

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 17, 1955

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

Prayer by Capt. Lloyd Scott of the Salvation Army, Augusta.

The journal of the previous session was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Free Fishing Licenses to Residents 75 Years of Age" (H. P. 101) (L. D. 109) reporting that they are unable to agree.

(Signed)

PIERCE of Bucksport

CALL of Cumberland

— Committee on part of House.

HILLMAN of Penobscot

HALL of York

CHAPMAN of Cumberland

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Papers from the Senate**Senate Reports of Committees****Ought to Pass with****Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to an Expense Account for Governor-Elect" (S. P. 145) (L. D. 339) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 145, L. D. 339, Bill "An Act relating to an Expense Account for Governor-Elect."

Amend said Bill by striking out in the 5th and 7th lines from the end thereof the underlined figure

"\$3,000" and inserting in place thereof the underlined figure '\$1,500'

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

Non-Concurrent Matter

Report of the Committee on Retirements and Pensions on Resolve in favor of Elizabeth J. Stevens, of Augusta (S. P. 257) (L. D. 686) reporting Leave to Withdraw which was accepted in the House in non-concurrence on May 11.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was substituted for the Report and passed to be engrossed, and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. BUTLER of Franklin

DUNHAM of Hancock

REID of Kennebec

In the House: On motion of Mr. Albert of Augusta, the House voted to insist on its former action and join in the Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. ALBERT of Augusta

LORD of Augusta

SHAW of Bingham

Non-Concurrent Matter

An Act relating to Operation of Motor Vehicles to Inspection Stations for Inspection (H. P. 129) (L. D. 132) which was passed to be enacted in the House on May 12, and passed to be engrossed on March 3.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Totman of Bangor, the House voted to recede and concur with the Senate.

Order

On motion of Mr. Seaward of Kittery, it was

ORDERED, that Mr. Bean of Wintertown be excused from attendance for the duration of his illness; also that Mr. Pullen of Oakland be ex-

cused from attendance for the duration of his illness.

Passed to Be Engrossed

Bill "An Act relating to the Administration of the State Liquor Commission" (S. P. 582) (L. D. 1547)

Resolve Authorizing Commissioner of Education to Purchase for the State Land in Gorham (H. P. 1257) (L. D. 1550)

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

Resolve Authorizing the State Board of Education to Convey Certain Land in Fort Kent to the Town of Fort Kent (H. P. 1258) (L. D. 1551)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed without reference to a Committee and sent to the Senate.

Amended Bills

Bill "An Act Appropriating Monies for Supplemental Appropriation for Treasurer of State" (S. P. 176) (L. D. 428)

Bill "An Act to Appropriate Monies for the Purchase of Salk Vaccine" (S. P. 543) (L. D. 1485)

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 Establishing Salaries of Various Department Heads and Commissioners" (S. P. 579) (L. D. 1546)

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 Duties of State Park Commission as to Recreation" (H. P. 1121) (L. D. 1319)

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

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

Bill "An Act relating to Driver Education" (S. P. 214) (L. D. 555)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

On motion of the gentlewoman from Paris, Mrs. Mann, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Passed to Be Enacted

An Act to Revise the Taxation Laws Relating to Towns (S. P. 127) (L. D. 336)

An Act Providing for Reappointment of Active Retired Justices (S. P. 157) (L. D. 351)

An Act relating to Eminent Domain by Maine Turnpike Authority (S. P. 247) (L. D. 693)

An Act relating to Salaries of County Officers of Kennebec County (S. P. 276) (L. D. 706)

An Act to Clarify the Employment Security Law (S. P. 348) (L. D. 957)

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 481) (L. D. 1350)

An Act relating to Compensation of Boards of Registration in Cities of 39,000 Inhabitants or More (S. P. 553) (L. D. 1502)

An Act to Provide Special Disability Compensation for Members of Organized Fire Companies (S. P. 561) (L. D. 1517)

An Act to Appropriate Monies for Capital Improvements and Construction of State Government for the Fiscal Years Ending June 30, 1956, and June 30, 1957 (S. P. 578) (L. D. 1542)

An Act relating to Instruction in Schools of Barbering (H. P. 549) (L. D. 606)

An Act Prohibiting Budget Planning Business (H. P. 1157) (L. D. 1375)

Finally Passed

Resolve for a Recess Commission to Erect a Suitable Memorial for Honorable Percival P. Baxter of Portland (S. P. 568) (L. D. 1537)

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.

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, An Act relating to the Use of Artificial Lights for Lighting Game, Senate Paper 570, Legislative Document 1523, tabled on May 16 by the gentleman from Strong, Mr. Jennings, pending passage to be enacted and the Chair recognizes that gentleman.

Mr. JENNINGS: Mr. Speaker and Members of the House: I tabled this bill yesterday in order to make a little further study. I have completed my study and I now move that this bill be passed to be enacted.

The SPEAKER: The gentleman from Strong, Mr. Jennings, moves that the Bill be now passed to be enacted. Is this the pleasure of the House?

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

Order Out of Order

Mrs. Files of Portland presented the following Order out of order and under suspension of the rules and moved its passage:

WHEREAS, the members of the House have learned that today is the birthday of Mr. Browne of Bangor.

BE IT ORDERED that the members extend to Mr. Brown their congratulations and best wishes for today and the entire year, and

BE IT FURTHER ORDERED, that the Clerk of the House hand to the gentleman from Bangor an attested copy of this order.

The Order was read and passed.

The SPEAKER: The Chair would call attention to the gentleman from

Bangor, Mr. Browne, and the actions of the gentlewoman from Portland, Mrs. Files.

(Thereupon, Mrs. Files presented Mr. Browne with a cupcake with lighted candle, amid the applause of the House)

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

Mr. BROWNE: Mr. Speaker and Members of the House: If you will all gather round after the session, I will share my cake with you. (Applause)

The SPEAKER: The Chair would state that the effect of the order passed yesterday is that matters on the table will be taken up in sequence and laid before the House regardless of a motion by the person who put the matter on the table. However, that does not prevent any member moving that a matter be taken off from the table out of sequence ahead of the Chair's laying a matter before the House. Any member who has a matter on the table who would like to take it up at this time or later may so do.

When such matters are disposed of, the House will continue operating under that order.

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

Mr. CHILDS: Mr. Speaker, I would like to inquire from the Clerk if he has in his possession, House Paper 134, Legislative Document 135, An Act Providing for Flares, Lanterns and Reflectors for Large Trucks?

The SPEAKER: The Chair would state that such paper is in the possession of the House.

Mr. CHILDS: Mr. Speaker, I move that we reconsider our action whereby we receded and concurred with the Senate on May 16.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the House reconsider its action whereby yesterday it voted to recede and concur with the Senate.

(Cries of "No")

The SPEAKER: The Chair is informed that the matter of a correctional amendment is needed.

As many as are in favor of reconsideration will indicate by saying aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

Mr. CHILDS: Mr. Speaker, I now move that this matter lie upon the table for the purpose of preparing an amendment for clarification.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that Bill "An Act Providing for Flores, Lanterns and Reflectors for Large Trucks," House Paper 134, Legislative Document 135, lie on the table pending further consideration. Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was so tabled.

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

Mr. CHILDS: Mr. Speaker, I would now like to inquire of the Clerk if he has in his possession House Paper 1205, Legislative Document 1471, An Act relating to Taxation of Telephone and Telegraph Companies, which was passed to be enacted in this House yesterday?

The SPEAKER: The Chair would state that that paper is in the possession of the House.

Thereupon, on further motion of the same gentleman, the House voted to reconsider its action of May 16 whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House voted to reconsider its action of April 27 whereby the Bill was passed to be engrossed.

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

Mr. CHILDS: Mr. Speaker, I now move that this matter lie on the table for the purpose of preparing an amendment.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the Bill lie on the table pending passage to be engrossed. Is this the pleasure of the House?

On motion of the gentleman from Freeport, Mr. Crockett, the House

voted to take from the table the first tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Highways on Bill "An Act relating to Frontage Roads on Controlled Access Highways", House Paper 649, Legislative Document 726, tabled on March 23 by that gentleman pending acceptance.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, the House has been very gracious and lovely to me. I now move that we substitute the bill for the report.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, moves that the Bill be substituted for the "Ought not to pass" Report of the Committee on Highways. Is this the pleasure of the House?

The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Ladies and Gentlemen of the House: As you will note, this came out of the committee "Ought not to pass". The gentleman from Freeport, Mr. Crockett, was lucky enough to get this other one by while I was not here, which I would have objected to, a companion bill. However, I am still supporting the action of the committee. Therefore, I hope that the motion of the gentleman from Freeport, Mr. Crockett, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, my colleague evidently is under the impression that they can not make a mistake. However, I have always been taught that none of us is infallible. However, I believe the body right here will decide upon that question. I think they are very fair minded, they have shown it throughout the session, and I will take whatever lot they hand to me.

The SPEAKER: The question before the House is on the motion of the gentleman from Freeport, Mr. Crockett, that Bill "An Act relating to Frontage Roads on Controlled Access Highways", House Paper 649, Legislative Document 726, be substituted for the "Ought not to

pass" Report of the Committee on Highways.

Mr. CROCKETT: Mr. Speaker, I ask for a division, please, on that.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, has requested a division.

As many as are in favor of the motion will kindly 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 twenty-three having voted in the negative, the motion prevailed and the Bill was substituted for the Report.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, would it be in order now for me to thank the House for the consideration they have given me?

The SPEAKER: The Clerk informs the Chair that the gentleman has already done so. (Laughter)

Thereupon, the Bill was given its two several readings and assigned for third reading tomorrow.

The SPEAKER: The Chair would inquire if any member wishes to take an item from the table at this time?

Thereupon, on motion of the gentleman from Eagle Lake, Mr. Martin, the House voted to take from the table the twenty-second tabled and unassigned matter, An Act Changing Name of Madawaska Training School to Fort Kent State Normal School, Senate Paper 342, Legislative Document 951, tabled by that gentleman on May 4 pending passage to be enacted.

On further motion of the same gentleman, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of the gentleman from Portland, Mr. Childs, the House voted to take from the table the thirty-ninth tabled and unassigned matter, Bill "An Act relating to Conveyance of Public Secondary School Pupils", House Paper 644, Legislative Document 721, tabled on May 16 by that gentleman pending adoption of House Amendment "B".

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

Mr. CHILDS: Mr. Speaker, yesterday an amendment was prepared which took the word "public" out of the bill, which there seemed to be some objection to because the word "public" was neglected to be taken out of the title. That is all that this amendment which I am now offering does, which is filing number 556. I therefore offer House Amendment "C" to L. D. 721, and move its adoption.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Childs, moves that House Amendment "B" be adopted. The Clerk will read again House Amendment "B".

House Amendment "B" was re-read by the Clerk.

Thereupon, House Amendment "B" was adopted.

Mr. Childs of Portland then offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 644, L. D. 721, Bill "An Act relating to Conveyance of Public Secondary School Pupils."

Amend said Bill by striking out from the Title thereof the word "Public"

House Amendment "C" was adopted.

The Bill was then given its third reading, passed to be engrossed as amended by House Amendments "A", "B", and "C" and sent to the Senate.

On motion of the gentleman from Bucksport, Mr. Pierce, the House voted to take from the table the twenty-sixth tabled and unassigned matter, Senate Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Liquor Control on Bill "An Act Defining Malt Beverage Dispensing Parlors", Senate Paper 486, Legislative Document 1355, tabled on May 6 by that gentleman pending acceptance of either report. (In Senate, Minority Report accepted and the Bill engrossed as amended by Senate Amendment "A".)

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

Mr. PIERCE: Mr. Speaker and Ladies and Gentlemen of the House: This started out to be another beer bill. However, as amended, it is strictly a zoning ordinance. The title has been changed—I will ask you to refer to filing 454, to save your looking it up, I will read it. The new title is: Bill "An Act Implementing Municipal Zoning Powers Relative to Restaurants" for establishing police and zoning regulations for restaurants, as defined under the provision of chapter 61, including the classification of same according to reasonable standards of services furnished or products consumed.

Whether or not it is germane to the original bill is debatable. However, when you study "products consumed" it could easily be a fish store and not a liquor store. It came out of committee eight to two "Ought not to pass". I therefore move the indefinite postponement of both reports.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves that the two Reports and Bill be indefinitely postponed in non-concurrence. Is this the pleasure of the House?

The motion prevailed and the two Reports were indefinitely postponed in non-concurrence and sent up for concurrence.

On motion of the gentlewoman from Rumford, Miss Cormier, the House voted to take from the table the ninth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Labor on Bill "An Act relating to the Payment of Benefits for Total Unemployment Under Employment Security Law", House Paper 964, Legislative Document 1090, tabled on April 19 by that gentlewoman pending acceptance.

On further motion of the same gentlewoman, the "Ought not to pass" Report of the Committee was accepted and sent up for concurrence.

On motion of the gentleman from Portland, Mr. Childs, the House voted to take from the table the

thirty-fourth tabled and unassigned matter, An Act relating to Standard Time, House Paper 596, Legislative Document 652, tabled on May 11 by that gentleman pending passage to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House voted to reconsider its action taken on May 6 whereby the Bill was passed to be engrossed.

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

Mr. CHILDS: Mr. Speaker, as I stated a week or so ago when I tabled this matter, I tabled it for the purpose that there had been a mistake made in the engrossment stage. I now have before me House Amendment "C", which is filing number 555, which, I believe, is self-explanatory and I will offer House Amendment "C" to L. D. 652 and move its adoption.

The SPEAKER: The gentleman from Portland, Mr. Childs, offers House Amendment "C" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "C" to H. P. 596, L. D. 652, Bill "An Act relating to Standard Time."

Amend said Bill by striking out from the 7th line from the end thereof the underlined words "United States Standard Eastern Time" and inserting in place thereof the underlined words "United States Eastern Standard Time"

House Amendment "C" was adopted.

House at Ease

Called to Order by the Speaker.

Thereupon, House Paper 596, Legislative Document 652, was passed to be engrossed as amended by Senate Amendment "A" and House Amendments "B" and "C" in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair would inquire if any member wishes to take another matter from the table before the House proceeds in order.

Thereupon, on motion of the gentleman from Bangor, Mr. Browne,

the House voted to take from the table the seventh tabled and unassigned matter, Bill "An Act Amending the Mining Law", Senate Paper 494, Legislative Document 1371, tabled on April 15 by that gentleman pending third reading.

The same gentleman then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 494, L. D. 1371, Bill "An Act Amending the Mining Law."

