

# 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**

Thursday, May 10, 1951.

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

Prayer by Rev. Fr. Armand Caron of Brunswick.

The journal of the previous session was read and approved.

**Papers from the Senate  
Senate Reports of Committees  
Divided Report**

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Sale of Real Estate for Taxes" (S. P. 375) (L. D. 901)

Report was signed by the following members:

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

Mr. **McGLAUFLIN**  
of Portland  
Mrs. **FAY** of Portland  
Messrs. **HAYES** of Dover-Foxcroft  
**WOODWORTH**  
of Fairfield  
**FULLER** of Bangor  
—of the House.

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

Report was signed by the following members:

Messrs. **HARDING** of Rockland  
**DELAHANTY**  
of Lewiston  
—of the House.

Came from the Senate with the Majority Report read and accepted.

In the House: Report was read.

On motion of Mr. McGlaufflin of Portland, the Majority "Ought not to pass" Report of the Committee was accepted in concurrence.

**Leave to Withdraw**

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Motor Vehicle Damage by Protected Wild Animals and Deer" (S. P. 391) (L. D. 939) reported leave to withdraw.

Came from the Senate read and accepted.

In the House: Report was read.

The **SPEAKER**: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. **BOOTHBY**: Mr. Speaker and Members of the House: On this bill which we had up before us the other day, which I talked on at some length, I have an amendment here which I would like to put onto it, and I would like to speak a few words before I offer it.

In this case, where there is considerable damage being caused by deer and moose also to cars, I think really it is the business of the State to protect the motorists, at least to some extent.

I know of a damage right here the other day, where a man started to go to Rockland and a deer jumped in front of him and he didn't even have time to get his foot on the brake; he killed the deer and smashed up his car to the extent of \$156.00.

Now I have an amendment here which I would like to offer, and I think that would make it fair for everybody. It is \$50. deductible; in other words, the person who receives the damage to his car stands the first \$50. That is somewhat like collision insurance. Beyond that the State will take over from there if he has an extensive damage. I think it is no more than fair that this bill should be paid by the State.

We have protected these deer and we have an excessive number of them in the State. They are giving quite a lot of damage to cars, and I don't think it is right for the person to have to stand all of that damage. I would like to offer this amendment.

The **SPEAKER**: The Chair would inform the gentleman that the bill is not before the House at the moment. The report of the committee is "Leave to withdraw". Does the gentleman wish to substitute the bill for the report?

Mr. **BOOTHBY**: Yes, Mr. Speaker, I would like to substitute the bill for the report.

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

Mr. **WATSON**: Mr. Speaker and Members of the House: I think the gentleman from Livermore, Mr.

Boothby, is talking about another bill that he has on the table. I don't think he means this bill that we are asking "Leave to withdraw".

Mr. BOOTHBY: Mr. Speaker, excuse me; I have a bill tabled, and I think I was talking on the wrong bill.

The SPEAKER: Does the gentleman withdraw his motion?

Mr. BOOTHBY: I withdraw my motion, Mr. Speaker.

Thereupon, the report of the committee was accepted in concurrence.

#### Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve in favor of the University of Maine for General Purposes of the University (S. P. 93) (L. D. 146) as it is covered by other legislation.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

#### Ought to Pass

Report of the Committee on Claims reporting "Ought to pass" on Resolve in favor of Eathel F. Rowe of Aurora (S. P. 471) (L. D. 1369)

Report of the same Committee reporting same on Resolve in favor of Howard P. Fairfield of Skowhegan (S. P. 144) (L. D. 1370)

Report of the same Committee reporting same on Resolve in favor of Julius Moskowitz of Presque Isle (S. P. 142) (L. D. 1371)

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

In the House: Reports were read and accepted in concurrence and the Resolves read once, and tomorrow assigned.

#### New Resolve

Report of the Committee on Judiciary reporting a Resolve under Title of "Resolve Expressing Appreciation for Codification of Constitution by Honorable Harold H. Murchie, Chief Justice of the Supreme Judicial Court" (S. P. 569) (L. D. 1366) and that it "Ought to pass"

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

In the House: Report was read.

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

Mr. DOW: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. DOW: Mr. Speaker, this report and resolve violates the cloture rule, also the committee lacked authority to originate a bill or resolve.

The SPEAKER: The gentleman's point is well taken, and the Chair will rule that the "Resolve Expressing Appreciation for Codification of Constitution by Honorable Harold H. Murchie, Chief Justice of the Supreme Judicial Court" (S. P. 569) (L. D. 1366) is in violation of the cloture rule passed as a joint order on January 11th past, and further that the resolve has not been referred to any committee according to the record. Therefore the Chair will rule that the resolve is out of order.

#### Ought to Pass

##### with Committee Amendment

Report of the Committee on Claims on Resolve in favor of Timothy J. Murphy of Hallowell (S. P. 298) (L. D. 1368) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House: Report was read.

(On motion of Mr. Pierce of Bucksport, a viva voce vote being taken, the report, with accompanying papers, was tabled pending acceptance of committee report, and specially assigned for Friday, May 11th.)

#### Tabled

Report of the Committee on Education on Bill "An Act Providing for General-Purpose Educational Aid to Cities, Towns, Plantations and Community School Districts"

(S. P. 263) (L. D. 551) 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" and Senate Amendment "A."

In the House: Report was read.

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

Mr. DUNHAM: Mr. Speaker and Members of the House: I would like to move that this be laid on the table. There have been several amendments offered to this and until we have proper time to study them I think the best procedure is for us to lay the matter on the table.

The SPEAKER: Does the gentleman from Lewiston, Mr. Jalbert, wish to make a motion?

Mr. JALBERT: I want to make a motion that the House indefinitely postpone Senate Amendment "A."

The SPEAKER: The Chair will state that the matter is on the table at the moment; that motion will be in order at a later date.

The gentleman from Ellsworth, Mr. Dunham, moves that Item 9, Report of the Committee on Education on Bill "An Act Providing for General-Purpose Educational Aid to Cities, Towns, Plantations and Community School Districts" lie on the table pending acceptance in concurrence. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled.

#### Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Provide for the Approval of Degree-granting Institutions by the State Board of Education" (S. P. 452) (L. D. 1146)

Came from the Senate with the Bill substituted for the Report and indefinitely postponed.

In the House: The "Ought not to pass" report of the committee was accepted in non-concurrence and was sent to the Senate.

#### Non-Concurrent Matter

Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 1646) (L. D. 1209) which was passed to be engrossed as amended by House Amendment "A" in the House on May 2.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. TRAVIS: Mr. Speaker, I move that the House recede and concur with the Senate.

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

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

Mr. POTTER: Mr. Speaker and Members of the House: I don't like to take exception to a bill put in by my good friend, the gentleman from Westbrook, Mr. Travis, but I didn't like the weights and the loads and I went down in the Highway Department to make some inquiries in regard to their feelings in the matter.

When the bill first came to my attention I began to think of it in terms of railroad engineering, where I have had some experience, and I realized that when you shortened wheelbase you put a great deal more of a load upon one particular part of your road or bridge. After talking the matter over with the Highway Department, they wrote me the following letter, which I would like to read:

"This is in reply to your request for our comments with respect to the proposed act relating to the weight of commercial vehicles affecting 3-axle trucks (Legislative Document No. 1209, with amendments).

"We understand that in its present form it permits, for vehicles having a length of 16 feet between centers of extreme axles, a gross weight of 48,000 pounds, as compared to the present limitation of 40,230 pounds. It appears that the axle load is unlimited. The axle load, however, would probably be about 21,000 pounds as compared to

the present limitation of 16,000 pounds.

"The present state law applying to this type of vehicle conforms with the recommended standard of the American Association of State Highway Officials. This standard has been adopted after a great deal of research and study with regard to the effect of gross loads on highways and bridges. It is, perhaps, significant that, of the 48 states, only 11 permit an axle load of over 18,000 pounds.

"The proposed law would result in live loads (vehicle and load) producing stress at least 50% greater than that produced by the design load used in at least 90% of the bridge structures built during the last thirty years. This is not just an opinion; it is a mathematical calculation.

"Because of the factor of safety used in design, an occasional overload within safe limits will not cause failure, but the continued movement of overloads will surely cause trouble. It is the frequent and continued movement of overloads which destroys the foundations of our highways and damages our bridges, not the occasional ones.

"If loads on our highways are to be increased, it will be necessary to design our highways and bridges to provide for them, with the resulting increase in cost.

"The growing tendency to manufacture larger and larger trucks and motor equipment, with the resulting demand to increase loads on our highways, is of great concern to all agencies responsible for the construction and maintenance of highways and bridges. How far is it going? And are the states going to be financially able to build the roads and bridges necessary to meet it?

"The problem of highway loads has caused so much concern that recently twelve states, in cooperation with the Highway Research Board of the National Research Council, have invested almost half a million dollars in an attempt to determine just what does happen to highways under truck axle loads in an experiment in Maryland. The results very definitely confirm that something happens to highways of present design when axle loads are increased."

Ladies and Gentlemen, it seems rather too bad—we have a bill before us for our bond issue to rebuild our highways, and as the gentleman from Houlton, I believe, told us yesterday, that our highways are deteriorating faster than we can build them, and it really seems too bad to pass a law which will increase the wear and tear on those highways, and I move the indefinite postponement of the bill and amendment.

The SPEAKER: The Chair must inform the gentleman that a motion to indefinitely postpone is out of order at this time. The question before the House is on the disagreeing action to recede and concur.

Mr. POTTER: Pardon me, Mr. Speaker.

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

Mr. TRAVIS: Mr. Speaker and Members of the House: As my motion is to recede and concur, the amendment which dropped this from 18 feet to 16 feet between axles is removed. This 16-foot provision aroused violent objections from the Highway and Bridge department. As was pointed out when this bill was first discussed,—they were not in favor of my bill in the first place—but they were not greatly disturbed by it. To those who understand trucks, they realize that this is a good, safe truck on the highway.

I had some engineering figures with me all the week—they are in my room now—but Mr. Ashley, an Engineer for the Forestry Manufacturing Company in Strong, sent me detailed figures, taking an analysis of your 50,000 pound load in a tractor and trailer and the 10-wheeler truck which I proposed to legalize for 48,000 pounds, and that shows that you have better distribution. With each truck you have ten wheels, ten big tires on which that weight is distributed, but on your 50,000 pound tractor and trailer, on your rear axle you have a load of 25,000 pounds.

On my ten-wheel truck you have only 17,000 pounds on your rear axle, therefore my truck is a much

better, safer truck for your highways. There are some bridges that present a problem, but as the bill now stands, this truck would be legal only for hauling forest products, your lumber products, direct from the forest. They start out on unimproved roads, often built by the farmer or the woodsman themselves. In fact I know of a bridge built two weeks ago in a town; it was a wooden bridge; it was in poor shape and the town could not afford to rebuild the bridge and they gave this pulp company permission to rebuild the bridge. They sent a crew of their carpenters up, and in one-half a day they rebuilt the bridge completely of wood, and it will last for many years.

I don't want to take any more of your time; I don't think it is necessary. I think the majority of this House are sold on this bill. You all realize that the pulp companies of the State need it desperately and it is a boon to your farmer who can sell his hardwood which he has not had a chance to sell before.

Therefore I hope that you will go along, without too much argument this morning, and support me in my motion to recede and concur.

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

Mr. HALL: Mr. Speaker, I would just like to say that I want to go along with the gentleman from Westbrook, Mr. Travis, in receding and concurring with the Senate.

The amendment which has been indefinitely postponed in the other branch is, of course, my amendment, and all the objection which has been raised in the other branch was on the figure "16" feet and not on the bill itself. The figures which I have heard and the talk which I have heard in the lobbying job which was done on the amendment in the other branch was strictly due to the fact that the amendment cut the distance from 18 feet down to 16 feet, and in talking with some of those who were opposing it in the other branch I was told by them that they had no objection to the bill itself, that they had no one come to them asking them to

indefinitely postpone the bill, but merely to indefinitely postpone the amendment.

Therefore, I hope the motion of the gentleman from Westbrook (Mr. Travis) will be carried.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker, when this bill came up the other day I raised some objections to it, but my objections were due mostly to the amendment which had been added to the bill. Since that time I have gone around and I have taken a look at some of these trucks which the bill refers to, and I am inclined to believe now that it is a good truck, and I think that this particular truck won't do as much damage to the highways as some of the other trucks which I have seen which do have longer wheel bases but smaller tires, so I am going to withdraw my opposition to the bill.

The SPEAKER: Is the House ready for the question?

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

Mr. BEARCE: Mr. Speaker and Ladies and Gentlemen of this House: I think any of us who realize that trucks which have to go through the woods and bring out lumber material, that they have considerable crooks and turns to get around, and it seems to me that this is just about as long a distance as they can properly operate, and I do believe it would be a hindrance to our lumber industries for this to pass.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Westbrook, Mr. Travis, that the House recede and concur with the Senate on Bill "An Act relating to Weight of Commercial Vehicles," H. P. 1646, L. D. 1209.

All those in favor of the motion to recede and concur will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed.

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

**Messages and Documents**

The following Communication:

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

May 9, 1951

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

Dear Sir:

The President of the Senate to-day appointed the following conferees on the part of the Senate on disagreeing actions of the two Branches of the Legislature on —

Bill, "An Act Regulating the Taking of Marine Worms." (H. P. 1131) (L. D. 698)

Senators

LARRABEE of Sagadahoc  
SLEEPER of Knox  
PALMER of Lincoln

Very truly yours,

(signed)

Chester T. Winslow  
Secretary of the Senate.

The communication was read and ordered placed on file.

**OPINION**

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

\* \* \* \* \*

**Question Propounded By The House  
In An Order Passed May 3, 1951,  
Answered May 8, 1951**

STATE OF MAINE  
IN HOUSE APRIL 24, 1951

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

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

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

"Three or more persons may associate themselves together by writ-

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

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

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

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

WHEREAS, there is now pending before the 95th Legislature of this State a special act entitled Bill, "An Act to Incorporate the Guardian Finance Co.," Legislative Document No. 383, a copy of which is hereto attached and made a part hereof.



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

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

NOW, THEREFORE, BE IT

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

**Question**

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

NINETY - FIFTH LEGISLATURE  
Legislative Document No. 383  
H. P. 641 House of Representatives,  
February 1, 1951.

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

HARVEY R. PEASE,  
Clerk

Presented by Mr. Spear of South Portland.

**STATE OF MAINE**

In the Year of Our Lord Nineteen  
Hundred Fifty-One

**AN ACT to Incorporate the Guardian Finance Co.**

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

**Sec. 1. Corporators; corporate name; powers and privileges.** Maurice A. Branz, of Cape Elizabeth, Brewster A. Branz and Anna D. Branz, both of Portland, S. Arthur Paul of Falmouth and Wilfred A. Hay of Windham, all in the county of Cumberland and state of Maine, or such of them as may

vote to accept this chapter, with their associates, successors and assigns, are hereby made a body corporate to be known as the "Guardian Finance Co.," and as such shall have the power to enact suitable bylaws and regulations, and elect such officers as it deems desirable to effect its corporate purposes and be possessed of all the powers, privileges and immunities and subject to all the duties and obligations conferred on corporations by the general corporation law of this state.

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

**Sec. 3. Purposes.** The purpose for which this corporation is formed and the nature of the business to be conducted by it are as follows: To engage in the business of making loans or to advance money upon contracts, promissory notes, secured or unsecured, upon such terms and conditions as are lawful and may be agreed upon; to purchase contracts or notes incorporated in or secured by conditional sales contracts or chattel mortgages or personnel property; to borrow money and secure payment thereof by pledging its assets or any part thereof; and to do any and all things necessary or incidental to the foregoing; to take over the loan and finance business of Maurice A. Branz, presently conducted by him under the firm name and style of Guardian Finance Co. and to assume all outstanding obligations of the said Maurice A. Branz incurred by him in the conducting of the said business.

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

**Sec. 5. Subject to supervision of bank commissioner.** The corpora-

tion may be subject to inspection and examination of its books and records by the bank commissioner or his deputies at all times.

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

#### ANSWER OF THE JUSTICES

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

The undersigned Justices of the Supreme Judicial Court, having considered the question propounded to them by the Order of the House of Representatives dated April 24, 1951, and passed May 3, 1951, respectfully advise that they are of opinion that it is "competent for the Legislature to create by special act of the Legislature a private corporation whose principal object shall be to engage in business intended to derive profit out of the loan of money," subject to such limitations relative to the amount of individual loans, or otherwise, as the Legislature may prescribe, if the objects of the corporation cannot be attained under any existing general laws.

The only limitation upon the power of the Legislature to create corporations by special act is that found in Sections 13 and 14 of Part Third of Article IV of the Constitution adopted in 1875, by Article XIV of the Amendments thereto. These read as follows:

"Section 13. The legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation.

"Section 14. Corporations shall be formed under general laws, and

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

The purpose intended to be served by these additions to the Constitution is evidenced by the following statement contained in the Inaugural Address of Governor Selden Connor delivered before the Fifty-fifth Legislature when it convened in 1876, as found in the Acts and Resolves of 1876, page 145 at 165:

"Section thirteen presents a discretionary field of action which your own honor will impel you to occupy to the fullest extent.

"The title of 'Special and Private Laws,' which includes so large a portion of the laws of former Legislatures, is an obnoxious one, conveying suggestions of privilege, favoritism and monopoly; though happily these evils have not in fact, stained the character of our legislation, they should not be suffered to have, even in the form of our laws, any grounds of suspicion that can be removed. Other weighty objections to special laws for private benefit are, that they are obtained at the public expense, and in their passage distract the attention of legislators from matters of public interest. The opportunity is now afforded, and the duty enjoined upon you, by the amendment, to restrict the necessity for such laws to the narrowest possible limits. An analysis and classification of the private and special laws upon the statute books, will inform you of the objects for which it is desirable to provide by general laws, if practicable.

