

# 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**

Wednesday, May 18, 1955

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

Prayer by the Rev. Mr. Arthur Christopher of Augusta.

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate:

Bill "An Act relating to Aiding in Delinquency of Child under 17" (S. P. 583) (L. D. 1552)

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

In the House: The Bill was received by unanimous consent, given its first two readings under suspension of the rules without reference to a committee and assigned for third reading tomorrow.

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

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Funds for Related and Supplemental Instruction Under Voluntary Apprenticeship Law (S. P. 201) (L. D. 496)

Report of the Committee on Taxation reporting same on Bill "An Act to Exempt from the Sales and Use Tax Water Sold for Home Consumption" (S. P. 352) (L. D. 961)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Divided Report**

Majority Report of the Committee on Transportation on Bill "An Act relating to License Plates for Motor Vehicle Owners Who Operate Amateur Radio Stations" (S. P. 237) (L. D. 573) reporting same in a new draft (S. P. 546) (L. D. 1487) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. COLE of Waldo

HALL of York  
WYMAN of Washington  
— of the Senate.

Messrs. FINEMORE of  
— of Bridgewater  
PALMETER of  
— Meddybemps  
ALLEN of Chelsea  
MADORE of Van Buren  
JACQUES of Lewiston  
— of the House.

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

Report was signed by the following member:

Mr. TOTMAN of Bangor  
— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: Although you noticed in this report that I am a signer of the majority report "Ought to pass", I want to tell the House that this bill was given a lot of consideration, in fact, as much as any bill in our committee. And we have this redrafted under L. D. 1487 and we understood we had reached an agreement, much to our distaste, I will say, because we did not like the bill. But we figured we had reached an agreement with the proponents of this bill, but now they come along with an amendment which is Senate Amendment, filing number 563, which again tries to rewrite the bill back in the old form.

I would like to read just one part of this section here of what new additional work this is going to make the Secretary of State and I might add before I start that Paul MacDonald has stated that there would have to be a whole new filing system set up if this law passed even under the redraft of 1487. But under Section 47-C, it says, "Lists furnished by Secretary of State. The Secretary of State shall on or before the 1st day of April of each year, furnish to the

Sheriff of each county in the State and the Chief of the State Police, an alphabetically arranged list of the names, addresses and license plate numbers of each person to whom a license plate is issued under the provisions of sections 47-A to 47-E," and so on.

Now ladies and gentlemen of the House, that is a lot of extra work for the sheriffs and also for the Secretary of State for what little we are going to get out of it. We are told we are going to get a lot out of it but let me explain something to you. Their argument for wanting this special plate is due to the fact that they claim that they can enter into a place under Civil Defense or under any disaster and work. And they want these plates so that they will be recognized. But the part here that is not very true, they claim that there are a thousand licensed under this law at the present time under the Federal Communications Law to operate these stations but there are only some 40 or 50 vehicles in the whole State of Maine that have a radio in the vehicle. Now I would like to ask you what good would it do for someone who has a plate just because they have a radio station come along and enter into an area where there is a disaster of some kind if they do not have any equipment, which, as I have told you, there are only 40 or 50 that do? And the other 950 or 60 that have these plates will not be of any use.

We have offered them, under L. D. 1487, and the Secretary of State has been good enough to offer them an issue of their own the same as the State Highway cars have at the present time and that would separate them out and no one else would have any plate in that group of figures and I believe it was a good offer. But under this new amendment, and after giving it as much consideration as we have and feeling that we had agreed with them and given them a step to help them and then they make this change, I do not agree with it.

Therefore, I move the indefinite postponement of the bill and all accompanying papers.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore,

moves that the two Reports and Bill be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: It appears to me that too hasty action is trying to be given on this bill. I did not hear the public hearing, but being interested in Civil Defense, knowing the time that these boys have given in the past free gratis, what it can mean to us in the future, I am a little disturbed to think that such a hasty decision will be tried to be reached here this morning. And I think we should give it a little more consideration and more time and I hope this motion does not prevail and that we will be able to lay it on the table for one more day to try and iron this out because this is a little more important than it looks like on the surface.

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

Mr. MCCLUSKEY: Mr. Speaker and Members of the House: Anybody who is connected with Civil Defense can get a special emblem for their car, they have special tags, they have passes, they have windshield insignias, they have everything they need to get them through any fire lines or into any emergency area.