Amend said Bill in the 4th and 5th lines of "Sec. 1" of that part designated "Chapter 39-A" by striking out the underlined words "the Executive Director of the Maine Development Commission and"

Further amend said Bill in said 5th line by inserting after the underlined words "State Geologist" and before the period the following underlined words:

'and the Commissioner of the Department of Development of Industry and Commerce or such member of the staff or of his Advisory Board as he may designate'

House Amendment "A" was adopted.

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

The SPEAKER: The Chair would inquire if any other member wishes to make a motion at this time?

The Chair laid before the House the following matters pursuant to House Order:

The SPEAKER: The Chair lays before the House the second tabled and unassigned matter, Senate Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committees on Highways and Taxation, jointly, on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Fifteen Million Dollars on Behalf of the State for the Purpose of Building State Highways", Senate Paper 263, Legislative Document 691, tabled on April 5 by the gentleman from Lubec, Mr. Denbow, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. DENBOW: Mr. Speaker and Members of the House: I do not expect to get the support on this one that the gentleman from Freeport, Mr. Crockett, got a short time ago but I would like to move that the Minority "Ought to pass" Report be accepted and I would like as a matter of record mainly, to speak briefly on the matter.

The SPEAKER: The gentleman from Lubec, Mr. Denbow, moves that the minority "Ought to pass" Report be accepted.

The Chair recognizes the same gentleman.

Mr. DENBOW: Mr. Speaker, this is quite a large sum of money to ask as a bond issue. I am firmly convinced that if we do not make some provision for the Highway Department for the next two years, we will be back here again to do it over. I think that the Federal Road Program is progressing to the point where we will soon need funds. And I think that inasmuch as it was recommended by the governor to pass a much larger sum at the first of the session and inasmuch as this is a referendum anyway, it is perfectly safe in the people's hands, it would be a nice thing to pass. It is always under control by the Governor and Council and will not be used unless needed. Therefore, I hope that you will go along with me on the minority "Ought to pass" report.

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

Mr. MCGLAUFFLIN: Mr. Speaker and Members of the House: I too would like to go along with accepting this minority report. It is only an enabling act and it has been pointed out here, I think, before that if we had the possibility of issuing those bonds when needed in case we needed money for the retirement of the present bonds and happened not to have enough money on hand to take care of them, we could resort to the bond issue or, if it was found that we had not sufficient money to carry out the current highway expenses we could also resort to this. As has been pointed out, it is simply an enabling act. There won't be any fifteen million dollars issued but it makes it possible to issue in case of need. I think it is.

a wise measure and I go along with it.

The SPEAKER: The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Members of the House: I was one of the members of the committee who signed the "Ought not to pass" Report but things have changed somewhat since that time and I want to go along with the gentleman from Lubec, Mr. Denbow, to support the minority report.

At the time that this issue went before the committee, it did not seem possible at that time that there would be any revenue to retire any bonds. That was my reason for not going along with the thirty million dollar bond issue.

At this time, I hope that the Minority "Ought to pass" report will be accepted by this House inasmuch as the gentleman from Portland, Mr. McGlaufflin, has stated, it is an enabling act. It has got to go to referendum and the people of the State of Maine will vote on this whether or not they want to go along with the highway program. Getting more evidence on the picture whereas the administration program in Washington clearly indicates that we are going to have more matching funds for our highways in the State of Maine. So I hope that this House will go along and accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Mr. Speaker and Members of the House: I too wish to go along with the gentleman from Lubec, Mr. Denbow, in his motion to accept the minority report. I can see that this bond would do no harm and it might do a tremendous amount of good at the time when we need it.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I would like to say that I would like to support this bill as enabling legislation. It could eliminate the possibility of a special session later to do this very thing. I would like to support the gentleman from Lubec, Mr. Denbow, in his motion.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Lubec, Mr. Denbow, that the Minority "Ought to pass" Report of the Committees on Highways and Taxation, jointly, on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Fifteen Million Dollars on Behalf of the State for the Purpose of Building State Highways", Senate Paper 263, Legislative Document 691, be accepted. Is this the pleasure of the House?

The motion prevailed and the Minority "Ought to pass" Report was accepted in non-concurrence.

Thereupon, the Bill was given its two several readings and assigned for third reading tomorrow.

The SPEAKER: The Chair lays before the House the third tabled and unassigned matter, Resolve Authorizing the Forest Commissioner to Convey the Flowage Rights on Matagamon Lake, in Township 6, Range 9, W. E. L. S., Piscataquis County, to East Branch Improvement Company, Senate Paper 514, Legislative Document 1407, tabled on April 7 by the gentleman from Brooks, Mr. Elwell, pending second reading, and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair lays before the House the fourth tabled and unassigned matter, House Report "Ought to pass" in New Draft, House Paper 1181, Legislative Document 1431, of the Committee on Highways on Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Highway Appropriations", House Paper 980, Legislative Document 1128, tabled on April 12 by the gentleman from Brooks, Mr. Elwell, pending acceptance.

Thereupon, the "Ought to pass" in New Draft Report was accepted and the Bill was given its two several readings and assigned for third reading tomorrow.

The SPEAKER: The Chair lays before the House the fifth tabled

and unassigned matter, House Report "Ought not to pass" of the Committee on Highways on Bill "An Act relating to Joint Fund for State Aid Construction Used with Town Road Improvement Fund", House Paper 821, Legislative Document 913, tabled on April 13 by the gentleman from Hanover, Mr. Ferguson, pending the motion of the gentleman from Brooks, Mr. Elwell, to substitute the Bill for the Report, which is the pending question.

The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Members of the House: This is the second bill that came before us, practically the same, aimed at the same objective. Now, on the motion to substitute this bill for the report, I, at that time, entered in the record, the claim that we were writing this into another bill, the omnibus bill, the obsolete bill that we had tabled here and I move at this time for indefinite postponement of this bill.

The SPEAKER: The gentleman from Hanover, Mr. Ferguson, moves that the Report and Bill be indefinitely postponed, which is the pending question.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I would like to ask a question through the Chair of the Chairman of the Highway Committee. What part, if any, of this bill does he not agree with?

The SPEAKER: The gentleman from Brooks, Mr. Elwell, addresses a question through the Chair to the gentleman from Hanover, Mr. Ferguson, who may answer if he so chooses.

Mr. FERGUSON: Mr. Speaker and Members of the House: I will say that this did get into sort of a controversial matter in the committee in that Mr. Evans, the gentleman from Cornish, had exactly the same bill, L. D. 727, to be accepted as it had an emergency preamble on it. Later on, the gentleman from Brooks, Mr. Elwell, came up with L. D. 913, aiming at the same thing. We asked Mr. Elwell to withdraw his bill in favor of the first one that came before the committee and that was not agreeable. In order to keep harmony, we passed them both

out "Ought not to pass". We have been accused of bringing politics into this. I do not believe we did. I think if anybody brought any politics in it is Mr. Elwell —

The SPEAKER: The Chair would state and remind all the members when they are referring to another member of this House to follow parliamentary procedure. Yesterday and today, many members are being lax about it. The Chair hesitates to keep reminding the members yet that is the Chair's duty and it so does.

The gentleman may proceed.

Mr. FERGUSON: Excuse me, Mr. Speaker, the gentleman from Brooks, Mr. Elwell. In order to keep harmony all around we reported out an amendment to the obsolete bill which takes care of this matter here.

That was the committee's object in reporting these bills "Ought not to pass", that there was a disagreement between the gentleman from Brooks, Mr. Elwell, and the gentleman from Cornish, Mr. Evans. We just could not get them to agree as to which should withdraw his bill. We of the committee felt that inasmuch as the bill of the gentleman from Cornish, Mr. Evans, was the first one to come before the committee that that was the one that should have consideration. I still hope that the House will support my motion for the indefinite postponement of this bill.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I had thought that this problem was settled when the two bills came before the House and the gentleman from Cornish, Mr. Evans, moved to accept the "Ought not to pass" report on his bill and proceeded to support L. D. 913. At that time, I moved that we substitute the bill for the report and I did not think that there was any problem on that point.

The SPEAKER: The Chair recognizes the gentleman from Cornish, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: I think on that very same day the gentleman from Hanover, Mr. Ferguson, made the statement that he would see

that that was taken care of in that blanket bill that was to do away with the obsolete highway laws. I was perfectly satisfied with that and I think the gentleman from Brooks, Mr. Elwell, should be. I am not interested in getting my name on the bill as long as we accomplish what we wish to do to help out the needy towns and I think we should all feel the same way. The gentleman from Hanover, Mr. Ferguson, has that amendment prepared. I have seen it and I am perfectly satisfied with it. Thank you, Mr. Speaker.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Hanover, Mr. Ferguson, that the Report and Bill "An Act relating to Joint Fund for State Aid Construction Used with Town Road Improvement Fund," House Paper 821, Legislative Document 913, be indefinitely postponed.

Mr. FERGUSON (of Hanover): I request a division, Mr. Speaker.

The SPEAKER: The gentleman from Hanover, Mr. Ferguson, has requested a division.

As many as are in favor of the indefinite postponement of the Report and Bill will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-six having voted in the affirmative and eight 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 lays before the House the sixth tabled and unassigned matter, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Judiciary on Bill "An Act relating to Joint Ownership Re Inheritance Tax Law and Joint Bank Accounts", House Paper 912, Legislative Document 1020, tabled on April 14 by the gentleman from Bangor, Mr. Browne, pending acceptance, and the Chair recognizes that gentleman.

Mr. BROWNE: Mr. Speaker and Members of the House: There are further amendments to be offered relative to this measure and I note

that the gentleman who has the information to present as an amendment is absent this morning. However, I see no objection in accepting the report and giving the bill its first two readings and therefore I so move.

The SPEAKER: The Chair understands that the gentleman from Bangor, Mr. Browne, moves that the "Ought to pass" as amended by Committee Amendment "A" Report be accepted. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was given its two several readings.

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

COMMITTEE AMENDMENT "A" to H. P. 912, L. D. 1020, Bill "An Act relating to Joint Ownership Re Inheritance Tax Law and Joint Bank Accounts."

Amend said Bill by striking out section 4 thereof.

Committee Amendment "A" was adopted.

On further motion of Mr. Browne of Bangor, the Bill with accompanying papers was tabled pending assignment for third reading.

The SPEAKER: The Chair lays before the House the eighth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Taxation on Bill "An Act Increasing and Amending the Sales and Use Tax", House Paper 1025, Legislative Document 1164, tabled on April 19 by the gentleman from Brunswick, Mr. Walsh, pending acceptance of either Report, and the Chair recognizes that gentleman.

Mr. WALSH: Mr. Speaker and Ladies and Gentlemen of the House: This bill has lived a very peaceful life, but I believe the death knell was sounded several days ago when the gentleman from Portland, Mr. Childs, was affectionately nicknamed by me as Einstein, the second. I hope that this bill has just as peaceful a burial. I am not going to make the motion as the gentleman from Freeport, Mr. Crockett, did that we substitute the Bill for the Report. I will make the motion that we accept the minority report and I will not subject you

to anything other than a voice vote and hope that in its death knell your voices may be sweet. (Laughter)

The SPEAKER: The gentleman from Brunswick, Mr. Walsh, moves that the Minority "Ought to pass" Report be accepted.

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

Mr. CHILDS: Mr. Speaker, I wholeheartedly concur with the gentleman from Brunswick, Mr. Walsh. This bill has had rather a quiet life and I certainly would not want a lot of noise at this time in regard to hollering "yes" and "no" and I will therefore move the indefinite postponement and a very quiet division.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the two Reports and Bill be indefinitely postponed, which is the pending question and the same gentleman has requested a division.

As many as are in favor of the indefinite postponement of the two Reports and Bill will quietly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-seven having voted in the affirmative and twenty-five having voted in the negative, the motion prevailed and the two Reports and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the tenth tabled and unassigned matter, Senate Report "Ought not to be adopted" of the Committee on Judiciary on Joint Resolution Proposing an Amendment to the Constitution of the United States relative to the Treaty Making Power, Senate Paper 188, Legislative Document 440, tabled on April 21 by the gentleman from Bath, Mr. Couture, pending acceptance. (In Senate indefinitely postponed)

Thereupon, the House voted to accept the "Ought not to be adopted" Report of the Committee.

The SPEAKER: The Chair lays before the House the eleventh tabled and unassigned matter, House Report "Ought to pass" of the Committee on Natural Resources on Re-

solve for a Recess Committee to Study All Phases of Stream and Water Pollution with a View Toward Determining a Practical Solution and the Cost Thereof, House Paper 966, Legislative Document 1092, tabled on April 21 by the gentleman from Bucksport, Mr. Pierce, pending acceptance.

Thereupon, the House voted to accept the "Ought to pass" Report of the Committee.

Thereupon, the Resolve was given its first reading and assigned for second reading tomorrow.

The SPEAKER: The Chair is informed that there are in the balcony of the House the Fifth Grades from Knowlton and Elm Street Schools of Camden, Maine, under the supervision of their teachers, Miss Aran and Mrs. Barbour.

On behalf of the House, the Chair extends to you a hearty welcome and hopes that you will have fun today and learn something.

(Applause)

The SPEAKER: At this time, the Chair requests the Sergeant-at-Arms to escort the gentleman from Greenville, Mr. Anderson, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Anderson assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Trafton retired from the Hall.

The SPEAKER pro tem: The Chair lays before the House the twelfth tabled and unassigned matter, Bill "An Act for an Enabling Act for the Town of Dedham, Hancock County", House Paper 1201, Legislative Document 1472, tabled on April 21 by the gentleman from Bangor, Mr. Quinn, pending third reading.

Thereupon, that gentleman offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1201, L. D. 1472, Bill "An Act for an Enabling Act for the Town of Dedham, Hancock County."

Amend said Bill by striking out the word "repay" in the 4th line

thereof and inserting in place thereof the words 'appropriate and pay'

House Amendment "B" was adopted.

The Bill was then given its third reading, passed to be engrossed as amended by House Amendment "B" and sent to the Senate.

The SPEAKER pro tem: The Chair lays before the House the thirteenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Public Utilities on Bill "An Act relating to Transmission of Electric Power Beyond Limits of State", House Paper 693, Legislative Document 761, tabled on April 21 by the gentleman from Winterport, Mr. Bean, pending acceptance.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker, in the absence of Mr. Bean, the gentleman from Winterport, I know that he has some arguments that he wants to present on this bill. And as he is ill at this time and possibly will be here later in the week, I move that this be re-tabled until later on in the week.

