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Norway Junior High School, 8th Grade, under the supervision of Mrs. W. H. Edminister; and also the presence of the Parsonsfield Public School, 8th Grade, in charge of Mrs. Smith and Mrs. Ela.

In behalf of the House, the Chair bids you all a cordial welcome. (Applause)

Non-Concurrent Matter

Bill "An Act relating to Examination of Certain School Bus Operators" (H. P. 1243) (L. D. 795) on which the House accepted the Minority Report of the Committee on Transportation reporting "Ought not to pass".

Came from the Senate with the Majority Report reporting "Ought to pass" accepted in non-concurrence and the Bill passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.

In the House:

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

Mr. FENN: Mr. Speaker and Members of the House: I would like to move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Bath, Mr. Fenn, moves that the House recede from its action whereby it accepted the Minority Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Examination of Certain School Bus Operators", H. P. 1243, L. D. 795. Is this the pleasure of the House?

The motion prevailed.

The House then voted to concur with the Senate in the acceptance of the Majority "Ought to pass" Report.

Thereupon, the bill, having already been printed, was given its two several readings under suspension of the rules.

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

SENATE AMENDMENT "B" to H. P. 1243, L. D. 795, Bill "An Act Relating to Examination of Certain School Bus Operators."

Amend said Bill by striking out subsections I and III of that part designated "Sec. 53-A" thereof.

Further amend said Bill by striking out in subsection V of that part designated "Sec. 53-A" thereof the underlined words "at least 30 days before" and inserting in place thereof the underlined words "within 30 days after"

Further amend said Bill by renumbering, in that part designated "Sec. 53-A" thereof, subsection II to be subsection I; subsection IV to be subsection II, subsection V to be subsection III; and subsection VI to be subsection IV.

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

The operator of a school bus under the provisions of this section, on returning the children to their homes from the public school, shall discharge such children at the place where they first entered the bus to be transported to the public school.

The SPEAKER: Is it the pleasure of the House to adopt Senate Amendment "B"?

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

Mr. PERRY: Mr. Speaker and Members of the House: I have no particular objection to adoption of Senate Amendment "B".

The original bill as put in by the gentleman from Bath, Mr. Fenn,

I was glad to support and it had merit. At the particular time, with the adoption of Senate Amendment "B", the only thing I can see is left in the bill is to state that the driver of the vehicle will let the kids off of the bus after they get on at the place they get on, which I think would be taking place anyway and to me it looks as though it is just another particular thing to put in our statutes and doesn't have too much meaning. There is nothing left in the bill except that he has got to let the children off the bus and he has to do that anyway.

The SPEAKER: The question before the House is on the adoption of Senate Amendment "B".

The Chair recognizes the gentleman from Bath, Mr. Fenn.

Mr. FENN: Mr. Speaker and Members of the House: In connection with Mr. Perry's point of view, the main gist of this bill is the examination of the actual bus operators. If he will scrutinize the bill carefully, that remains in there. The part of the operation of the school bus under the provisions of this statute in returning the children to their homes from the public school is "shall discharge such children at the place where they first entered the bus". There seems to have been quite a bit of lax participation on the drivers' side all through the State of Maine, if he would like to check up on that, of children not being left where they entered the bus.

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

A viva voce vote being taken, the motion prevailed and the bill as amended was assigned for third reading tomorrow morning.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports" (H. P. 206) (L. D. 128) on which the House voted to insist on its former action whereby the Bill was passed to be engrossed as amended by House Amendment "B", on April 5.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "B" in non-concurrence.

In the House:

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

Mr. BURGESS: Mr. Speaker, I move that we recede from our former action whereby we voted to insist and that we concur with the Senate in the adoption of Senate Amendment "A".

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the House recede from its former action of April 5 whereby it insisted on the passage to be engrossed of Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports," as amended by House Amendment "B". Is this the pleasure of the House?

(Cries of "No")

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

Mr. CRABTREE: Mr. Speaker and Members of the House: I seem to be caught with my brains down here. I can't locate what this is all about. As much as I dislike to table any measure at this moment, I move that this lie on the table until tomorrow.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves that Item 18, Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports", H. P. 206, L. D. 128, lie on the table pending the motion of the gentleman from Limestone, Mr. Burgess, that the House recede and be specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled and so assigned.

Non-Concurrent Matter

Bill "An Act to Provide Partial Cutting Adjacent to Roadsides" (H. P. 1642) (L. D. 1206) which was passed to be enacted in the House on May 1 and passed to be engrossed on April 19.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The **SPEAKER**: The Chair awaits a motion.

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

Mr. **BROWN**: Mr. Speaker, I move that the House insist on its former action and ask for a committee of conference.

The **SPEAKER**: The gentleman from Wayne, Mr. Brown, moves that the House insist on its former action and request a committee of conference on Bill "An Act to Provide Partial Cutting Adjacent to Roadsides". Is this the pleasure of the House?

The motion prevailed.

The **SPEAKER**: Would the gentleman from Wayne, Mr. Brown, approach the rostrum, please.

The **SPEAKER**: The Chair will appoint as conferees on the disagreeing action of the two branches on Bill "An Act to Provide Partial Cutting Adjacent to Roadsides", H. P. 1642, L. D. 1206: The gentleman from Caribou, Mr. Bearce; the gentleman from Wayne, Mr. Brown; and the gentleman from Casco, Mr. Hancock.

The **SPEAKER**: There is another Senate Paper, which is not on the Advance Calendar, which we will take up at this time.

From the Senate: The following Order:

ORDERED, the House concurring, that House Paper 926, Legislative Document 528, Bill "An Act Relating to Definition of "Teacher" Under Maine State Retirement Law" be recalled from the Governor to the Senate. (S. P. 577)

Came from the Senate read and passed.

In the House: Read and passed in concurrence.

Messages and Documents

The following Communication:

STATE OF MAINE
SENATE CHAMBER
Augusta

May 8, 1951

Honorable Harvey R. Pease
Clerk of the House of
Representatives
95th Maine State Legislature
Dear Sir:

The President of the Senate today appointed the following con-

ferees on the part of the Senate on disagreeing actions of the two Branches of the Legislature on —

Bill, "An Act relating to Greely Institute." (H. P. 1070) (L. D. 604)

Senators:

WEEKS of Cumberland
ELA of Somerset
HASKELL of Penobscot

Resolve in favor of Emile Couillard, of Auburn (H. P. 1567) (L. D. 1333)

Senators:

SMART of Hancock
WEEKS of Cumberland
TURGEON of Androscoggin

Very truly yours,

(signed)

Chester T. Winslow
Secretary of Senate

Was read and ordered placed on file.

Orders

The gentleman from Rockland, Mr. Low, presented the following Order and moved its passage:

State of Maine
In House of Representatives

May 9, 1951

Whereas there is now pending before the House of Representatives a Bill, "An Act Creating the Maine School Building Authority" House Paper No. 1274, Legislative Document No. 824, a printed copy of which Document is hereto attached and made a part hereof and marked Exhibit A; and

Whereas an Amendment identified as Committee Amendment "A" has been reported by the Committee on Judiciary to the House of Representatives, a copy of which proposed Amendment is hereto attached and made a part hereof and marked Exhibit B; and

Whereas an Amendment identified as House Amendment "A" to said Bill has been proposed, a copy of which proposed Amendment is hereto attached and made a part hereof and marked Exhibit C; and

Whereas there is now pending before the House of Representatives "Resolve, Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitations of Muni-

cipal Indebtedness" House Paper No. 1082, Legislative Document No. 695, a printed copy of which Document is hereto attached and made a part hereof and marked Exhibit D; and

Whereas an Amendment identified as Committee Amendment "A" has been reported by the Committee on Judiciary to the House of Representatives, a copy of which proposed Amendment is hereto attached and made a part hereof and marked Exhibit E; and

Whereas grave doubt has arisen as to the constitutionality of said Bill with relation to:

1. The pledging of the credit of the State, directly or indirectly;
2. Limitation of municipal indebtedness; and
3. Diversion of state school funds; and

Whereas to the House of Representatives of the 95th Legislature it appears that the questions herein raised are important and that the occasion is a solemn one,

Now, therefore, be it

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

Question 1.