"Many objects have been hitherto specially legislated upon although they were amply provided for by general laws. I have distinguished authority for the statement that sixty or more of the corporations created by a special act for each, by the last Legislature, could have been created and organized under general laws. The reason why the general laws have not been resorted to a greater extent, is not, so far as I am informed, to be found in any insufficiency or defect

of those laws, but in the greater ease and simplicity of the method of application to the Legislature and in the fancied higher sanction of an authority proceeding directly from it. Section fourteen, relating to corporations, is compressive and peremptory. It relates to all corporations, except only those for municipal purposes. It clearly prohibits their creation by special acts if the objects desired can be secured under existing general laws."

Since the adoption of these sections, the successive Legislatures of this State, as evidenced by their action, have consistently interpreted Section 14 as permitting the creation of corporations by special charter whenever the objects thereof could not be attained **under existing general laws.**

Established principles of constitutional construction require that the views of the framers be given great consideration, "**Opinion of the Justices**" 68 Maine 582 at 585, and that whenever a constitutional provision may be considered ambiguous its:

"interpretation must be held to be settled by the contemporaneous construction, and the long course of practice in accordance therewith,"

State v. Longley, 119 Maine 535 at 540.

It cannot be doubted that the framers of Art. IV, Part Third, Sec. 14 intended that it should be construed as Governor Connor construed it, as authorizing the Legislature to determine the field or fields in which corporations should be "formed under general laws," and that in the absence of an existing general law under which the objects of the corporation can be attained the Legislature may create such corporation by special act. Neither can it be doubted that it has been construed in conformity with that view for more than three-quarters of a century. In this construction we heartily concur for no other meaning can be fairly given to the language used in the amendment.

It being manifest that your inquiry relates particularly to the proposed incorporation of Guardian Finance Co., and that its objects, as declared in Legislative Document No. 383, cannot be attained by or-

ganization under any existing general law, we supplement the foregoing by saying that said corporation may be chartered by special act.

Dated at Augusta, Maine, this eighth day of May, 1951.

Respectfully submitted:

HAROLD H. MURCHIE  
SIDNEY ST. F. THAXTER  
RAYMOND FELLOWS  
EDWARD F. MERRILL  
WILLIAM B. NULTY  
ROBERT B. WILLIAMSON

Read and ordered placed on file.

#### Memorial Requiring Reference

Memorial Petitioning the Congress of the United States to Withhold its Approval of Proposed Increases in Federal Automotive Excise Taxes (H. P. 1804) (Presented by Mr. Burkett of Portland)

Was referred to the Committee on Taxation, ordered printed, and sent up for concurrence.

Mr. LOW of Rockland: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. LOW: I request unanimous consent, Mr. Speaker, to address the House for about one minute.

The SPEAKER: The gentleman from Rockland, Mr. Low, requests unanimous consent to address the House for about one minute. Is there any objection? The Chair hears none and the gentleman may proceed.

Mr. LOW: Mr. Speaker, yesterday I entered an order requesting an opinion from the Supreme Court on the constitutionality of the School Building Authority Act. The court is in session at the present moment. They are planning to adjourn at twelve o'clock. It would save time, and perhaps some money, if they could have this order forthwith. The order is on the table pending passage and assigned for today.

I therefore move, out of order and under suspension of the rules, that we take from the table today's 1st assigned matter.

The SPEAKER: The gentleman from Rockland, Mr. Low, requests unanimous consent to take from the table the first today assigned matter, House Order requesting opinion

of the Justices of the Supreme Judicial Court on the constitutionality of Bill "An Act Creating the Maine School Building Authority" (H. P. 1274) (L. D. 824) tabled by that gentleman on May 9 pending passage.

Is there any objection? The Chair hears none, and the gentleman may proceed.

Mr. LOW: Mr. Speaker, I now move the passage of this order.

The SPEAKER: The same gentleman now moves that the order receive a passage. Is it the pleasure of the House that the order receive passage?

The motion prevailed.

The SPEAKER: The gentleman from Bridgton, Mr. March, requests unanimous consent to address the House very briefly.

Mr. MARCH: Mr. Speaker and Members of the House: It is my privilege and pleasure this morning to call your attention to a very important occasion. It is unusual, in fact it is an outstanding event. Today is the birthday of one of our members. The gentleman to whom I refer has very definite ideas and the ability to express them, clearly, concisely and forcibly, particularly if cats, chickens or bangtails are concerned.

Cowards die many times before they are dead, but the valiant die but once. The gentleman is no coward; he is indeed valiant, but the saying, even in part, cannot apply because, due to his associations he will probably have nine lives and therefore should live nine times as long as the average person. I cannot state his age because these nine lives confuse me, but he must be twenty-two or he wouldn't be here.

It gives me great pleasure to announce the birthday of the gentleman from Brooks, Mr. Emery Dickey. (Applause, the members rising)

#### House at Ease

Called to order by the Speaker.

#### House Reports of Committees

##### Leave to Withdraw

Mr. Fuller from the Committee on Education on Bill "An Act

Increasing Mill Tax for University of Maine" (H. P. 376) (L. D. 216) reported leave to withdraw as it is covered by other legislation.

Report was read and accepted and sent up for concurrence.

##### Ought Not to Pass

Mr. Farley from the Committee on Highways reported "Ought not to pass" on Bill "An Act relating to Contracts for Highway Construction and Maintenance" (H. P. 1390) (L. D. 984)

Mr. Lackee from the same Committee reported same on Resolve Authorizing State Highway Commission to Delay Action on Fore River Bridge (H. P. 1364) (L. D. 955)

Mr. Hayes from the Committee on Judiciary reported same on Bill "An Act Providing for the Establishment of Standards for Employees and the Public" (H. P. 1313) (L. D. 849)

Same gentleman from the same Committee reported same on Bill "An Act relating to Distribution of Corporation Assets" (H. P. 1403) (L. D. 1063) as it is covered by other legislation

Mr. Woodworth from the same Committee reported same on Bill "An Act relating to Weirs and Wharves" (H. P. 1231) (L. D. 784)

Reports were read and accepted and sent up for concurrence.

##### Ought to Pass in New Draft Tabled and Assigned

Mr. Cole from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salaries of Certain Department Heads" (H. P. 1251) (L. D. 825) reported same in a new draft (H. P. 1802) (L. D. 1381) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Boothby of Livermore, tabled pending acceptance of committee report, and specially assigned for tomorrow morning)

Mr. Dickey from the Committee on Education on Bill "An Act relating to Schooling of Children of Parents Who Reside on State-owned Property" (H. P. 1471) (L. D. 1083) which was recommitted

reported same in a new draft (H. P. 1805) (L. D. 1380) 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. Delahanty from the Committee on Judiciary on Bill "An Act relating to Making of Wills" (H. P. 158) (L. D. 89) reported same in a new draft (H. P. 1803) (L. D. 1379) under title of "An Act relating to Rights of Married Persons" and that it "Ought to pass"

Report was read.

(On motion of Mr. Burkett of Portland, tabled pending acceptance of Committee Report and specially assigned for Tuesday, May 15th)

#### Ought to Pass with Committee Amendment

Mr. Spear from the Committee on Highways on Bill "An Act relating to Combination Highway and Railroad Bridge Across Fore River" (H. P. 684) (L. D. 414) 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. 684, L. D. 414, Bill "An Act Relating to Combination Highway and Railroad Bridge Across Fore River."

Amend said Bill by adding at the end thereof the following:

**Referendum.** 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 the act passed by the 95th legislature, making the combination highway and railroad bridge across Fore River, when constructed, a toll bridge until all the bonds issued for such construction have been retired, be accepted?"

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 act voting "Yes" and those opposed to said act 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.

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

Mrs. Fay from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Make Temporarily Inoperative any Measure Adopted by the People which Fails to Provide a Revenue Adequate for its Service (H. P. 1014) (L. D. 576) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

**COMMITTEE AMENDMENT "A"** to H. P. 1014, L. D. 576, Resolve Proposing an Amendment to the

Constitution to Make Temporarily Inoperative any Measure Adopted by the People which Fails to Provide a Revenue Adequate for its Service.

Amend said resolve by inserting after the underlined word "legislation" in next to the last line of the second paragraph thereof, the following underlined words 'in regular session'.

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

Mr. Fuller from the Committee on Judiciary on Bill "An Act relating to Police Authority of Director of Aeronautics and Inspectors" (H. P. 195) (L. D. 117) 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. 195, L. D. 117, Bill "An Act Relating to Police Authority of Director of Aeronautics and Inspectors."

Amend said Bill by inserting after the enacting clause the following new sections:

**"Sec. 1. R. S., c. 21, §3, amended.** Section 3 of chapter 21 of the revised statutes, as repealed and replaced by chapter 389 of the public laws of 1949, is hereby amended by inserting after the paragraph defining "Director", a new paragraph to read as follows:

**"Inspector" means the inspector of aeronautics hired by the director with the approval of the commission.'**

**Sec. 2. R. S., c. 21, § 7, amended.** The 2nd sentence of section 7 of chapter 21 of the revised statutes, as repealed and replaced by chapter 389 of the public laws of 1949, is hereby amended to read as follows:

**'The director, with the approval of the commission, and within the limits of the appropriation, may hire inspectors and field and office assistants necessary for the proper execution of his duties.'**

Further amend said Bill by inserting at the beginning of the 1st line thereof the following underlined abbreviation and figure:

**'Sec. 3.'**

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

Mr. Bearce from the Committee on Public Utilities on Bill "An Act relating to Head and Rear Lights on Railroad Cars" (H. P. 1352) (L. D. 927) 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. 1352, L. D. 927, Bill "An Act Relating to Head and Rear Lights on Railroad Cars."

Amend said bill by striking out in the 8th line the underlined words "an electric headlight" and inserting in place thereof the underlined words 'a light'

Further amend said bill by striking out in the 12th line the underlined word "electric"

Further amend said bill by inserting after the underlined words "distance of" in the 13th line the underlined words 'at least'

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

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Increasing Pensions for Retired Members of the State Police" (H. P. 198) (L. D. 120) which was re-committed 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.

Mrs. **FAY** of Portland  
Messrs. **FULLER** of Bangor  
**DELAHANTY** of Lewiston

HARDING of Rockland  
HAYES of Dover-Foxcroft  
—of the House.

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

Report was signed by the follow-  
ing members:

Messrs. BARNES of Aroostook  
—of the Senate.

McGLAUFFLIN of Portland  
WOODWORTH of Fairfield  
—of the House.

Report was read.

The SPEAKER: The Chair recog-  
nizes the gentleman from Bangor,  
Mr. Fuller.

Mr. FULLER: Mr. Speaker and  
Members of the House: I move the  
acceptance of the majority report.

The SPEAKER: The gentleman  
from Bangor, Mr. Fuller, moves that  
the House accept the majority re-  
port, "Ought to pass" as amended  
by Committee Amendment "A". Is  
this the pleasure of the House?

The Chair recognizes the gentle-  
man from Fairfield, Mr. Wood-  
worth.

Mr. WOODWORTH: Mr. Speaker,  
two years ago the Legislature voted  
to increase the pensions of retired  
members of the State Police for a  
period of two years. The bill now  
under consideration calls for the  
increase of that pension indefinitely.  
The amendment which has been  
tacked onto it limits the increase  
to an additional period of two  
years.

In other words, two years ago  
we had the question of increasing  
the pensions and we passed the  
buck to the 95th Legislature. The  
amendment passes the buck to the  
96th Legislature. No distinction is  
made between whether these men  
need the pension as many of them  
are gainfully employed.

The bill costs \$10,400 a year, and  
it is just as much your business  
to say whether you want to spend  
the money as it is ours, and the  
question is in your hands.

The SPEAKER: The Chair recog-  
nizes the gentleman from Bangor,  
Mr. Fuller.

Mr. FULLER: Mr. Speaker and  
Members of the House: I would  
like to explain my position as a  
signer of the majority report.

As the gentleman from Fairfield  
(Mr. Woodworth) stated, this is to

continue for another two years an  
action which was taken by the  
last Legislature. The men involved  
are those members of the State  
Police who were retired under the  
old law at lower rates of pay and  
so receive a smaller retirement pay  
than the ones who have retired  
more recently. The ironical thing  
about that is that those were the  
men who served when the State  
Police used motorcycles instead of  
automobiles. As a result of that  
type of duty there are included  
various members who were injured  
in the line of duty as the result  
of accidents where other citizens  
were acting in violation of the  
law.

You are all familiar with cases  
of men who have served in the  
Armed Forces and are disabled—  
there is no question about that—  
but of course they still are able  
to be gainfully employed for the  
time being providing they are able  
to find the right type of work. That  
is so of these retired members of  
the State Police. Some of them  
are able to work and able to earn  
a reasonable compensation provid-  
ing they are able to find a job  
that is within their physical limita-  
tions.

I would like to say that this  
principle I do not think should be  
confined to members of the State  
Police because if any other em-  
ployee of the State has been shot  
in line of duty or mangled in line  
of duty, the way some of these men  
were, I would be all in favor of  
the State granting them some spe-  
cial compensation to take care of  
them for that. I might say that I  
notice we will have on the table  
tomorrow another type of State  
employee who was seriously injured  
in the line of duty and we will  
be considering him at that time.

The SPEAKER: The Chair recog-  
nizes the gentleman from South  
Portland, Mr. Spear.

Mr. SPEAR: Mr. Speaker and  
Members of the House: There are  
just one or two points I would  
like to emphasize on this bill.

Two years ago the bill came up  
before the Committee on Ways and  
and Bridges. The money is part of  
the expenditures of the Highway  
Department, 90 per cent of it, 10  
per cent of it coming from the  
General Fund, the reason for that

being that 90 per cent of the operating fund of the State Police comes from the Highway Fund and 10 per cent comes from the General Fund.

The Committee at that time considered the request but did not care to make a precedent which might cover all State employees, so that was the reason that it was continued for two years, the thought being that if the next Legislature, in considering it, cared to continue it for the next two years, it would not be setting a precedent for all State employees.

In setting up the Highway allocation, when this money is allocated to the State Police, in the State Police budget as you might call it, they set up a certain fund which will take care of the present members of the State Police who are eligible for retirement. If these men should retire, then it means there must be extra money set up in that fund to take care of replacements for these men. If these men do not retire, of course they stay on the regular payroll and the money which was set up in the pension fund to take care of them, should they retire, if this money is not used, then that money reverts back to the Highway general fund.

So we have in the State Police allocation an amount of money set up for pensions which is not used, but this money is available to take care of the older retired men at a decent retirement pay.

We do hear remarks about these men being gainfully employed but can you imagine that years ago a State Police officer used to receive the munificent salary of \$32 a week; he retires at 50 per cent of his pay, and he is receiving \$16 a week in retirement pay, and then somebody makes the remark that he is gainfully employed somewhere else, but how is he going to get along with that retirement pay unless he does go to work somewhere else?

So your Committee on Ways and Bridges, as it was known then, considered it to be desirable to compensate these men for their faithful service as State Police Officers and to give them retirement pay comparable with what a police officer at this time of two years ago would receive if he retired at that

time. Surely any other department could do the same thing for its retired employees if it had the funds and the funds were available to do it as they are available in the Highway Department.

So I hope that the House will go along and continue this in force for another two years and accept the majority report.

The SPEAKER The Chair at this time observes the presence in the balcony of the Hall of the House of the East Boothbay Junior High School. There are forty-one pupils in the Class in Maine Government, in charge of Ordway Lewis, Principal, and in behalf of the House the Chair at this time bids you a cordial welcome. (Applause)

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Bangor, Mr. Fuller, that the House accept the majority report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Judiciary on Bill "An Act Increasing Pensions for Retired Members of the State Police."

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

A viva voce vote being taken, the motion prevailed, and the majority report was accepted.

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

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

COMMITTEE AMENDMENT "A" to H. P. 198, L. D. 120, Bill "An Act Increasing Pensions of Retired Members of the State Police."

Amend said bill by striking out in the title thereof, the word "Increasing", and inserting in place thereof the word "Continuing".

Further amend said bill by striking out in the first line thereof, the underlined word "increased" and inserting in place thereof the underlined word "continued".

Further amend said bill by striking out the last paragraph thereof, and inserting in place thereof the following:



**'The provisions of this act shall become effective July 1, 1951, and continue in effect until June 30, 1953.'**

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

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Create a Public Body in the City of Portland to be Known as the Slum Clearance and Redevelopment Authority" (H. P. 1228) (L. D. 807)

Report was signed by the following members:

Messrs. WARD of Penobscot  
BARNES of Aroostook  
—of the Senate.  
HARDING of Rockland  
WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor  
DELAHANTY of Lewiston  
—of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith

Report was signed by the following members:

Messrs. HASKELL of Cumberland  
—of the Senate.  
McGLAUF LIN of Portland  
Mrs. FAY of Portland  
—of the House.

Report was read.

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

Mr. McGLAUF LIN: Mr. Speaker, I move acceptance of the minority report. This bill relates only to the city of Portland. The people of Portland, at least many of them, think they want this bill to help beautify the city of Portland. It has been agitated for a long time.

Two years ago there was a housing bill passed which I, at that time, strenuously opposed. It passed, however, because the Governor favored it. That was one of his pet measures. It was found, however, that it was not workable so far as Portland was concerned.