The SPEAKER pro tem: The gentleman from Sherman, Mr. Storm, moves that the Report and Bill lie on the table pending acceptance of the Committee Report.

The Chair would inquire if the gentleman would care to assign the matter for a specific date.

Mr. STORM: Mr. Speaker, I would prefer to leave it unassigned, because we do not know whether he will be here or not.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Sherman, Mr. Storm, that the Report and Bill lie on the table pending the acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed and the Report and Bill were so tabled.

The SPEAKER pro tem: The Chair lays before the House the fourteenth tabled and unassigned matter, House Report, "Ought not to pass" of the Committee on Transportation on Bill "An Act Providing for Permits to Operate Vehi-

cles on Part of Route 16 with Extra Weight When Loaded with Pulpwood, Logs or Bolts", House Paper 725, Legislative Document 789, tabled on April 22 by the gentleman from Hanover, Mr. Ferguson, pending acceptance, and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the "Ought not to pass" Report of the Committee was accepted and sent up for concurrence.

The SPEAKER pro tem: The Chair now lays before the House the fifteenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Agriculture on Bill "An Act to Place a Bounty on Porcupines", House Paper 974, Legislative Document 1122, tabled on April 26 by the gentleman from Charleston, Mr. Rich, pending acceptance and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER pro tem: The Chair lays before the House the sixteenth tabled and unassigned matter, Bill "An Act to Supplement Loans by Maine School Building Authority", House Paper 1209, Legislative Document 1480, tabled on April 26 by the gentleman from Brooks, Mr. Elwell, pending passage to be engrossed.

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

The SPEAKER pro tem: The Chair lays before the House the seventeenth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Legal Affairs on Bill "An Act Providing for a Change of Ward Lines in the City of Waterville", House Paper 919, Legislative Document 1027, tabled on April 26 by the gentleman from Waterville, Mr. Bernier, pending the motion of the gentleman from Portland, Mr. Childs, that the Majority Report be accepted.

The Chair recognizes the gentleman from Waterville, Mr. Bernier.

Mr. BERNIER: Mr. Speaker, I have an amendment being prepared for distribution in the Clerk's office and I would like to re-table this for some time this afternoon.

The SPEAKER pro tem: The gentleman from Waterville, Mr. Bernier, moves that the two Reports and Bill lie on the table pending the motion of the gentleman from Portland, Mr. Childs, to accept the Majority Report and be assigned for later in today's session. Is this the pleasure of the House?

The motion prevailed and the two Reports and Bill were so tabled and assigned.

The SPEAKER pro tem: The Chair lays before the House the eighteenth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Taxation on Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor", House Paper 1015, Legislative Document 1167, tabled on April 26 by the gentleman from Brooks, Mr. Elwell, pending further consideration. (Recommended to Committee on Taxation in House) (Majority Report accepted in Senate in non-concurrence)

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker and Members of the House: In order to expedite our action on this particular bill, I move that under suspension of the rules we reconsider our action whereby we recommitted in the House this bill to the Committee on Taxation.

The SPEAKER pro tem: The Chair would request the gentleman to kindly approach the rostrum.

(Conference at rostrum)

The SPEAKER pro tem: The Chair understands that the gentleman from Brooks, Mr. Elwell, moves that the House recede from its action of April 14 whereby the two Reports and Bill were recommitted to the Committee on Taxation. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker and Members of the House: You will notice that this bill has been on the table for quite some time and it has been there for the purpose of waiting to see what sort of a tax measure this House and the other body would pass.

At this time, I am not going into the bill to great lengths, only to say that there is no greater need in the State today than the need for new school buildings. I think that you people in general will concur with me on that. And I have also approached this problem from the standpoint that the State should assume a position of leadership in trying to help the towns erect these buildings.

Essentially this bill provides a 10 per cent increase in the subsidy which would go to each one of the towns. This bill is patterned after two acts which are already on the statutes. One is your school subsidy law and the other is your state aid road construction fund. They are both very equitable and effective means of state assistance in solving the two major problems. That is all that I care to say about the school building features of the bill.

The matter of financing on page 3 in the bill would restore the cigar and tobacco tax of 20 per cent. I think that due to the recent developments in the Legislature whereby we have passed a readjustment tax program, that this bill would be all the more logical for our having done so.

And I would say that if the House were to accept this bill that I would propose an amendment whereby the revenue measure would be reduced from the 20 per cent cigar and tobacco tax to a 15 per cent tax which would be in line with our only bordering state, the State of New Hampshire, inasmuch as that was one of the objections to the bill. As a matter of fact the major objection to the bill that I have heard from the committee. So I would move, Mr. Speaker, that we now accept the minority "Ought to pass" report of the committee.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Elwell, moves that the Minority

"Ought to pass" Report be accepted.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Sanford.

Mr. SANFORD: Mr. Speaker and Members of the House: I being one of the members that signed the majority "Ought not to pass" report, I would like to say that when we put the 20 per cent tax on cigars and tobacco, the cigar business went down 60 per cent in the State of Maine. We had one cigar manufacturer in the State of Maine at that time that was producing or making over a million cigars. After the tax went on 20 per cent, he went down to 25,000 or less and he had to go out of business which threw quite a lot of men out of employment.

I think probably the bill the gentleman from Brooks (Mr. Elwell) has is okay but I think that the money should come from the general government and not from any particular source. I hope that the motion of the gentleman from Brooks (Mr. Elwell) does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker and Members of the House: This puts me in rather an awkward position but I would like to go along and support the bill of the gentleman from Brooks, Mr. Elwell. I say it puts me in an awkward position because I am asking for a tax on something that I do not use. I am also going against the wishes of the majority party, of which I am a member. But I believe this is a good bill. I think that the school buildings in many of our areas are sadly in need of reconstruction, or new construction.

And I cannot see that it is an unjust tax if you call the cigarette tax, which we have just passed for an extra cent a package, a just tax. I cannot see that this tax on cigars and tobacco is an unjust tax. But I do feel a little bit embarrassed to advocate a tax which does not hit me. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Searsmont, Mr. Knight.

Mr. KNIGHT: Mr. Speaker and Members of the House: I rise in support of this Bill which has been so ably presented by my good friend, the gentleman from Brooks, Mr. Elwell.

I am concerned with the plight in which our towns and many of our cities find themselves regarding the construction or the reconstruction of their school properties. Many towns have gone into debt their legal limit to carry on this program while other towns are nearly up to their debt limit due to roads, fire departments or other public services and cannot even start their school reconstruction program. I have asked myself and I have been asked many times why has not the State adopted a program to subsidize school building construction? The need is surely as great or greater than to subsidize the regular school program. I ask you what is a town to do that has reached its debt limit due to building a new school building and then finds that two additional rooms are necessary? These and similar questions regarding this school program are being asked in hundreds of towns, hundreds of times each day.

As has been said, this bill will be financed by placing a tax on tobacco and cigars. A tax on a luxury which, despite all the ballahoo against it, was producing nearly \$600,000 a year at the time of its repeal. A tax which, its opponents say, is a diminishing tax and will eventually produce no revenue. Do the opponents of the measure believe that by the imposition of this tax the people of this State of Maine are going to swear off smoking and chewing? It did not stop them before and it will not stop them now.

I feel, as many in this State do feel, that a grave error was made last September in removing this tax from the Statute and I believe that we should admit that an error was made and put this tax back on the books for the benefit of so noble a purpose, that of aiding our school construction program.

Many of us have been contacted by our constituents regarding this bill and they are concerned with the treatment which we will give it. This bill has great merit. It is, as

I know many of you believe, the logical step towards solving one of the major problems facing our towns and cities. Let us consider this bill with an open, non-partisan mind. I beg of you, do not place the economic welfare of a handful of cigar manufacturers and tobacco men above the education and welfare of our boys and girls.

Mr. Speaker, I move that when the vote is taken, it be taken by yeas and nays.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I wish to go on record as favoring this bill purely from its educational value and for the help to the towns of the State which are trying with all their might and main to give our boys and girls an education that they believe they should have.

There is one small town in my area which has a tax rate of 112 which started five years ago to build up a fund and they have taxed themselves some each year and every week in the year they have dinners or beano games or something and they have somewhere around \$7,000.00 or \$8,000.00. Now this subsidy bill would be a great help to them to go ahead and build a school. They need it very badly and they are trying their best to do it.

Another town in that same area has started out and they are taxing themselves \$5,000.00 a year and the people of the town have given lumber and land and are going along; and a week ago Sunday there were 32 men working on the building. The building will cost \$30,000.00. It is needed very much and I do not know just when it will be done, but I know that the passage of this bill would help the thing along and would put the boys and the girls in good school houses where they could receive the education that we, I think all of us, believe we should give them.

It seems that the only thing that is holding up the idea, I think we are all agreed that this is a good bill except the money. Well, inasmuch as you cannot build school houses without money, it seems to

me only fair that the money should be gotten in this way. And I hope that this bill will be passed and these schools will be built.

The SPEAKER pro tem: The Chair recognizes the gentleman from Benton, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Ladies and Gentlemen: I should like to go on record as being much in favor of this motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker and Members of the House: I am very much in favor of the bill as presented by the gentleman from Brooks, Mr. Elwell, but I am opposed to the method of financing it. And I have before me some rather pertinent information regarding the tobacco tax which I think should be passed on to the Members of the House for their consideration.

When the tax was first placed on tobacco, the state realized a return of over eight hundred thousand dollars. Then as the tax became a problem for the state to police, the revenue dropped, so that during the last year of collection, it had dropped over three hundred thousand dollars and the state only realized a tax of five hundred thousand dollars.

This is due to various forms of bootlegging by out of state dealers coming in and bringing the products in here and the dealers disposing of them over the counter without paying the tax. And during the time that the tax was imposed, it drove out of the state 24 tobacco-cigar manufacturers. Since the repeal of the tax these manufacturers have started to come back in and employ local people in the industry. And I have been given to understand that since the repeal of the tax there has been placed on this product a 2 per cent sales tax on which the state is now realizing a fair return.

And I hope the motion of the gentleman from Brooks, Mr. Elwell, does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Charles.

Mr. CHARLES: Mr. Speaker and Members of the House: I too would like to go along with the gentleman

from Kennebunkport and the gentleman from Dover-Foxcroft in this matter. But I want it to be known perfectly well that I am not opposed to raising funds for our school building program. I am for it a hundred per cent. But I cannot, for a moment, believe that it is proper for us to take this fund from an industry.

As was mentioned here earlier, a gentleman said that only a handful would be affected by this tax. I can assure you that 4,000 dealers and wholesalers are not a handful. It is quite an industry that we have in our state and it would be a shame to penalize this particular group.

I am also feeling for the York County group. I am a Cumberland County delegate myself but I cannot help but think as to what this tax would do to our York County business people in that area. We have already given them a cigarette tax and we know they are going to suffer by it. I do not think we should give them a tobacco and cigar tax at this time.

The SPEAKER pro tem: The Chair recognizes the gentleman from Pittsfield, Mr. Cianchette.

Mr. CIANCHETTE: Mr. Speaker and Members of the House: I rise here only because of the remarks made by the past few speakers. I believe that we should pay homage to a late friend of ours, namely the sales tax.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker, I would just like to briefly say that this bill at its hearing was endorsed by representatives who spoke officially for The State Grange, The Farm Bureau, The Maine Teachers Association, The State Board of Education as represented by the Commissioner of Education, and enough superintendents so that the hearing was called a "superintendents convention".

And apparently the thing comes down to one controversy and that is the cigar and tobacco tax. Now I would say on that particular issue that there appears to be at least a misunderstanding. Because at least 90 per cent of the people to whom I talked feel that the tax should never have been removed. So it

comes down to those people who are in the industry and I think that here it would be pertinent and revealing if we just tried to decide, how big is that industry. And rather than to talk about what has happened in the past, which undoubtedly would have happened with or without the cigar and tobacco tax, I would like to read a quote from a letter from "The Voice of the People" in the Portland Press Herald signed by Edward J. Regensburg, President of the Cigar Manufacturers Association, New York City. This is one sentence from that letter and I quote: "The remaining three licensed cigar makers in Maine produced in all of 1954 less than 4,000 cigars or the equivalent of four days output for three hand cigar makers." Now that is the industry that you are endangering with this tax.

I feel that if the people who are concerned, then if it is not the manufacturers, it could be the distributors, if they are concerned, and they felt that a five per cent discrepancy between the cigar and tobacco tax in Maine and the cigar and tobacco tax in New Hampshire, when Maine had a 20 per cent tax and New Hampshire a 15 per cent tax, now the situation is reversed, there is a 15 per cent discrepancy the other way and what I am proposing is that we equalize it; certainly if they were concerned over the 5 per cent discrepancy we should be concerned over the 15 per cent discrepancy. And I feel that this would just be a continuation of your tax re-adjustment and certainly it would be a wide loop hole if you do not take some measure to eliminate it. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Mr. Speaker and Members of the House: I feel that I must support the gentleman from Brooks, Mr. Elwell, on his motion because in my class of towns I have one small town, a farming community, where they have handled their town affairs very well, they have no debt, yet their schools are in terrible shape. The town's people, and that includes the selectmen, have attempted to build a consolidated school. They have

sought information from the State Education Department and have found out what the requirements must be. In order to build a modern school that would take care of all their pupils, it would cost them in the neighborhood of \$75,000.00. The town's valuation is such that under any program that we have in the state so far, the most they could borrow would be \$35,000.00. So you can see that it would be a long time before they could have an adequate school.

Their schools today are the little one-room affairs with 8 grades in them, they are heated by a central stove in the middle with a stove-pipe running the whole length, a very dangerous situation in cold weather particularly where they have to keep the fires going so hot. The outside facilities are very bad, the toilet conditions are not sanitary. And yet they are struggling along the best they can.

They have been attempting for the past two years to raise somewhere close to \$5,000.00 to set aside towards building a school along with what they could borrow. But as you could see, even if they got \$5,000.00, it would take them 7 or 8 years. In the meantime, many of these children are growing up and coming out of this school that is not adequate. In a few more years they are going to go to high school to compete with other students who have had much better facilities and much better advantages. It is certainly unfair to that group of children.

Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from East Machias, Mr. Cates.

Mr. CATES: Mr. Speaker and Ladies and Gentlemen of the House: I think the end justifies the means. I want to go on record as in favor of the bill of the gentleman from Brooks, Mr. Elwell. I think that we have all made up our minds from the previous debate and I now move the previous question.

The SPEAKER pro tem: The gentleman from East Machias, Mr. Cates, moves the previous question. In order for the Chair to entertain the motion for the previous ques-

tion, 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 the monitors have made and returned the count.