Would Bill, "An Act Creating the Maine School Building Authority," if enacted with or without amendments as proposed, pledge the credit of the State, directly or indirectly, contrary to the Constitution?

Question 2.

If the "Resolve, Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitations of Municipal Indebtedness," with or without the proposed amendment, were adopted by the people, would the provisions of Legislative Document No. 824, if enacted with or without amendments as proposed, violate any of the constitutional provisions relative to limitation of municipal indebtedness?

Question 3.

If the Resolve were not adopted by the people, would the provisions of Legislative Document No. 824, if enacted with or without amendments as proposed, violate any of the provisions of the Constitution relative to limitation on municipal indebtedness?

Thereupon, on motion of the gentleman from Rockland, Mr. Low, the order was tabled and specially assigned for tomorrow morning.

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

Mr. ROUNDY: Mr. Speaker, I present an order and move its passage and I would like to speak—

The SPEAKER: The Chair will state that the gentleman may comment after it is read.

The gentleman from Portland, Mr. Roundy, presents an order and moves its passage. The Clerk will read the order.

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to make a complete study of all problems concerning Indians in the state; and be it further

ORDERED, that the Committee report the results of its study to the 96th Legislature. (H. P. 1800)

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

Mr. ROUNDY: Mr. Speaker and Members of the House: I think this matter of our Maine Indians, so far as our general opinion of their citizenship is concerned as the years have gone on, has been a commendable one in the State of Maine, commendable to this extent, at any rate, that we are recognizing the fact that they are really separate nations, these small groups of Indians in our State, and we have been good enough to pretty much let them alone.

A very different attitude was assumed by the last Legislature when they appropriated a good number of thousand dollars for the building of an important bridge from Indian Island and Old Town. There have been one or two matters come up in connection with this session especially leading us to

realize that the housing situation among the Indians, particularly in the eastern part of the State, is in many respects rather a disreputable situation, and the fact too that all Indians in this State unless they pay taxes are not allowed to vote and are not in the same line as most of the Indians in this country so far as the State's relationship to them is concerned.

Because of these matters and a good many others, I think that it deserves real attention on the part of us who are more or less responsible for the attitude we take towards these tribes, perhaps you would call them these companies of Indians, in our State. And I certainly feel that it is quite in order that there should be a study made by the Legislative Research Committee as this order directs and I hope it will receive passage.

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

Mr. BROWN: Mr. Speaker and Members of the House: I am very much interested in this order. In my district I have part of the Passamaquoddy Tribe of Indians, namely, those who are located at Peter Dana Point. During the last two or three months, I have had occasion to visit that reservation two or three times. To my way of thinking, the State of Maine has got a problem, especially in that area.

We have, for years, been going along and not paying too much attention to that situation as my good friend, the gentleman from Portland, Mr. Roundy, has stated. Conditions are building up there that are not healthy to have exist in the State of Maine. The housing conditions are deplorable. The sanitary conditions are deplorable. There is not much being done to rehabilitate the Indians and change them from their mode of existence, under which they have existed for years.

I talked a great deal to the Priest and the Sisters at that encampment there. The feeling is that something must be done, especially for the younger generation that is coming up, to give them a different viewpoint on life. One thing the Priest told me is that any of the

children, who are taken out and come in contact with the white people and are kept away from the reservation for a considerable length of time, come back and they are far better Indians than they were when they left.

Another thing that shows that they are looking for something better is the fact that since the emergency started, or the war in Korea, not one boy from either the Pleasant Point Reservation or the Peter Dana Reservation has been drafted. Every one of them has volunteered. There are several of them in the Navy; there are several of them in the Army.

During the last war, the boys who served in the service came back and, after the training and the association with the rest of our boys in the service, they came back and they are real good citizens.

So, it goes to show you that if something is set before these people giving them a better viewpoint on life, then they are going to seek that better opportunity.

Now, I know a whole lot of people in the State of Maine have got an idea that the Indian is a lazy person, that he doesn't want to work, that he is looking for the State to take care of him. Now, I think that would be true of the bulk of our own people had we been pushed back into an abandoned area where there was not opportunity to seek work; I am sure that we would get in that same rut.

I think in this study there should be some stress laid on finding some employment or setting up some little craft industries in these reservations; something that the Indians are adapted to with someone to lead them in that work and I think if we approach this problem for the next ten or fifteen years, it is going to make a vast change in our Indian population throughout the State.

I believe that the conditions at Indian Island, Old Town, are far ahead of the conditions which exist in the two Passamaquoddy encampments so I trust that this Legislature will give support to this order, that the Senate will concur with us and that something can be done for our Indians and start a

move to clear up this problem which has been facing us for a great many years.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Roundy, that the order receive passage.

All those in favor of the order receiving passage will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the order was sent up for concurrence.

On motion of Mr. Lacharite of Brunswick, it was

ORDERED, that Rev. Fr. Armand Caron of Brunswick, be invited to officiate as Chaplain of the House on Thursday, May 10, 1951.

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

Mr. CHASE: Mr. Speaker, I present an order and move its passage and I should like to have it lie on the table until later today as it relates to another matter which will be explained.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, presents an order and moves its passage.

The Clerk will read the order.

ORDERED, the Senate concurring, that the Legislative Research Committee be and hereby is directed to report to the next legislature by bill or otherwise its recommendation of method and procedure for assessing taxes on property in the unorganized territory, to the end that such property shall continue to contribute to the cost of state government, consistent with the provisions of the constitution, and further to recommend to the next legislature, if deemed desirable, an amendment to the constitution designed to permit the exercise of legislative discretion with respect to taxation under practicable principles of justice and equity.

Thereupon, on motion of Mr. Chase of Cape Elizabeth, the order was tabled pending his motion that it receive a passage and was assigned for later in today's session.

House Reports of Committees Divided Report

Report "A" of the Committee on Judiciary on Bill "An Act relating to Filing of Liens on Vehicles" (H. P. 1420) (L. D. 1028) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

FULLER of Bangor
DELAHANTY

—of Lewiston
HARDING of Rockland
—of the House.

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

Report was signed by the following members:

Messrs. BARNES of Arcoostook
—of the Senate.

McGLAUFLIN
—of Portland
WOODWORTH

—of Fairfield
Mrs. FAY of Portland
Mr. HAYES of Dover-Foxcroft
—of the House.

Report was read.

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

Mr. HAWKES: This bill, Mr. Speaker and Ladies and Gentlemen of the House, was presented by me as a means, I thought, of clearing up what seemed to me to be an omission in the statutes whereby there was no place to file a lien on a motor vehicle when the owner of the vehicle was out of the State. I thought that it was purely a technical procedure and possibly a slip-up but they kept recurring, and, coming from down near the border, the problem has come up in my short practice, already, two or three times.

This whole section dealing with liens is entirely statutory and it was with considerable surprise that I learned that the Judiciary Committee was going to be split on this particular matter. I would like to assure the ladies and gentlemen and the laymen in the House that this particular bill I believe is well

drafted. I also believe that it completes that particular statutory provision in our Revised Statutes dealing with motor vehicle liens. The argument has been used by members signing Report B that this particular bill performs no service. I say that, when the lien law is almost entirely statutory today, to have one piece of it have to fall way back on the common law does not, to me, mean good sense. It would seem to me that if we are going to regulate these particular matters, by statute, if we are going to try to improve the form of common law, that we, in turn, should complete the picture.

This bill does not seem important enough to me and the time in the Legislature is too short to attempt any lengthy debate on the particular matter as it is just a technical problem. At this time I would like to move the acceptance of Report "A" of the Committee.

The SPEAKER: The gentleman from Saco, Mr. Hawkes, moves that the House accept Report "A" of the Committee on Judiciary on Bill "An Act relating to Filing of Liens on Vehicles", H. P. 1420, L. D. 1028, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

Mr. FULLER: Mr. Speaker and Members of the House: I rise in support of Mr. Hawkes' motion. There are two sections of the law, of our Revised Statutes, that might possibly apply in this situation. One of them is very general and applies to any personal property which is in the possession of the one wishing to enforce the lien. As I read that section, the possibility of enforcement is lost when possession is lost so if a person from outside of the State brings a motor vehicle into the State and it is seriously damaged, the garage man makes the repairs running into hundreds of dollars, and then the vehicle is taken away from him by replevin, he has lost his opportunity to enforce a lien under that section. So, the Legislature, in the past, has enacted a section covering liens on vehicles. That section follows the general principles of the laws of chattel mort-

gages and conditional sales in that the lien is recorded in the town where the owner of the property resides. That does not, of course, cover a non-resident of the State. So, Mr. Hawkes, in the course of his practice, has run into this situation and has introduced this bill, as I see it, to take care of that omission in the law.