I cannot see any value in this and I hope that the motion of the gentleman from Bridgewater (Mr. Finemore) is sustained.

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

Mr. PIERCE: Mr. Speaker, I wholeheartedly concur with the motion of the gentleman from Bridgewater, Mr. Finemore. As long as I have been in this House, this bill has been before us, and it has been consistently defeated.

I was requested this year, as I have been in the past, to have special plates for firemen. I have been requested again to have special plates for policemen. Once this thing starts I can see no end to it.

I sincerely hope the motion to indefinitely postpone prevails.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Harnden.

Mr. HARNDEN: Mr. Speaker and Members of the House: We went through this thing two years ago and it was turned down. I do not believe it is any better today than it was then. And I would certainly go along with the gentleman from Bridgewater, Mr. Finemore.

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

Mr. JACQUES: Mr. Speaker and Members of the House: As a member of the Transportation Committee, I move that the indefinite postponement of this bill prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the two Reports and Bill "An Act relating to License Plates for Motor Vehicle Owners Who Operate Amateur Radio Stations", Senate Paper 237, Legislative Document 573, with accompanying papers be indefinitely postponed. Is the House ready for the question?

As many as are in favor of the indefinite postponement of the two Reports and Bill will indicate by saying aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the two Reports and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

#### Non-Concurrent Matter

Resolve relating to a Water System for the Penobscot and Passamaquoddy Indians (S. P. 318) (L. D. 884) which was passed to be enacted in the House on May 12, and passed to be engrossed as amended by Committee Amendment "A" on May 10.

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

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

SENATE AMENDMENT "A" to S. P. 318, L. D. 884, Resolve, Relating to a Water System for the Penobscot and Passamaquoddy Indians.

Amend said Resolve in the 2nd line thereof by adding after the

words "from the", the words "unappropriated surplus of the"

Thereupon, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act relating to Local Option for Sale of Malt Liquor by Part-time Hotels" (H. P. 441) (L. D. 487) which was passed to be engrossed in the House on April 15.

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

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

SENATE AMENDMENT "A" to H. P. 441, L. D. 487, Bill "An Act relating to Local Option for Sale of Malt Liquor by Part-time Hotels."

Amend said Bill by striking out in the 1st line before the headnote, the following: "Sec. 1."

Further amend said Bill by striking out all of sections 2 and 3.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, this amendment simply removes the local option feature of this bill. And I move the indefinite postponement of this amendment.

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

Mr. PIERCE: Mr. Speaker, I regret I must disagree with my good friend, the gentlewoman from Presque Isle, Mrs. Christie. The amendment technically does remove it from the bill; however, in the clarification bill which we have passed the local option is covered under the clarification bill. This bill has been held up for roughly two months awaiting the signature on the clarification bill. It does not seriously affect the bill in any way.

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

Mr. MCGLAUFLIN: Mr. Speaker, I go along with the motion of the gentlewoman from Presque Isle, Mrs. Christie.

The SPEAKER: The House may be at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair would request the gentlewoman from Presque Isle, Mrs. Christie, to kindly approach the rostrum.

(Conference at rostrum)

The SPEAKER: The Chair would state that there is no motion pending before the House at this time.

The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, I move that we insist on our former action whereby we passed this bill without amendment and I ask for a committee of conference.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. Christie, moves that the House insist and request a committee of conference.

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

Mr. PIERCE: Mr. Speaker, it is very hard to explain without reading this entire matter, ladies and gentlemen, but I assure you that under our present law this entire matter has to be printed upon each ballot. Under the clarification bill, which I have before me, we have boiled it down to two paragraphs. It does not in any way liberalize liquor, it is merely clarification. I would be perfectly willing to go along with the gentlewoman from Presque Isle, Mrs. Christie, on a committee of conference if an explanation is needed.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the House insist on its former action on Bill "An Act relating to Local Option for Sale of Malt Liquor by Part-time Hotels", House Paper 441, Legislative Document 487, and request a Committee of Conference.

All those in favor of the motion will signify by saying aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Fifty-nine having voted in the affirmative and eight having voted in the negative, the motion prevailed.

The Speaker appointed to the Committee of Conference as Conferees on the part of the House the following members:

Mrs. CHRISTIE of Presque Isle

Messrs. PIERCE of Bucksport  
NEEDHAM of Orono

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

#### Non-Concurrent Matter

Bill "An Act to Establish the Limerick Sewage District" (H. P. 1242) (L. D. 1534) which was passed to be engrossed in the House on May 10.