A sufficient number arose.

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

The question now before the House 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 pro tem: The question before the House is on the motion of the gentleman from Brooks, Mr. Elwell, that the Minority "Ought to pass" Report of the Committee on Taxation on Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor", House Paper 1015, Legislative Document 1167, be accepted.

The gentleman from Searsmont, Mr. Knight, has requested a yeas and nays vote. The yeas and nays must be taken if one-fifth of the members present desire it. All those desiring that the vote be taken by the yeas and nays will kindly rise and remain standing in their places until the monitors have made and returned the count.

Thirty-four members arose.

The SPEAKER pro tem: More than one-fifth of the members present having signified their desire for the yeas and nays to be taken, they are ordered.

The pending question is on the motion of the gentleman from Brooks, Mr. Elwell, that the Minority "Ought to pass" Report of the Committee on Taxation on Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor", House Paper 1015, Legislative Document 1167, be accepted.

All those in favor of the motion will answer yes when their names are called; all those opposed will answer no.

For what purpose does the gentleman from Meddybemps, Mr. Palmer arise?

Mr. PALMETER: Mr. Speaker, are we voting on the new draft or are we voting on the amendment to the new draft?

For the information of the House, the Clerk will read the two Reports.

The CLERK: The Majority Report is "Ought not to pass" and the Minority Report is "Ought to pass".

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Brooks, Mr. Elwell, that the Minority "Ought to pass" Report be accepted.

All those in favor of the motion will answer yes when their names are called; those opposed will answer no. The Clerk will call the roll.

Roll Call

YEA — Babineau, Baird, Beal, Bernier, Brewster, Brockway, Brown, Baileyville; Browne, Bangor; Call, Carter, Etna; Cates, Cianchette, Cole, Cook, Cormier, Cote, Madison; Courtois, Couture, Bath; Coyne, Crockett, Curtis, Cyr, Davis, Calais; Davis, Westbrook; Denbow, Dicker, Dostie, Dudley, Dumais, Duquette, Earles, Edgar, Edwards, Elwell, Evans, Ferguson, Files, Finemore, Foss, Foster, Fuller, China; Fuller, So. Portland; Getchell, Gilmartin, Greenleaf, Hanson, Hatfield, Haughn, Higgins, Howard, Jack, Jacques, Jennings, Jones, Kinch, Knight, Latno, Letourneau, Lindsay, Mann, Martin, Eagle Lake; Maxwell, McCluskey, McGlaufflin, Michaud, Olpe, Pierce, Pike, Porell, Potter, Quinn, Reed, Rich, Roberts, Brooklin; Roberts, Dexter; Rogerson, Sanborn, Sansoucy, Shaw, Skolfield, Soule, Stanley, Bangor; Stanley, Hampden; Stanwood, Staples, Stilphen, Storm, Tarbox, Thomas, Valley, Wade, Wadleigh, Walls, Walsh, Walter, Willey, Williams, Winchenpaw, Woodworth.

NAY—Bibber, Blanchard, Carter, Newport; Caswell, Charles, Childs, Cote, Lewiston; Dunn, Fay, Flynn, Harnden, Henry, Hilton, Jacobs, Kimball, Lawry, Libby, Lord, Malenfant, Osborne, Palmeter, Ross, Bath; Ross, Brownville; Sanford, Whiting.

ABSENT — Albert, Alden, Allen, Anthoine, Bean, Bowie, Bragdon, Briggs, Christie, Couture, Lewiston;

Gardner, Greene, Hancock, Lamb, MacDonald, Madore, Martin, W. Gardiner; Nadeau, Needham, Pullen, Reynolds, Roundy, Seaward, Totman, Trafton.

Yes 99; No 25; Absent 25.

The SPEAKER pro tem: Ninety-nine having voted in the affirmative and twenty-five having voted in the negative, twenty-five being absent, the motion prevails and the Minority "Ought to pass" Report is accepted in non-concurrence.

Thereupon, the Bill was given its two several readings and assigned for third reading tomorrow.

House at Ease

Called to order by the Speaker pro tem.

Mr. Bibber of Kennebunkport was granted unanimous consent to address the House.

Mr. BIBBER: Mr. Speaker and Members of the House: I ask unanimous consent that unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration that the Clerk be authorized to send to the Senate one hour and thirty minutes after the House recesses this morning all matters this morning passed to be engrossed in concurrence and all matters acted upon this morning which require Senate concurrence. After such matters have been sent to the Senate by the Clerk in accordance with this unanimous consent agreement, no motion to reconsider shall be in order.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I move that we now recess until—

The SPEAKER pro tem: The Chair would request the gentleman to kindly defer.

The gentleman from Kennebunkport, Mr. Bibber, has made a request for unanimous consent that unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration that the Clerk be authorized to send to the Senate one hour and thirty minutes after the House recesses this morning all matters this morning

passed to be engrossed in concurrence and all matters acted upon this morning which require Senate concurrence. After such matters have been sent to the Senate by the Clerk in accordance with this unanimous consent agreement, no motion to reconsider shall be in order. Does the Chair hear objection?

The Chair hears none and it is so ordered.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker, for clarification, the order for unanimous consent that I just asked for and which was passed on was to expedite the legislative session and we must give each department time to catch up with the House and that is the reason for adjournment until one-thirty. The matters have to be engrossed also in the Senate.

Thereupon, on motion of Mr. Childs of Portland,

Recessed until one-thirty o'clock, Eastern Standard Time, this afternoon.

After Recess

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

The House was called to order by Speaker Trafton.

The following paper from the Senate was received out of order and under suspension of the rules:

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER

OFFICE OF THE SECRETARY

May 17, 1955

Honorable Harvey R. Pease

Clerk of the House of

Representatives

Ninety-seventh Legislature

Sir:

The Senate today voted to insist upon its former action whereby it accepted the "Ought not to pass" Report of the Committee on Legal Affairs on Bill "An Act Regulating the Solicitation and Collection of Funds for Charitable Purposes" (H. P. 111) (L. D. 119) and to join a Committee of Conference. The Presi-

dent appointed the following conferees on the part of the Senate:

Senators:

WOODCOCK of Penobscot

MARTIN of Kennebec

LESSARD of Androscoggin

The President also today appointed the following new conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on the following Bills:

Bill "An Act relating to Pensions for Dependents of Deceased Policemen of the City of Lewiston" (S. P. 163) (L. D. 357)

Senators:

WOODCOCK of Penobscot

MARTIN of Kennebec

LESSARD of Androscoggin

Bill "An Act relating to Pensions for Dependents of Deceased Firemen of City of Lewiston" (S. P. 413) (L. D. 1176)

Senators:

WOODCOCK of Penobscot

MARTIN of Kennebec

LESSARD of Androscoggin

Respectfully,

(Signed) Chester T. Winslow

Secretary of the Senate.

The Communication was read and ordered placed on file.

On the part of the House, the Speaker appointed the following Conferees to the Joint Conference Committee, on the disagreeing action of the two branches, on Bill "An Act Regulating the Solicitation and Collection of Funds for Charitable Purposes" (H. P. 111) (L. D. 119):

Messrs. CHARLES of Portland
EDGAR of Bar Harbor
HAUGHN of Bridgton.

The SPEAKER: The Chair would inquire if any member wishes to make a motion at this time?

The Chair recognizes the gentleman from Boothbay Harbor, Mr. Greenleaf.

Mr. GREENLEAF: Mr. Speaker and Members of the House: Under suspension of the rules, I would like to ask that the House reconsider its action of yesterday whereby we passed to be enacted L. D. 542, as I would like to offer an amendment to this.

The SPEAKER: The Chair would state that House Paper 505, Legislative Document 542 is in the possession of the House.

The gentleman from Boothbay Harbor, Mr. Greenleaf, moves that the House reconsider its action whereby yesterday it finally passed Resolve Providing Review of Shellfish and Marine Worm Laws. Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby on May 11 the Resolve was passed to be engrossed.

The same gentleman then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 505, L. D. 542, Resolve, Providing Review of Shellfish and Marine Worm Laws.

Amend said Bill by striking out from the 1st and 2nd lines of the 4th paragraph the words "the general fund" and inserting in place thereof the words 'the unappropriated surplus of the general fund'

House Amendment "A" was adopted.

The Resolve was then passed to be engrossed as amended by House Amendment "A" in non-concurrence and was sent up for concurrence.

The Chair laid before the House the following matters pursuant to House Order:

The SPEAKER: The Chair lays before the House the nineteenth tabled and unassigned matter, Senate Divided Report, Majority "Ought to pass" and Minority "Ought to pass" as amended by Committee Amendment "A" of the Committee on Public Utilities on Bill "An Act Repealing the Law Prohibiting the Transmission of Electric Power Beyond the State", Senate Paper 166, Legislative Document 363, tabled on April 28 by the gentleman from Waterville, Mr. Bernier, pending the motion of the gentleman from Fort Kent, Mr. Cyr, to accept the Minority Report. (In the Senate Majority Report accepted and Bill Engrossed.)

The Chair recognizes the gentleman from Waterville, Mr. Bernier.

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: The Fernald Law has been the victim of a very tangled history. Since its enactment in 1909, the utilities have found themselves on both sides of the law.

In the late twenties, the Fernald Law was a blazing political issue. It has at times tended to assume national proportions.

A few days ago we had occasion to debate another bill concerning public utilities in this House. Unfortunately that debate had a tendency to break away from a consideration of the merits and to divide this House along pro and anti-utility lines. I hope that that shall not result in the course of this debate. I especially hope this does not result since I think that in this case the interest of the people of Maine and the public utilities is the same.

The Fernald Law prohibits the transmission of electricity generated by water power beyond the confines of this state. I think it is well to highlight the fact that the Fernald Law prohibits only the transmission or exportation of electricity generated by waterpower. It does not prohibit the transmission of electricity generated by steam power. At present about half of the electricity generated in the State of Maine is electricity generated by steam power.

The proponents of the Fernald Law argue that the Fernald Law conserves Maine Power for Maine people. The point which the proponents miss is this, you cannot conserve hydro power without first using or utilizing it. You cannot conserve electricity without first harnessing it. At the time of its enactment the proponents of the Fernald Law argued that it would keep out-of-state interests from controlling our power companies. The Fernald Law did no such thing. It did not prevent the Insull interests from taking over every power company except one in Maine. Maine interests regained control over Maine power, not because of the Fernald law, but because the Insull

empire broke down during the depression.

The Fernald Law did not attract industry to Maine. Harold J. Boyle, financial editor of the Portland Press Herald has stated that Maine's big mills and plants date from the last century to the pre-Fernald law days. The Power Survey Committee of the New England Council has stated, "Except in a few industries, the cost of power averages less than 2 per cent of the total value of manufactured products in New England. It is therefore obvious that the question of cheap power is not a determining factor in management decisions regarding location of business."

Opponents of the Fernald Law have in the past charged that the public utilities desired the Fernald Law as a means of keeping out Federal Government Control. Whether this was so or not the Federal Power Commission has now actual jurisdiction over one of our power companies and has adequate grounds for assuming jurisdiction over all the others any time it so desires. In fact, under the doctrine of the famous Applachian case, the Federal Government can override the Fernald Law any time it desires.

The problem of rural electrification has become very much entangled with the Fernald Law. The proponents of the Fernald Law claim that it would foster rural electrification. This argument has taken various forms and availed itself of different sets of statistics at various times under different conditions.

At present, the argument runs something like this: Maine now generates barely enough power to satisfy its total needs. If you allow the transmission of electricity generated by water power to other states, the farmer will be the first to suffer. The answer to this is that the Fernald Law has been largely responsible for the fact that Maine generates barely enough electricity to meet its present total demand. Without going into economics to spell this argument out, I think an illustration will best point it up. If Maine restricted the exportation of its potatoes or the exportation of its milk, the severe reduction in

potato acreage or the severe reduction in your herds would soon result in a condition here in Maine in which the supply would barely meet the demand. And that is exactly what has resulted in the power situation.

The Fernald Law has obviously not solved the rural electrification problem. The Fernald Law has little or nothing to do with the problem. The crux of the rural electrification problem lies in this, in the almost prohibitive cost of erecting and maintaining transmission lines in sparsely populated rural areas. The cost of erecting poles and electric lines ranges from \$800.00 to \$2,000.00 a mile. The expense of repairing these lines, of paying interest on the investment on these lines, of amortizing depreciation costs is about \$55.00 per customer per year exclusive of the cost of power. You are only confusing the issue by bringing the Fernald Law into the rural electrification picture.

I think my position can be summed up in three points. The Fernald Law has contributed to some degree to Maine's economic decline. 2. It has contributed to some degree to the economic decline of New England. 3. In the words of Sumner Pike, the Fernald Law serves no present purpose and it represents a net economic detriment to the State of Maine.

The Public Utilities Committee was somewhat famous for reporting out equally divided reports. As you noticed the majority "Ought to pass" report was signed by 7 members whereas the minority "Ought to pass" report was signed by 3 members. I think that the only issue posed by these two reports is this: whether the Fernald Law shall be sent back to the people in referendum or whether we shall decide the issue here and now. I feel that a referendum represents a ducking or a shirking of the issue on our part. I think the people expect us to decide the issue here and now.

I hope that the motion that the minority "Ought to pass" report be accepted does not prevail.

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

MR. OSBORNE: Mr. Speaker and Members of the House: The gentleman from Waterville, Mr. Bernier,

has essentially explained some of the things about the Fernald Act and on the whole I have no difference of opinion with him as to what the Fernald Act is or what it has done. There is a slight difference from that point on.

This bill was presented, according to history, to our Legislature in the year 1909 by that very well-known gentleman and benefactor of the State of Maine, former Governor Baxter. That was during the term of Governor Fernald. And it received its enactment at that time. I will not go into a lot of detail, the gentleman from Waterville, Mr. Bernier, has already explained the purpose of the bill and I concur with him as to the purpose.

In 1927, the so-called Smith Bill was enacted which affected the Fernald Act. The Smith Act was vetoed by Governor Brewster and did not become a law.

In 1929, a bill was presented to repeal the Fernald Act. The debate upon that measure and the resulting efforts and counter-efforts on the part of utilities and otherwise is well-known to most of the members of this House. It finally resulted in a passage subject to referendum of the people and on September 9, 1929, the referendum vote was held and the people voted to keep the Fernald Act.