His bill provides that the lien certificates in the case of a non-resident would be recorded in the registry district. And that also follows the law as to chattel mortgages and conditional sales. I feel that this situation would not arise very frequently except perhaps among people living near the border of the State, but if it arises now and then and a resident of our State is saved from a loss running into hundreds of dollars, it is worth while for the Legislature to clear that particular defect.

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

Mr. WOODWORTH: Mr. Speaker, I rise as a member of the committee who signed the "Ought not to pass" report.

Your committee did not misunderstand the situation mentioned by the gentleman from Saco, Mr. Hawkes. Liens are of two kinds: Possessory, which means the holder of the lien possesses the article on which he claims a lien and, two, statutory or recorded liens, in which the holder of the lien does not retain possession but places it on the record.

This bill does not affect possessory liens. In other words, a garage man who makes repairs on an automobile and hangs onto the car until his bill is paid, if it isn't paid, he can sell it. This bill relates to the so-called recorded lien. The recording act says that the lien "shall be recorded in the town where the owner lives". In the case of an alien, as mentioned here, the word "alien" is used to mean somebody who lives outside the State, and, as he lives outside the State, he cannot be required by a Maine law to have the lien recorded in the place where the owner lives because that is determined solely by the law of that state and not by the law of Maine. The law of Maine

has jurisdiction to place a lien on property when the property is in Maine or when the owner lives in Maine and at no other time. If you place a recorded lien on this chattel, it means that you have got it right here. If the alien lives outside the State, you have no jurisdiction over him personally unless you catch him here and you have no jurisdiction over his car unless you have got it here.

Now, the question of how good this statute would be is before you and I think the signers of Report "B" thought that this statute would be of no great deal of good. If a garage man records his lien, as provided by this bill, after he has parted with possession, the chances are that the car is now outside of his jurisdiction. In other words, it has gone back home in the other state where it belongs and there is nothing by which the State of Maine or Maine law could pass any kind of a title. Therefore, if this got into court, as statutory liens ordinarily do if they are not paid, the court would have no car over which it could take jurisdiction and if the man stayed in the state in which he lives they would have no jurisdiction over him and if you tried to sue him in the state where he did live, you still would not have jurisdiction by virtue of lien but you would have to go out and attach it independently. In other words, those who signed Report "B" thought that this statute would be more bother than good and I personally don't care anything about it one way or another, but I am opposed to the motion for the reasons I have stated.

The SPEAKER: The question before the House is on the motion of the gentleman from Saco, Mr. Hawkes, that the House accept Report "A" of the Committee on Judiciary on Bill "An Act relating to Filing of Liens on Vehicles", H. P. 1420, L. D. 1028, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

All those in favor of accepting Report "A" will say aye; those opposed will say 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.

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

COMMITTEE AMENDMENT "A"
to H. P. 1420, L. D. 1028, Bill "An Act Relating to Filing of Liens on Vehicles."

Amend said bill by striking out in the sixth line thereof the underlined word "alien" and inserting in place thereof the underlined words 'a non-resident of this state'

Further amend said bill by inserting in the seventh line thereof after the underlined word "deeds" the underlined words 'or registry district'

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act Creating the Maine School Building Authority" (H. P. 1274) (L. D. 824) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. HASKELL of Cumberland
WARD of Penobscot
BARNES of Aroostook
—of the Senate.

Mrs. FAY of Portland
Messrs. HAYES of Dover-Foxcroft
HARDING of Rockland
FULLER of Bangor
DELAHANTY of Lewiston
—of the House.

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

Report was signed by the following members:

Messrs. McGLAUFILIN of Portland
WOODWORTH of Fairfield
—of the House.

Report was read.

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

Mr. LOW: Mr. Speaker and Members of the House: In view of the fact that questions have been proposed to the Supreme Court regarding the constitutionality of An

Act Creating the Maine School Building Authority, I move that Item 2 lie on the table and be specially assigned for Friday, May 11.

The **SPEAKER**: The gentleman from Rockland, Mr. Low, moves that the two reports of the **Committee on Judiciary on Bill "An Act Creating the Maine School Building Authority,"** H. P. 1274, L. D. 824, lie on the table pending the acceptance of either report and be specially assigned for Friday, May 11th. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled and assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitation of Municipal Indebtedness (H. P. 1082) (L. D. 695) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. **HASKELL** of Cumberland
WARD of Penobscot
BARNES of Aroostook
—of the Senate.

Mrs. **FAY** of Portland
Messrs. **HAYES** of Dover-Foxcroft
FULLER of Bangor
DELAHANTY of Lewiston
HARDING of Rockland
—of the House.

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

Report was signed by the following members:

Messrs. **McGLAUFILIN** of Portland
WOODWORTH of Fairfield
—of the House.

Report was read.

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

Mr. **SENDER**: Mr. Speaker and Members of the House: Item 3 is a half-brother of Item 2, which you have just tabled and, for the same reason which Mr. Low gave, I would

move that this Item 3 be tabled and specially assigned for Friday, May 11th.

The **SPEAKER**: The gentleman from Brunswick, Mr. Senter, moves that Item 3, the two reports of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Exempt Rental Agreements with Maine School Building Authority from the Limitation of Municipal Indebtedness, H. P. 1082, L. D. 695, lie on the table pending acceptance of either report and be specially assigned for Friday, May 11th. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled and assigned.

Leave to Withdraw

Mr. Carville from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Rancourt Pond in Dennistown Plantation, Somerset County (H. P. 1312) (L. D. 865) reported leave to withdraw

Mr. Rollins from the Committee on Taxation reported same on Bill "An Act relating to Tax of Intangibles by Authority of Article XXXVI of the Constitution of Maine" (H. P. 1676) (L. D. 1255)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Sinclair from the Committee on Taxation reported "Ought not to pass" on Bill "An Act to Create the Maine School District" (H. P. 1034) (L. D. 562)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Chase from the Committee on Inland Fisheries and Game on Bill "An Act relating to Fishing Licenses for Boys' and Girls' Camps" (H. P. 1410) (L. D. 1018) which was recommended, reported same in a new draft (H. P. 1797) (L. D. 1372) under same title and that it "Ought to pass"

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

Tabled and Assigned

Mr. Low from 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. 334) (L. D. 201) reported same in a new draft (H. P. 1798) (L. D. 1374) under same title 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, this is the state property tax in a new draft, and I want to explain the bill to the House so that there will be no misunderstanding regarding its provisions.

You all know the abolition of the state property tax on organized municipalities was one of the objectives in tax revision. It was contemplated that the unorganized territory should be taxed under the Maine School District Bill, an instrument which has been present in many legislatures and has heretofore been assumed to be a proper method for taxing the unorganized territory.

The Supreme Court said, in reply to a question addressed to it by the Senate, that the Maine School District Act would be unconstitutional. This came at a time when the sales tax was in process of enactment. There was a provision in the sales tax law, which said there would be no state property tax in 1952 because, of course, at that time, we were relying on this Maine School District to tax the unorganized territory.

This bill assesses the state property tax for 1951 for the necessary expenses of state government and further assesses the tax on a state wide basis, as the court says must be done, for the necessary expenses of state and local government for the year 1952. In the year 1952, the method of distribution of the state property tax back to the organized municipalities is set out in Section 5. The tax is assessed by the Legislature on a state-wide basis as the court says is required by the Constitution.

The Court further says in cases on the subject that the Legislature

can determine the method of distribution and that it need not be equal. Therefore, the local collectors in 1952 collect the money, the amount of the state property tax, and they pay it to the local municipal treasury so that they get the same amount of money that they would have obtained if they had gone through all the trouble of paying it into the state and receive the same amount back.

We have obtained what we think is the best legal advice available to us on this score and we believe that this method is right and will accomplish the same purpose which had been originally intended through the Maine School District. The money from the unorganized territory, the so-called wild land, which amounts to about \$360,000 per year will be paid to the state in both of these years under this act.