This year this bill was put in. It was especially favored by many

members of the Portland City Council, and by various organizations in the city that were working for the welfare of that city. There was some opposition, chiefly on the part of members of the Real Estate Association. They seemed to think that the bill as originally drawn was unnecessary, and at the hearing they appeared and put in many objections to the bill as it was then before us. Later the various elements got together and ironed out their difficulties and finally Amendment "A" was presented to the committee, which practically meets the universal approval of the people that are interested in the city of Portland. Inasmuch as this affects our city alone, I hope that my motion to accept the minority report will prevail.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the House accept the Minority Report "Ought to pass" as amended by Committee Amendment "A".

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

Mr. SENTER: Mr. Speaker and Members of the House: I rise to support the honorable gentleman from Portland, Mr. McGlauffin, who opposed me on the billboard bill. I realize that this is a local problem in Portland, but I was interested and I attended the committee hearing on this bill, the public hearing. I have been very much impressed with the report that the Citizens' Housing Committee of Portland made. This committee made a very extended survey into housing conditions in Portland and made a report, which was widely approved, and they suggested that this was one possible approach, and in my opinion the right approach, to the problem.

Now Portland has recognized its problem. Other communities have the same problem, and I am interested in this bill because I recognize the fact that perhaps my community or your community will sometime have to consider possible action to prevent the further deterioration of the valuation in our cities and towns, blighted areas. Portland wants to do something about it, and I think this is the right approach, therefore I support the motion to accept the minority

report "Ought to pass" as amended by Committee Amendment "A".

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the minority report "Ought to pass" as amended by Committee Amendment "A", of the Committee on Judiciary, on Bill "An Act to Create a Public Body in the City of Portland to be Known as the Slum Clearance and Redevelopment Authority."

All those in favor of the motion to accept the minority report will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed, and the minority report was accepted.

Thereupon, 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. 1228, L. D. 807, Bill "An Act to Create a Public Body in the City of Portland to be Known as the Slum Clearance and Redevelopment Authority."

Amend said bill by striking out in the fourteenth and fifteenth lines of Section 2 thereof, the following underlined words, **'and retard the provision of housing accommodations'**.

Further amend said bill by striking out sub-section (g) of Section 3 thereof, and inserting in place thereof the following:

'(g) "Blighted area" shall mean:

1. An area in which there is a predominance of buildings or improvements which, by reason of dilapidation, deterioration, age, or obsolescence; or inadequate provision for ventilation, light, air, sanitation, or open spaces; or high density of population and overcrowding; or the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors, is conducive to ill health, or transmission of disease, or infant mortality, or juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

2. An area which, by reason of the predominance of defective or inadequate street layout; or faulty

lot layout in relation to size, adequacy, accessibility or usefulness; or insanitary or unsafe conditions; or deterioration of site or other improvements; or diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title; or improper subdivision or obsolete platting; or mixture of incompatible land uses; or the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors, substantially impairs or arrests the sound growth of the municipality, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.'

Further amend said bill by striking out sub-section (h) of Section 3 thereof, and inserting in place thereof the following:

'(h) "Slum area" shall mean a blighted area in an extreme state of deterioration and decay.'

Further amend said bill by striking out sub-section (i 3) of Section 3 thereof, and inserting in place thereof the following:

'(3) To sell, lease or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use, except for public housing, or to retain such land for public use, except for public housing, in accordance with a redevelopment plan. Public housing shall mean housing erected by a local housing authority in accordance with Chapter 441 of the Public Laws of 1949.'

Further amend said bill by striking out in the seventh line of sub-section (d) of Section 5 thereof, the underlined words 'retain for its own use'.

Further amend said bill by striking out in the sixth line of sub-section (g) of Section 6 thereof, the underlined words, 'if there be no such newspaper'.

Further amend said bill by striking out sub-section (a4) of Section 11 thereof, and renumbering the remaining sub-sections 5, 6, 7, 8, 9, and ten to be sub-sections 4, 5, 6, 7, 8, and 9.

Further amend said bill by striking out Section 18 thereof, and inserting in place thereof the following:

**'Section 18. The Authority shall present its annual operating budget to the City Council for approval, and shall at least once a year file with the City Council a report of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this law.'**

Further amend said bill by striking out, beginning in the sixteenth line of the referendum clause at the end thereof, the following underlined words:

**'provided the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total vote for all candidates for governor cast in said city at the next preceding gubernatorial election.'**

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

On motion of Mr. Watson of Moose River Plantation, the House voted to reconsider its action whereby, earlier in today's session, it accepted the "Ought not to pass" report of the Committee on Judiciary on Bill "An Act Providing for the Establishment of Standards for Employees and the Public" (H. P. 1313) (L. D. 849).

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

Mr. WATSON: Mr. Speaker and Members of the House: I have no personal interest in this bill, but it is the bill of the gentleman from Baileyville, Mr. Brown, and he has asked me to have it tabled for him. I would like to table it as he is unable to be here today.

The SPEAKER: The gentleman from Moose River Plantation, Mr. Watson, moves that Bill "An Act Providing for the Establishment of Standards for Employees and the Public" lie on the table. Is this the pleasure of the House?

The motion prevailed, and the Bill was tabled pending acceptance of committee report.

### Passed to be Engrossed

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

Bill "An Act relating to Change of Purposes of Corporations Without Capital Stock" (S. P. 344) (L. D. 811)

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)

Bill "An Act relating to the Polling Place in Rockwood in Somerset County" (H. P. 168) (L. D. 99)

Bill "An Act relating to Fishing Licenses for Boys' and Girls' Camps" (H. P. 1797) (L. D. 1372)

Bill "An Act relating to Salaries of Sheriffs of All Counties" (H. P. 1799) (L. D. 1375)

Resolve in favor of the Block House at Fort Kent (H. P. 402) (L. D. 246)

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

### Tabled

Resolve Appropriating Moneys to Reactivate Mile Light at Cove Point Gore (H. P. 1778) (L. D. 1316)

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

(On motion of Mr. Rollins of Greenville, tabled pending passage to be engrossed.)

### Amended Bills

Bill "An Act relating to Conditional Sales Agreements" (S. P. 240) (L. D. 510)

Bill "An Act relating to the Establishment and Use of Common Trust Funds" (S. P. 317) (L. D. 756)

Bill "An Act relating to the Ogunquit Village Corporation" (H. P. 1121) (L. D. 708)

Bill "An Act relating to Filing of Liens on Vehicles" (H. P. 1420) (L. D. 1028)

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)

Were reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act relating to Open Season for Hunting Deer with Bow and Arrow" (S. P. 561) (L. D. 1348)

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

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

Mr. ROUNDY: Mr. Speaker, I move that this bill, Item 14, and the amendment thereto be indefinitely postponed. The amendment went half way in the elimination of what was involved and I think we should go the whole way. I move the indefinite postponement.

The SPEAKER: The gentleman from Portland, Mr. Roundy, moves that Bill "An Act relating to Open Season for Hunting Deer with Bow and Arrow" be indefinitely postponed.

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

Mr. LACHARITE: Mr. Speaker and Members of the House: After the wonderful bow and arrow demonstration that we had last night given to us by our able-bodied pioneer from Strong, I believe it is quite fitting that we throw this bill out the window so far that we won't be bothered with it for ten more years.

I hate to take up any more time on this measure but I wouldn't feel right if I didn't. I was very sorry to see the vote on this bill, yesterday, after we had so graciously defeated it about a week ago. I don't believe that we should let the action of the other body influence our vote on this measure. It is a great deal more important than that.

This bow and arrow bill is a type of legislation this state should never allow on its statutes. So much can be truthfully said against its passage and so little in its favor that if the members of this body really knew what it stood for — or much rather, what it did not stand for as a sportsmanlike venture, it would be rejected just as firmly and quickly as it was back in 1947 when it was introduced in a milder but not less noxious form.

This type of legislation stands for just one thing — and that is "class legislation," a thing always hated by Maine people. No matter what camouflage is used, special favoritism and unfair privilege is at the root of this bill clear from its very beginning back four years ago.

It will give to a pampered few with bows and arrows the special privilege of going into the woods three or four weeks before our regular deer hunting season opens while the great majority of sportsmen, the gun users, are compelled to stay at home. And these gun handlers are the real source of the revenue that has made good hunting in Maine and are depended upon to keep it good.

Yes, while these favored few hunt over the farmland and forest, the owners themselves — the ones who actually live there and pay the taxes must wait weeks before they can hunt the deer which fed on their produce.

For years the Inland Fish and Game Department has tried to encourage harmony in this state between the sportsmen themselves, the landowners and the Inland Fish and Game Department. They have striven for better observance of the game laws. Much progress has been made and a lot more will be made if we avoid any and all legislation that gives special favors to any designated group such as this bow and arrow bill does. This bill if passed will push hunting morals back fifty years.

When there is an open season on game, it should be an open season for all hunters who buy a license. No other system is right or fair.

This bill says that one fellow can hunt but hundreds of others owning licenses cannot. Such legislation is bound to create dissatisfaction, discord, resentment and rebellion among those who use guns, and it will be a prime mover towards a greatly lowered standard of hunting ethics in this state.

Under our present law with its moderate open season for deer, our game wardens have far more supervision than they can properly take care of. We need more wardens as all who are familiar with our Fish and Game Department's responsibilities well know. What kind of a

dilemma will our wardens find themselves in if our deer season is practically doubled in length? Also remember that the arrow is a silent weapon — it makes no noise. It is just suited for the poacher, the night hunter and the Sunday hunter. They can operate right in one's backyard and escape detection.

When one fellow can go out and shoot arrows at deer in an attempt to make a kill, don't you suppose that the man with a gun who has always obeyed the law previously, will be out for deer with his weapon? Especially if it is on his own land.

This bow and arrow bill has only one point that can be used — and is used — to make it look not too outrageous. That point is: Some money might be brought into the state from licenses. The insignificant sum of money derived from this source would be a heavy toll to pay for the sacrifice of sportsmanship for cheap commercialism. Such a claim in favor of the bill is a disgrace to its sponsors.

Now let's have the real "low-down" on this bow hunting business. Do all of us realize that under our present law archers can hunt deer throughout the regular open season without restrictions other than those placed on gun users? They have no justifiable complaint — and they well know it. They are not satisfied to take a sportsman's chance during the regular open season, but they want to be permitted to get into the woods ahead of our regular deer hunters so as to have the easiest and choicest hunting. That is the answer and there is no other.

The archers state that they want a special season so as to avoid competition with gun users. That is mere camouflage. If you doubt it, just offer them a special season after the regular open season closes. Mind you, after the regular season closes. That will show how sincere they are. They won't want it.

When this Legislature begins to give special privileges to any group of sportsmen to the detriment of others on an equal footing, it will mean trouble which we can ill afford.

This bill should be refused passage. It absolutely lacks merit. If we approve such legislation this

session, then when the next Legislature meets, the users of low power 22 caliber rifles or other inefficient weapons will be seeking special privileges. The passage of this bill would make their demands perfectly reasonable.

Let's keep this bill off of our statutes.

In summary I would like to emphasize three points: 1. That this is really class legislation. 2. That the privileged class want the benefit of the hunting for two weeks prior to the regular season so that they can get the cream of the crop. 3. That even though this bill will be effective only in two counties, it is an opening wedge, and, if we grant this, two years from now they will request two more counties, then four more counties, and, before we know it, it will cover the whole state.

Mr. Speaker, I hope that the motion to indefinitely postpone this bill prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Roundy, that Bill "An Act relating to Open Season for Hunting Deer with Bow and Arrow", S. P. 561, L. D. 1348, be indefinitely postponed.

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

Mr. HANCOCK: Mr. Speaker and Members of the House: I stand up here today as a result of a promise. I told the gentleman from Brunswick, Mr. Lacharite, yesterday that if he spoke in favor of indefinitely postponing this matter I would have to stand up here and refute his arguments. I have considerable respect for that gentleman, he is my friend and I think he is very talented and, usually speaking, his process of logical thought is very good. But I have never heard such an accumulation of nonsense which was delivered here today since I read the works of Lewis Carroll. I would like to take apart a few of his arguments.

First, the main point, which seems to be the main point of quite a few of these people who are speaking against this bill, is the fact that it is class legislation. That is absolute nonsense. It is no more

near being class legislation than anything one could possibly think of. The three words that take the worst beating around this House here in regard to fish and game bills are the words "class legislation" and the word "conservation". "Class legislation" could be put in on this glossary that was given us the other day as meaning anything which you are opposed to and "conservation" anything that you are in favor of. Otherwise, it doesn't seem to be used logically at all, for the most part. Certainly up here this year we have closed many lakes and ponds and streams to anything but fly fishing. Now, to my mind, I call that class legislation but it is all right, we do it all the time but the same people who do that object to this bill very much and we are restricting it to two counties.

Another point that Mr. Lacharite mentioned is this business of poaching. He said that these people with bows and arrows will be able to kill deer at night because it is a silent weapon and they will be able to shoot deer on Sunday because it is a silent weapon. Good Lord! You can do that now, you don't have to have any license; anybody can buy a bow and arrow and go out any night and poach deer. They can do it any Sunday. This bill would have no effect on that one way or the other except possibly it might help to curb the ambition a little bit and restrict them to hunting in the daytime.

Another point, I think Mr. Lacharite missed this one entirely, but it has been brought up here several times: that very gruesome picture of deer running around the woods with arrows sticking out of them. I admit that is very touching and I don't like the thought of it myself. But I have seen in the process of hunting through the woods and so forth deer running around on three legs and that doesn't look very pretty either. It wasn't a bow and arrow that chopped off that fourth leg, it was a high powered rifle that did it. I have also seen a good many wounded deer in the woods, dead in the woods, I have seen

moose dead in the woods as a result of hunting with high power rifles and I can't see that this business of wounding deer with bows and arrows has any more gruesome aspects to it than wounding deer with a high power rifle. I know one case, a friend of mine and I were out hunting one morning and we shot a deer. We thought that the deer was going pretty slow and with a poor shot we managed to drop it and when we got up to it we found there were seventeen bullet holes in that deer. Now, really, I don't think any deer would be found with seventeen arrows sticking out of it.

Mr. Lacharite mentioned that they would object to hunting after the regular season. I am not a bow and arrow hunter and I don't expect to be but I think if I was I would love to be able to hunt after the regular season when there is a little snow on the ground and the foliage is off and you can see the deer much better. I know I would like to get a chance with a rifle at that time.

Now, I think that this particular bill before us is a deserving one; possibly we shouldn't have it over the state, I agree with that. But I do think that it deserves a fair trial. These two counties seem to be perfectly willing and agreeable to having the trial in those two counties and I don't see why we cannot allow them to have that trial. If this thing does not work out, all right, we will scratch it off the books two years from now but at least let's give it a chance. It is a reasonable thing, good sportsmen are in favor of it and I can't think of anyone who would be opposed to it for any logical reason.

I certainly hope the motion of the gentleman from Portland, Mr. Roundy, does not prevail.

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

**MR. CARVILLE:** Mr. Speaker and Members of the House: I do not believe I can add much to the answers that have already been given by the gentleman from Casco, Mr. Hancock. He has covered the answers very well.

It is only the two counties which are asking to have this privilege. I

don't believe that that will spread through the rest of the State. Certainly if they ask for it through the rest of the State it will show it must be a good thing. It will prove that it is beneficial and it is really a good thing.

But bear in mind that we feel that it is a conservation measure. As I told you the other day, we are going to drive these pet deer that have been around the fields back into the woods and prevent our road hunters from slaughtering these deer from the sides of the highways on the first few days of the season.

I do not believe that this House from anything it has heard this morning will want to change their minds. We had a very large majority here the other day and I know that time is very precious and I am not going to take up any more of it.

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

Mr. POTTER: Mr. Speaker and Members of the House: My head may be a little thick this morning; I was out a little late last night, but I do not see any logic of class legislation which Mr. Lacharite brings up.

This bill permits any man in this House, any lady in this House, in fact any man or woman in the State of Maine, to take a bow and arrow and go hunting. It doesn't limit it to a definite few. And I fail to see where it is class legislation.

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

Mr. PLUMMER: Mr. Speaker and Members of the House: I thought that this thing had been thrashed out enough and I wouldn't have to say any more but I am not going to try to pick anyone up on anything he has said because I realize they have a perfect right to their own opinion.

But there is one angle that came to my attention this morning. A man called me up, he is a camp owner, he has five camps through Hancock and Franklin County too. He saw the article in the paper evidently and he said: "Hah! You sold us down the river did you on that bow and arrow bill?" He was much opposed to it, and of course I

couldn't say much except to admit what he had seen in the paper.

As a matter of fact, this question came up before the State of Maine Fish and Game Association during the winter and there was a poll conducted. The poll was sent to each member association of the State Fish and Game Association and there are seventy-seven different clubs. And I think it was almost unanimous the return of those polls was against this bill.

Some of us think that we are going to be criticized pretty severely when we get home about the passage of the sales tax. Now, I am going to tell you members that the great majority of the real sportsmen in the State are going to jump right down your necks if this bill passes.

It started out, when it was first introduced, it was looked on in the light of a joke and it was so considered for quite a while until something changed the minds of some of the members.

I sincerely hope that the motion to indefinitely postpone prevails.

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

Mr. VAUGHAN: Mr. Speaker and Members of the House: Up to now we have just heard about the deer being the only ones that are hunted under this bill. It seems that we have forgotten that the season is opened for fox and birds at the same time and men in the woods with dogs and guns at the same time. Now, they are going to go quite a ways towards scaring these deer as they have in years past and I think there is going to be quite a bit of friction between the bird hunters and the deer hunters if this bill goes through. You are going to find that some of the dogs are going to be having feathers sticking out of them; instead of chasing the feathers, we are going to have the feathers chasing them. Let's keep the feathers on the birds and not on the arrows.

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

Mr. LACHARITE: Mr. Speaker and Members of the House: I just want to say a few more words in rebuttal to the remarks of my good friend from Casco.