We have in this House the gentleman from Fort Kent, Mr. Cyr, whose judgment I respect very greatly, not only because of his years but because of his experience. He was a member of the committee that preceded the Public Utilities Committee under a different name. He served in the Public Utilities Committee, or its predecessor ever since being a member of this House. Mr. Cyr and myself and one other gentleman felt that a law which had been on the books of the statutes of the State of Maine for nearly a half a century, which had been voted upon once by the people about one-half the time that has elapsed since its original passage and the people at that time decided to keep it, we felt that if at that time they wanted it, it is possible they still want it.

I want to further explain to you that the only difference between the

majority and minority report of the committee is in the referendum to the people. In both cases, we voted in favor of repeal of the Fernald Act, but with the difference that the minority report signers felt that this measure was of sufficient importance to be put up to referendum and let the people decide it. There will be other issues put up to referendum. It will require no special referendum upon this subject and will not be of any great expense to the people because it only requires the additional printing of this measure along with the ballot together with those other measures that will be subject to referendum.

Under the circumstances, I feel sincerely that the gentleman from Fort Kent, Mr. Cyr, was very thoughtful in his motion that the minority report be accepted and that this matter be put before the people. And I hope that you will concur with him in his motion that the minority report be accepted.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: It occurs to me after hearing from the gentleman from Fairfield, Mr. Osborne, that he has missed one point. And that is namely, it is true, this thing did go to referendum in prior years to the public, but how much did it mean. It seems to me that we have a law on our books at the present time that has never been enforced for the past few years so therefore what good is a law on the books if it is not used for the people's benefit which he claims they wish to have. Because over the past years this law has been violated and all that is being asked here today is to legalize something, that in my estimation has been unlawful on the books as far as the usage of it has been for the past few years. And with all great respect to my colleague, the gentleman from Fort Kent, Mr. Cyr, I know he is sincere in his efforts and his thoughts, and I hold him in high regard for that, but by the same token it has not been brought out here yet what could happen to the Aroostook County with the continu-

ance of the Fernald Bill on your books. And I will try and explain just what I mean by that.

If Canada, which now develops a greater part of the electricity used in Aroostook County should suddenly decide on their own to develop a Fernald Law of their own, the northern part of Maine, Aroostook County especially, would be in a very, very bad way. Because at the present time we have not facilities sufficient enough to meet the increased needs of electricity and the facilities within that area of the state. When you get down to the southern end of the state, they are transmitting it back and forth in violation of the Fernald Act. And there is no disagreement within this committee, at least in my opinion, as one of the signers of the minority "Ought to pass report" of which there were 7 of us, and the other 3, the only difference between us was that it be sent to referendum. And not questioning the wisdom of any Member of this House, but I myself, like a good many more did not even know what the Fernald Law was until it happened to be through this hearing I was able to gain that knowledge and to know the real meaning of it and those who were not fortunate enough to hear that at the present time, as a good many have expressed to me, they do not even know or realize what the Fernald Law means. So therefore, how could we justly and wisely send a referendum to the people on a subject that they themselves could not intelligently vote upon?

And I do not like to go back and repeat over what happened here on the utility bill but in my mind it would be a question of but what the same thing may not happen on the outside. And this could be an awful lengthy discussion, but I think that there will be sufficient said on this subject to prove the worth and need for the outright repeal of the Fernald Bill and I would like to go along with the gentleman from Waterville, Mr. Bernier, and ask that this minority report not be accepted as requested.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: I am one who is definitely opposed to passing the buck and sending back measures to the people, most of whom know very little about the subject that we are talking about. It is our responsibility and I say let us assume it and not try to dodge it by sending it back to the people and putting the responsibility upon them. It is our responsibility, let us take it.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Cyr.

Mr. CYR: Mr. Speaker and Members of the House: I shall not prolong this debate except that I have a few remarks to add to what I said last week. I know we are all tired and we want to get rid of this session as soon as we can, but this Fernald Bill matter is so of vital importance to a section which I represent, that it is almost impossible for me to sit idly and neglect to say a few words. I have had a great deal of experience in this House along the line of the Fernald law when it was asked to be retained by the utilities of Maine. I also had some experience along when we created the Public Utilities Commission. We had great hopes at that time that that Commission would take care of the monopolies who would attempt to overcharge us. I regret to say in some instances it has not proved as efficient as we had desired or hoped, but leaving that question aside, and going back to the Fernald law as I see it, and I am going to possibly repeat some of my remarks that I made the other day, so far I have not heard an argument that would convince me that if the Fernald law had not been on our statute that the state would be better off. It is possible, I admit that I may be mistaken, you have a perfect right to your opinion as well as I have, but I contend that the utilities of Maine for the past 40 years created a vast amount of electric energy, and if this amount of electric energy which they claim is used at the present time and I question my friend who made the remark that electricity was sent beyond the border of the state in violation of the Fernald act, that a greater part

of this electric energy notwithstanding is being used in the State of Maine to the extent that the utilities themselves told our committee, and it is all wrong, that there is no available surplus of electricity to be transported outside of the State even at this day. Now if the Fernald law was established to hold the electricity in Maine it seems to me in all common sense that it has been performing a valuable duty to the state. There is not any question in my mind that the Kennebec Valley has had the fortune of having industries come to Maine and has retained others. Now I can cite only one perhaps. You who live in the valley could cite many more. I have never heard of the St. Regis Paper Company until the Wyman Dam was built, and I understand they use practically all of the energy from that dam. Now up in the county of Aroostook today, especially on the St. John Valley, we are highly in need of a Fernald law, and I will explain to you, not presumption, but from facts. There is to be a power dam established or erected on the St. John River at a point 15 miles above my town. This potential power has a capacity of some 250,000 to 300,000 horse power, electric. If we repeal the Fernald Law those who are behind the project up there are the only ones that I have been approached by so far asking me to vote for the repeal. If we vote to repeal and allow the amount of electric energy which is going to be created up there on that power dam, where will they send it? It is too far we admit to send it to Massachusetts or even to New Hampshire. The only place that it will be sent will be in Canada, that is logically. Now will that benefit the State of Maine I am asking you, if we send our electric energy to Canada? Notwithstanding the fact that they may have a Fernald law of their own. Now we cannot send electricity to Canada and expect they are going to send it back to us when we need it. It is not like the no-deposit, no return, this is a deposit and no return.

Now let me explain a little of what the possibilities are up there at the present time, although some have advanced the theory that this dam will never be built and possibly

might be within 25 years. Now I am not sure because I have not been up there in that forest lately, but the last time I was home about four weeks ago I was informed that the men would be in that area clearing the flowage land, and I understand that there are four different concerns at it at the present time. If that is so with already what I know, the possibility is that dam will be erected inside of five years.

Now let us go a little further along what can happen up there. This dam is going to be erected right in the midst of wild land. A tremendous amount of soft and hard wood. In my town which is fifteen miles below this dam, there is one of the greatest mill dam sites on the river, owned by the Great Northern Paper Company who have had the control of that site for the past 20-odd years. The Great Northern people are far-sighted people, they have a wonderful board of directors and engineers. Now they are not holding that site for recreational purposes, they certainly are intending on putting up some plant to manufacture wood pulp in the future, and if we retain this electric energy which will be created above that location, the chances are that they will be glad to contract to use that energy, because that holding ground site which I referred to as owned by the Great Northern could not provide sufficient electric energy for what they need because the dam would not be high enough to create a great deal of it, although it would create a holding ground of some 15 miles in addition to the holding ground in the storage dam which is between 30 and 40 miles, when you consider the valleys and the streams, and tributaries to the St. John which would be overflowed, and that is right into the forest, so there is great possibility for some firm, either the Great Northern or other firms to establish plants which will use this amount of pulpwood, and I cannot see it and I have not been shown where if we repeal the Fernald law that these—whoever who would desire to come up there would have any incentive in coming up there unless there was available power.

Now I would invite some of the Committee or some of the Commis-

sioners of the Industrial Development Commission to take a trip up in Maine and look the land and lay of the land over and see what they might discover for a few things. Right in my own town outside of this other site on the Fish River, and that is the report of the State engineers which is available in the library you will see that the Fish River has a fall within my town of 4,000 horsepower capacity, and another one right in the village of the same capacity which are idle. Now all that with the amount of holding ground on the Chain of Lakes of Fish River which I understand is 27 square miles of lake in the area, would make a wonderful location for some paper industry. Now we contribute our share of taxes toward the maintenance of this Utility Commission to look into the industrial development, and I would like to have them come up and see if they could not discover something that would help the situation up in Aroostook. Let me add while I am talking about the St. John River, that the St. John River is an international river and has a water shed area much larger than your Kennebec River. If you look up the reports of the Commission that engineered the Valley the St. John River has a water shed of some 11,000 square miles, comparatively speaking with the Kennebec which has a little over 5,000 square miles of water shed area. So you can see that the potential development of that area is at the present time just about being ready to be tapped, and we are in similar condition of parallel to what the Kennebec Valley was 45 years ago. They needed the Fernald law so that the valley would not forever be a power station or a transmission line, and we are in similar circumstances at this time.

I want to add while I am talking about the valley, that we are in a position at the present time where we are in need of industry much more than we have been in the past 50 years. Years ago our farmers used to make a few dollars raising potatoes and it got to a point where they made a few dollars only when the other part of the country had a big frost or some sort of a calamity that ruined a part of their crops. Now at this stage of the game they raise

so many potatoes throughout the country that even at the present time I would not be surprised that you would find California potatoes right in your grocery stores in Fort Kent. The winters are so long people who tried to make a go of raising beef cattle and I can cite one farmer in my own town that last year had 119 head of beef cattle and he told me that he could not get rid of them because there was no market for them. Others tried to raise turkeys with the same result. I know a friend of mine who moved to Connecticut last year who had been in the poultry business for the past 15 years and could not make a go of it. There are certain elements in that region which you do not have here. The climate is a shorter season by at least six weeks between the fall and spring, so those people have got to have help from the state, and you know what happened a few years back, they had to have help from Uncle Sam, and you probably read about the potatoes and gravy, well the boys ate the potatoes and they used the gravy. And even last year they had to have subsidy from Uncle Sam for their second grade potatoes, although it was very difficult for a farmer to break even when it cost him \$1.50 to raise potatoes in order to derive from them \$1.00. It is a fact that the price is high at this time, but that hits only a few, a very few of them. The majority of the farmers up in Aroostook are small farmers and they are compelled to borrow to plant and then they have to return that money in the fall, so the consequence is that this high market has only been benefited by a few.

Now if you want to see what an industrial development has been on the St. John River why do not some of you fellows inquire how the people along the St. John River are getting along. A few years back a strip of rural inhabitants were living in the St. John River at a place known as Madawaska. Now they had a valuation of less than \$100,000. Today there is a population of over 5,000 people acquired in less than 20 years with a valuation on the state books of over \$15,000,000. The sister town across the river where the old paper factory is, the Fraser people, there

is a small city, it is possibly the third largest city in the Province of New Brunswick. It has a valuation of I do not know how much, but I know that the population is close to 20,000 people. It has several churches, hospitals, theaters and some of the best schools in the Province of New Brunswick. Now that is what a paper mill did to that area, and do you not think that we could substitute that by having a mill on the St. John River above Fort Kent in the Town of St. Francis or anywhere else along the river, that it would add to the value of the County as well as the State, and induce some of our young people to remain in Maine instead of having to go to Connecticut to earn money to pay their local taxes.

Now I have been carrying on a little bit more than I expected and I hope you pardon me for talking so much, but maybe it is these false teeth that I have, they made a mistake when they were sent to me, the teeth were meant for a woman they said, so I cannot stop talking once I get started. (Laughter)

Now we have to have help and I am asking you gentlemen if you do not agree with me, it does not make any difference, I am not personally interested in one way or another, but I know that my people up there are in grave condition and they need help, and the only possibility of any help is industry of some kind and at the present time we can have industry only if we have something to offer besides good looking women. That may attract some of the Commissioners or some of the industrialists, but it will not create plants. We have got to have more than that, so I hope you people when you vote will vote to send this measure to the people.

Now it is well enough to say we are going to put this through but remember the people home would be glad to be recognized as an authority. They are watching what you are doing here as well as what I do, and I do not think it would harm any of us to submit a question of this nature where they already had a chance to vote on it and retained it, they might have even changed their minds like some of the boys of the Maine Public Utilities in Maine

here who 50 years ago were in favor of the Fernald law and today seem to be inclined to repeal it, and if they did they at least would have had the privilege of having had their way of deciding for themselves, and I thank you so much.

The SPEAKER: The Chair recognizes the gentleman from Portage Lake, Mr. Cook.

Mr. COOK: Mr. Speaker and Ladies and Gentlemen of the House: I think that my friend and colleague, the gentleman from Fort Kent, Mr. Cyr, and myself certainly have no difference of opinion as regards the desire and need for additional industry in Aroostook County.

We would perhaps disagree to some extent as to whether the repeal or retention of the Fernald Law would accomplish this purpose. It perhaps would be well for me to review in a very short way some of the things that came up in our Committee hearing on the Public Utilities in regard to this Fernald Act.

First of all, they were not all proponents or opponents that appeared before our committee in regard to this Act. The Central Maine Power Company appeared in favor of retention basically of the Fernald Act. The Maine Public Service Company, which of course is the company located in Aroostook County, appeared in favor of the repeal of the Fernald Act. And I would like very briefly to explain their position. Their position is simply this, that they generate the major portion of their hydropower in Canada. At the present time they operate on a year to year permit from the Canadian Government and that year to year permit enables them to import that power into the State of Maine. They have been somewhat jittery because of some movements that have been under foot in the Canadian government to retain that power in Canada. And it is their sincere belief that if we retain the Fernald Act that that is just exactly what will happen. That basically is their objection to the continuation of the Fernald Act.

I would like to briefly go into a situation that occurred in regard to Rampid Rapids which the gentleman from Fort Kent, Mr. Cyr, referred to. Here a couple of years back

there was an aluminum corporation that considered that site for locating an aluminum processing plant. The gentleman spoke of a power capacity of 250,000 kilowatts. That sounds like a lot of power, it is a lot of power; the only difficulty is that there is not what they call 250,000 kilowatts of firm power. And by firm power, that term means power that would be available at any time during the year. The firm power at Rampid Rapids is estimated to be approximately 60,000 kilowatts of power rather than a quarter of a million. This aluminum company could not consider this site because 60,000 kilowatts was not enough power. They had to have a firm power commitment of roughly around 150,000 kilowatts. So the only way that they could consider that location would be if there had been a development further down stream in Canada of another dam which could retain part of this flowage down through and that they could then have an interchange of power between the two in order to build up the firm power that would be available. So that was one case where the Fernald Act made it impossible for an industry to locate in Aroostook County.