Now, for the purpose of clarification, the provision in the sales tax act, which said that there would be no state property tax in 1952, since we have been compelled to adopt this method in order to reach the wild land, there is a section here which repeals that simple statement in the sales tax with respect to the state property tax for 1952.

Since some question has arisen regarding the right of payers of the sales tax to deduct the same from federal income tax, a provision has been put into this bill to make it perfectly clear that the sales tax is a tax on the consumer so that the consumer can deduct it in computation of his income tax.

The only remaining remnant of the state property tax, which was originally made up to a great extent of numerous mill taxes for roads and schools, is the one mill tax for the University of Maine and that has never been assessed as a tax except as part of the state property tax. The money for the University of Maine has always gone to it in the general appropriation bill. For a number of years, it has been necessary to provide the University of Maine with more than the one mill, and I deem it to be to the advantage of that institution that that provision be repealed since if it stands by its own on the books, it would constitute a remnant of the state property tax.

It is conceded that this method of taxing the wild land through assessment of a tax state wide is cumbersome. It traces back to the provisions of the Constitution and what the courts have said the Constitution means. In order that an effort may be made to give more legislative discretion with respect to the taxation of certain kinds of property, especially timber land, through the state, I introduced the order which was read this morning, directing the Legislative Research Committee during the next biennium to study this question of taxation in the unorganized territory. There are lots of things the matter with it besides this particular point. And the order also suggests to the committee the possibility of presenting to the next Legislature an amendment to the Constitution which will relieve all this confusion and law suits and one thing and another which have been piled up during the years with regard to the present provision in the Constitution.

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

Mr. Rollins of Greenville then presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1798, L. D. 1374, 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".

Article X of Section 10 of P. L. of 1951 chapter 250, Repealed: Article X of section 10 of Revised Statutes as enacted by chapter 250 of the Public Laws of 1951, is hereby repealed and shall not be printed as part of the session laws of 1951.

The **SPEAKER**: House Amendment "A" not having been reproduced, the bill and accompanying papers will lie on the table pending adoption of the amendment and for reproduction and tomorrow assigned.

Mr. Burgess from the Committee on Towns and Counties on Bill "An Act relating to Salaries of Sheriffs of All Counties" (H. P. 1374) (L. D.

964) reported same in a new draft (H. P. 1799) (L. D. 1375) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bills and Resolves

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act to Provide for the Issuance of Bonds of the State to Refund Kennebec Bridge Loan Bonds" (H. P. 443) (L. D. 272)

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

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Appropriating Moneys to reactivate Mile Light at Cove Point Gore (H. P. 1778) (L. D. 1316)

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

The **SPEAKER**: The Chair recognizes the gentleman from Hallowell, Mr. Vaughan.

Mr. **VAUGHAN**: Mr. Speaker and Members of the House: This is a small item; it only calls for \$1200 but we are talking about saving money in here and there is a possibility of saving a little money by not placing such an expensive proposition in for such a limited time.

This calls for 850 feet of special cable which has to be made up especially for this job. Now, there is a possibility that that isn't available and will not be available for this proposition. Now, there is a light, that is a flash light, operated by batteries that can be placed in a similar situation and take care of the lighting perfectly adequately. Now, I haven't heard from the Purchasing Department what these would cost but I am sure it would be under \$100 apiece, so that, saying it would be \$100, it would be \$200 against \$1200. I think this is worth looking into and I would

like to make a motion to lay this matter on the table until Friday.

The SPEAKER: Will the gentleman please approach the rostrum?

The SPEAKER: The Chair understands that the gentleman from Hallowell, Mr. Vaughan, withdraws his motion to table?

Mr. VAUGHAN: Yes, Mr. Speaker, I withdraw my motion.

Thereupon, the resolve was assigned for second reading tomorrow morning.

Mr. Jamieson from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve in favor of the Block House at Fort Kent (H. P. 402) (L. D. 246)

Mr. Taylor from the Committee on Towns and Counties reported same on Bill "An Act Abolishing the Polling Place in Rockwood in Somerset County" (H. P. 168) (L. D. 99) which was recommitted

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

Ought to Pass with Committee Amendment

Mr. Taylor from the Committee on Towns and Counties on Bill "An Act relating to the Salaries of the Deputy Register of Deeds and Clerks in the Office of Register of Deeds in Cumberland County" (H. P. 1439) (L. D. 1050) 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. 1439, L. D. 1050, Bill "An Act Relating to the Salaries of the Deputy Register of Deeds and Clerks in the Office of Register of Deeds in Cumberland County."

Amend said Bill by striking out the underlined figures "\$2,900" in the last line thereof and inserting in place thereof the underlined figures '\$2,675'

Committee Amendment "A" was

adopted and the bill was assigned for third reading tomorrow.

Mr. Hawkes from the Committee on Legal Affairs on Bill "An Act relating to the Ogunquit Village Corporation" (H. P. 1121) (L. D. 708) which was recommitted 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. 1121, L. D. 708, Bill, "An Act Relating to the Ogunquit Village Corporation."

Amend said bill by striking out the entire emergency preamble.

Further amend said bill by inserting in the second line of Sec. 8, after the word "manager" the punctuation and word ', removal'.

Further amend Sec. 8, by adding after the last sentence, this additional sentence:

"The corporation manager shall serve at the pleasure of the board of overseers and he may be removed by them by a majority vote at any regular meeting of the board of overseers, after notice of their intentions have been publicly announced at the preceding regular meeting of said board."

Further amend said bill by striking out the entire Emergency clause and inserting in place thereof the following:

Referendum; effective date. This act shall not take effect unless and until accepted and approved by a majority vote of the legal voters of the Ogunquit Village Corporation at the annual meeting held on April, 1952. The corporation clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following questions: "Shall 'An Act Relating to the Ogunquit Village Corporation,' 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. The result shall be declared by the overseers of the corporation and due certificate thereof filed by the corporation clerk with the secretary of state.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters of said village corporation voting at said meeting.'

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

The SPEAKER: The Chair, at this time, will appoint the gentleman from South Paris, Mr. Stewart, as Speaker pro tem and the Sergeant-at-Arms will please escort the gentleman to the rostrum.

Thereupon Mr. Stewart was escorted to the rostrum by the Sergeant-at-Arms where he assumed the Chair amid the applause of the House. Speaker Silsby then retired.

Passed to be Engrossed

Resolve in favor of the Town of New Sharon for School Building (H. P. 109) (L. D. 83)

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

Amended Bills

Bill "An Act relative to Recording Meters on Fuel and Range Oil Trucks" (H. P. 401) (L. D. 245)

Bill "An Act Appropriating Monies for Revision of State Valuation" (H. P. 1066) (L. D. 646)

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

Bill "An Act relating to Indemnities in Bang's Disease Law" (H. P. 1465) (L. D. 1081)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Lyman, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker and Members of the House: I am opposed to this amendment.

This Bang's Disease is a serious matter to the dairymen of the State and to the health of the people. The State and Federal government have spent about \$3,000,000

during the last fifteen to twenty years to combat this disease, and at the present time it is confined to a few animals in the State.

The last Legislature discontinued the payment of indemnities for reactor animals, and at the public hearing here this winter some thirty or forty men from all sections of the State gave testimony that if we wish to be rid of this disease, we should resume payment of indemnities as an inducement to the owners of reactor animals to dispose of them.

This amendment kills this inducement, and I move the indefinite postponement of the amendment.

The SPEAKER pro tem: The Chair will inform the gentleman that the amendment was adopted yesterday and the motion is out of order.

Mr. TAYLOR: Mr. Speaker, I tried to bring this matter up yesterday and I was refused, saying that I would have a chance today.

The SPEAKER pro tem: The gentleman may move to reconsider the adoption of the amendment.

Mr. TAYLOR: I so move, Mr. Speaker.

The SPEAKER pro tem: The gentleman from Lyman, Mr. Taylor, moves that the House reconsider its action whereby it adopted Committee Amendment "A" to Bill "An Act relating to Indemnities in Bang's Disease Law" H. P. 1465, L. D. 1081. Is it the pleasure of the House to reconsider?