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

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

#### Non-Concurrent Matter

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Creating the Maine Vocational-Technical Institute Scholarship Fund (H. P. 332) (L. D. 373) which was accepted in the House on May 6.

Came from the Senate with the Resolve substituted for the Report and passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Jones of South Portland, the House voted to recede from its former action in accepting the "Ought not to pass" Report and to concur with the Senate in substituting the Bill for the Report.

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

#### Non-Concurrent Matter

Bill "An Act relating to Apportionment of School Funds on Basis of Pupil Enrollment" (H. P. 292) (L. D. 304) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 12.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Miss Cormier of Rumford, the House voted to recede and concur with the Senate.

**Non-Concurrent Matter**

Bill "An Act relating to Service Roads on Controlled Access Highways" (H. P. 648) (L. D. 725) which was passed to be engrossed in the House on May 11.

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

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

**Non-Concurrent Matter**

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and the Korean Campaign" (H. P. 1143) (L. D. 1340) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 22.

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

In the House:

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

Mr. CHILDS: Mr. Speaker, a few weeks ago, when this matter was before the House, I think you all recall quite vividly that I opposed this measure. I opposed the measure because of the fact that there was no means of revenue to take care of a bond issue. I think that you are all familiar with the Constitution which provides that if there is not sufficient money in the unappropriated surplus at the time such a referendum came into effect, it would go over to the next Legislature.

I think that we are all well aware of the fact and we all should realize that passing such a burden as this on to the next Legislature would be unfair to any legislature.

We are also well aware of the fact of what our financial conditions are in the State.

If this is passed on referendum, it would have to come out of the unappropriated surplus. It would be over one million dollars a year. I certainly do not know if there would be sufficient money to take care of

it. My only objection to this particular bill was because of this reason. I am of the opinion that a referendum should go to the people to see whether a bonus should be paid to the veterans, but I am opposed to it in this form. I am still of the opinion that the matter could be straightened out. I think that if a committee of conference were appointed, without too much trouble at all they could put on a revenue measure and bring it back before the House.

I sincerely hope that this will be done as I think the people of Maine should have the right to vote on it but they should know what they are voting on and if they are going to vote for a bonus they should know how they are going to pay for it.

Therefore, I move that we insist on our former action and request a committee of conference.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the House insist and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair is informed that there are in the balcony of the House, Seventh and Eighth Grade students from Bolster Mills School of Harrison accompanied by Mrs. Grace Lord and Mrs. Elizabeth Engell.

On behalf of the House, the Chair extends to you a cordial welcome and hopes that you have a pleasant day with us and learn something. (Applause)

**Non-Concurrent Matter**

Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign (H. P. 1144) (L. D. 1341) which was passed to be engrossed in the House on April 22.

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

In the House:

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

Mr. CHILDS: Mr. Speaker, these two being companion bills, I make

the same motion. I move that we insist on our former action and request a committee of conference.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the House insist and request a Committee of Conference.

Is this the pleasure of the House?

The motion prevailed.

### Order

On motion of Mr. Seaward of Kittery, it was

ORDERED, that Mr. Alden of Gorham be excused from attendance for the remainder of the session because of illness.

### Passed to Be Engrossed

Bill "An Act relating to Frontage Roads on Controlled Access Highways" (H. P. 649) (L. D. 726)

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

### Amended Bill

Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Highway Appropriations" (H. P. 1181) (L. D. 1431)

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

The SPEAKER: The Chair understands that the gentleman from Hanover, Mr. Ferguson, has an amendment to offer on Item 2 under Third Readers?

The Chair recognizes that gentleman.

Mr. FERGUSON: Mr. Speaker, no, I have not. This came through as a new draft.

The SPEAKER: The Chair would request the gentleman from Hanover, Mr. Ferguson, to kindly approach the rostrum.

(Conference at rostrum)

Thereupon, Mr. Ferguson of Hanover offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1181, L. D. 1431, Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Highway Appropriations."

Amend the Title of said Bill by inserting after the word "State" the word "Aid"

House Amendment "A" was adopted.

The Bill was then passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

### Third Reader Tabled

Resolve 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 (H. P. 966) (L. D. 1092)

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

The SPEAKER: The Chair would state that this Resolve will be held up at this time. It is the Chair's understanding that an amendment is to be offered to it.