I believe that this is a whole lot different than just closing the fishing pond to certain types of fishing. This is giving a benefit. We know that there are only a few who can afford and who will go out and hunt with bow and arrow and this is giving an extra benefit to these privileged few. And if this is not class legislation, I would like to know what is.

There have been some remarks about wounding of deer. Now, we all know that if a deer is wounded with a bullet, he at least has a chance of recovery but if he is wounded with an arrow he can't, in any way, get that arrow out of there and he has no chance for recovery.

I would like to state something about a bow and arrow trial that took place in the middle west some time ago. They wanted to try these bows and arrows and they took, I think, a dozen buffalo and had them in a pen and let them out one or two at a time and these fellows were waiting with bows and arrows and they shot at these buffalo, hit them several times but none of them were killed with the bows and arrows. They all had to finish them up with rifles.

If these archers are so sincere why don't they take a season after the regular season and we will find out whether that is really what they want or whether they want the choicest hunting.

I hope that this motion to indefinitely postpone will prevail.

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

Mr. WINCHENPAW: Mr. Speaker, in view of the fact that I read a poem the other day I think maybe I ought to give my own point on this measure.

There has been a lot said about tame deer here. Now, there is just one point that I think has been overlooked. Personally, I favor the bow and arrow bill because we think we ought to get a little revenue out of our killing deer rather than let the jacker have them all. In our section the jacker has every one of those tame deer before the first of November and some of them even make their brags on selling them. I believe if a fellow can go out with a bow

and arrow and maybe get a tame deer and come to some cabin and pay a few months rent or a few weeks rent, the State of Maine would benefit by it.

One more point I would like to make and that is you will not only be hunting birds here but you can hunt rabbits the 15th of September, I think, partridges the first of October, foxes any time and what is the difference? Why not let those fellows go out with a bow and arrow and try to shoot a deer if they want to?

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

Mrs. MOFFATT: Mr. Speaker, there is one thing I should like to see done if this bill is not indefinitely postponed. I think perhaps it is an idea that you members have not entertained. It probably has to come from a woman's viewpoint.

There is no age limit on this. I think there should at least be an age limit, limiting the age of the youngsters who will have these bows and arrows going around, whether it is just in two counties or not, you must realize the publicity you are going to get from this. I know that my five-year-old wants to go around with his bow and arrow and you all know, who have youngsters, that any youngster who sees all the glorification of this bow and arrow idea will want to try the same thing.

I will be consistent and say that it isn't simply on the bow and arrow I would limit the age. I would on the other but before us now we have a bill on bow and arrow and I can't too forcefully bring back to you what you will have from your youngsters unless you do limit the age.

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

Mr. CARVILLE: Mr. Speaker, I just want, for the lady's information, to say that if she had read the bill she would know that she does not have to worry about the children. I believe it said a seventy pound pull. In fact, the weaklings, none of them will be using a bow. But the privilege is there for everybody and I can't see where there is any discrimination about it.



I certainly think that we have debated it long enough. I am going to move the previous question.

The SPEAKER: The gentleman from Eustis, Mr. Carville, 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 Portland, Mr. Roundy, that Bill "An Act relating to Open Season for Hunting Deer with Bow and Arrow", S. P. 561, L. D. 1348, be indefinitely postponed, and the same gentleman has requested a division.

All those in favor of indefinite postponement will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-eight having voted in the affirmative and fifty-nine in the negative, the motion to indefinitely postpone did not prevail.

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

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. 564) (L. D. 1357)

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

Bill "An Act relating to Examination of Certain School Bus Operators" (H. P. 1243) (L. D. 795)

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

#### Passed to be Enacted Emergency Measure

An Act to Control and Eradicate Bang's Disease (S. P. 467) (L. D. 1100)

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. 115 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 Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1952, and June 30, 1953 (H. P. 1694) (L. D. 1272)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: The day before we took a final vote on the sales tax bill I predicted that in the manner in which we were operating we might find ourselves with a tax bill that would not yield the revenue necessary when backed up against the spending.

Over the weekend I worked on some figures, after receiving information from the finance office. Yesterday I took all the L. D.'s that we have on the table, in committee, on the special calendar or on the table here or on the table in the Senate and on their way to be passed in one form or another. I was not at all liberal: I listed all of these items, struck off those that in my humble opinion were very definitely sure of passage. Some of them are already to be en-

acted, some of them are actually at the Governor's door.

This estimate that has been made as to the yield of the tax, the final estimate was made within the last twenty-four hours by Mr. Johnson, states that this tax will yield \$9,-200,000 the first year and \$11,000,000 the second year. The first year, as you well know, we remain in the property tax field. We have ample funds for the first year of the biennium, but in the second year of the biennium, if these figures are correct, and I am reasonably certain that they are, we will find ourselves in the second year of the biennium operating at a deficit of \$788,000. Of course the first year we will have, if these bills and resolves coupled with this bill have final passage, \$3,545,311 in the surplus. Many times we have stated that nonrecurring monies should not be spent for recurring expenditures.

This bill hits too hard. It must be cut somewhere along the line. The committee must necessarily bring out a supplemental bill. I, for one, shall go along with the enactment of this bill to expedite matters, but I would certainly want to go on record as saying that, as we stand now and unless we cut along the line somewhere, we are very definitely going to operate in deficit spending the second year of the biennium, unless we can use some of this money that is surplus during the first year.

The Appropriations Committee, in the minds of the majority, apparently had cut the bill too much, but this measure, without prejudice, without being biased, in my opinion must, through a supplemental measure, be cut somewhere. However, I feel, in my opinion, that we should pass this bill to be enacted and wait for the supplemental measure.

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

Mr. TURNER: Mr. Speaker and Members of the House: I rise to spread a little cold water on this inflated appropriations bill. You know we talked about the race-horses here the other day. You take a race-horse and let him get bunged up and have a big bunch on him somewhere, and cold water is

about the best thing to put it down with.

We have had a report from our Appropriations Committee, and they, I think, have done a good job. They have listened to all of the wishes and all of the wants of these departments, and I do not know of anybody who is better able to say about their wants than they are. Then we have also heard our Governor's views, and he should know our needs. He has been our leader for two years and he has done a good, able job. Just think of the work and the study that these two budgets have required and then compare it with the few hours spent by this Legislature and also the few hours with that Ways and Means Committee. Why the rise by this committee? Only to take care of some of their pet bills.

You have not heard any department find any fault with the Governor's recommendation, and I think that we ought to go along with that recommendation.

As you will note on our special calendar, we have a lot of pet bills from this House and from the other branch. It has been rumored around that with this property tax and these resolves we are not going to have money enough to swing the deal.

I realize that with my limited education, not being an orator, that I cannot get very far with this; but I do know my friend from Rockland down here said that we should cut this budget down. I think he is right, and I think we should vote "No" on the enactment of this bill until we can get the budget down where it belongs.

The SPEAKER: The question before the House is on the enactment of Item 1-A "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1952, and June 30, 1953" (H. P. 1694) (L. D. 1272)

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

Mr. DELAHANTY: Mr. Speaker and Members of the House: I certainly do not intend to take any great amount of time this morning with this matter, because we all know that we have spent many hours in debate on this particular

issue. We argued over it, and when we finished that argument we were many million dollars above the appropriations measure as it was when it came to us from the upper branch.

I do not think that we will be quick to forget the rather hurried red pencil work that was done by the Ways and Means Committee. It was my opinion then, and I voiced it in this House, that this appropriations bill should be cut beyond the recommendations made by that committee. It was that reservation that I made as a member of that committee.

There are those among us, and that includes members of my party and those who are not among us, many people with whom I have discussed the appropriations bill as it has been set up by this House, who believe that the bill is above and beyond that which is absolutely necessary for the general welfare of the State.

It is the opinion of many, many who are interested in government, that we are riding the happy road to financial disaster. There are none of us who will deny that we are now living in a time when we look to a more abundant life. It is my firm belief that there is not the great want in the midst of plenty today that this budget would tend to indicate. I cannot help but now express the attitude that I have harbored since the sales tax bill came before this House, and that is that the leaders of the majority party in this Legislature realize that an overpowering need for new money would have to be demonstrated and propagandized in the minds of the legislators and the public alike so that a sales tax bill might be enacted here. I think that this job of propagandizing the extremes in appropriations was well done. I think it was foremost in your minds that we should have to here enact a major tax to meet the almost insurmountable appropriations bill that was given to us.

I feel that now that this sales tax bill has been enacted that we cannot take the attitude that we are going to spend all the money that we can possibly extract from the people of this State. We should spend only that money which we

feel is necessary for the good and the welfare of all.

It is my firm conviction that when we approach our appropriations in this State we should start from the foundation and not from the top of the house as we did this year.

I think the Appropriations Committee did an excellent job in their report. They started at the foundation and worked up. But it appears to me that it was the sentiment of this House that their recommendation was in no way comparable to the needs of the State, and therefore we just had to add to the appropriations measure as it was brought to us by the appropriations committee to meet what this House felt was the minimum need.

I have exerted every effort to forestall the enactment of the sales tax. I have done so because of reasons I have heretofore stated in this House, and because I felt that the figures that were indicated would come from that sales tax were not needed.

I want to say now that my party did not support that sales tax. My party will never, in my opinion, support a sales tax that will commit an offense upon the public as that sales tax does. And that public is now beginning to realize it more than ever since they have come out of that lull that they were placed in by the propaganda given up to the time of its enactment.

I am thoroughly disappointed with the reaction of this House with respect to the income tax bill as it was sent to us by the Senate. Where did we stand on a bill of such great moment at that time? We voted for it in the dark. We voted for a measure which, in my opinion, would have met the requirements of the cost of government without even considering every line and every particle of that bill. I feel that if we had enacted that bill with certain amendments we would have done the people of this State a service and we would have been able to meet the requirements of a limited budget, not the budget as it now stands before us.

I cannot, therefore, support this appropriation. I have voted against it previously; I am going to vote against it this morning, because I think it has been bloated all out of proportion to what the needs of this State are at the present time. I feel that if we go along with it we are giving a free-wheeling service to future legislatures to do the same as you intend to do here.

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

Mr. CHASE: Mr. Speaker, reference has been made here to the Governor's Budget in such a way as to indicate that the bill which is before us is substantially in excess of the Governor's recommendation. If I remember the figures, the total in this bill before us is about \$282,000 above the total of the Governor's recommendation for the biennium when his specific recommendation for the University of Maine is taken into account.

The Appropriations Bill which was reported back to this House came about as the result of a report that was made by the Appropriations Committee. When it started from the Appropriations Committee it was not a bill, it was a recommendation in a report of the minimum requirements of State government. Whether "minimum requirements" is a synonym for "essential needs," is a matter of opinion, but that is the language which was used by the committee. The report was supposed to be used as a basis for discussion and debate in the Legislature. In the Senate, this report was turned into a bill. I do not think that it is fair to say that that report which became a bill was the unanimous recommendation of the Appropriations Committee at all. As the debate clearly shows, and as the vote of some of the members of the committee shows, it was a recommendation of minimum requirements.

Now we spent a great deal of time on that bill item by item; it was submitted to the test of majority vote in this House, and opinion having been expressed that the total finally arrived at was

excessive, it was submitted to the Committee on Ways and Means which recommended cuts of \$650,000 a year in certain appropriations.

Something has been said here about propaganda. I do not especially like the word. I have said here in the beginning that the test of essential needs should be the test, that this State should not spend a dollar just because it had a dollar or could get a dollar, but that by the democratic process of majority vote we should determine what the essential needs of the State are and raise the money to meet them.

The estimate of revenue given by the representative from Lewiston, Mr. Jalbert, was not given in any detail, but, if his information comes from the same source as I have here, the estimate prepared for the Committee on Appropriations and Financial Affairs by the Department of Finance and Budget, I cannot see any figures there which justify the assumption that we do not have money enough. It is true that there are numerous requests for money in bills which are in this Legislature, some on the table in the House, some in the Senate, perhaps some still in committee. It does not seem sound to me to assume that those bills are going to pass.

If the estimates of yield from the sales tax are accepted as reasonable estimates—and they must be only estimates—in my opinion there will be money enough to take care of this bill and a considerable number of other appropriations, not every appropriation which has been requested by any means. But I think it is ridiculous to assume that just because we have an appropriation bill here that it must be included in the total of the amount of money which we need.

This bill requires the vote of two-thirds of the entire membership. That formerly was not the case. Back in the days before the referendum the Legislature acted by a majority vote. But here we are today, in the month of May providing for a biennium which begins in July, and, in order to provide for it, we have to get a two-thirds vote. Now those who take advantage of that situation to oppose appropriations which have been

approved by a majority will have to take the responsibility that they have taken advantage of a technicality created through the necessity for this emergency legislation. The responsibility will have to lie upon them. I think this bill has had a fair test of majority vote, and I hope that the members will vote for it.

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

Mr. FINNEGAN: Mr. Speaker: and Members of the House: I certainly do not want to be an obstructionist in this matter. I bow to the will of the majority. I regret exceedingly that the majority of this House could not have been just a little better informed on what they were voting for while we discussed the appropriations bill item by item. We very carefully refrained from reviewing what those appropriations were meant to contain. That was never permitted here. We passed an educational budget for two million and six above the present appropriation for the corresponding biennium, '49-50 and '50-51. The details of that have never been discussed on this floor. It might have been a coincidence, but I think differently. That is my own opinion.

Now the whole situation—and I am not changing my front in any way, shape or manner—is that, in the height of the greatest prosperity in this State that we are likely to have or know for some time to come, we are burning the last bridge; we are crucifying approximately nine hundred thousand people to provide a sales tax. That has already been accomplished; there is no retreat, and I am not suggesting that we retreat from that position. But that money which we have appropriated and that made that tax bill mandatory is confined to two recurring items—and don't you ever get that out of your mind no matter what sophistry is advanced. One is your Welfare State that has been promoted to the tune of about five million dollars over our present expenditures, in other words, the budget under which we are operating for '49-50 and '50-51, which should never have been disturbed if we were ever to make a test of where

we go from here, because we have the opportunity to do it.

I think, on reflection and in review of this, that probably the Appropriations Committee might have erred slightly in pointing out the particular spots where this retrenchment should have occurred. I think that should have been left to the Commissioner of Welfare. I think he is perfectly capable of doing it. I think we could have safely reduced that appropriation at least a million and a half each year of the biennium, and that we could have let him work out where he wanted to apply the cut, and I think he would have undertaken that without any dubiousness as to the outcome and how he could manage. I think he is perfectly capable of administering that program. But if we in our wisdom produce a budget of money for him to administer, he will do the best he can with that also. He has no choice.

Now, from my standpoint, I think it is incumbent—and I say that if I were an obstructionist I would want this thing to crash. I have no such ambition. I think the people of this State are entitled to a better review of the budget than they have had—I mean the members of this House. I think the confidence of some fine people in this House has been exploited to the n'th degree to promote the ambition of a gentleman who has, for three sessions, tried to promote a major tax bill and has succeeded finally by one vote in this House.

I think if the facts were known and the people really understood and had the same opportunity as we on the Appropriations Committee to study this thing, they would realize it. We started in January and we made that little report which Mr. Chase has spoken of this morning. It was a report and not a bill. We are still hearing of bills requiring appropriations. I think it is an ill-advised measure. I did not approve of getting out a partial report. I don't know how you can present a case to the law court or any other case and give one-half of it one day and next week or a month hence give the other side. I think it is very ill-starred. I think it is a poor attempt, but just for the

reason that I am not sure now whether or not we are expected to approve that report which was audaciously revised in the Senate without any consideration; at least it did not have the time and the effort which the members of the Appropriations Committee very, very conscientiously put in on that bill. Some may have reserved, I have reserved some thinking of my own. I haven't gone to the limit as far as I am concerned but I will go along with the report; I didn't go along with the Appropriations Bill. Never in the world would I have ever presented that as an Appropriations Bill.

So, just to be sure that the enactment of this thing as an emergency measure precludes the alteration of that Appropriations Bill if in the judgment of the Appropriations Committee it becomes necessary, I am not going to vote for the emergency bill. I am not doing that as an obstructionist; I am doing that just for the protection of the people of this State that this thing shall be properly reviewed, properly analyzed and that when the Appropriations Committee of which I am a member presents a report here it will be one, whether it is minority or divided or unanimous, it will be one at least to which I can subscribe.

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

Mr. JACOBS: Mr. Speaker, I did not intend to speak on this measure but I believe that after due consideration the Appropriations Committee and the Appropriations Committee program was submitted to the Ways and Means Committee. I believe the members of that committee did what they thought was right and after submission to this House, without debate, they accepted it. True, we could have gone on into the field of education and recommended cuts there but I felt that we would open this door and where it would be closed we did not know. We could have gone into the field of Health and Welfare and recommended cuts there, but in my opinion it would only cut those people who are receiving Old Age Assistance, a mere pit-

tance perhaps, in the view of money.

We have tried to do our best in this program and I believe we should go on to enactment today and then the Committee on Appropriations can bring in a supplemental bill later, introducing cuts or increases as the case may be for your approval. I believe under all the circumstances herein enumerated, the Appropriations Bill today is not very far in excess of the Governor's recommendation by about \$225,000 and I believe it just and proper that this bill has come to the stage of enactment today, that we should go along with it and then later the Appropriations Committee has the right and the privilege of submitting a supplemental bill to meet existing circumstances.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to state that there are some members who think that some other members' remarks are unimportant, possibly particularly mine, and I want to state right here and now that as this Appropriations Bill stands and as these resolves that I say will pass stand and as we stand therefore in money that unless we borrow from the non-recurring fund of the first year of the biennium, we will be operating on a deficit for the second year of the biennium, whether my remarks are important or not.