(Cries of "No")

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

Mr. CENTER: Mr. Speaker and Members of the House: As the previous speaker has mentioned, Bang's Disease is a serious problem, and it has been the aim of your Agricultural Committee this year to try and work out some legislation which will be fair to everyone and, in the final analysis, will keep Bang's Disease under control.

Now, I mentioned sometime ago, in connection with another Bang's bill, the Department of Animal Industry has had fairly good cooperation from the dairy industry in the period of years in the Test and

Slaughter Program. However, the 94th Legislature repealed the indemnity law which became effective July 1st, 1950. It repealed the indemnity law as far as natural reactors were concerned. However, calfhood vaccinated animals still received the indemnity if they reacted to the blood test.

There has been a feeling in the industry that this was unfair legislation, inasmuch as there is no complete agreement on the vaccination program.

Medicine is not an exact science. Honest differences of opinion and different methods of treatment are continually before us, and I believe that this, itself, leads to further investigation, and in the long run, progress.

Calfhood vaccination in cattle is one of these debatable subjects, and as long as we have in our State good veterinaries and members of the Department of Agriculture of our State College, who are not entirely sold on the value of vaccination, I do not believe that we should say: "You must vaccinate or else you cannot receive indemnities."

However, that is water over the dam because the 94th Legislature did pass such an act, and since July 1950, the cooperation which we had before has not been 100 per cent, and there have been some, especially the small operators, who have not been able to get this indemnity, who have refused to dispose of their reactor animals, and we have today 164 reactors in 64 herds in the State, exclusive of the so-called C herds, that are standing in the stanchions. The Attorney General's Department has informed the Animal Industry Division that they do not believe, under the old law, that they have the power to do much about it. That is why this other Bang's Bill that was with you here the other day was set up and changed so that we believe now there is in that particular law teeth so that the department can enforce the regulations.

Now this particular bill simply brings back the indemnities for non-vaccinated cattle as it was before the 94th Legislature. It is the feeling of your Agriculture Com-

mittee, and of many members of the industry with whom we have talked, that we should not go back and pay indemnities on these 164 head of cattle that are standing today in the stanchions, and which the owners absolutely refuse to get rid of; in other words, they refuse to follow the law. Certainly if they are to be paid for those cattle, some 479, or something of that kind, cattle that were slaughtered since July, 1950 by people who were following the law, should also be reimbursed. I feel, and the Agricultural Committee feels, that this amendment simply says that you should have followed the law as it was as the others did, and we will give indemnities if this bill becomes law but not to those who simply refuse to cooperate and who refused to follow the law.

I hope the amendment will prevail.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Lyman, Mr. Taylor, that the House reconsider its action of yesterday whereby the House adopted Committee Amendment "A" to Bill "An Act relating to Indemnities to Bang's Disease Law."

The Chair recognizes the gentleman from Lyman, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker, I think that the bill as written takes care of the situation much better than the amendment does.

Therefore, I hope that the indefinite postponement of this amendment prevails.

The SPEAKER pro tem: The Chair will inform the gentleman that the matter of the adoption will have to be reconsidered before the motion to indefinitely postpone will be in order.

Mr. TAYLOR: Mr. Speaker, I understood that I did move to reconsider.

The SPEAKER pro tem: The question before the House is on your motion to reconsider.

Is the House ready for the question?

The question before the House is on the motion of the gentleman from Lyman, Mr. Taylor, that the House reconsider its action whereby it adopted Committee Amend-

ment "A" to Bill "An Act relating to Indemnities in Bang's Disease Law," H. P. 1465, L. D. 1031. Is it the pleasure of the House to reconsider?

(Cries of "No")

The SPEAKER: All those in favor of reconsideration will say aye; those opposed, no.

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

Thereupon, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

At this point, Speaker Silsby returned to the rostrum.

The SPEAKER: Mr. Stewart, in order that you may have a small token by which to remember this occasion, I present you with this little gavel.

Mr. STEWART: Thank you, Mr. Speaker.

Thereupon, Mr. Stewart of South Paris retired to his seat on the Floor, amid the applause of the House. Speaker Silsby then resumed the Chair.

Mr. BEARCE of Hebron: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. BEARCE: Mr. Speaker, I rise to ask for reconsideration of Item 2, Bill "An Act relative to Recording Meters on Fuel and Range Oil Trucks".

The SPEAKER: The Chair will state that the motion is in order to reconsider the passage to be engrossed of Item 2, Bill "An Act relative to Recording Meters on Fuel and Range Oil Trucks", H. P. 401, L. D. 245. Does the gentleman so move?

Mr. BEARCE: I so move, Mr. Speaker.

The SPEAKER: The gentleman from Hebron, Mr. Bearce, moves that the House reconsider its action earlier in today's session on Item 2, Bill "An Act relative to Recording Meters on Fuel and Range Oil Truck", H. P. 401, L. D. 245.

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.

Thirty-five having voted in the affirmative and forty in the negative, the motion to reconsider did not prevail.

Passed to be Enacted Emergency Measure

An Act to Amend the Charter of the Town of Baileyville (S. P. 538) (L. D. 1275)

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. 124 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 relating to the Town of York School District (S. P. 568)

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. 124 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 to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs (H. P. 658) (L. D. 367)

Was reported by the Committee on 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. 128 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 relating to the Absent Voting Law in Cities (S. P. 59) (L. D. 63)

An Act relating to Depositing Rubbish on Another's Land (S. P. 103) (L. D. 154)

An Act Authorizing Mainente School of Music to Confer Degrees (S. P. 116) (L. D. 206)

An Act relating to Rental of Western Somerset Municipal Court (S. P. 312) (L. D. 663)

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 to Create the Flander's Bay Community School District (S. P. 414) (L. D. 975)

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

(On motion of Mr. Dunham of Ellsworth, tabled pending passage to be enacted.)

An Act relating to Disclosure Commissioners (S. P. 439) (L. D. 1002)

An Act relating to Regulation of Posts and Wires (S. P. 560) (L. D. 1345)

An Act relating to Signals for Stopping and Turning Motor Vehicles (H. P. 93) (L. D. 38)

An Act to Incorporate the Trustees of La Mennais College (H. P. 318) (L. D. 183)

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.

Passed Over Temporarily

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

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

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

Mr. DICKEY: Mr. Speaker, I wish to make a motion on Item 13. Will the Chair allow that?

The SPEAKER: Will the gentleman please defer his motion until we have completed reading the list?

Mr. DICKEY: Yes, Mr. Speaker.

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be en-

acted, signed by the Speaker and sent to the Senate.

Tabled and Assigned

An Act relating to Salaries of County Commissioners and County Treasurer of York County (H. P. 1375) (L. D. 965)

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

(On motion of Mr. Letourneau of Sanford, tabled pending passage to be enacted and specially assigned for Friday, May 11th.)

Tabled and Assigned

An Act relating to Salary of Judge of Probate of York County (H. P. 1437) (L. D. 1048)

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

(On motion of Mr. Letourneau of Sanford, tabled pending passage to be enacted and specially assigned for Friday, May 11th.)

Placed on Special Calendar

An Act relative to Health Certificates in the Sale of Cattle (H. P. 1464) (L. D. 1080)

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

Upon request of Mr. Jacobs of Auburn, was placed on the Special Calendar the pending question being passage to be enacted.

An Act relating to Hunting from Automobiles (H. P. 1478) (L. D. 1085)

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

An Act Relating to Equal Pay for Women Teachers (H. P. 1506) (L. D. 1059)

An Act Creating a Sewer System for Town of Winthrop (H. P. 1629) (L. D. 1188)

An Act to Create the Bangor Water District (H. P. 1787) (L. D. 1347)

Finally Passed

Resolve Authorizing Maine General Hospital to Convey Certain Lands to Maine Medical Center (S. P. 547) (L. D. 1288)

The **SPEAKER**: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. **DICKEY**: Mr. Speaker and Members of the House: on Item 13, Legislative Document 580, I have been mixed up in quite a few things since I have been here since January.

The **SPEAKER**: Does the gentleman wish to make a motion?

Mr. **DICKEY**: My motion is for indefinite postponement.

The **SPEAKER**: The gentleman moves that Item 13 be passed over until the other items are disposed of. Is this the pleasure of the House?

The motion prevailed.