Thereupon, the Resolve was tabled pending passage to be engrossed.

### Amended Bill

Bill "An Act relating to an Expense Account for Governor-Elect" (S. P. 145) (L. D. 339)

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

### Passed to Be Engrossed in Non-Concurrence

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" (S. P. 263) (L. D. 691)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

### Third Reader Tabled

Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor" (H. P. 1015) (L. D. 1167)

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



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

Mr. ELWELL: Mr. Speaker, I would ask that this Bill lie on the table until later in the day pending the preparation of an amendment.

The SPEAKER: The Chair would state that if the gentleman wishes it called up later in the day a motion simply to table would be the proper motion. Is that the gentleman's request?

Mr. ELWELL: Yes, Mr. Speaker.

The SPEAKER: The Chair understands that the gentleman from Brooks, Mr. Elwell, moves that the Bill lie on the table pending third reading. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

#### House at Ease

Called to order by the Speaker.

#### Third Reader Tabled

The SPEAKER: Returning to Item 3, Resolve 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.

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

Mr. PIERCE: Mr. Speaker and Ladies and Gentlemen of the House: For the purpose of offering an amendment, I move that this item lie on the table until later in the day's session.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves that the Resolve lie on the table pending passage to be engrossed and be unassigned. Is this the pleasure of the House?

The motion prevailed and the Resolve was so tabled.

#### Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution to Clarify Voting by Persons in Military Service (S. P. 580) (L. D. 1548)

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

stitutional Amendment and a two-thirds vote of the House being necessary, a division was had, 110 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act relating to Salaries of Justices of Supreme Judicial Court and Superior Court (S. P. 148) (L. D. 337)

An Act relating to Free Tolls over Deer Isle-Sedgwick Bridge (S. P. 323) (L. D. 889)

An Act to Create the Department of Development of Industry and Commerce (H. P. 1196) (L. D. 1465)

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

#### Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Hanover, Mr. Ferguson. For what purpose does the gentleman rise?

Mr. FERGUSON: Mr. Speaker, I want to move to reconsider Item one on today's calendar which was passed to be engrossed.

The SPEAKER: The Chair would state that a motion to reconsider is in order.

The gentleman from Hanover, Mr. Ferguson, moves that the House reconsider its action whereby this morning it passed to be engrossed, Bill "An Act relating to Frontage Roads on Controlled Access Highways", House Paper 649, Legislative Document 726.

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

Mr. CROCKETT: Mr. Speaker, the gentleman from Hanover (Mr. Ferguson) evidently does not like the way this thing reads but the majority of my colleagues here gave me a courtesy vote at least and I think at least we should have it go into the Senate, which is the usual course.

My colleague, the gentleman from Hanover (Mr. Ferguson) as I have said before objects to this. Now, if he lived in the town where I live, he would like to be able to go back home but I do not know as I will

be able to go back home if his motion carries. So I hope that you will go along with me and let it take its regular course.

The SPEAKER: The question before the House is on the motion of the gentleman from Hanover, Mr. Ferguson, that the House reconsider its action in passing this Bill to be engrossed.

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

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

The SPEAKER: The Chair lays before the House the Special Order of the Day, 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 17 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, at this time, I have not any comments to make upon this bill except on the motion before the House and when the vote is taken I request that it be taken by the yeas and nays.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: As we are about to discuss this bill which so vitally concerns each one of us, as I look over this group I know that they will vote intelligently upon it. So all I have to say is first: May the Lord fill my mouth with worthwhile stuff and nudge me when I have said enough.

I am just going to confine my remarks to, perhaps each one of you has this "Automobile Facts". It comes every month to those who are interested in roads and they are things that have come from the experts and men who make a study. The experts say that today's high-

ways are 20 years behind the times carrying 58 million vehicles and built for half that number. They are asking restoration for it to reach 81 million by 1965. Modernizing our interstate system alone would save 35,000 lives in ten years.

At a time when an increasing population requires more and more jobs, highway congestion has become an ever-growing drag on the national economy, boosting cost and wasting time for business and industry.

Civil Defense plans for 70 million Americans in high priority target areas are keyed to adequate evacuation routes that are now non-existent.