The only reason I am going along with this thing this morning is because the thing was done upside down in the beginning. This bill should have been recommitted to the Committee downstairs in the first place before it came here for enactment.

But I go along with the majority, to go along with this thing because it will be a timesaver. If you can't catch us in the Appropriations Committee with a package of the full bill, you can catch it on a supplementary measure.

I reiterate again when I got these figures together and worked on them for some fifteen hours, I know what I am doing whether my observation is or is not important.

The **SPEAKER**: The question before the House is on the enactment of Item 1-A "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1952, and June 30, 1953, H. P. 1694, L. D. 1272.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 110 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act relating to Vital Statistics (S. P. 401) (L. D. 949)

Was 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 relating to Penalties for Violation of Truck Weight Laws (S. P. 460) (L. D. 1074)

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

(On motion of Mr. McGlauffin of Portland, tabled pending passage to be enacted.)

An Act Clarifying Certain Highway Laws (S. P. 478) (L. D. 1142)

An Act relating to Private Carriers in Operating Motor Trucks for Hire (S. P. 566) (L. D. 1356)

An Act relating to Public Burying-Grounds in Townships of Medford and Orneville (H. P. 1240) (L. D. 792)

An Act relating to Power of Private Vocational Schools to Hold Property (H. P. 1257) (L. D. 831)

An Act relating to Uniforms for Members of Police Department of the City of Lewiston (H. P. 1587) (L. D. 1159)

An Act relating to Certain Structures Used by the Public as Spectators (H. P. 1651) (L. D. 1221)

An Act relating to Rules and Regulations Issued by the Commissioner of Inland Fisheries and Game (H. P. 1791) (L. D. 1360)

An Act relating to Use and Possession of Gill Nets in the Fish River Chain of Lakes (H. P. 1792) (L. D. 1359)

#### Finally Passed

Resolve in favor of Charles Norton Pratt of Leeds (H. P. 881) (L. D. 1338)

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 Helen G. McShea of Fort Fairfield (H. P. 1585) (L. D. 1157)

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

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

On motion of Mr. Chase of Cape Elizabeth, the House recessed until 1:30 p.m., Eastern Standard Time.

#### Afternoon Session

1:30 P. M., E.S.T.

Called to order by the Speaker.

#### Orders of the Day

The **SPEAKER**: The Chair lays before the House the 1st item of unfinished business on today's calendar, Resolve Authorizing a Re-classification of Highways (H. P. 1780) (L. D. 1318) tabled on May the 3rd by the gentleman from South Portland, Mr. Spear, pending passage to be engrossed; and the Chair recognizes the gentleman from South Portland, Mr. Spear.

On motion of Mr. Spear, the Resolve was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

The **SPEAKER**: The Chairs lays before the House the 2nd item of unfinished business on today's calendar, Bill "An Act relating to Clearance Markings on Railroad and State Highway Overpasses" (H. P. 1531) (L. D. 1124) tabled on May 4th by the gentleman from Brunswick, Mr. Senter, pending third reading; and the Chair recognizes that gentleman.

Mr. **SENTER**: Mr. Speaker and Members of the House: I would like to present House Amendment "B"

to Committee Amendment "A" and move its adoption. After it is read by the Clerk I would like to make a few comments upon the amendment.

The SPEAKER: Does the Chair understand that the gentleman from Brunswick, Mr. Senter, moves its adoption?

Mr. SENTER: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Brunswick, Mr. Senter, presents House Amendment "B" to Committee Amendment "A" and moves its adoption.

On motion of the same gentleman, under suspension of the rules, the House voted to reconsider its action whereby it adopted Committee Amendment "A" to "An Act relating to Clearance Markings on Railroad and State Highway Overpasses."

House Amendment "B" to Committee Amendment "A" presented by Mr. Senter of Brunswick was read by the Clerk as follows:

**HOUSE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" TO H. P. 1531, L. D. 1124, Bill "An Act Relating to Clearance Markings on Railroad and State Highway Overpasses."**

Amend said Amendment by adding at the end thereof before the quotation mark the following underlined sentence: **'When the vertical clearance of a railroad overpass is less than 14 feet 6 inches, the municipal officers or the state highway commission, as the case may be, shall inform the railroad company the amount of said clearance.'**

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

Mr. SENTER: Mr. Speaker, this amendment to L. D. 1124, "An Act relating to Clearance Markings on Railroad and State Highway Overpasses", I think was made necessary because of the fact that the railroads objected to marking the railroad overpasses with the amount of clearance because they maintained that the railroad companies do not have any control over the clearance; that is, a municipality may change the grade of the highway under the overpass and that of course would change the amount of clearance.

Now the railroad has given representation that there is, for ex-

ample, twelve feet eight inches clearance under the bridge in Brunswick, and if the town of Brunswick changes the grade then there is no longer that amount of clearance; and because the railroads do not control the grade they objected to the marking.

Now this amendment would provide that the municipal authorities or the State Highway Commission, as the case may be, would notify the railroad of the amount of clearance, and if the clearance is changed—and it would only be changed by the municipal authorities or the State Highway Commission—if the clearance was changed, then the municipal authorities would have to give notification of the correct clearance. In that way the railroads would be relieved of the responsibility of determining the amount of clearance. The municipalities who have control over the grade, will inform the railroad of the clearance, and the railroad would then mark the clearance. That would seem to me to meet the fair objection voiced by the railroad interests.

I hope this amendment has passage.

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

Mr. KEENE: Mr. Speaker and Members of the House: I had an amendment that Mr. Senter is familiar with that I was going to present, but he has beat me to the gun, I might say.

Mr. Senter and I have talked this situation over, I think quite thoroughly. I think he will agree that we talked it over to some extent. I am wholeheartedly in accord with the bill "An Act relating to Clearance Markings on Railroad and State Highway Overpasses," but I disagree with him as to the liability end of it. His bill that he has in as is with all the amendments still leaves the liability, if there is damage, particularly on the railroad overhead passes, on the shoulders of the railroad.

The gentleman has mentioned that if the marking was placed on the overhead of the railroad and the grade was changed, that the railroad had no jurisdiction over that change of grade, and I agree



with him on that. I disagree, I might say, to the extent that if the grade was changed and a truck or vehicle of sufficient height came along and struck one of those railroad overpasses, that then the railroad would be liable. I do not think that is good legislation, because the railroad has nothing to do with the highways.

Now the amendment that I had that I wanted to present later on would still leave his bill intact to the extent of the markings and the clearances, but would relieve the liability of the railroads who have no control whatsoever over the highways and place that marking strictly with the Highway Commission or the municipalities who control the highways. I do hope that his amendment is not adopted; in fact I would like to move for the indefinite postponement of his amendment that I may have the opportunity of presenting my amendment.

The SPEAKER: Does the Chair correctly understand that the gentleman moves for the indefinite postponement of House Amendment "B" to Committee Amendment "A"?

Mr. KEENE: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Clinton, Mr. Keene, moves that House Amendment "B" to Committee Amendment "A" be indefinitely postponed.

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

Mr. SENTER: Mr. Speaker and Members of the House: I think it might be helpful if I gave a little bit of the background for this bill.

As has been frequently said, this bill is my own bill. I saw the need for the bill and dropped the bill into the hopper.

I realize this is a local situation, but I think you have seen the same thing happen in your own community, or it might happen. In Brunswick we have two unusually low railroad overpasses. These railroad overpasses pass over our local streets. These overpasses are not marked with the amount of clearance. We have had five accidents within the last several years as a result of trucks, trailer-trucks, hitting these low overpasses.

At one of the overpasses that I

have in mind particularly I have seen the results of two of those accidents. One accident cost the owner of the truck nine hundred dollars. The box part of the trailer was cut nearly in two. Several months after that accident there was another accident. I saw the result of that accident. And so I did what I think many of you would do: I wondered why something was not done to indicate the amount of clearance on that bridge. And today that overpass is not marked with the amount of clearance. As I say, we have had five accidents.

Early this winter I came to the State Highway Department and asked Ralph Sawyer, the Traffic Safety Engineer, "Whose responsibility is it to mark the clearance on these overpasses?" He said, "That is a good question. I will send you to the Public Utilities Commission." I went to the Public Utilities Commission and asked them. Judge Southard looked it up, and he said, "I find that no one has the responsibility of marking the clearance on these overpasses." And I said, "I would think that it might be a good subject for a bill to be introduced in the Legislature," and both the Highway Commission and the Utilities Commission agreed that it was. I put the bill in.

Now we had a public hearing on this bill; the railroads were represented and they made their objections. The committee reported the bill "Ought to pass," a majority report, with their amendment, which I agreed to, and that is particularly that only those bridges or overpasses that are fourteen foot six or less should be marked. We are only concerned with the low ones. They are the ones that are causing the trouble.

Now the experiences in Brunswick are not the only experiences. Several weeks ago one of my colleagues here told me that he wished I had been near Hallowell that noon, because he had seen a large trailer truck crammed under that bridge and they were stopped. The driver did not know the amount of clearance that that bridge affords; he tried to go under it; he failed, because it did not allow sufficient clearance. The bridge is not marked.

I believe that the railroads have been negligent in not marking the clearance of their overpasses, and also the Highway Commission. I will state—and this is a fact—that in New Gloucester several years ago a contractor was moving heavy equipment under a railroad overpass and the bucket of this crane type struck the bridge so hard that the tracks were moved out of line, and an accident or derailment of a train would have been caused if a maintenance man had not been there and flagged a train coming with boys and girls from a summer camp.

I say it is for the interests of the traveling public on the railroads that the railroads mark their overpasses.

Inasmuch as the Public Utilities Commission allows any registered trucker to carry a load fourteen feet high—that is their limit, fourteen feet—the truckers have reason to believe that they can carry that fourteen-foot load throughout the State. It is my opinion that the overpasses which are less than fourteen feet should be marked, to give warning to the driver who may be coming from out of state that this bridge is less than fourteen feet. That is the reason this bill was introduced. I believe it is fair, I believe it is reasonable. I think anyone in business today, whether it be the railroad, the storekeeper, or whoever it is, has to assume some liability when they are dealing with the public.

I do not blame any party or any concern for protecting their own interests, and they have been doing it, I assure you. That is only right and proper. But I do think that this amendment, which I hope you will adopt, has answered their objection. They have no control over the clearance, because the town, as I said before, may change the grade. But this amendment, if you adopt it, will require the municipal officers or the State Highway Commission to tell the railroads what the clearance is. After the railroads have been told they then can mark their structures with the amount of clearance.

The SPEAKER: Is the House ready for the question?

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

Mr. KEENE: Mr. Speaker and Members of the House: I stated previously that I fully agree with the intent that my good colleague, Mr. Senter, had in the bill. He is trying to get markings of clearance on overhead passes. But the roads, as everyone in this House knows, are controlled either by the municipalities or the State. Now, as I said, I have an amendment which would still call for the markings exactly as he wants, but it would place the handling of those markings into the hands of the State Highway Commission or the towns who govern the grade over the roads.

Last night I talked with him about this particular amendment. He said that he wanted to get this put upon the bridge or the overpass of the railroad. And I said, "Brother Senter, I agree that we can have the signs, but let's have them installed in the same manner and by the same procedure as all railroad crossing signs are now installed, and that is this: that the Public Utilities Commission sends to the local municipalities the railroad signs to be installed and the local municipalities install those signs according to the rules and regulations prescribed by the Public Utilities Commission."

Now in this case here, that would be the same condition: the clearance signs would be installed, calling for exactly what he wants, but they would be signs that would be installed previous to the approaches of these overpasses and be installed by the local communities of the State who govern the road conditions which the railroads have nothing to do with.

Therefore, knowing that my amendment will take care of the markings of the overhead passes, I do hope that this House will go along with the indefinite postponement of House Amendment "B" to Committee Amendment "A", and when the vote is taken I ask for a division.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Clinton, Mr. Keene, that the House indefinitely postpone House Amendment "B" to Committee Amendment "A" on Bill "An Act relating

to Clearance Markings on Railroad and State Highway Overpasses" (H. P. 1531) (L. D. 1124) and the same gentleman has requested a division.

All those in favor of indefinite postponement of House Amendment "B" to Committee Amendment "A" will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Thirty having voted in the affirmative and fifty-four in the negative, the motion to indefinitely postpone does not prevail.

The question now before the House is on the motion of the gentleman from Brunswick, Mr. Senter, that the House adopt House Amendment "B" to Committee Amendment "A" to Bill "An Act relating to Clearance Markings on Railroad and State Highway Overpasses" (H. P. 1531) (L. D. 1124)

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

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

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

The SPEAKER: The Chair lays before the House the 3rd item of unfinished business, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in favor of Hampden Academy (H. P. 1511) (L. D. 1105) tabled on May 4th by the gentleman from Hermon, Mr. Nowell, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. NOWELL: Mr. Speaker and Members of the House: I have just recently received a request from the Appropriations Committee to retable this until Tuesday, because they are now in session, and would move that this resolve lie on the table until next Tuesday.

The SPEAKER: The gentleman from Hermon, Mr. Nowell, moves that the third item of unfinished

business on today's calendar lie on the table and be specially assigned for Tuesday next, May 15th. Is this the pleasure of the House?

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

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

The SPEAKER: The Chair lays before the House the 4th item of unfinished business on today's calendar, Bill "An Act relating to Trespassing on Commercial or Residential Property" (S. P. 411) (L. D. 971) tabled on May 8th by the gentleman from Wayne, Mr. Brown, pending his motion to reconsider acceptance of minority report; and the Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker and Members of the House: Two years ago the 94th Legislature passed Bill "An Act relating to Trespass," which has since become known as the Slocum law.

As a result of this bill, thousands of acres of land in the State of Maine have been posted "No Trespassing," which means that no one can enter upon the land for the purpose of hunting or fishing or trespass of any sort. During the two years, situations have arisen which I do not believe were the intention when the bill was passed two years ago. Parties have bought up abandoned farms and large tracts of land, posted the property, and now have a private hunting and fishing preserve for themselves and their family and their friends.

I believe that if this trend is allowed to continue, that the time will come when it will be almost impossible for a person to hunt or fish unless he belongs to some club or organization which controls these areas which are posted.

I have no objection to a man posting his land if damage is being done, or if he wants to post his land around his buildings to keep off hunters during the hunting season for his own safety and protection; but under Section 39 of Chapter 118 there is sufficient law on the books today to protect his land if it is improved land, orchard land, cranberry land and so forth, from any-

one doing damage, and under Section 40 he can post his land between the first day of April and the first day of December.

The so-called Slocum law is much wider in scope. It says in part, under Section 39-A: "Whoever wilfully enters in and upon any land commercially used, including parking lots, and whoever wilfully enters in and upon residential property, including summer residences and cottages, after being forbidden to do so by the owner or occupant thereof, either personally or by a notice posted conspicuously on the premises, shall be guilty of trespass and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment." This is quite a stringent law. It does not say how the land shall be posted or at what interval of space the posting shall be. A man might enter the property at a location that is not posted and be guilty of trespass and be subject to fine and imprisonment.

We spend thousands of dollars in the State of Maine to advertise the State as a fishing and hunting state. If the trend is allowed to continue, I can foresee the day when there will be so much of the land posted that it will be difficult to run our fish and game department on the revenue which they now receive from the sale of licenses for hunting and fishing.

If my motion to reconsider prevails, I shall offer an amendment to L. D. 971 which will limit the posting of a man's land to a distance not to exceed one-quarter of a mile from said residence or cottage, which will allow a man to post his land in a half-mile circle from his residence or house, which I think is sufficient.

There is another aspect to this which I do not like, and that is this: I feel that most of the sportsmen, hunters and fishermen are real sportsmen and do very little damage to another person's property; in fact they will go out of their way not to do any damage. I am aware that there are probably a few that do abuse the privilege and do do damage. But I have seen it worked out in a locality whereby one farmer

posted his land and he went hunting and drove a deer across on another man's land and he followed the deer. The other farmer who owned the land on the other side felt that if he couldn't hunt on the other man's land the other man couldn't come over on his land. And it has caused a lot of hard feeling and bitterness. If it continues to grow there might be more damage committed than at the present time. So I hope that my motion to reconsider will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Wayne, Mr. Brown, that the House reconsider its action whereby it accepted the Minority Report on Bill "An Act relating to Trespassing on Commercial or Residential Property," S. P. 411, L. D. 971. Is it the pleasure of the House to reconsider?

The motion prevailed.

On further motion of Mr. Brown of Wayne, the House voted to accept the Majority Report "Ought to pass." The bill was then given its two several readings.

Mr. Brown of Wayne then presented House Amendment "A" and moved its passage.

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

HOUSE AMENDMENT "A" to S. P. 411, L. D. 971, Bill "An Act Relating to Trespassing on Commercial or Residential Property."

Amend said Bill by striking out the underlined word "within" in the 8th line thereof and inserting in place thereof the underlined words 'not to exceed'; and by striking out in said 8th line the underlined word "thereof" and inserting in place thereof the underlined words 'from such residence or cottage'

Thereupon House Amendment "A" was adopted.

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

Mr. WOODWORTH: Mr. Speaker, I move that the bill as amended be indefinitely postponed.

I have allowed the amendment because I didn't want any question to remain as to what the bill meant. I have opposed this bill because I think it derogated from some of the finest rights a man enjoys. We will suppose that a

farmer has about 200 acres adjacent to his dwelling house or farm buildings. He owns them, he pays taxes on them. Ownership in the law may be defined as a right to possession which no one may legally disturb. This bill says that within  $\frac{1}{4}$  of a mile of that farmer's dwelling place, you shall not disturb his possession. Outside of the  $\frac{1}{4}$  of a mile, he has no right to enjoy his property any more than anybody else who wishes to go on to his property.