There is one other feature of the Fernald Act that tends to hold up the price that we pay for power in this state which has not as yet been brought out. And that is that we do operate here during our good water seasons with an extreme surplus of power. When we get into our low water periods, we have approximately enough to meet our demands and in order to do so have a number of steam generating plants in order to give us sufficient power to operate during those low water periods. Now when we get into the high water periods, we then have a surplus of up to 40 or 50 per cent of power. The thing that happens at that time is that these steam plants are shut down and that power is just not generated. Now it does not take very much imagination for us to realize that if we were able to export that power that we would then be in a position of having these utility companies operating at capacity pretty much 12 months out of the year which would of necessity bring down

their cost of operation per kilowatt hour.

Another factor that should be considered when we consider this Fernald Act is the fact that there is a consolidated group, New England Power Association. And if we were in the position of having an industry that was considering locating in one of the six New England States and perhaps needed 150,000 kilowatts of power, and they were going to set up their plant, and they possibly had two sites under consideration, one in Maine and one in one of the other New England states, and they went to the power company that was going to serve them in Maine and they said we are going to have to have 150,000 kilowatts of power, we want to be in operation at the end of this year, what would the answer be that they would get? The answer would be from the power company, "Well we are very sorry, but we just will not be able to supply that at the end of this year, give us two or three years and we perhaps can have that ready for you." Then what would be the answer they would get when they went to one of the other New England states? They would approach the power company in the same position and they would say, "We have to have this 150,000 kilowatts of power, we want to be in operation at the end of the year." The power company in that position in any one of the other six New England states would be able to say to this company, "We are sorry, we have not got the power ourselves right this moment, but due to the interchange of power that we have with the other four New England states, we can supply that power temporarily until we are able to have our own facilities to provide it from our own facilities." So you can readily see to what a disadvantage that would put the State of Maine in.

I just wanted to bring out these few points that I thought had not been covered and hope that you will consider them very carefully and hope that you will go along with the majority report and that the motion to adopt the minority report does not prevail.

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

Mr. HAUGHN: Mr. Speaker, just to clarify one point that my esteemed colleague from Fort Kent, Mr. Cyr, has brought out in regards to the lack of available electricity within this state if this should be repealed, I have been led to believe and understand that it is within the jurisdiction of our Public Utilities Commission to see that the services of the state are rendered by those within the state first, before, if there should be any available, it would be exported. So on that point I do not think we have anything to fear in regards to any electricity not being available for the citizenry of Maine.

And in reply to my good friend, the gentleman from Fairfield, Mr. Osborne, when he mentioned ex-Governor Baxter, I had a very opportune time to talk about this to this distinguished gentleman and he explained to me in his words that at that time that bill was a thing of necessity and needed. But it is now outlived and is outmoded, so therefore I cannot see where there is any quibble or quarrel here in regards to the safety or the best interests of the State of Maine by the outright repeal of this law. I certainly hope that the motion of the gentleman from Fort Kent, Mr. Cyr, does not prevail.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I will be very brief, speaking only on the referendum, I have no intent of shirking responsibility, but rather I have confidence in the judgment of the people in my district and I do not feel that I know better than they do what they want, and I feel this is a matter that is of consequence and what applies at one end of the state may not apply in the other and I think the people as a whole should have the opportunity to assert themselves.

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

Mr. MALENFANT: Mr. Speaker, Ladies and Gentlemen of the House: I am not so well posted on this bill as the gentleman from Fort Kent, Mr. Cyr, or some other gentlemen, but this bill is a very dangerous bill.

And do not gamble with something that is very dangerous. If you meet a wild bear in the woods you will not try to play with him. You are going to run away. Let us run away from this bill. If I am in order, I would like to use some other company for example. The telephone company every time that they make some improvements, they built some new buildings, they increased their rates to pay for it. Everyone of us paid for it. The gas company in Lewiston, not very long ago, they built a new holder and new gas tank. They increased their rates one dollar a month. Even if we do not use the gas at all, it is not disconnected on our stove, we have to pay \$2.10 a month. If we use some gas, we pay for the surplus.

Now if you pass this bill, the Central Maine Power Company is going to build many big dams. In order to pay for it they are going to increase their rates, you and I are going to pay for it. If you pass this bill, you will hurt the future of your children, you will hurt the next generation. Now if we get something good in the State of Maine, let us keep it. Certain gentlemen seem to be afraid to send that to the people. Why not send that to the same people that sent us up here. We can trust them to send us up here, why not trust them on this bill, and I hope the motion of the gentleman from Fort Kent, Mr. Cyr, prevails.

The SPEAKER: Is the House ready for the question?

The pending question is on the motion of the gentleman from Fort Kent, Mr. Cyr, that the Minority Report "Ought to pass" as amended by Committee Amendment "A" on Bill "An Act Repealing the Law Prohibiting the Transmission of Electric Power Beyond the State," Senate Paper 166, Legislative Document 363, be accepted.

The Chair recognizes the gentleman from Fort Kent, Mr. Cyr.

Mr. CYR: Mr. Speaker, I move that it be taken by division of the House, when it is taken.

The SPEAKER: The gentleman from Fort Kent, Mr. Cyr, has requested a division.

As many as are in favor of the motion of the gentleman from Fort Kent, Mr. Cyr, that the Minority Re-

port "Ought to pass" as amended by Committee Amendment "A" be accepted will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-eight having voted in the affirmative and seventy-eight having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Bernier of Waterville, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was then given its two several readings.

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

Mr. HAUGHN: Mr. Speaker, out of order and under suspension of the rules, I now ask for the third reading at this time.

(Off Record Remarks by the Speaker)

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the Bill be given its third reading at this time under suspension of the rules. Is this the pleasure of the House?

The motion prevailed and, under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair lays before the House the twentieth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve for Development of Revenue - Producing Park Facilities on Mt. Battie, House Paper 866, Legislative Document 978, tabled on April 28 by the gentleman from Camden, Mr. Libby, pending acceptance and the Chair recognizes that gentleman.

Mr. LIBBY: Mr. Speaker and Ladies and Gentlemen of the House: This is my first and only resolve, L. D., as you might call it, I am not the humorous type nor do I have as many candy bars as my good friend, the gentleman from Lewiston, Mr. Malenfant, but I also want to go home to the people. I know that there is another room of law makers in this great building here that will kill this bill. This means a lot to me.

Now, this resolve, L. D. 978, deals with the revenue-producing park facilities on Mt. Battie, which, in turn, will bring back to the State a good revenue. Mt. Battie is next to the highest mountain bordering on the coast and right beside it is Mt. Megunticook, the highest. Mt. Battie, which is within the boundaries of Camden Hills, and on State-owned land, will make available to Maine residents and visitors alike a most scenic view of Penobscot Bay and its islands and surrounding countryside, which is unmatched on the Atlantic Coast, consisting of lakes, oceans, islands and well-known Camden Harbor. Many years ago there was a hotel on this mountain, which burned but there is still the look-out tower and the old carriage road, a perfect layout for this proposed road. People in Camden along the coast of Maine want this restored. The papers of Maine have all written it up as one of the most unique attractions in the State. I have that proof here. The direct return to the State in revenue from operating these facilities will substantially reduce the annual operating cost of the Camden Hills State Park. This resolve would be under the State Park Commission with the approval of the Governor and Council.

Ladies and gentlemen, need I say more. I now will ask your support one hundred per cent. I now move to substitute the bill for the report.

The SPEAKER: The gentleman from Camden, Mr. Libby, moves that Resolve for Development of Revenue-Producing Park Facilities on Mt. Battie, House Paper 866, Legislative Document 978, be substituted for the "Ought not to pass" Report of the Committee on Appropriations and Financial Affairs. Is this the pleasure of the House?

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

Mr. CHILDS: Mr. Speaker, I arise most reluctantly on this. I would only like to point out one thing to the members of the House. That this has a price tag of \$150,000.

The SPEAKER: The question before the House is on the motion of the gentleman from Camden, Mr. Libby, that the Resolve be substituted for the Report. Is this the pleasure of the House?

All those in favor will kindly signify by saying aye; those opposed, no.

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

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

The following paper from the Senate was taken up out of order and under suspension of the rules:

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that Bill, "An Act Revising the Law Relating to Licensing of Electricians" (H. P. 487) (L. D. 532) be recalled to the Senate from the Governor (S. P. 585)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The SPEAKER: The Chair lays before the House the twenty-first tabled and unassigned matter, Senate Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Judiciary on Bill "An Act relating to Itemized Statements Filed by Legislative Counsel and Agents," Senate Paper 246, Legislative Document 679, tabled on April 29 by the gentleman from South Portland, Mr. Earles, pending acceptance of either report. (Indefinitely postponed in Senate.)

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: I arise on this occasion unsponsored, the material unwritten and unhearsd. Primarily, I tabled this to indicate the reasons for my being the sole minority signer on this L. D., which relates to itemized statements filed by legislative counsel and agents. Originally, I signed the unanimous "Ought not to pass" report because I felt that the bill as written would not accomplish the apparent purpose for which the bill was written. Subsequently, after the session of the committee, I read in

a northern newspaper, the Bangor Daily, an article which was entitled "Enough Government Peeking." It says: "Former Speaker of the House Opposing Bills Aimed at Lobbyists." Now, at that hearing, interestingly enough, the room was entirely devoid of lobbyists, and, as a matter of fact, other people with the exception of the gentleman behind the horse-shoe and this former Speaker of the House, an eminent lawyer from the north, who apparently came in to present the case of the legislative agents. He did an interesting and a humorous job in projecting the opinions of the legislative agents and thereafter there later appeared this article which I have indicated the caption of. The bill apparently was an administration bill, a Democratic administration bill, and the proponent indicated that there was some merit in it but thought it would suffice to discontinue further espousal of it apparently. Mr. Barnes in this article—and these remarks as I recall were not evidenced in the course of the hearing—he says: "This bill smacks of a suspicion that certain members of this and future legislatures may be susceptible to undue influence in their voting by the spreading around of cash, dinners, liquor and other monetary favors." Such an inference, to my mind, is not only ridiculous but it is an affront to every member of this Legislature. Barnes said: "The members of the third House he had known would not seek to influence legislators wrongly. If they cannot convince the legislators by logic, they remain unconvinced" and he went on at considerable length indicating and specifying former lobbyists who are members of the court and told of their integrity and of the tremendous assistance which they have rendered. And he said that he was very much against the idea that the legislative agents should file any indication of their fees or their disbursements.

Now, I personally do not shiver at the word "lobbyists" nor do the people themselves hold any pronounced disfavor as far as I am concerned. I feel that they supply a definite and needed function, but I do not feel that their activities should be totally unrestrained. We have only to con-

sider the fact that we as members of the Legislature before we attained our position we had to file rather detailed and extensive returns. We in the Legislature are influencing and producing legislation but the lobbyists by the very appellation, the third House, have been given a pseudo-legislative status and it seems to me that some type of regulation is not unwarranted. But therein, as Shakespeare said, lies the rub, the question is what type of regulation would be fair to them and be fair to the general public and be fair to the legislature?

So, in principle, my voting "Ought to pass" was more in protest against this type of thing going to the public press and the belief that the public might have that we would totally endorse everything that legislative agents did and that we had no sensitivity as regards to possible defections from the line of propriety. I feel that the best control of any legislative agent activity is that which will result from legislative or from legislators' censure and public disapproval.

I looked over the statutes in several of the states and apparently whatever has arisen and been placed on the books is not completely satisfactory. I know in one state, a neighboring New England state, a senator from that state told me that they have a law on the books which requires thirty days filing and that the attorney general shall enforce the filing of the return demonstrating or displaying and divulging the disposition of fees. He said, in effect, that the darned thing is ignored. They thumb their noses at the thing.

So whatever type of regulatory action is taken, I feel should be taken after careful consideration. I frankly regarding the thing came to no specific conclusion that could be put forth in the form of an amendment. I think, perhaps, that it is rather regrettable that we can not have, as they do in some court systems in some states where they employ public defenders in the various counties. I think it is perhaps unfortunate and it might not be possible that the general public should have something of that nature, namely that of a public defender. It is

not just one, because one person could not represent specifically the public interest in all the many bills, the 1500 or 1600 bills that come before us. But if it could be, and I realize that as a practical matter it may be impossible, but if the public could be represented before each major committee and have a person who could represent specifically the public viewpoint, they could have the details of study and material at hand, which is not always available to the legislator. I think the principal thing that the legislators find objectionable in the sometime approach of legislative agents is not coercion or some of these things like wining or dining or anything of that nature but is in the matter of the presentation of the material. I think sometimes there is a bias there that becomes so heavy that it sometimes amounts to almost a misstatement of their position.

I will make no recommendation. If anyone else wishes to speak on this subject they may make such motion as they wish.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Ladies and Gentlemen of the House: During my four terms here as a member of this body, never have I found anything objectionable on the part of the lobbyists. Nevertheless, it is very amusing to me at times when I am outside of the House or outside of the Legislature to hear people, when you are speaking to them about the Legislature or merely conversing with them, they will say: "Well, what about the lobbyists? Is it true that they do this, that and the other thing?" I do not think that they understand the function of the lobby. As I say, they have always been in my estimation honorable men, people who really have a function to serve and who, at times, are very helpful to the members of the Legislature.

However, I see no reason why they should not be asked to list their expenses or the fees that they earn. I think perhaps it would clarify the minds of the public and would react favorably on the lobby. And I think that the first bill that was introduced had a great deal of merit,

but the bill, as it now stands, has really lost its value. It is not the original bill and consequently I do not think that there is anything left that is too valuable in the bill and for that reason, I would move the indefinite postponement.

The SPEAKER: The gentlewoman from Rumford, Miss Cormier, moves that the two Reports and Bill "An Act relating to Itemized Statements Filed by Legislative Counsel and Agents," Senate Paper 246, Legislative Document 679, be indefinitely postponed in concurrence. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair lays before the House the twenty-third tabled and unassigned matter, An Act relating to Kindling Out-of-Door Fires on Land, House Paper 1079, Legislative Document 1262, tabled on May 4 by the gentleman from Perham, Mr. Bragdon, pending passage to be enacted.

On motion of Mr. Finemore of Bridgewater, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair lays before the House the twenty-fourth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salary and Travel of Members of the Legislature," House Paper 976, Legislative Document 1124, tabled on May 6 by the gentleman from South Portland, Mr. Earles, pending acceptance.

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

The SPEAKER: The Chair lays before the House the twenty-fifth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in favor of the Town of Stoneham, House Paper 574, Legislative Document 634, tabled on May 6 by the gentleman from Hanover, Mr. Ferguson, pending acceptance.