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

Placed on Special Calendar

Resolve in favor of Winifred Malloy of Hallowell (H. P. 346) (L. D. 484)

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

Upon request of Mr. Jacobs of Auburn, was placed on the Special Calendar the pending question being final passage.

The **SPEAKER**: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. **DICKEY**: Mr. Speaker, it seems to be a noisy corner down here this morning, and I will probably add to it.

As I said before, I have been mixed up with quite a few of our barnyard friends since I came here in January, first the cats, then the hens, and now the bangtails.

My motion is to indefinitely postpone this vicious and discriminatory bill. We heard a very nice discourse from the gentleman from Gorham in regard to the hardship on the town of Gorham itself. It seems to me there is no argument because the town of Scarborough and those surrounding towns would have the same argument; it would be like the argument of South Portland when they closed the ship-

yard. They say: "No, you can't do that; we need the business."

I also heard an argument about gambling. I don't think gambling is the issue here. The State of Maine is in the gambling business; it started in 1935 in the pari-mutuels, and we are still carrying it on, so I don't see any reason for an argument on that score.

Some of the horse owners got up and said that they felt it would be detrimental to them. I see where there is no argument for the harness owners themselves. I have a very good friend that is a harness owner; I wouldn't do anything to hurt him, but there are plenty of tracks in the State of Maine.

It seems to me that the whole gist of the argument was given by one gentleman when he said that the Grand Circuit would be very glad to use this track. I am sure they would. They would like to have you go along with this bill in order to put the track out of business as a running track so that they could buy it up for two cents on a dollar and then they would be glad to have the runners back there. I am telling you this is a vicious bill.

One thing they didn't consider was that it involves \$1,000,000 to the State of Maine, and it is right in the Governor's Budget where he expects \$509,000 each year. I maintain what I said, that this is vicious and discriminatory, and I hope you will go along with me in my motion to indefinitely postpone this bill.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that An Act relating to Running Horse Racing in the Day-time, H. P. 1021, L. D. 580, be indefinitely postponed.

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

Mr. **GILMAN**: Mr. Speaker and Members of the House: The placing of this so-called "Kiss of Death" on Scarborough Downs is something that I want no part in myself. I have followed this bill. I have had a deep interest in it. I have been against it. Personally, it is absolutely unbelievable that such an unfair, unjust and discriminatory piece of legislation could get favorable consideration in this

House; therefore I want to go along with the gentleman from Brooks, Mr. Dickey, and I hope that his motion for indefinite postponement does prevail.

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

Mr. ROBBINS: Mr. Speaker and Members of the House: Two years ago and four years ago I voted to accord to trotting racing the privilege of operating at night. I felt so strongly that the trotters were entitled to this consideration that I voted to override the Governor's veto four years ago, and in view of my voting record on that question, I cannot sit by idly without at least making a protest, although I am afraid it will fall on deaf ears, against this bill.

We are denying a privilege to a competitive industry which we have already accorded to another competitor. Here are two industries which are competing in the good American tradition of fair competition, and the Legislature is undertaking in this bill to intervene on the side of one of them—wholly un-American.

There are other competitors for the entertainment dollar as well as the horses. For example, there is night baseball and moving pictures. I would like to point out to the House that the outdoor moving pictures at Scarborough is just as much entitled to come in here and try to close down Scarborough Downs as the trotters are, but if the motion picture industry were sponsoring this bill, we would not entertain it for a minute; the absurdity of their position would be apparent. For my part I cannot understand why we should accede to this request from the trotters, especially as we have given them this very same privilege. As for my part, if this bill passes, I will deeply regret the two votes that I cast for the trotters for night racing two and four years ago. I think it is exceedingly unfair.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker and Members of the House: When the 94th Legislature passed the bill to allow running races it was my be-

lief and the belief of many others that the intent of that bill was for daylight racing only. To substantiate that fact Scarborough Downs opened for afternoon racing. This bill, L. D. 580, will limit the running races to daylight racing only, which I believe was the intent of the bill two years ago.

When this bill was in the House a few days ago, it was debated for one hour and a half. When the vote was taken, it was 79 in favor of passage and 45 opposed. 26 were absent. If all of those that were absent had been here and voted against this bill, it would still have had a passage. I don't believe that this House has changed its mind since a few days ago, and I hope the motion of the gentleman from Brooks, Mr. Dickey, does not prevail. If the runners want night racing, let them come before this Legislature with a special act the same as the harness racing people had to do.

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

Mr. CARVILLE: Mr. Speaker and Members of the House: I am not surprised at the action that was taken. This bill has been worked on since we came here in January by one of the ablest lobbyists we have in the State. It has been lobbied by our Republican Party and by our Publicity Bureau, and I don't believe that to the people that are here and voting on this I have to go into any lengthy discussion at this time to show you these points and how they are brought into it. I assure you that when the repeal bill comes in that I will give you the works, and they stink. I don't believe you will go along with it.

One of the gentlemen who spoke here recently has been in the employ of one of our heads of our Republican Party. Naturally, you would expect him to stick his neck out for him. Probably I would do the same. But I don't think the members of this House will change their minds in any way, shape or manner regarding these runners. It is the political set-up that I am after.

I fathered this thing two years ago, against my wishes. I said at

that time that if this bill turned out as my opponents said it would, that I would be the first to come back here and oppose it, and I am back here opposing it, and I shall keep on opposing until I run them out. They have been very underhanded in all of their ways in which they have dealt with our Maine people. It is strictly out-of-state money that is in here; it will be strictly out-of-state money, no matter what you do to help them. It is under control of one man, and I certainly hope this House will not change its mind.

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

Mr. DICKEY: Mr. Speaker, I just love that word "intent." It is just to cloud the issue. They are trying to hold their votes in line. I don't blame them for that. I hope that they will be pleasantly surprised that the members of this House that voted the other way the other day have learned more about this the same as I have. I might ask the same gentleman: Where did they get the lighting for this night racing for Scarborough Downs? I understand it came from Old Orchard, from the harness boys. Who started this in the first place? It was the harness boys. They went out there to Scarborough Downs—they are all harness men—and they wanted to make a killing. They couldn't do it. Now they want to kill the thing so as to protect their own interests, and turn around later on, after the thing they hope is dead, and as I said before, buy it up for two cents on a dollar.

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

Mr. MCGLAULIN: Mr. Speaker and Members of the House: It seems to me it should be unnecessary to argue this matter all over again. I am just wondering if Mr. Dickey did not get that increased information from this powerful lobby that is hanging around the State House and has been all the winter. I could name the members, but you probably know them all. I will say this for the lobbyists: not one of them ever approached me, and I venture to say that they knew it was useless to do so; otherwise

they would have been instructing me how to vote.

I have pointed out that I am opposed to this bill because I want to protect the citizens of Portland. They waste enough of their money in the day racing; they will waste vastly more if you allow this night racing. I think it is up to this Legislature to protect its citizens and not throw the doors wide open for their wasting their money by gambling.

None of us object to horse racing in itself, even running racing, but all of you who know anything about Scarborough Downs know that it is a gambling racket. I voted against the measure two years ago. These fellows who went into this business went into it with their eyes wide open, knowing that it was a gamble. Now that they get their toes stepped on, how they do howl and whine at the unfairness of giving them what they asked for and which did not turn out as good as they thought it was going to, therefore they must have something more added to what they got before.

The Legal Affairs Committee, or at least a majority of them, voted to let them continue their races but they voted against this night racing.

Mr. Dickey says that the gambling does not enter into this thing. I want to tell you that he is mistaken. He does not live as near Scarborough Downs as I do. He used to live there, but unfortunately he is off where he doesn't know what is going on.

I do not think it is necessary to take more time. I am definitely against the indefinite postponement, and I hope this House has the courage and the common sense to kill this night racing at Scarborough Downs.

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

Mr. DUNHAM: Mr. Speaker and Members of the House: No one has any strings on me. No one had any strings on me on the sales tax question. This bill is purely and simply discrimination; there is no question about it. I say to you good folks that I wish I could reach the age of my good friend from Portland, Judge McGlaulin, and have

as much innocence as he appears to have. (Laughter)

He talks about gambling. Doesn't he know that he is doing something which is increasing gambling in this State? Doesn't he know that he is playing right into the hands of the bookies? Why, we do not all have freedom where we can go to races in the daytime. We want to do something in the evening. A lot of those people around Portland want to go to the races in the evening and they cannot go, therefore if you confine it to the daytime they are going to buy tickets and you are going to increase gambling, Mr. McGlauffin.