All common law is derived from the law of England. You are all familiar with the adage "An Englishman's home is his castle". Under this law his home would not be permitted to extend more than  $\frac{1}{4}$  of a mile to enjoy the security which the law has always guaranteed to him. We profess to live in a free country. Freedom, I think, means the right to live in peace. Under this bill, a man's right to live in peace does not extend more than a quarter of a mile beyond his house.

Our Constitution says that no man shall be deprived of life, liberty or property without due process of law. This bill says that a man may be deprived of his right to use and enjoy property so long as you don't come within  $\frac{1}{4}$  of a mile of his dwelling house. I don't think there is any justification to be found for such a change as this. This bill refers to posting, conspicuously posting. That is what most of the statutes regarding posting provide, and it should be sufficient for this bill. As things stand, a farmer may post his farm. Farmers are a class of people who are not considered mean people. They are, on the whole, a generous people. They are the finest people we have. I know of no reason why any man who wants to hunt on somebody else's land should not be willing to go to that man and say: "Will you give me permission?" If the land is posted and the farmer does not want to give permission, he probably has a good reason and I do believe that under the law as we have always known it, the farmer should, at least, be allowed that privilege.

This bill was discussed very thoroughly two days ago. The

House then saw the justice of the farmer's position. I hope that the House still sees the justice of the farmer's position and that my motion to indefinitely postpone may prevail.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the bill as amended be indefinitely postponed.

Is the House ready for the question?

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

Mr. CENTER: Mr. Speaker and Members of the House: I would just like to go along with the motion to indefinitely postpone this bill as amended. If I understand this bill as amended correctly, a farmer who owns more than one farm, residing, of course, only on one, would not be able to post his land on the farm a little piece away. There is more that comes into this situation of trespass than hunting. There are times when it is a decided advantage to the farmer to be able to post land that he has not at all times under his direct supervision. I think this bill as now amended would be very disastrous to the farmer, and I hope the motion to indefinitely postpone prevails.

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

Mr. BROWN: Mr. Speaker, in answer to the gentleman from Standish, Mr. Center, I would like to say that as I understand it under Section 40 of Chapter 118, a farmer or an owner of property can post any garden, orchard, mowing land or other enclosed or cultivated land during the first days of April and the first days of December, which would indicate to me that if a man had another farm other than the one that he was residing on that he could post it if it was cultivated or improved or enclosed land.

We have for a good many hundred years enjoyed the privilege in the State of Maine of hunting and fishing anywhere in the State if we did not do damage and if we did not cause a nuisance. I will admit that there have been cases of damage and nuisance by people having picnics leaving behind rubbish, garbage, destroying trees by taking the bark off of them and that sort

of thing. But I think the scope of the Slocum law which is Section 39-A of Chapter 118 is much, much too broad.

There has been experience in the States of Connecticut and New York with this same type of law and it is almost impossible for a man who wants to hunt or fish to do so in those states unless he does, as I said before, belong to a club or an association which has a tract of land which they control. I feel that if it is to be continued, we would get into the same situation as those states.

There is another point. I always supposed that the wild life, the fish, belonged to the State and not to the landowner. The right to post means also the right to enjoy the wild life on the land without paying a license or without allowing others to enjoy the same privileges with respect to the wild life. I do not think it is proper and I hope the motion to indefinitely postpone does not prevail and when the vote is taken, I ask for a division.

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

Mr. FULLER: Mr. Speaker and Members of the House: I think that the gentleman from Wayne (Mr. Brown) has brought out what I intended to say which is that I never could see that this particular section 39-A had anything to do with farm property except what was adjacent to the residence on it. I never could see what it had to do with any undeveloped area that might be used for hunting and such purposes as that because evidently the law before this  $\frac{1}{4}$  of a mile part of it was ever put in was only meant to apply to land that was commercially used and residential property including the summer residences and the cottages and lands adjacent thereto. So, a person owning a large area of farm property or other undeveloped land would have to go to some other section of the law in order to post it.

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

Mr. CARVILLE: Mr. Speaker and Members of the House: I would hate to see this lost because this

Slocum law has created a lot of feeling among the sportsmen throughout the State and they are all watching to see what is done on this. I would hate awfully to see it lost in whole. I admit that there is a weak point as far as the farmers are concerned. We spent considerable time on this yesterday and we thought that they were covered, as the gentleman just said, by another chapter. I still think they are. Rather than see this lost, I would like to see it tabled and another amendment added which would take in the occupied farm property under cultivation or pasture land.

The SPEAKER: Does the gentleman move to table?

Mr. CARVILLE: I would rather not at this time, Mr. Speaker. I would rather let the discussion go on because I would like to see it ironed out but I think that is a suggestion.

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

Mr. BURKETT: Mr. Speaker and Members of the House: I don't know or care anything about this law but I can see some serious objections in it the way it is drafted from an enforcement standpoint. It seems to me that an enforcement officer who wishes to prosecute a man for violating this act as drawn has got to carry around with him a tape measure or some other measuring device and be sure that the culprit was within  $\frac{1}{4}$  of a mile. It would have to be alleged in the law and it would have to be proved in court. That would have to be measured every time. I think the problems of enforcement are quite serious.

The SPEAKER: Is the House ready for the question?

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

Mr. BAILEY: Mr. Speaker, I think the statement of the gentleman from Portland, Mr. Burkett, hits very near the mark. It seems to be the idea that there are laws enough. You have got to catch the fellow doing it, measure and see just where he is. By the time you get it all out, it would be so much of an effort it would be practically impossible. We know the

way that the sporting laws are and it is not the true sportsman who is creating the difficulty. It is those who pretend to be sportsmen and the laws are trying to be enacted to infringe on the privileges of the man who owns the property and pays the tax and that is why the property owners, especially the farm owners, resent any such law being enforced here.

This matter of a quarter of a mile: It is altogether out of the question to think of enforcing a law in regard to a man protecting his property for that distance. The laws that are on the books now, as was said, the culprit would have to be caught damaging and by that time that would be difficult.

I hope the motion to indefinitely postpone prevails.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that Bill "An Act relating to Trespassing on Commercial or Residential Property", S. P. 411, L. D. 971, be indefinitely postponed, and the gentleman from Wayne, Mr. Brown, has requested a division.

All those in favor of the indefinite postponement of the bill will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-two having voted in the affirmative and twenty-seven in the negative, the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 5th item of unfinished business on today's calendar, An Act Prohibiting Claims of Damage to Motor Vehicles by Wild Animals and Birds, H. P. 1759, L. D. 1303, tabled on May 8 by the gentleman from Livermore, Mr. Boothby, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. BOOTHBY: Mr. Speaker, I move that the House reconsider its action whereby it passed this bill to be engrossed.

The SPEAKER: The gentleman from Livermore, Mr. Boothby, moves, under suspension of the

rules, that the House reconsider its action of April 27 whereby, it passed to be engrossed Bill "An Act Prohibiting Claims of Damage to Motor Vehicles by Wild Animals and Birds".

The SPEAKER: The Chair recognizes the gentleman from Eustis, Mr. Carville. Does the gentleman wish to speak on the reconsideration?

Mr. CARVILLE: I question it, Mr. Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Livermore, Mr. Boothby, that the House reconsider, under suspension of the rules, its action of April 27 whereby it passed to be engrossed Bill "An Act Prohibiting Claims of Damage to Motor Vehicles by Wild Animals and Birds".

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

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

Thereupon, the Bill, having had its three several readings in the House and having been passed to be engrossed and having had its two several readings in the Senate and having been passed to be engrossed, was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House the 6th item of unfinished business, An Act relating to Fire Protection Tax in Unorganized Territory, H. P. 1327, L. D. 890, tabled on May 4 by the gentleman from Baileyville, Mr. Brown, pending further consideration.

The Chair recognizes the gentleman from Bethel, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: I think there was some misunderstanding on this bill in the Senate and I move that we insist on our former action.

The SPEAKER: The gentleman from Bethel, Mr. Carter, moves that the House insist upon its former action whereby it enacted An Act relating to Fire Protection Tax in Unorganized Territory. Is it the pleasure of the House to insist?

The motion prevailed.

Mr. Carter of Bethel then requested a committee of conference and the following members were appointed by the Chair as conferees on the disagreeing action of the two branches: The gentleman from Sebec, Mr. Parker; the gentleman from Bethel, Mr. Carter; and the gentleman from Clinton, Mr. Keene.

The SPEAKER: The Chair now lays before the House the 7th item of unfinished business, Bill "An Act relating to Open Season for Fishing for Black Bass," H. P. 1758, L. D. 1302, tabled on May 4 by the gentleman from Ellsworth, Mr. Dunham, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. DUNHAM: Mr. Speaker, I now move that this measure be passed to be engrossed.

The SPEAKER: The gentleman from Ellsworth, Mr. Dunham, moves that Bill "An Act relating to Open Season for Fishing for Black Bass" be passed to be engrossed.

The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Thereupon Mr. Pierce of Bucksport presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1758, L. D. 1302, Bill "An Act Relating to Open Season for Fishing for Black Bass."

Amend said Bill by striking out the underlined word "county" in the 4th line from the end thereof and inserting in place thereof the underlined words "and Hancock counties"

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

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

Mr. POTTER: Mr. Speaker, I now offer House Amendment "A" to House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Medway, Mr. Potter, presents House Amendment "A" to House Amendment "A" and moves its adoption. The Clerk will read the amendment.

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "A" to H. P. 1758, L. D. 1302, Bill "An Act Re-

lating to Open Season for Fishing for Black Bass."

Amend said Amendment by striking out at the end thereof the underlined words "and Hancock counties", and inserting in place thereof the underlined words and punctuation: ', Hancock and Penobscot counties'.

Thereupon House Amendment "A" to House Amendment "A" was adopted. House Amendment "A" as amended by House Amendment "A" was then adopted.

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

Mr. CHASE: Mr. Speaker and Members of the House: This bill states that you can catch one black bass by fly fishing with the exception of Washington County, and now it is amended to read two more counties to be excepted.

I move for the indefinite postponement of this bill.

The SPEAKER: The gentleman from Whitefield, Mr. Chase, moves that Bill "An Act relating to Open Season for Fishing for Black Bass", H. P. 1758, L. D. 1302, be indefinitely postponed.

Is the House ready for the question?

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

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

The SPEAKER: The Chair now lays before the House the 8th item of unfinished business, Joint Order directing Legislative Research Committee to recommend to the next Legislature procedure for assessing taxes on property in the Unorganized Territory, tabled on May 9th by the gentleman from Cape Elizabeth, Mr. Chase, pending passage; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, I think the order is self-explanatory and I will ask the Clerk to read it again and I move its passage.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the order receive 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. (H. P. 1810)

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

The motion prevailed and the order received passage and was sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 2nd tabled and today assigned matter, Bill "An Act for the Assessment of a State Tax for the Year 1951 and for the Year 1952", H. P. 1798, L. D. 1374, tabled on May 9 for reproduction of House Amendment "A" pending adoption.

The Clerk will read House Amendment "A".

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 1951 and for the Year 1952"

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: The question before the House is on the adoption of House Amendment "A".

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

Mr. ROLLINS: Mr. Speaker and Members of the House: The fast-moving events here this morning show that we are not ready for any economy. The Appropriation Bill has gone through in a form that some of us feel is much in excess of what is necessary to maintain State services.

The idea, when I offered this amendment, was that I was going along in line with our Governor who, in 1949, recommended the abolishment of the tobacco tax. He has again recommended it in his budget this year, abolishment of the tobacco tax, which brings in something like \$650,000.

In order to abolish that tax and follow along with the line of our Budget Message, it was necessary to find that money, and it was much more evident this morning that we didn't have any money to play with to do it on; and the events have happened since then, with about that amount of money lost to the income of the State from the night races, and as it was explained to us, under the present set-up now it looks like, in the second year of the biennium, there will be a deficit of some \$800,000; therefore I believe that the adoption of this amendment would accomplish two things. It would give us some necessary revenue which, in the first essence, was agreed to be in that bill.

Then, finally they got the amendment on, to yank it out. That was a tax on containers. That is all that I am attempting to eliminate, is the exemption on containers.

I hope that the members may feel that this would be a better way, to remove the tobacco tax, than it would be to put an additional tax on cigarettes, which as your press has shown you, is being toyed with.

We have a bill in the committee asking for a one-cent increase on cigarettes. I think it would be folly to do that at this time, but with that same vehicle we could remove the tax upon tobacco, a tax which was put on, I think six years ago, unjustly, without any public hearing, just jammed on, and it has been a source of dissatisfaction ever since it has been on our books.

Mr. Speaker, I move the adoption of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker, I rise in opposition to the amendment. I don't think the amendment would achieve what the gentleman from Greenville (Mr. Rollins),

wishes to achieve. If you will turn to Legislative Document 1273, you will find that Article 10 of Section 10 applies to returnable containers, and that would be milk bottles and various other items in which the contents are sold, and a deposit is placed, with the idea that the container will be returned.

Had the gentleman from Greenville (Mr. Rollins) attempted to strike out, under Section 2 of the bill, a definition of "retail sale", the container item, I would have been only too happy to have supported it. I am opposed to the amendment.

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

Mr. CHASE: Mr. Speaker, I believe the gentleman from Vinalhaven (Mr. Barton), is entirely correct. The so-called container exemption, which was a subject of some controversy during the debate on this issue, was in the definition of "retail sale" in Section 2 of the bill. I was opposed to that re-definition of "retail sale" with respect to containers, but the bill has been enacted, and I don't think now that we should try to re-write it. If it is opened up in one place, it can be opened up in another.

The reference to this bill which is made in this property tax applies only in the interests of the taxpayers in order that they can get a deduction for sales tax payments, and the other reference is to correct a section which was merely a declaration of intent with respect to the State property tax.

I therefore hope that the amendment will be indefinitely postponed.

The SPEAKER: Does the gentleman so move?

Mr. CHASE: Yes, Mr. Speaker.

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

Mr. MARCH: Mr. Speaker and Members of the House: I am not familiar with all of the various sections of this bill, but I do want to say that anything that we can think of doing that will tend to abolish the tobacco tax I am against. I was for the sales tax, but I am not going back and tell

the people, if I can help it, that I am removing luxury taxes.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that House Amendment "A" to Bill "An Act for the Assessment of a State Tax for the Year 1951 and for the Year 1952," H. P. 1798, L. D. 1374, be indefinitely postponed.

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

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

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

The SPEAKER: The Chair now lays before the House the 3rd tabled and today assigned matter, pursuant to House Order, Bill "An Act Relating to Use of Joint Fund for State Aid Road Construction" (S. P. 320) (L. D. 726) tabled on May 7 by the gentleman from Addison, Mr. Lackee, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion of Mr. Lackee, the Bill was passed to be engrossed as amended in concurrence.

The SPEAKER: The Chair now lays before the House the 4th tabled and today assigned matter, pursuant to House Order, Bill "An Act Relating to Construction of State Aid Highways" (S. P. 354) (L. D. 869) tabled on May 7 by the gentleman from Addison, Mr. Lackee, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion of Mr. Lackee, the Bill was passed to be engrossed as amended in concurrence.

The SPEAKER: The Chair now lays before the House the 5th tabled and today assigned matter, pursuant to House Order, An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation (H. P. 1734) (L. D. 1293) tabled on May 7 by the gentleman from Caribou, Mr. Bearce, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. BEARCE: Mr. Speaker and Members of the House: I wish to offer House Amendment "A" to L. D. 1293, and move its adoption.

The SPEAKER: The gentleman from Caribou, Mr. Bearce, moves that the rules be suspended. All those in favor of suspending the rules will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed.

Thereupon, on further motion of Mr. Bearce, the House voted to reconsider its action whereby on April 25th it passed Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation" to be engrossed.

The SPEAKER: The same gentleman now presents House Amendment "A" and moves its adoption.

The Clerk will read House Amendment "A."

HOUSE AMENDMENT "A" to H. P. 1734, L. D. 1293, Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation"

Amend said Bill by striking out all of Section 2 thereof.

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

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

Mr. WEST: Mr. Speaker and Members of the House: It seems rather odd that a bill intended to do only good should have such a hard struggle. When this bill was before the committee, the only objection was to Section 2. One member of the committee felt that perhaps it might be a hardship to small business which employed ten or less persons. That seemed to be the only objection, but that seems to be already covered by a law now on the books. I understand at least two amendments are already prepared which may be presented.

I move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Stockton Springs, Mr. West, moves the indefinite postponement of House Amendment "A".

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

Mr. BEARCE: Mr. Speaker and Ladies and Gentlemen of the House:

The Governor, in his inaugural address, suggested that a study be given to need of a State Mediation Service, which has been done in this bill.

Section 2 of this bill has nothing to do with mediation. It deals with something entirely different, namely, the settlement by the existing Board of Arbitration and Conciliation of questions relating to the determination of a bargaining agent. If the power to determine such questions is given to this board, it can be availed of by Labor Organizers to strengthen their position and efforts that they may organize the labor employed by small businesses, namely, hotels, laundries, fire departments, police departments and other small businesses.

I am fearful of the average results which may follow the enactment of Section 2, and I would like to repeat at this time from the Republican Platform: "We commend", and I quote, "both Labor and Industry for excellent labor relations, and we note no need for restrictive State labor legislation in Maine."