Thereupon, the "Ought not to pass" Report of the Committee was

accepted and sent up for concurrence.

The SPEAKER: The Chair lays before the House the twenty-seventh tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Reimbursement to Municipalities for Extraordinary Hospital Expenses," House Paper 462, Legislative Document 507, tabled on May 9 by the gentleman from Perham, Mr. Bragdon, pending the motion of the gentleman from Raymond, Mr. Edwards, to accept the Minority Report, which is the question now before the House.

Is it the pleasure of the House to accept the Minority "Ought to pass" Report? As many as are in favor of the motion will indicate by saying aye; those opposed, no.

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

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

The SPEAKER: The Chair lays before the House the twenty-eighth tabled and unassigned matter, Bill "An Act Repealing Obsolete Highway Laws and Clarifying Project Completion Dates," Senate Paper 564, Legislative Document 1521, tabled on May 9 by the gentleman from Brooks, Mr. Elwell, pending adoption of House Amendment "A".

Thereupon, House Amendment "A" (filing 463) was re-read by the Clerk.

House Amendment "A" was adopted in non-concurrence.

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

Mr. ELWELL: Mr. Speaker, I would like to ask that this bill be retabled pending addition of another amendment to it after a conference with the Highway Committee which will take place after the session.

The SPEAKER: The gentleman from Brooks, Mr. Elwell, moves that the Bill with accompanying papers lie on the table pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was so tabled.

The SPEAKER: The Chair lays before the House the twenty-ninth tabled and unassigned matter, An Act relating to Fees for Jurors and Witnesses, House Paper 1185, Legislative Document 1440, tabled on May 10 by the gentleman from Mechanic Falls, Mr. Foster, pending the motion of the gentleman from Benton, Mr. Woodworth, to recede and concur. (In Senate Engrossed as amended by Senate Amendment "A") (Enacted in the House)

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

SENATE AMENDMENT "A" to H. P. 1185, L. D. 1440, Bill "An Act relating to Fees for Jurors and Witnesses."

Amend said Bill by adding a new section to be designated Sec. 3 to read as follows:

'Sec. 3. **Effective date.** The provisions of this Act shall become effective June 1, 1956.'

Thereupon, the motion of Mr. Woodworth of Benton to recede and concur prevailed.

The SPEAKER: The Chair lays before the House the thirtieth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Liquor Control on Bill "An Act Providing for Tax on Non-returnable Malt Liquor Bottles," House Paper 547, Legislative Document 604, tabled on May 10 by the gentleman from Friendship, Mr. Winchenpaw, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain just how this bill came about. I have a friend who is a highway patrolman. Every fall, about the first of November, you find him loafing in the grocery store about half-past one in the afternoon. "How happen you are loafing here?" "Oh, no money to pay me. Out of work." Well, I always knew there was a lot of trash alongside the road to be picked up and then I found out from the Bangor Daily that the State Highway

Commission was spending \$46,039 a year just for picking up bottles, and by the first of November they had run out of money, and there is always plenty of work to do, so all summer I racked my brain. It sort of agitated me that nobody would ever pay much attention to any kind of a bill that would get the bottles off of the highway, so I came up with an idea of putting 2 cents on each bottle. I might read this bill so that you are not fooled by the title. The bill itself says: "There shall be levied and imposed a tax of 2c upon each individual non-returnable bottle or can of malt liquor imported or manufactured in this State. All moneys so received by the Commission shall be forthwith turned over to the Treasurer of State and shall accrue to the general highway fund." I have gone all over that with the malt beverage people and the Treasurer of State and so forth, and it is a very simple transaction, it would only mean another line in a notebook that they have, so there is no trouble there, and then I got the idea that 2 cents on each can or bottle would help pay back that \$46,000. There was one thing I did not take into consideration, I did not realize there was so much beer consumed in the State of Maine. There is over 12,000,000 gallons of beer sold every year in the State of Maine, and the opponents of this bill will tell you it is the poor man you have got to look out for, that is the poor man's drink and we do not want to tax it any more, it is over-taxed already. Well after finding out these figures, I found out this was a more important bill than I thought it was because I have the figures from the malt beverage people and there are over 32,000,000 non-returnable bottles and cans sold each year, that is approximate. I will put approximate on so that anyone can argue that I am not correct if they want to. Here is a paper right here and anyone can look at it. You multiply 32,000,000 non-returnable cans and bottles by 2 cents each and you will come up with \$640,000. Now they say that beer is over-taxed, it is a poor man's drink and it is over-taxed. I have checked up in this big book, and in this book it is taxed plus five-and-a-third cents a gallon about four cents a quart roughly.

Well my 2 cents there in some cases would boost it to 6 cents a quart, in other cases it would be slightly more because the liquid is put up in different sized bottles, that is 12-ounce bottles or 24 12-ounce bottles in a case, that means there is a cent and a half tax on each 12-ounce bottle already and my tax would put on 3½ cents on those so maybe you could estimate about 6 or 7 cents a quart. Now the reason I am very much interested in this bill is that the people the gentleman from South Portland, Mr. Earles, was just talking about, I do not know just how to mention them, but they represent the poor man, they are looking out for the poor man, they have been sitting around here all winter looking out for that poor man because they do not want to tax his drink any more. Well, I just wonder who has been paying their salary all winter, I just wonder who pays for all the neon signs you see down street, I wonder who pays for all the expensive television shows you see, and the television ads and you can hardly turn on your television but what you see an ad gurgle, gurgle, gurgle. I wonder who pays for those. Now that is why I am hanging onto this bill, that is why I am putting up a scrap for it. They say that is a good bill, this is a good bill, but, we have got to look out for the poor man. Now they are looking out for the poor man, but they have not much interest in our highways. If I had time I could prove you that. On the road I travel home there is one of those beautiful green and orange signs that says \$50 fine for throwing trash or peels or cigar butts on the highway. Directly across the street from that sign the last time I drove up was a carton of six empties, non-returnables, I do not know whether that was put there as a joke or just to aggravate me or what, it has been there for a long time anyway directly across the street. Now those signs really are not worth much more than the pine wood they are painted on, and frankly if that is pine wood I think that would be worth a lot more whittled into lobster plugs.

There was one more point I wanted to bring out, in this newspaper article it was estimated out of this \$46,039 that they spent, the High-

way Commission has all of their estimates in yards, there were 6,109 yards of material they picked up alongside of the road. It was brought out in the hearing that that was roughly 900,000 non-returnables, that is approximately, it is not any figure that they have, I think they counted one yard of material and then they estimated from the number there were in one yard, the number of bottles in one yard and they multiplied it by the 6,000 yards, and out of that many the State Police had made 58 arrests. Now that is a pretty small percentage. Now this is a very important matter, it seems as though we should take some action here to get those off of the highway. I am not concerned so much with the fellow who drinks beer, they say I am dry, this is a dry and a wet measure. I do not agree with that. I have no brief with any person that drinks beer if they want to drink it at home and put the bottles in the ash can. The fellow that I am worried about is the one that leaves the bottles in the street where I have to drive over them and I drive over a good many in the course of a year. I do not know as I need to say much more, Mr. Speaker. I move the acceptance of the minority "Ought to pass" report.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves that the "Ought to pass" Minority Report be accepted. Is this the pleasure of the House?

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

Mr. BROWNE: Mr. Speaker and Members of the House: I rise in opposition to the motion of the gentleman from Friendship, Mr. Winchenpaw, but not because I do not agree with him that we have a problem, we do. But I do not concur with him in the manner in which he would go about to clean it up. The gentleman from Friendship, Mr. Winchenpaw, has gone into the mathematics involved which I have not concerned myself with primarily, but I would like to discuss the principle here involved, if we may, for a moment.

A few days ago, we discussed another measure introduced by the gentleman from Fairfield, Mr. Osborne, which had for its purpose the same principle here involved, name-

ly the cleaning up of the highway litter and the related damages from injuries received from broken glass on the highways and in the fields, and on our beaches as well. I voted in favor of the so-called Osborne Bill and if it were again before us today, I would once more vote in the affirmative.

If you will, let us review how the Osborne Bill attacked this problem. That bill would do away with non-returnable bottles by placing a deposit on all bottles. The effect of this would be two-fold. First of all, there would be a tendency to refrain from throwing away a container that had some salvage value and secondly there would be others who would retrieve those discarded bottles for that same salvage value. Now if we assume these two assumptions to be correct, it would follow that the clutter and its related problems would be lessened to some extent at least.

In other words, to my way of thinking, the Osborne Bill faces the matter squarely.

The present bill under discussion here has the same purpose in mind but I do not honestly believe that the end justifies the means. It would levy a 2 cent tax on each non-returnable container of malt beverages regardless of size. And as the gentleman from Friendship, Mr. Winchenpaw, has testified, it would raise between \$640,000 and \$650,000 annually. And even so, it would not have the tendency to cut down on the problem of clutter as the Osborne Bill would. For regardless of the amount paid for the contents of the container, be it in the form of taxes or in the form of normal mark-up, there would be no tendency to salvage the container if there was no value to it.

You heard the information presented here, both in discussion of the Osborne Bill and earlier today, with reference that the state pays now some, oh, we have heard testimony to the effect that some \$35,000 to \$42,000 and today \$46,000 for the clean up of the whole highway clutter problem. Now to tax one source of this clutter alone and by itself some \$650,000 annually when there is spent some, we will take the highest figure, \$46,000 annually on the total highway problem of clean up, it

seems to me that it would be highly inequitable and unrealistic. And you will have to agree that there are other forms of clutter regardless of the percentage contributed by the malt beverage industry.

If this bill were to receive passage, the Highway Department would have sufficient funds to police its highways but what relief would be provided to the farmer in whose fields we find the broken glass, and bottles and papers and other forms of debris? And what relief would be provided the bather using our beaches? And we must agree that these too represent serious problems in the matter of broken glass.

If this bill is a tax measure, it would seem to me that it should have been referred to the Committee on Taxation so that they might have considered it in the light of other revenue raising matters. If this bill were to receive a favorable action by us now, we would be somewhat inconsistent in our thinking in that the Committee on Taxation has seen fit to deny placing further taxation on the malt beverage business at this time.

Now whereas this bill is only indirectly concerned with the matter of raising funds and yet whereas it would in effect exact a considerable amount of money, way beyond what was needed, I think we must weigh carefully the effect of the same against the very limited solution it offers to us. As long as we have non-returnable bottles, especially and probably as long as we have bottles, period, we will have some problem from the clutter resulting from the disposition of the empty container.

I honestly do not believe this offers to us a solution but one fact is obvious, it does place an undue burden within one area of our clutter and if I understand the bill correctly this is not the purpose of the proponents. And therefore I believe we must seek some other solution. I therefore hope that the motion of the gentleman from Friendship, Mr. Winchenpaw, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. McCluskey.

Mr. McCLUSKEY: Mr. Speaker and Members of the House: I still maintain that this is not the answer

to the litter problem as I have on previous bills. I believe the problem is one not so much cleaning up the highways as it is cleaning up ourselves. Let us be realistic about this. How many of us here throw beer bottles or beer cans out of our automobiles and scatter them along the highways? Do you? I am sure you do not. And I know that I do not. Well, then, who does?

I believe the gentleman from Bar Harbor, Mr. Edgar, last week spoke of the tourists and picnickers in his vicinity leaving behind them all sorts of refuse which is unsightly to say the least. And this is also true in every section of the State. There is a highway picnic spot not far from my home and it is a beautiful place but I have noticed that folks enjoying these grounds sometimes will not walk 15 feet to put their trash in barrels provided for that purpose by the Highway Department. Now I believe that most of the beer bottles and cans and other refuse of this character left on the side of the road come from two types of people.

The first type are the people, both residents of this State and out-of-state, who have no sense of civic pride and they have no respect for the rights of others and there are many of them, people who think only of themselves and have no regard for their neighbors. They are the people who would throw their garbage on your front lawn if they thought you were not looking and they could get away with it. And I think you know this is true. And these people probably live in homes that are very neat and orderly but they do not want their trash around their homes, they want to get rid of it so they give it to you.

Then there is the other type, and this is where I believe that most of the beer bottle menace comes in. And I am going to be very frank in telling you who I think they are. They are members of our society young and old, they are wrong people. They are doing wrong things and they have guilty consciences. Now for reasons best known to themselves, after drinking beer, they want to dispose of the bottles or the containers. They do not want these in their cars although their car may be loaded with other trash. If they

are young folks with the family car, they do not want their parents to know what they have been doing. They do not want their parents to find these bottles in their cars. If they are older folks, it is not their parents they are worried about and I think you know what I mean.

And I think you will agree with me that this is true and you know the type, I have them in my town and you have them in your town, you know who some of them are and I do. How to straighten these people out has been a problem through the ages. It is essentially an educational and publicity problem.

And the good gentleman from Portland, Mr. McGlaflin, last week spoke of the good highways in Vermont. Vermont has a \$500 fine for throwing trash on the highways and it is working.

The good lady, the gentlewoman from Presque Isle, Mrs. Christie, wrote a letter to the "Voice of the People" in the Portland Press Herald on May 7th regarding the Osborne Bill. They are standing up for it, of course. In ending up, she said that perhaps a 5-cent deposit on returnable bottles is not the answer. In other words, the proponents of these bills have some doubt in their minds as to what is the answer.

Somehow, some way, these people must be taught to live up to the "Golden Rule" and when that day arrives I do not think you will be bothered with beer bottles or any other trash along the highways. And when I speak of trash, I am including the people in the cars.

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

Mr. WILLEY: Mr. Speaker and Members of the House: As a member of the Taxation Committee, I would state that this committee held a hearing on a bill to increase the tax on malt liquor by 20 per cent. And the committee voted unanimously against the bill and brought out an "Ought not to pass" report which was accepted by this House.

This bill now under consideration would increase the tax by even a larger percentage. Maine now is way out of line on tax on malt liquor with the other states. I there-

fore move the indefinite postponement of the bill and both reports.

The SPEAKER: The gentleman from Ellsworth, Mr. Willey, moves that the two Reports and Bill be indefinitely postponed, which is the pending question.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I would like to correct a misunderstanding apparently on this bill. If you read the bill carefully, you will find it is not a tax on beer nor ale, nor any malt beverage. It is only a tax on the container. So therefore it is not placing an additional tax on the beer or ale. And I am really discouraged to find that the malt beverage industry is not supporting this bill because they have been telling me for some four years now that they were against a returnable bottle bill to outlaw non-returnable bottles because it was discriminatory and did not include cans. Now here is what they have been asking for and they are still not for it. What is the matter?