Mr. McGLAUFFIN: You are wrong. (Laughter)

Mr. DUNHAM: He says I'm wrong.

The SPEAKER: The Chair must call the attention of the gentleman from Ellsworth, Mr. Dunham, to the fact that he cannot indulge in personalities.

Mr. DUNHAM: He says I am wrong. I stay at a place where there is a good Christian lady running it. The other day a factory worker came back to the hotel and she slipped a ticket to this good Christian woman, and knowing that I am against gambling, which I am, she hid it under the flap in the desk there. But finally it came out that it was a ticket on the treasury balance. That good Christian woman was buying a ticket on the treasury balance. And I am telling you, Judge, there are thousands of them around Portland who are buying tickets and throwing their money into the hands of the bookies and the State is not getting one nickel out of it.

Gambling! Oh no, you can't tell me a thing about that. You are killing the goose that lays the golden egg, ladies and gentlemen. I repeat that. You are. You have got a half a million dollars coming into this State through this source, and instead of putting it where it belongs you want to put it in the hands of the bookies. I say no; I say you are wrong. I am going along with the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. DICKEY: A point of personal privilege, Mr. Speaker.

The SPEAKER: The gentleman may state his point of personal privilege.

Mr. DICKEY: The inference was made by the good Judge McGlauffin a moment ago in regard to me and the lobbyists. I would like to have the House and the Speaker and the gallery know my stand.

The SPEAKER: The Chair does not recall that there was any statement made by the gentleman from Portland, Mr. McGlauffin, attacking the gentleman's character in any way, and the Chair must rule that, from the Chair's understanding of the remarks made by the gentleman from Portland, Mr. McGlauffin, the gentleman is not entitled to the privilege.

Mr. DICKEY: I am very sorry, Mr. Speaker, that you rule against me. I realize that I have talked twice. I asked for personal privilege to defend myself. I now ask for unanimous consent to address the House.

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

Mr. DICKEY: Mr. Speaker, I want to answer the good Judge McGlauffin in this way. The lobbyists, I believe, are a great good for the State of Maine. If the State of Maine was to hire those same men to get the information they give it would cost them hundreds of thousands of dollars. I will say right here that the lobbyists did not approach me: I approached the lobbyists because I wanted more information about this dirty deal. (Laughter)

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

Mr. DOW: Mr. Speaker and Members of the House: Both sides have previously had unlimited opportunity to debate this question; it seems unnecessary to go all through it again, and I move the previous question.

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

consent of one-third of the members present.

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

A division of the House was had.

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

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

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

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that An Act relating to Running Horse Racing in the Daytime (H. P. 1021) (L. D. 580) be indefinitely postponed—

Mr. SANBORN of Gorham: Mr. Speaker, I request a division.

The SPEAKER: All those in favor of the motion of the gentleman from Brooks, Mr. Dickey, that An Act relating to Running Horse Racing in the Daytime (H. P. 1021) (L. D. 580) be indefinitely postponed will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Forty-three having voted in the affirmative and seventy-six in the negative, the motion to indefinitely postpone does not prevail.

Thereupon the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: The Chair lays before the House the 1st tabled and today assigned matter, Bill "An Act Relating to the Banking Department" (H. P. 1282) (L. D. 848) tabled on May 2nd by the gentleman from Limestone, Mr. Burgess, pending third reading, and the Chair recognizes that gentleman.

Mr. BURGESS: Mr. Speaker, if it be in order, I would like to offer

House Amendment "B" to L. D. 848.

The SPEAKER: Does the gentleman so move?

Mr. BURGESS: I do, Mr. Speaker.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, presents House Amendment "B" to Bill "An Act Relating to the Banking Department" (H. P. 1282) (L. D. 848) and moves its adoption.

The Clerk will read the amendment.

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

HOUSE AMENDMENT "B" to H. P. 1282, L. D. 848, Bill "An Act Relating to the Banking Department."

Amend said Bill by adding thereto a new section to read as follows:

'Sec. 5. Effective Date. The effective date of this Act shall be November 2, 1951.'

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BURGESS: Mr. Speaker and Members of the House: A few days ago when the House voted with me on this measure I assured the House that the bill would be tabled and that any amendments which were necessary would be offered at the time it was considered. Therefore I would like the privilege at this time of taking just a moment to explain the amendment which I have offered. As you will note, it simply makes the bill effective as of November 2nd, 1951.

The reasons behind the amendment and making the effective date as of November 2nd are briefly these: In the ordinary course of events any measure enacted by the Legislature will not become effective until ninety days after adjournment. The Banking Department would need an appropriation to carry it until they were able to collect under this bill. As of November 1st, if this amendment is adopted, the State would assess approximately one-half of the usual thirty cents per thousand against the deposits of the State. Beginning as of November 2nd, the Department would then be standing on its own feet under the provisions of the act.

I think it is unnecessary for me to point out, because it would be

a repetition—but may I take the liberty of briefly saying that the bill as amended, if you adopt the amendment, would do this: It would repeal the present tax against deposits which is now thirty cents per one thousand and would assess seven cents per one thousand and would grant to the Banking Department the privilege of making their examinations at the expense of the various banks examined. The banks throughout the State are favorable to this, and it places them in a better competitive position with the National Banks. Therefore I hope that you will adopt this amendment and permit the bill to proceed in the usual course and thereby make a change which has been long overdue in this particular department.

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

Mr. CHASE: Mr. Speaker, when the House voted the other day to substitute the bill for the unanimous "Ought not to pass" report of the Committee on Taxation, the gentleman from Limestone (Mr. Burgess) said that he would later offer an amendment. The amendment which he has offered does not remove the objections of the committee to the bill. The Committee on Taxation are entirely agreeable with the notion that the banks should pay for their own examination; the committee is entirely agreeable to staffing the Banking Department with thoroughly competent people; but the committee does object to reducing the tax on the banks in an amount of about fifty-five thousand dollars. We cannot see that that question has anything to do with the matter of examinations. We do not recognize any principle that the only obligation of the banks is to pay the cost of their own regulation. If that principle should be applied to the railroads or to the public utility companies or the insurance companies—and it can be applied to those with just as much force as it can be to banking—the State of Maine would lose three of its major tax sources.

Now I do not care very much whether this bill becomes effective next November, but on behalf of

the committee I want to offer an amendment which changes the rate stated in the act, the rate of taxation, from seven cents a thousand to twenty cents a thousand. The effect of this will be—and this is both in the case of the banks and the loan and building associations, which are also embraced—that the State will not sustain a loss in tax revenue.

The financial situation of the State, even though we have enacted a major tax, is not such that there is any money lying around in the corridors, and personally I do not want to be a party to passing a tax bill here on all of the people of the State and then turn around and cut the tax on the banks of the State by forty per cent.

Last year the trust companies of this State, in addition to paying rather liberal dividends on their stock, increased their surplus and undivided profits by about \$650,000. The savings banks similarly, after taking care of interest on their deposits, made a substantial increase in their item of undivided profits.

Now if this amendment can be adopted, changing the rate from seven cents in the bill to twenty cents, so that there will be no loss to the State in tax revenue, then the committee is for the bill; otherwise the committee is opposed to the bill.

At the proper time, Mr. Speaker, I would like to offer this amendment.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: The gentleman from Cape Elizabeth (Mr. Chase) is certainly an artist in the art of confusion and regimentation of speaking.

I spent a little time last week in giving you one side, at least the savings bank side and the building and loan side of this proposition which I am concerned with, as to the continuation of this policy of failing to do something for the State Banking Department that will enable it to continue the mission for which it is created, the duties to which it is obligated, the duties which this Legislature can-

not in any sense of the word abrogate.

We have a banking department that has not had an additional member there since 1939. We have eleven men supervising five hundred and sixty-five million dollars worth of assets.

To give you a little idea of the savings bank situation, I will just cite you one that I know the most about, the Bangor Savings Bank. We have 18,000 depositors in this little institution. Forty-six per cent of them have deposits of less than one hundred dollars: school children, elderly people, who still believe there is some merit in providing their own security by the adoption of little principles of thrift.