I would also like to quote from the Governor's Message this sentence: "Our record of labor-management relations is one of the best in the nation and deserves high praise." And I quote a second sentence: "Study should be given to the need of a Mediation Board." That has been done, in L. D. 1293, which I believe is a good bill as far as Section 2. Section 2 refers to the Board of Arbitration and Conciliation, and has nothing to do with the mediation, as I see it. In that is deleted, in the last sentence, "disputes, strikes, and lockouts between employers and employees," and added 'questions related to the determination of a bargaining agent.' What or where or how far that goes, I do not know, but I feel at this time that this legislation is not needed. As it has been stated, our labor relations in the State of Maine have been tops of any state in the union, and I therefore hope that the gentleman's motion to indefinitely postpone does not prevail.

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

Mr. ROLLINS: Mr. Speaker, I note the absence of Mr. Brown of Baileyville, and I would move that this item lie on the table pending the motion of the gentleman from Stockton Springs, Mr. West.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation" lie on the table pending the motion of the gentleman from Stockton Springs, Mr. West, that House Amendment "A", presented by the gentleman from Caribou, Mr. Bearce, be indefinitely postponed.

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

A viva voce vote being doubted,

A division of the House was had.

Thirty-three having voted in the affirmative and fifty-three having voted in the negative, the motion did not prevail.

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

Mr. FULLER: Mr. Speaker and Members of the House: I would like to go along with the amendment as offered by Mr. Bearce of Caribou. I believe that this bill, as it is written, is bad, and I will tell you why. As I understand it, if a man has a very few employees and they become organized and join a Labor Union, you have no other alternative except to deal with that bargaining agent; you have no other recourse; you can say nothing to the men whom you employ, and I believe that this amendment should be included in order to make this bill workable.

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

Mr. CHAPLES: Mr. Speaker and Members of the House: I was a member of the Labor Committee in 1949. We had this same bill before us and I signed it "Ought not to pass" and I am still feeling that way. Now since the Wagner Act was enacted by Congress in the early days of the Roosevelt regime, a consistent effort has been made in this State, before every legislative session that has preceded us, to pass a "Baby Wagner Act" for the State of Maine. Here it is again! Up to now, however, the

suggested bills have had some pretense of establishing boundaries, limits, controls and fair balances by which both sides would be guided and held within the bounds which represented the best interests of the State of Maine.

But this bill has no limits, no boundaries, no controls, no guideposts, and no balances. It is a very subtle and canny attempt to subject, without protection, the small employers of labor and their employees to the complicated and harrasing routine of high pressure unionization.

I'll tell you why I characterize it as a "subtle and canny" bill. Because it is an attempt to slip by this bargaining agent provision on the coattails of a perfectly good mediation bill, to which it is completely unrelated.

I am wholeheartedly in favor of the amendment which strikes Section 2 from this bill, as I feel it is an injustice to the small business man.

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

Mr. HAYES: Mr. Speaker and Members of the House: I, too, wish to go on record as favoring the amendment offered by the Representative from Caribou, Mr. Bearce.

I am not aware that at the moment there is need for a "Baby Wagner Act," as it has been termed, for the regulations in local communities or intra-state commerce such as this Section 2 would propose. If there is a reason for it, or a need for it, I object to the section as written because it is loose. An amendment of that sort, a law of that sort, ought to be done after most careful consideration. This one provides no control or regulation whatever. It is not confined to the operation of a single employer or a single establishment or a single industry. It is all-inclusive. There is no exception in the case of even the guardians of the public safety. There are no exceptions in favor of state or municipal employees. There is no regulation on the manner of holding elections, and if it is designed to be a modification of the "Baby Wagner Act," certainly it should provide as to whether or not a ma-

majority, for instance, of the employees to be included under this would be necessary in becoming a bargaining agent.

It seems to me, in the interests of good legislation, that we should repeal Section 2 until such time as we have made a careful study of the provisions of regulation and control which would be designed to safeguard not only the rights of employee, but the rights of the employer and the public should be adequately safeguarded.

This one, it seems to me, is bad legislation on the face of it regardless of necessity or need or desirability of the principle involved, and I hope that the motion of the gentleman from Stockton Springs, Mr. West, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Carter.

Mr. CARTER: I just wish to go on record, Mr. Speaker and Members of the House, as being in favor of the amendment and hope that the motion to indefinitely postpone does not prevail.

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

Mr. DUNHAM: Mr. Speaker and Members of the House: It seems to me that this problem of the determination of a bargaining agent is getting us into a field concerning which we know very little and of which we are completely ignorant and which may be very dangerous.

Before I lend my vote in favor of Section 2 of this bill, I want to know where it is going to lead us, why we need it, and who says we need it. It has been said that four out of five men and women in this State do not belong to any union and do not want to belong to any union. The rights of this vast majority should be respected. They should not be coerced by legislation and affiliation with organizations of which they want no part or parcel. I will have no hand in selling Maine's free labor down the river. I shall vote for the amendment which eliminates Section 2 from this bill and keeps Maine's labor free to do its own bargaining.

The SPEAKER: The Chair recog-

nizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: I rise in support of the motion to indefinitely postpone the amendment. I am surprised that my good friend from Ellsworth (Mr. Dunham) is so anxious to have the majority of the people's will carried out, after all his explosive talk on the sales tax, but I think that if this amendment is defeated, House Amendment "A" will be presented by the gentleman from Dover-Foxcroft which would clarify the whole situation.

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

Mr. CRABTREE: Mr. Speaker and Members of the House: I have felt for several days that this bill calling for mediation needs a lot more meditation, a lot of it. Somebody, a little while ago, called it a "Wagner Act". I couldn't compliment it that much because if it were a "Wagner Act" it would have the same controls and definite procedure that the Wagner Act has, which this hasn't.

Many of us here know that the controls, the guides in the Wagner Act, occupy many, many pages, and they should. This doesn't. I don't know where it leads us. That is why I am very much opposed to this Section 2, and I certainly hope that the motion to indefinitely postpone fails, and that we adopt House Amendment "B".

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

Mr. MARCH: Mr. Speaker and Members of the House: In regard to the mediation, when two ball teams take the field, they need an impartial umpire. The panel of mediation fulfills this requirement in my opinion.

In regard to the selection of a bargaining agent, under the law as it stands today, the employees in our small businesses are free to join or not to join a union. I want to keep it that way. To our motto: "Let's keep Maine green" let us add the motto: "Let's keep Maine free," and I think the first amendment, or Amendment "B" will just accomplish that purpose.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Walls.

Mr. WALLS: Mr. Speaker and Members of the House: As a member of the Committee on Labor who signed this report, and a member of organized labor, I will say that organized labor would oppose any attempt to set up a Labor Relations Act at this time, believing that it would contain many objectionable features that would be detrimental to labor.

I think that this bill is a right step in the right direction, for peace and harmony, for employer and employee in this State of Maine.

The SPEAKER: Is the House ready for the question?

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

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

Mr. WEST: Mr. Speaker and Members of the House: I didn't realize that Section 2 of this bill was quite so lousy. I still think it is quite a step toward keeping those good labor relations that we have better. 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 Stockton Springs, Mr. West, that House Amendment "A" to Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation," H. P. 1734, L. D. 1293, be indefinitely postponed; and the same gentleman has requested a division.

All those in favor of indefinitely postponing House Amendment "A" will rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

Twenty-one having voted in the affirmative and eighty having voted in the negative, the motion to indefinitely postpone House Amendment "A" did not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Caribou, Mr. Bearce, that the House adopt House Amendment "A".

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

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

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

Mr. CRABTREE of Island Falls: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. CRABTREE: To ask a question of the Speaker.

The SPEAKER: The gentleman may state his question.

Mr. CRABTREE: Mr. Speaker, I may not have heard correctly, but I thought on this amendment that it was called House Amendment "A" and I believe that Mr. Bearce's amendment was House Amendment "B". I could be wrong.

The SPEAKER: The Chair will inform the gentleman that it was House Amendment "A" that the House adopted. The filing number is 377.

Mr. CRABTREE: May I approach the rostrum, Mr. Speaker.

The SPEAKER: The gentleman may.

The gentleman from Lewiston, Mr. Jalbert, was granted unanimous consent to address the House.

Mr. JALBERT: Thank you Mr. Speaker and Members of the House: Last evening I served my fourth term as Temporary Clerk of the Mock Session. Ten days ago I accosted our genial Clerk and said: "Harvey, there are two or three characteristics that you have got to hand to me within the next few days." Harvey said: "All right. Now just what is it?" Well, the first one was "Begin quotation, begin underline, end quotation and end underline."

The next one was—so if the Sergeant-at-Arms or one of the Page Boys will step forward—just a token of appreciation, Harvey.

Thereupon, the Clerk of the House, Harvey R. Pease, was presented with a box of cigars, which he accepted with thanks, amid the applause of the House.

The **SPEAKER**: I think the Clerk appreciates the apology.

The gentleman from Houlton, Mr. Robbins, was granted unanimous consent to address the House for about a minute.

Mr. **ROBBINS**: Mr. Speaker and Members of the House: Last night we heard a great deal about the advantages and assets of Aroostook County, but one that was overlooked was the metal manganese about which you have a pamphlet on your desks this morning, by a coincidence only.

Our Governor, Governor Payne, has interested himself in developing the manganese deposits in Aroostook County. He has made several trips to Washington for that purpose, and he has had prepared by the Development Commission this little pamphlet which gives a lot of data on the manganese deposits in Aroostook County. It has been prepared primarily for the benefit of members of Congress and for the Executive Department in Washington because one of the chief objectives is that the Department of Interior shall establish a pilot plant in Aroostook for the extraction of manganese from iron ore.

We are presenting it to you because it seemed to us that there has been a sufficient amount of publicity in the newspapers that you might well be asked, when you came home, what this manganese story was in Aroostook, and this will enable you to answer it.

The **SPEAKER**: The Chair now lays before the House the 6th tabled and today assigned matter, pursuant to House Order, House Report "Ought not to pass" of the Committee on Towns and Counties on Bill "An Act Relating to the Salary of the Judge of Probate in Penobscot County" (H. P. 939) (L. D. 544) tabled on May 7 by the gentleman from Bangor, Mr. Fuller, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. **FULLER**: Mr. Speaker and Members of the House: I move to substitute the bill for the "Ought not to pass" report of the committee.

The **SPEAKER**: The gentleman from Bangor, Mr. Fuller, moves

that the House substitute the bill for the "Ought not to pass" report of the Committee on Towns and Counties.

The Chair recognizes the gentleman from Holden, Mr. DeBeck.

Mr. **DeBECK**: Mr. Speaker and Members of the House: The Judge of Probate of Penobscot County is a part-time job, and I think I had better bear on a little harder and say a small part-time job. It does not interfere very much with his private practice, and all of you members of the House who happen to know the Judge of Probate know that almost every day this House has been in session he has been here as a lobbyist.

Now I do not speak of this in that I have any objections to the Judge of Penobscot County being here as a lobbyist, but I speak of it to prove to you that he is being well paid for his services, which is \$3,000. I was much surprised when I learned this, and I was much surprised to learn that he was asking for \$500. more.

I hope that you members of the House will not vote to oblige the taxpayers of Penobscot County to pay this Judge for what time he has been here this winter, and I move for the indefinite postponement of House Paper 939, Legislative Document 544, and Mr. Speaker, when the vote is taken I ask for a division of the House. I thank you.

The **SPEAKER**: The gentleman from Holden, Mr. DeBeck, moves that Bill "An Act Relating to the Salary of the Judge of Probate in Penobscot County" and the Report be indefinitely postponed.

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

Mr. **FULLER**: Mr. Speaker and Members of the House: As the gentleman has said, this Legislative Document 544 contemplates an increase in the salary of the Judge of Probate of Penobscot County from \$3,000 a year to \$3,500 a year. This bill, together with the other salary increase bills, was taken up in the caucus of the Penobscot County members of this Legislature. So far as it is known, at that time no one voted against this bill. No member of the Penobscot County delegation recorded himself at that

time against this bill, as I understand it.

This has been reported by the Chairman of the Delegation and by the sponsors of the bills to the County Commissioners of Penobscot County who thereupon amended their estimate to take care of the salary increases which were passed upon by the delegation.

This increased estimate was reported to the Committee on County Estimates and was included in the act which has gone through the Legislature.

Now as to the question as to whether this amount was a reasonable amount, we of course took that into consideration, and we found that the salary of the Judge of Probate of Cumberland County was \$5,000 a year; of York County, the salary was \$4,500 and an increase was contemplated; of Aroostook, the salary was \$3,500 at that time; and of Kennebec the salary was \$3,000 at that time, with an increase contemplated.

To compensate a man adequately for taking this job is something like compensating a man for taking a job as a Judge of a Municipal Court. You have got to pay him not only for the time that he actually puts in but he has to be allowed something for the other practice that he gives up. The Judge of Probate of Penobscot County, of course, has to give up all probate practice in Penobscot County in order to hold the job, and we took that into consideration.

Now this action on the part of the County Delegation and the County Commissioners would ordinarily, I feel, have justified asking for favorable action on this bill long before this time. However, a bill has been pending, and is about to be reported out, which does change the method of committing insane persons to the mental hospitals by giving the Probate Court jurisdiction and relieving the municipal officers of that very disagreeable job. In its original form this bill would have practically doubled the pay of the Judge of Probate of Penobscot County since one of the State Hospitals is located there and he would have received fees for holding these hearings, and of course in that

event, the increase asked for in Legislative Document 544 would no longer have been desired.

It now appears that the Judiciary Committee will recommend that the Municipal Officers be relieved of this duty of making commitments to the State Mental Hospitals, which, as I say, is a disagreeable job, and all of you who have been Selectmen or members of City Councils will be glad that this move is at least contemplated. It would of course be more logical if we were to wait until the House has acted on this bill concerning mental cases so that I could argue that new and substantial duties had been imposed upon all of these judges. However, I don't feel that the House will wish to be occupied next week with local problems of Penobscot County, so I determined to discuss this matter today and ask you to take favorable action on the bill.

I might say that the companion bill covering the Register of Probate has already been acted upon favorably here and if the report of the committee on both of these bills was sustained by the Legislature, we would have the unique situation of the Judge of Probate and Register of Probate receiving the same identical compensation.

So I hope that you will sustain this bill, Legislative Document 544.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Holden, Mr. DeBeck, that Bill "An Act Relating to the Salary of the Judge of Probate in Penobscot County," H. P. 939, L. D. 544, and the report, be indefinitely postponed; and the same gentleman has requested a division.

All those in favor of indefinitely postponing Bill "An Act Relating to the Salary of the Judge of Probate in Penobscot County" and the report of the committee will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had. Forty-three having voted in the affirmative and forty-one having voted in the negative, the motion prevailed and the Report and Bill were indefinitely postponed and sent up for concurrence.



The SPEAKER: The Chair now lays before the House the 7th tabled and today assigned matter, pursuant to House Order, Bill "An Act to Authorize the Construction of a Bridge Across the Androscoggin River" (H. P. 462) (L. D. 282) tabled on May 8 for printing or reproduction under the rules of House Amendment "A" pending adoption.

The Clerk will read House Amendment "A".

House Amendment "A", which was printed as Legislative Document 1373, was then read by the Clerk.

Thereupon, the Bill was assigned for third reading tomorrow morning.

The gentleman from Portland, Mr. McGlauffin, under suspension of the rules, was granted unanimous consent to take from the table Item 3, on Page 7 of today's calendar, An Act relating to Penalties for Violation of Truck Weight Laws (S. P. 460) (L. D. 1074) which that gentleman placed on the table earlier in today's session and specially assigned for tomorrow.

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

On motion of Mr. Chase of Cape Elizabeth, the House voted to take from the table the 4th tabled and unassigned matter, Bill "An Act relating to the Banking Department" (H. P. 1282) (L. D. 848) tabled by that gentleman on May 9th, pending adoption of House Amendment "A".

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

Mr. CHASE: Mr. Speaker, just before we adjourned yesterday I was addressing a House where the attendance had considerably declined, in a state of alleged confusion, so eloquently and pleasantly described by the gentleman from Bangor, Mr. Finnegan. I had presented House Amendment "A" to this bill which would change the rate of assessment or tax, as expressed in the bill, from seven cents to twenty cents, the purpose of this amendment being to require that the banks and the building and loan associations which are also

included, should continue to pay the State approximately the amount which they are now paying. Since that time, the situation has changed a little with respect to this bill although not with respect to the principle involved in it.

The appropriations bill enacted by the House this morning contained an appropriation for the banking department of \$92,500 for the first year and \$94,800 for the second year.

Now, this bill contemplates that certain assessments or fees shall be paid to the Banking Department which would make it self-sustaining, so that, no matter what happens to this bill from now on there will arise the problem of relating it to the general appropriations bill since it isn't to be assumed that the Legislature will appropriate \$94,000 for the Banking Department and then proceed to give the Banking Department all of the fees or taxes collected under this bill. That makes a problem of adjustment later, but it doesn't affect the principle involved in this amendment, and that is why I hope the House will vote upon the amendment in order to determine whether the House thinks that the banks should continue to pay into the state government about what they are paying now or whether they should pay into the state government about \$55,000 a year less than they are paying now. If you adopt my amendment, they will continue to pay approximately the same amount.

Now, this matter has been discussed at some length and I don't want to weary the House with figures although I have here the entire history of bank taxation in this State from 1872 on. Back in 1900, the banks were contributing approximately 20 per cent of the entire cost of state government and by continued reductions effected by continually working on the Legislature, they are now paying in relation to the size of their deposits about one-fifth of what they were paying back in 1920.

It was brought out here yesterday in argument that these state banks or trust companies needed some relief in order to enable them to compete with national banks. So

I thought you might be interested to see how keen and stiff that competition is with respect to some of the trust companies and how hard a time they are having getting on.