Good roads would more than pay for themselves, these experts say, but we are going to pay for them whether we build them or not. Traffic accidents in 1953 cost Americans at least \$4.3 billion dollars in lost wages, medical expenses, added insurance costs and property damage, according to the National Safety Council. And the words of our President: He says, "Our first penalty for an obsolete highway net is an annual death toll comparable to the casualties of a bloody war, beyond calculation in dollar terms." An average of 35,000 lives per year, since World War II, have been lost as a result of highway accidents. The experts say a large part of this toll would be eliminated by highways adequate to today's needs. Complete highway modernization, this group predicts, will reduce highway accidents 40 per cent. The Automotive Safety Foundation has told Congress that improvement of the interstate system alone, which is 1.1 per cent of our highways carrying 14 per cent of all traffic, would save at least 35,000 lives in the next 10 years. Of 38,300 traffic deaths in 1953, 27,200 were on rural highways. Most rural road improvements for the next 10 years will likely be concentrated on Federal Aid System which in 1953 accounted for 22 per cent of rural mileage but carried 77 per cent of the rural traffic.

Now I think that, alone, would decide how we should vote on this measure, because we who travel these roads do know that there is

no question that we do need roads. The only question is, what is the most equitable way to provide this money? To me it seems, and I believe it will to you, that the most equitable way to provide this money would be for those using the roads to pay for them in the exact ratio that they use them. And there is no way that we can arrive at this except through the gasoline tax.

And I hope for the good of Maine, for the good of the Nation as a whole, that we do adopt this measure to fit our roads to the progress that we must make here in Maine if we are to keep up with the rest of the Nation.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker and Members of the House: I would like to go on record as being in favor of this bill and I will state a few reasons.

First, it fills a need for which there is no provision in the present highway structure excepting that of matching funds which are matched by the towns and do not fill the need to build hazardous highways over soon enough.

Second, in my opinion, it eliminates politics by putting the administration of this money in the Highway Commission's hands. At the same time, we are sure of how part of it will be spent because it is already earmarked in the bill that one million dollars shall be spent on state aid highway construction.

The next thing it does is provide additional revenue for our Highway Department, which will be needed in the second year of the biennium. Another reason that came to light yesterday is the fact that we were notified from Washington that the Senate Committee has passed a report 3 to 2 in favor of the Gore Bill for federal highways.

If this bill is passed and contrary to a lot of previous belief, it has a very good chance of being now, it will necessitate seven and one-half million dollars from the State of Maine in highway funds to match what we would get from the Federal government. In addition to this, we are told that there are always some parts of the highway program

which are not matchable funds. Therefore, it would take somewhere over a million dollars to follow the program through and this could come from the additional revenue in this bill.

Next, as everyone knows, we have had many, many highway resolves in this session which are very worthy but for which there are no funds. And this will fill the need and eliminate many, many resolves in the future which are put in with a very faint but almost impossible hope that they might be passed.

Next, it is a sound program inasmuch as it provides the money for what we are requesting and it affects every county in the State. It will also, partially at least, fulfill part of the program recommended by the Governor in a previous campaign speech in which he stated that he was in favor of additional funds for rural and semi-rural highways. I do not think there is much more to be said and I believe that everybody understands it pretty well and I hope that the motion of the gentleman from Raymond, Mr. Edwards, to indefinitely postpone, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Waterford, Mr. Pike.

Mr. PIKE: Mr. Speaker and Ladies and Gentlemen: I would like to just tell you my position on this question. I expect just as soon as the vote is taken all the members of the Grand Old Party will be asking me if I am any blood relation to that gentleman from Oregon, Senator Wayne Morse.

Soon after this Parker plan, so-called, was presented, the people back home began to get after me pretty strong writing, telephoning and one party even came and called me out into the corridor. At that time, I was just as green as any of you were when you first came here. I had not even cut my first tooth and I made a promise that I would not vote for this gas tax. It has been called to my attention that on this list that we had some time ago that my little town of Waterford was on it but that does not make any difference about my vote. If I were to have a turnpike built from Augusta right up to my big red barn door with flowers growing

in the green strip in the middle, it would not make any difference. I want everybody here to know that when Harold S. Pike of Waterford agrees to anything that he is going to stick by it.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, I have had an amendment prepared for this bill under Filing 528, under which the Town Road Improvement Fund was to get \$500,000.00 in excess of the million dollars that is appropriated for state aid roads. I would like to offer that amendment.