Anybody who has participated in the diabolical regimentation of this House in piling onto the little people of this State the sales tax, which has not been fairly discussed here—I know it is done with and we cannot further discuss it here—but that same gentleman from Cape Elizabeth has got a fearful responsibility when he invades the savings accounts of school children and of thrift institutions to provide a little bit of gravy to continue the revenue that should be spent in the banking department and which has been denied them over all these years. As I said before, when this banking department is properly rehabilitated, adequately staffed and properly paid, this money he is talking about will have disappeared into thin space.

This money is also dependent on the amount of deposits. They can recede as fast as they can accelerate. From here on out, my guess is they will probably recede. If the state trust companies, savings banks and building and loan associations are willing to assume the rehabilitation of that department and pay the cost, they should not be assessed even the twenty-five thousand or twenty thousand that he talks about.

With all of these astronomical appropriations to Health and Welfare, A.D.C., a million, two million dollars, he now proposes that we go out and assess the widows and orphans and the school kids in order to provide the fifty thousand dol-

lars which he talks about. As a matter of fact, the first year after this became operative there would not be more than \$25,000 involved, because the present basis will take care of it for half of this biennium, so that it will be only \$25,000. But if it was \$50,000, if it was \$150,000, we cannot afford in this Legislature to fail to rehabilitate that banking department. We are charged with the responsibility of maintaining a balanced banking system in this State.

His utter failure to comprehend what this is all about is typical of what we have to explain every two years to the Appropriations Committee. You cannot go through it and explain it to them. The only people who really understand it are the bankers themselves, and they are willing to assume that extra assessment in order to provide this, but they are unwilling to pay a premium for doing that. I think the fact they are taking this over and doing this thing and rehabilitating the thing is charge enough in itself and they should not be assessed. I certainly hope that the amendment which the gentleman offers will be indefinitely postponed.

THE SPEAKER: The question before the House is on the adoption of House Amendment "B" presented by the gentleman from Limestone, Mr. Burgess.

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

MR. FULLER: Mr. Speaker, I have arisen too soon, I think.

THE SPEAKER: The question before the House is on the adoption of House Amendment "B".

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

MR. BURGESS: Mr. Speaker and Members of the House: The question seems to have boiled itself down very simply to a matter of dollars. The opposition does not question the plan as provided in the bill but does object to the loss of tax dollars to the general fund account.

I would like to point out—and I assure you I will do it very briefly—that at this session of the Legislature we have embarked upon a new plan of taxation. This morning this House voted against the

continuation of an income of several hundred thousand dollars from racing. Regardless of how we may feel individually for or against that type of income, yet we did refuse to continue the income to the State.

And may I point out to the House that it is my honest opinion, for whatever it may be worth, that the amendment I have offered should be adopted and that no further amendments should be adopted. The amount of dollars, as I said a few days ago, which are claimed to be lost, would not, in my opinion, be lost if the banking department were today given the size of appropriation it needs to properly carry out the program which we expect it to carry out.

May I further point out that it is an endeavor, and I believe it will accomplish that purpose of placing it on a more competitive basis with the National Banks which are doing business in our State.

I have before me a list of banks throughout the State of Maine which are eligible to become National Banks overnight by the very nature of their set-up. I will not read their names, but I will tell you that if we were to lose those banks in the national system we would lose to the State some \$36,011.95 based on last year's figures. So I think that this House and this entire Legislature is certainly justified in making a reorganization at this time in the banking department of the State of Maine. I believe that we owe it, as I said before, to the various thrifty people throughout the State who are the backbone of the State and who are going to pay the taxes which are going to continue these various other departments throughout the State. Therefore I hope that you will vote to adopt the amendment which I have offered and vote against any further amendments to the bill; and when the vote is taken, Mr. Speaker, I ask for a division.

The SPEAKER: The question before the House is on the adoption of House Amendment "B" to Bill "An Act Relating to the Banking Department."

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

Mr. TOTMAN: Mr. Speaker and Members of the House: Once again I rise to support some constituents who have asked me to speak in behalf of this measure. I have here a very brief letter which consists of about eighty or ninety words. I do not think it is going to tax your patience too much.

Frankly, this whole situation is a little bit beyond my personal knowledge, and I admit it. I do believe that this letter, to the average layman, sums the situation up very simply and clearly, and therefore I wish to present it to you. I think it may help to erase a little confusion in your mind. It is from the President of the Maine Bankers Association, Mr. Richard Bradford of Bangor. He says:

"We state-chartered banks do not feel we should pay taxes on our deposits which are not our property - - -" Now Mr. Chase has mentioned the fact that if you give the banks this relief you should give telegraph companies and railroads and so forth relief on their properties. Now this one phrase I think points out that the deposits are not the banks' property. The railroads and the telegraph companies own their property, but the banks do not own their deposits "when deposits of national banks are not and cannot by law be taxed. As a practical matter, we do not expect relief from this discriminatory tax unless a sales tax or similar large revenue measure is passed, but we feel we should be granted relief if the small loss of revenue entailed in our bill is made up through general revenue legislation. A continuation of discriminatory taxation tends to break down the dual banking system long traditional in this country. All we ask is equitable treatment."

The SPEAKER: The question before the House is on the adoption of House Amendment "B" to Bill "An Act Relating to Banking Department," and the gentleman from Limestone, Mr. Burgess, has requested a division.

All those in favor of the adoption of House Amendment "B" will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Fifty-seven having voted in the affirmative and twenty-two in the negative, the motion to adopt House Amendment "B" prevails.

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

Mr. CHASE: Mr. Speaker, I think this is a matter of considerable importance which ought not to be decided with this light attendance in the House. I want to offer House Amendment "A" and I would like to speak to it when the membership is present.

It was my intention, after the disposition of this matter, to move to adjourn until tomorrow morning, because I had rather take this matter up with a larger attendance here.

Therefore, I offer House Amendment "A" and move that it lie on the table.

HOUSE AMENDMENT "A" to H. P. 1282, L. D. 848, Bill "An Act Relating to the Banking Department."

Amend said Bill by striking out in the 5th line and the 7th line of the 3rd paragraph of that part of the bill designated "Sec. 2." the following: "7c", and inserting in place thereof the following: "20c"

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, presents House Amendment "A" to Bill "An Act Relating to the Banking Department," and further moves that the matter lie on the table pending adoption of the amendment. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled.

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

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

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

Mr. ALBERT: Mr. Speaker, under suspension of the rules I ask unani-

mous consent to introduce a resolve, and after it is read I would like to make a few remarks.

The SPEAKER: The Chair understands that the gentleman from Augusta, Mr. Albert, withdraws his motion for unanimous consent to introduce a resolve. The gentleman may proceed.

Mr. ALBERT: After the resolve is read, Mr. Speaker, I would like to make a few remarks on it.

The SPEAKER: The gentleman will be precluded from any remarks after he acquires unanimous consent to present the resolve. Would the gentleman care to proceed with his remarks at this time?

Mr. ALBERT: Yes, Mr. Speaker.

Mr. Speaker and Members of the House: This resolve that I wish to introduce is simply for the naming of the new Augusta Bridge and the east and west traffic circles. The local newspaper, through the winter, conducted a poll, and the results of the poll were not available by February 8th, which was the day the hopper closed, so we had to get it through unanimous consent.

This will not cost the State anything, and I am sure it will not prolong the session. I sincerely hope that it will be adopted.

The SPEAKER: The gentleman from Augusta, Mr. Albert, requests unanimous consent to present Resolve designating new Bridge in Augusta as Augusta Memorial Bridge, H. P. 1801. Is there any objection? The Chair hears none, and the resolve is received.

On motion of Mr. Albert of Augusta, under suspension of the rules, the resolve was given its two several readings without reference to a committee and passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair at this time will appoint the House members of the committee of conference on the disagreeing action of the two bodies on Bill "An Act Relating to Taking of Marine Worms" (H. P. 1131) (L. D. 698) the following conferees;

The gentleman from Woolwich, Mr. Bailey,

The gentleman from Portland, Mr. Wallace,

The gentleman from Vinalhaven, Mr. Barton.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 8:30 E.S.T., tomorrow.