I took two of the leading national banks of the State and computed their last year's earnings on the basis of their capital assets, which is their capital stock, their surplus and their undivided profits. And one of these national banks was earning 6 11-100 per cent on its capital assets, while another was earning 4 8-10 per cent on its capital assets. I have here similar figures for three leading trust companies in the State, which together I should say constitute about forty per cent of all the deposits in trust companies in this State and one of those banks earned on its capital assets 7 5-10 per cent; another one 7 4-10 per cent and another one 7 11-100 per cent.

From those figures it seems to me that the state trust companies are not in a deplorable condition. In fact, they seem to be getting along pretty well and if those earnings were computed on the basis of the investment in the bank which would be the capital and part of the surplus, the percentage earned on the investment would be very substantially increased.

I hope the House will adopt this amendment and if they adopt the amendment we can later determine how we are going to handle the bill and relate it to the general appropriations bill.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: I am not going into a long dissertation on the act we are considering here. It was covered fairly well yesterday.

We are talking about \$50,000 that under the fee bill the State will not receive from the banks, the trust companies, savings banks, building loan associations of the State. Now that figure contemplates maintaining the status quo of the Banking Department. I just want to cite you, without reviewing all the statistics already covered, that under the present set-up the maximum salary which the

chief examiner can receive is \$4200. There are men who have been working in this department for I don't know how many years; that is the ultimate. Now that is the chief examiner. There are four of those. There are seven juniors. As I said before they start at \$49.20 a week and after the maximum period of five years they can arrive at the marvelous salary of \$3200 a year. That is where they stop.

Now, I hate to reiterate all this but I thought that it was necessary for you to know what it is. The requirement for a man to apply for one of these positions is that he must have had four years banking experience or four years beyond high school. These men are trusted with the supervision of \$565,000,000 worth of assets of people's money under state charter in this State. As I previously told you, they are the only group between the bank and the depositor to see that regulations are enforced, that loans are properly supervised and that all the banking regulations are performed. We have eleven in the total staff in this capacity.

We have one bank that I recall in particular, there are others, that has a parent branch, a parent bank and twelve branches. Now, in order to supervise these banks under the usual routine, which is the method employed by national banks, or any other, they have to be present at the opening of the bank simultaneously in all these branches. Now, it is just utterly impossible for the present banking staff to do that. Now, the minimum force would be two men, I would think, to examine a bank. Sometimes many more than that, depending on the size of the bank. In order to qualify they have to go outside and hire or employ the examiners who are furnished by the F. B. I. C. and the Federal Reserve. The savings banks, there are six which are insured; trust companies, there are twenty-one insured, nine are not; loan and building associations, there are thirty of those none of which are insured, so that to examine one of the larger trust companies, it is necessary to employ the entire staff

and twenty-one examiners from the F. B. I. C.

Now, this saving of \$50,000 or so is utterly illogical in view of the status of the present Banking Department as to be unworthy of the gentleman from Cape Elizabeth (Mr. Chase). He knows better. He knows that something must be done about the department or it will disintegrate. You know that; I know that. To send a man in with a top salary of \$4200 a year and he has to talk with a junior officer who is getting five or six thousand dollars a year, it puts him in a rather embarrassing situation when he has to tell him how to run his bank and he is getting \$4200 and the other fellow is getting \$6,000 and up.

I just happened across a little thing, which I will read to you, the United States Investor under date of February 17, 1951: Speaking of bank examinations: "Any bankers association which is casting about for something to do out of the ordinary say to make a permanent contribution to the welfare of banking might do well to resurvey the present status of the banking department of the state. It might do well thereafter to maintain a friendly concern for the welfare of that department. We can name many reasons why this might well be among the constant interests of such an association but there are two reasons that stand out in particular clearness in our minds. The first is because in most states the state law now in force has been on the books for several years and has commenced to get out of touch with present conditions. The other is that the public welfare quite as much as the welfare of the banks themselves can easily be involved in the existence of an efficient state banking department." Now if that doesn't explain the situation in this case better than any words of mine, I will leave it to you.

So, to ask the banks to assume the burden of rehabilitating this department and to continue to pay the amount of money which is now being denied them which should rightfully be plowed back into that department is an unfair and unjust and illogical proposition.

I am not arguing for any trust company as to whether they can

afford it or whether they can't. I don't think the difference of \$50,000 makes very much difference to the collective banks in the administration of their affairs. Neither do I think it would make any difference in the affairs of this State. I think there are many ways that we can cut and the appropriations—we will have a lovely chance to do it in the next few days.

It will be a test of the sincerity of the gentleman from Cape Elizabeth (Mr. Chase) as to whether he is really concerned with saving this money for the State or is taking a little crack at the trust companies.

As far as I am concerned I am not concerned with any trust company. I do represent officially savings banks and building and loan associations. They are organized concerns without profit. I mean there is no profit paid to any stockholder. They are all just maintained by the voluntary service of some fine people who devote a lot of time with no compensation to encourage a little thrift and to feel that it is properly safeguarded once we have it. When you talk about twenty-seven per cent, and of the State getting its share, we are almost eighty per cent in government bonds paying two or two and a half per cent. We pay the depositors two per cent on their money and we try to maintain the bank on the basis of that other half of one per cent plus a little money that we are loaning out to the G.I.'s, and others, encouraging a little home building. I mean there is no thought of any profit involved. It is a question of maintaining it soundly and we shall continue to do it and the primary purpose in my position as a trustee of the bank is to have the safety of the depositors insured and carefully and have it available when it is required.

So I certainly move that the amendment presented by the gentleman from Cape Elizabeth, Mr. Chase, be indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Finnegan, moves that House Amendment "A" presented by the gentleman from Cape Elizabeth, Mr. Chase, to Bill "An Act relating to the Banking Department," H. P. 1282, L. D. 848, be indefinitely postponed.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I rise in support of the motion made by the gentleman from Bangor, Mr. Finnegan, for the indefinite postponement of the amendment and I repeat what I said to the House yesterday that the bill, as is, is in proper form to accomplish what we hope to accomplish, namely, the reorganization of the financial affairs of the Banking Department of the State of Maine.

With respect to the amendment, I would like to call your attention to the fact that should you adopt the amendment and proceed with the bill as drawn, you would be increasing the taxes throughout the State on the banks approximately \$12,000. Now, that is not a large figure. I only point it out to show the trend.

There is also no provision in the amendment that the excess over and above what is needed by the department would go to the general fund. Now, there may be an existing law which I do not know about under which unexpended balances lapse at the end of the year.

Briefly, may I repeat again what I have already said on two occasions. This bill in its present form is intended to place the Banking Department on its own feet and enable it to hire and keep in its employ the kind of men which are needed and to prevent the constant drain of their trained men out into private banking institutions throughout the State.

We have embarked upon a new field of taxation with the intention and sincere hope of broadening the tax base. I can see no argument, no sound argument, about a reorganization with respect to the taxes on deposits. Your deposits are high at the present time and we hope they will remain high but the normal over a period of years does not lead one to believe that they will remain at any where near the present level. The loss to the general fund is small considering what we are appropriating for other affairs. Now, I am convinced that the bill should remain as it is; that the seven cents per one thousand on deposits would

give the department adequate funds for properly operating the department. I certainly feel it is a step in the right direction and perhaps should have been done before and would have been done I believe two years ago had we been able to enact a major tax.

I therefore hope that you will support the motion of the gentleman from Bangor, Mr. Finnegan, in the indefinite postponement of the amendment which has been offered by Mr. Chase.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I rise in opposition to the motion of the gentleman from Bangor, Mr. Finnegan.

Strange as it may seem, I am standing in support of the gentleman from Cape Elizabeth, Mr. Chase. It has always been my policy to support any man on this floor when I thought he was right and I believe he is right.

This bill, as I remember it, came out of the Taxation Committee "Ought not to pass" by unanimous vote. Strange as that may seem, it was the unanimous support from the Taxation Committee. We have passed a sales tax in this House—perhaps I should correct that and say you have—but I see no reason to cut this from 30 cents to 7 cents when there is no question about the ability to pay. We have fooled around with this bill for a good long while. Until the change over in the committees, I have served on the Banking Committee. I was House Chairman a couple of years. We have always had this little animal in front of us trying to get hold of the Banking Department.

I do not see—the gentleman from Limestone, Mr. Burgess says it would improve the personnel—I don't see why with this amendment it is going to hinder that. They are going to pay even then. They are going to pay just for the services and if they have their house in order and they don't have to keep a man three or four days and he can do it in two days why they are going to save money but to let them off at seven cents from thirty I

think is really unreasonable at the present time. The timing is not right, because there is no question of their ability to pay. As Mr. Chase has said, when our banks will average better than seven per cent, how many are getting that return today?

I hope that the motion does not prevail.

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

Mr. MARCH: Mr. Speaker and Members of the House: We had to give the little fellow a dose of castor oil. It is not enjoyable. Let's give the banks a dose of castor oil.

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

Mr. STEWART: Mr. Speaker, would you kindly remind Mr. Perry of the rule which you called to my attention a week or two ago.

The SPEAKER: Does the gentleman raise a point of order? (Laughter)

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: I do not know how my good friend, the gentleman from Greenville, Mr. Rollins, so completely misses the boat. We are taking all that, the \$94,000 appropriation, in assuming the Banking Department. We certainly must plough back into this thing eighty per cent of what this twenty per cent amounts to. Now, if you are satisfied to have your savings deposits and your thrift accounts managed by a constantly changing personnel who must be necessarily not too competent or you would not be able to hire them for that purpose at the price that is prevailing, then, of course, you will vote with the gentleman from Cape Elizabeth (Mr. Chase) but it is my thought and my responsibility that if this bill is passed with the amendment indefinitely postponed that the State Banking Department in its various phases will have the privilege and the opportunity to rehabilitate this department and pay these men a salary which they have not been able to get notwithstanding the fact that the money has been paid and has gone into the general fund.

Go before the Appropriations Committee—I have served on two of them—and you try to explain this banking situation to ten people every two years and you have got just what you have got on hand now. You have got a Banking Department which is really in the process of disintegration. Now, Mr. Rollins is too bright to fall for that. I know he is missing the boat entirely because we are not getting back thirty cents to seven. We are getting back to the maximum amount of twenty cents that the gentleman from Cape Elizabeth (Mr. Chase) had and that doesn't take into consideration any rehabilitation of the department which must take place or else you can get along without it.

Now, if you want to dissolve the Banking Department, and let the thing go by default, that is your privilege. But if you want to sustain the Banking Department and safeguard your thrift accounts, savings deposits and building loans and the various things; this isn't any tribute to the bank; this is trying to get the Banking Department onto a sound basis. That is my sole purpose. I am not arguing for the trust companies, the savings banks or anyone else but I am concerned with the safety of the deposits which are entrusted to this State under State Charter institution. So, let's not confuse the issue because God knows it has been confused enough already.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Finnegan, that House Amendment "A" presented by the gentleman from Cape Elizabeth, Mr. Chase, to Bill "An Act relating to the Banking Department", H. P. 1282, L. D. 848, be indefinitely postponed.

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

Mr. DOW: Mr. Speaker and Members of the House: If the State Banking Department needs rehabilitation, I don't believe it should be done by the banks they are hired to examine.

I hope the motion to indefinitely postpone will not prevail.

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

**Mr. CHASE:** Mr. Speaker, I should be very glad to support any appropriation for the Banking Department which the Appropriations Committee might see fit to recommend. I don't think the condition can be quite so desperate as has been indicated here. A large percentage of the assets from the trust companies of the State are now under Federal Reserve or Federal Deposit Insurance Company examination.

I have some contact with banks and I am not aware that their condition is by any means desperate but if the Banking Department needs to be strengthened, I say nothing whatever against that.

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 Bangor, Mr. Finnegan, that House Amendment "A" presented by the gentleman from Cape Elizabeth, Mr. Chase, to Bill "An Act relating to the Banking Department", H. P. 1282, L. D. 848, be indefinitely postponed, and the gentleman from Cape Elizabeth, Mr. Chase, requests a division.

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

A division of the House was had.

Thirty-four having voted in the affirmative and sixty in the negative, the motion to indefinitely postpone House Amendment "A" did not prevail.

**The SPEAKER:** The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that House Amendment "A" be adopted.

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

A viva voce vote being taken, the motion prevailed.

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

**Mr. CHASE:** Mr. Speaker, in order that there may be a conference of those who are interested in this bill so as to determine how to tie it in with the general subject of appropriations, I move that it lie on the table pending assignment for third reading.

**The SPEAKER:** Would the gentleman permit the matter to be assigned for tomorrow morning and then make the motion to table?

Does the gentleman so move?

**Mr. CHASE:** I so move, Mr. Speaker.

Thereupon, the Bill as amended was assigned for third reading tomorrow morning and on motion of Mr. Chase the Bill as amended was tabled pending third reading.

**The SPEAKER:** The House is proceeding under Orders of the Day.

On motion of Mr. Crabtree of Island Falls, the House voted to take from the table the 3rd tabled and unassigned matter, Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports", H. P. 206, L. D. 128, tabled on May 9 by the gentleman from Island Falls, Mr. Crabtree, pending the motion of the gentleman from Limestone, Mr. Burgess, to recede.

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

**Mr. CRABTREE:** Mr. Speaker, I now move that we recede and concur with the Senate by adopting Senate Amendment "A".

**The SPEAKER:** The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House recede from its former action of March 15th whereby it passed to be engrossed Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports".

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

**Mr. HAWKES:** Mr. Speaker, I wonder if I can inquire through the Chair what filing number this Senate Amendment is under? I am not familiar with it myself.

**The SPEAKER:** The Chair will inform the gentleman that Senate Amendment "A" is Filing No. 163, and the Filing No. of House Amendment "B" is 94.

**Mr. HAWKES:** Mr. Speaker, would it be possible for the Clerk to read them?

**The SPEAKER:** The Clerk will read the amendments.

Thereupon Senate Amendment "A" and House Amendment "B" were read by the Clerk.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House recede from its former action of March 15th whereby it passed to be engrossed Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports".

Mr. HAWKES: Mr. Speaker, I request that when the vote is taken it be taken by division.

The SPEAKER: The gentleman from Saco, Mr. Hawkes, requests a division.

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

A division of the House was had.

Sixty-three having voted in the affirmative and seventeen in the negative, the motion to recede prevailed.

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

SENATE AMENDMENT "A" to H. P. 206, L. D. 128, Bill, "An Act Prohibiting the Printing of Pauper Assistance in Town Reports."

Amend said Bill by adding at the end thereof before the period the following underlined clause:

**'unless any town at its annual town meeting shall vote to include such names in its next annual report'.**

Senate Amendment "A" was then adopted in concurrence.

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

Mr. SENTER: Mr. Speaker, I may be out of order but I notice the absence of the gentleman from Old Orchard Beach, Mr. Gerrish. I know that he was vitally interested in this bill, it is his own bill and his heart is in it and I would like out of courtesy to the gentleman from Old Orchard Beach to inquire if we shouldn't table it before final enactment. I may be a little late.

The SPEAKER: The Chair will state that the matter is now under passage for engrossment and not final enactment, the Chair will inform the gentleman.

The question before the House is on the passage to be engrossed of

Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports," H. P. 206, L. D. 128, as amended by Senate Amendment "A" and House Amendment "B."

Mr. SENTER: I move that it be tabled, Mr. Speaker.

The SPEAKER: The gentleman from Brunswick, Mr. Senter, moves that Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports" as amended be tabled pending passage to be engrossed.

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

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

The SPEAKER: The question before the House is on the passage to be engrossed of Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports", H. P. 206, L. D. 128, as amended by Senate Amendment "A" and House Amendment "B". Is this the pleasure of the House?

The motion prevailed.

Thereupon the Bill as amended was passed to be engrossed as amended in concurrence.

The SPEAKER: The House is proceeding under Orders of the Day.

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

Mr. JACOBS: Mr. Speaker, through a misunderstanding I had Article 6 under the Special Calendar. I would like to call that up for consideration and pass it on to be enacted.

This is a highway problem and it doesn't concern us particularly here in the House.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, calls up for consideration from the Special Calendar, An Act Providing for Construction of Roadside Picnic Areas, H. P. 72, L. D. 34, which was pending passage to be enacted. The matter is under consideration.

Mr. JACOBS: I move its passage to be enacted, Mr. Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Jacobs, that An Act Providing for Construction of Roadside Picnic Areas pass to be enacted.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 94 voted in favor of same and none against.

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

Mr. CHASE: Mr. Speaker, I voted "yes"; I want to change my vote to "no."

The SPEAKER: The Chair will state that the gentleman need not change in an unrecorded vote.

Ninety-four having voted in the affirmative and none in the negative, the bill fails of passage to be enacted.

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

Mr. CHASE: Mr. Speaker, I move to reconsider the vote by which this failed to be enacted as an emergency measure and I further move to table my motion until tomorrow morning.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House reconsider its action just taken whereby it failed to enact as an emergency measure, An Act Providing for Construction of Roadside Picnic Areas, H. P. 72, L. D. 34, and further moves that the motion lie on the table and be specially assigned for tomorrow morning. Is this the pleasure of the House?

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

Upon request of Mr. Jacobs of Auburn, Item 16 on the Special Calendar, An Act relative to Health Certificates in the Sale of Cattle, H. P. 1464, L. D. 1080, pending passage to be enacted was taken up for consideration.

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

Mr. JACOBS: I move its passage to be enacted, Mr. Speaker. This carries no money.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that An Act relative to Health Certificates in the Sale of Cattle, H. P. 1464, L. D. 1080, be passed to be enacted.

This bill, having had its three several readings in the House and having been passed to be engrossed and having had its two several readings in the Senate and having been passed to be engrossed, is it now the pleasure of the House that it pass to be enacted?

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

The SPEAKER: The House is proceeding under Orders of the Day.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 9:00 A. M. Eastern Standard Time tomorrow.