This bill is a revenue producing bill. It might be something like the tobacco tax with an ever-decreasing revenue, but nevertheless it is a revenue producing bill when we badly need revenue. I believe that it would accomplish two things. It would help clean up our rotten mess along the beaches, highways and around and at the same time it would, undoubtedly, bring some revenue into the State when it is badly needed. I personally would have liked to have seen this bill tied in with the bill for hospital aid to indigents because I think that it has a very logical tie in that many of those who are indigents would, in their better condition, help provide the revenue for their aid in later periods.

I believe that this is a very sound and valid bill. I did not propose it, I do not care whether my name is on it or not. I think that it has real merit because it accomplishes two things at one time and I hope that the motion of the gentleman from Ellsworth (Mr. Willey) that it be indefinitely postponed, does not prevail.

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

Mr. PIERCE: Mr. Speaker and Ladies and Gentlemen: First I would like to call your attention to the fact that the title of the bill mentions only bottles and not cans. Way down on the inside it does mention "or cans". I would also call your attention to the fact that, and I am quoting "There shall be levied and imposed a tax of 2 cents upon each individual non-returnable bottle or can." This is not taxing a returnable bottle.

I would call your attention to the fact that the Taxation Committee did unanimously vote "Ought not to pass" a 20 per cent increase on beer. This bill would, on a 32-ounce bottle, increase the tax by 50 per cent. This bill would increase the tax on a 24 ounce bottle by 66 per cent. This bill would increase the tax on a 16-ounce bottle by 100 per cent. This bill would increase the tax on a 12-ounce bottle by 150 per cent or roughly 91 per cent. On top of that should be added, and is added, the sales tax.

We are now the seventh or eighth highest taxed state on beer in the nation. If this proposed bill should pass we would be the second highest taxed in the nation. I will not bother to quote you the figures but we are way out of line with all our neighboring states in the eastern part of the country.

I sincerely hope that the motion of the gentleman from Ellsworth, Mr. Willey, does prevail.

The SPEAKER: The Chair recognizes the gentleman from North Haven, Mr. Baird.

Mr. BAIRD: Mr. Speaker and Members of the House: I wish to go along with the motion of the gentleman from Ellsworth, Mr. Willey, as I feel this is a dry measure and will result in the consumption of more home brew. (Laughter)

The SPEAKER: Is the House ready for the question?

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

Mr. POTTER: Mr. Speaker and Members of the House: As most of you know I do not like the litter along the highways. In the 1953 session, I had a bill in of my own to eliminate the beer bottles. However,

I do not think this is the proper bill with which to do it. I do not like the way the bill was handled, as the gentleman from Bangor, Mr. Browne, I think, pointed out it should have gone to the Taxation Committee, being a taxation measure. It puts too much tax on the beer bottles. Why not tax the milk bottles and all other bottles; non-returnable milk bottles litter up our highways so we should tax our non-returnable paper milk bottles. I think it discriminates against just one certain type of bottles and cans and I hope that the motion of the gentleman from Ellsworth, Mr. Willey, will prevail.

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

Mr. CHARLES: Mr. Speaker and Members of the House: As a member of the Liquor Committee I felt it my duty to express my position on the matter and that being this. I analyzed the entire question and I looked upon it in a psychological manner. If we should adopt this bill, are we not giving our litter-bugs and trash maniacs an illegal license to throw these bottles out the window because they pay the tax on them? That was the gist of my decision.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: Being a sponsor to this bill, I would like to say that no deceit was intended. I felt bad myself when I read the title but it probably could have been amended and it was not my fault that it went to the Liquor Committee rather than the Taxation Committee, that was out of my hands. I just dropped it in that hopper down there.

Now I would like to make one more point here before I make another motion and the matter of education has been brought up and it is very apparent that those same gentlemen my good friend, the gentleman from South Portland, Mr. Earles, has been mentioning, have been carrying on an educational campaign around here with the poor man's money. Now my thought was that it gripes me to see that the Highway Commission has to use

good gas tax money to pick up all this trash and if this bill should pass, they could afford to send around those patrol trucks. They would not have to knock them off in November and as far as the education part of it goes, it reminds me of Rip Van Winkle. I am not so sure but what that bottle sitting beside the road has certain educational values to the people that are interested, these vested interests as I call them. And when Rip Van Winkle was asked to lend a hand on that keg that Henry Hudson's crew was rolling up the mountain side, if you remember your high school literature, I think it said that Rip was a thirsty soul so he gladly lent a hand. And maybe some thirsty soul will see that bottle sitting there and he will gladly lend a hand.

I hope that the motion made by my good friend, the gentleman from Ellsworth, Mr. Willey, does not prevail. And when the vote is taken I request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Ellsworth, Mr. Willey, that the two Reports and Bill "An Act Providing for Tax on Non-returnable Malt Liquor Bottles," House Paper 547, Legislative Document 604, be indefinitely postponed.

The gentleman from Friendship, Mr. Winchenpaw, has requested a division.

As many as are in favor of the indefinite postponement of the two Reports and Bill will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-five having voted in the affirmative and forty-eight having voted in the negative, the motion prevailed and the two Reports and Bill were indefinitely postponed and sent up for concurrence.

On motion of Mr. Childs of Portland, the House voted to take from the table House Paper 1205, Legislative Document 1471, Bill "An Act relating to Taxation of Telephone and Telegraph Companies" tabled earlier today pending passage to be engrossed after reconsideration.

On further motion of the same gentleman, under suspension of the rules, the House voted to reconsider

its action taken on April 27 whereby House Amendment "A" was adopted.

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

Mr. CHILDS: Mr. Speaker and Members of the House: Yesterday a message was delivered to this Legislature from the Governor. At that time it was pointed out that because of not sufficient revenue which was not known to him or to the Legislature when the supplementary bill was enacted, there would be many worthwhile Legislative Documents that would not be able to be passed.

Now the most important one, as far as I am concerned, is our educational subsidy to the towns for which we lack \$296,000. We therefore have three alternatives. One alternative is to do nothing about it. Another alternative is to go ahead and kill the numerous Legislative Documents, which I believe are worthwhile, or number three is to find some new revenue. I, myself, am in favor of finding new revenue.

If you will look before you, you have in front of you the House Amendment which is Filing 559, which was placed on your desks this noon time. This House Amendment changes 6 per cent to 7 per cent in reference to the taxation of telephone and telegraph companies. Now I will point out that the only companies that this would affect would be the New England Telephone and Telegraph Company and the Western Union. All our small telephone companies throughout the State would not be affected. The excise tax on telephone and telegraph companies has not been changed since 1911. In 1911, the excise tax was raised from four per cent to six per cent. This excise tax is in lieu of all personal property taxes. We are all well aware of the fact that since 1911 our personal property tax has increased a great deal.

Also, I would like to point out that if the New England Telephone and Telegraph Company were assessed on mills on personal property instead of an excise tax under the present law they would only be paying 20.1 mills. Under this amendment they would still only be paying 24.7 mills, which would still

leave them far below most other businesses.

I am of the opinion that this tax is fair and it will bring us the necessary money to take care of the educational subsidy and the other Legislative Documents. This new change in the law would net to the State a half a million dollars in the next biennium. Therefore, I certainly hope that this amendment is adopted and I now offer House Amendment "A" to House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Portland, Mr. Childs, offers House Amendment "A" to House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "A" to H. P. 1205, L. D. 1471, Bill "An Act relating to Taxation of Telephone and Telegraph Companies."

Amend said Amendment in the next to the last line by indicating the striking out of the figure "6%" by drawing a line through said figure and inserting immediately after said stricken out figure, the underlined figure "7%".

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

House Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

The SPEAKER: The Chair would suggest a ten minute recess at this time, and would request the members to stay near the Hall of the House and the gong will be rung in about ten or fifteen minutes. The House stands recessed.

Recess

(Off Record Remarks by the Speaker)

After recess, the House was called to order by the Speaker.

The SPEAKER: The Chair lays before the House the thirty-first

tabled and unassigned matter, Bill "An Act Revising the Laws on Civil Defense and Public Safety," Senate Paper 159, Legislative Document 353, tabled on May 11 by the gentleman from Bangor, Mr. Browne, pending further consideration. (In Senate engrossed as amended by Senate Amendment "A") (In House, engrossed as amended by Senate Amendment "A" as amended by House Amendment "A")

The Chair recognizes the gentleman from Boothbay Harbor, Mr. Greenleaf.

Mr. GREENLEAF: Mr. Speaker and Members of the House: I would like to offer House Amendment "B" to this bill. This amendment is a more or less, you might say, compromise, drawn up for the people who are opposed to this and I think it will meet with everybody's approval.

The SPEAKER: The Chair understands that the gentleman from Boothbay Harbor, Mr. Greenleaf, moves that the House recede from its action taken on May 9 whereby it passed this Bill to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto. Is this the pleasure of the House?

The motion prevailed.

Mr. Greenleaf of Boothbay Harbor then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 159, L. D. 353, Bill "An Act Revising the Laws on Civil Defense and Public Safety."

Amend said Bill by adding at the end of the 1st paragraph of that part designated "Sec. 9" of section 3, the following underlined sentence:

'It shall be unlawful for the operator of a motor vehicle or other vehicle or conveyance of any kind to fail or refuse to stop any such motor vehicle or other vehicle or conveyance of any kind upon request or signal of a duly appointed civil defense and public safety law enforcement officer in uniform of a local, state and sheriffs organization in times of emergency or during authorized alerts, including partial or full mobilization.'

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

The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker, I rise for a point of clarification of parliamentary procedure. I notice that there is also proposed House Amendment "C" by the gentleman from Bangor, Mr. Browne, and incorporated in his amendment is practically the same wording that is incorporated in House Amendment "B" but is a longer amendment.

The SPEAKER: The Chair would state that House Amendment "C" is not before the House. The gentleman may inquire through the Chair for information from the gentleman from Bangor, Mr. Browne, if he so desires.

Mr. BIBBER: Mr. Speaker, I am trying to expedite the session but it seems that I might create confusion. I would like to know from the gentleman from Bangor, Mr. Browne, if the amendment of the gentleman from Boothbay Harbor, Mr. Greenleaf, is incorporated in his amendment also in different phraseology?

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, addresses a question through the Chair to the gentleman from Bangor, Mr. Browne, who may answer if he chooses.

Mr. BROWNE: Mr. Speaker and Members of the House: I appreciate that there may not have been intent to confuse but there is confusion. I had heard of this problem as my participation in this bill is by inheritance and therefore I was not aware that House Amendment "B" was to be offered. Therefore, I would have to read them to determine whether or not there was a relationship and what the relationship was.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Greenleaf.

Mr. GREENLEAF: Mr. Speaker and Members of the House: I think I can clarify this situation. Of course, I would not object to putting it back on the table. But House Amendment "C" gives the Director of Civil Defense the right to make various rules and regulations. It is very possible under this he could have a rule and regulation saying that you could not operate a motor vehicle but my amendment, Amend-

ment "B", says specifically that you cannot operate a motor vehicle during an alert. So I do not see how there is any conflict here. This is just one rule and regulation that he will not have to make and he desires this amendment and it has the approval of the Civil Defense organization.

The SPEAKER: The question before the House is on the motion of the gentleman from Boothbay Harbor, Mr. Greenleaf, that House Amendment "B" be adopted.

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

Mr. CHILDS: Mr. Speaker, without question there is going to be some confusion here when we reach House Amendment "C". I would like to make a suggestion that the gentleman from Boothbay Harbor, Mr. Greenleaf, and the gentleman from Bangor, Mr. Browne, get together and compromise on one amendment. I move that this be retabled.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the Bill with accompanying papers lie on the table pending the motion of the gentleman from Boothbay Harbor, Mr. Greenleaf, that House Amendment "B" be adopted. Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was so tabled.

The SPEAKER: The Chair lays before the House the thirty-second tabled and unassigned matter, House Report, Leave to Withdraw, of the Committee on Highways and Taxation, jointly, on Bill "An Act Increasing the Tax on Gasoline," House Paper 627, Legislative Document 667, tabled on May 11 by the gentleman from Hanover, Mr. Ferguson, pending acceptance.

The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker and Members of the House: The Highway Committee, of which the gentleman from Hanover, Mr. Ferguson, is a member have gone to a meeting and he has asked me if I would present to the House his wishes to have this tabled and definitely assigned for tomorrow and I so move.

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, moves that the Report and Bill lie on the table pending acceptance of the Committee Report and be specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed and the Report and Bill were so tabled and assigned.

The SPEAKER: The Chair lays before the House the thirty-third tabled and unassigned matter, House Divided Report, Majority "Ought to pass" in New Draft, House Paper 1251, Legislative Document 1544, and Minority "Ought not to pass" of the Committees on Highways and Taxation, jointly, on Bill "An Act Increasing the Tax on Gasoline," House Paper 692, Legislative Document 760, tabled on May 11 by the gentleman from Bridgton, Mr. Haughn, pending the motion of the gentleman from Raymond, Mr. Edwards, to indefinitely postpone.

The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, due to the lateness of the hour, I ask unanimous consent that the consideration of the two Reports of the Committees on Highways and Taxation, jointly, on Bill "An Act Increasing the Tax on Gasoline," House Paper 692, Legislative Document 760, be made a special order of the day for tomorrow.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, requests unanimous consent that the consideration of the two Reports and Bill be made a special Order of the Day for tomorrow. Does the Chair hear objection?

The Chair hears none and it is so ordered.

(Off Record Remarks by the Speaker)

The SPEAKER: The Chair lays before the House the thirty-fifth tabled and unassigned matter, Senate Report "Ought to pass" in New Draft, Senate Paper 551, Legislative Document 1489, of the Committee on Judiciary on Bill "An Act relating to Hospitalization of the Mentally Ill," Senate Paper 480, Legislative Document 1349, tabled on May 11 by the gentleman from Lewiston, Mr. Malenfant, pending acceptance. (Engrossed in Senate)

The Chair recognizes that gentleman.

Mr. MALENFANT: Mr. Speaker and Members of the House: I move the indefinite postponement of this bill. If you remember on your House calendar a couple of days ago you had a ruling from the Justices of the Supreme Court that this bill was illegal. So I hope you all support my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Malenfant, moves that the Report and Bill be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Report and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

(Off Record Remarks by the Speaker)

On motion of Mr. Childs of Portland,

A d j o u r n e d until eight-thirty o'clock, Eastern Standard Time, tomorrow morning.