The SPEAKER: The Chair would state that an amendment can not be offered at the present time.

The pending question is on the motion of the gentleman from Brooks, Mr. Elwell, that the two Reports and Bill be indefinitely postponed.

Mr. BOWIE: Mr. Speaker, I may say, under this bill, I am sorry that is like that because I would have liked to have the opportunity to offer this amendment. I think it would have been a terrific help to small towns. I was against the gas tax and I am still against the gas tax, but on the other hand, I am only against the gas tax in so far as the total amount of money was to have gone to the accelerated highway program. In other words, I understand that there is a lot of feeling here for more money in the Town Road Improvement Fund and certainly for these resolves that are in.

To me, this is not a pork barrel; it is definitely a needy project.

Now we saw a dickens of a lot of criticism in our last gubernatorial election in which the people back home said the Republican party was no longer working for the people. Well, now, the Republican party right here is offering a chance for the people back home to get some money through these resolves and through this particular highway fund, as we would like to set it up.

In my particular locality, contrary to what some of the other speakers have said, there has been no organized opposition to the gas tax. Their only opposition is to the manner in which it is spent if it is raised. In other words, I think if

we can have this money go back on the local level, I am pretty sure you will not hear any great criticism to a gas tax. Everyone is for good roads. The fact of the case is: Look at how your toll roads are doing a booming business and the people there in most cases have a chance to ride on an ordinary road but would rather pay the freight on a toll road to the extent of 65 or 70 cents a mile south of Portland. And that proves to me that people would rather pay more if they can ride on a decent road.

Now I have heard it said that this has been averaged up and it will cost about \$7.00 a year for the average motorist, this extra gas tax. Well, all a person has got to do is hit one hole in the right place and he can spend more than \$7.00. And the fact of the case is, this year I spent \$20.00 lining up the front end of my car. And one night when I left here, I live on a dirt road approximately 3 miles in and I am one of those people who had the opportunity to see the gas tax or the gas money, I should say, or town road improvement money in first hand operation, because five years ago, I could not get out over that road except by tractor or truck. And the farmers were hauling their milk out over that road. And today, with the exception of about a week there in the spring, all those folks were able to get their products to market. And give us another five years, with a little more money, and we will have a year-round road there. It will probably never be black, but at least we will be able to get out over it.

I have talked with some other people in regard to this thing. I talked with the largest contractor in Lewiston and Auburn the other night about this gas tax, and he is for it, believe it or not. And when he drives up to a gas pump with one of his trucks he puts 107 gallons of gas in the truck at once and at 7 cents a gallon you can figure up what he would pay in gas tax to the State of Maine.

We also have our tourist trade that is going to come in here and is going to pay a terrific amount of this gas tax. Once again, as my friend, the gentleman from Bow-

doinham (Mr. Curtis) said, the people who use the road are the people who are going to pay for it. If you do not want to ride, you have not got to pay. As far as I am concerned, I am willing to pay more providing we are going to get the money on the road where we can use it and I do not know what the procedure is but some time I would like to have an opportunity to put this amendment on the bill.

The SPEAKER: The Chair would advise the gentleman that the procedure is to vote against the pending motion and argue against it if he feels as the gentleman does.

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

Mr. HAUGHN: Mr. Speaker, I like my good friend and colleague, the gentleman from Waterford, Mr. Pike, feel the same way only I would express a little further probably than he did. We are situated, the little town which I represent, on the border of another State. And I want to say right here and now that I have contacted my people and am abiding by their wishes regardless of my own opinion or decision. So, on that basis, I will have to oppose the gas tax too and I would like to name a few of the reasons why.

My particular town lies close to the New Hampshire border, and I heard it expressed here in the caucus the other night that the gas was a little more expensive in New Hampshire than it was in Maine but I contradict that statement due to the fact that we pay 33 cents a gallon for high test gas in Bridgton. You get up here in this area, gas runs from 26 to 28 cents for a similar type so therefore it shows that there is a difference in different localities within the State with regards to price and the price wars. We are not fortunate to happen to have that in our area. And when they go to New Hampshire to buy gas, which is higher in Maine in our particular area than it is in New Hampshire, the people in my area feel that they will also do their shopping; they will do other things on which they will spend money and take business in general out of the area. We are deeply concerned.

On top of that I think it is sound business and sound reasoning to spend money when you know what you are spending it for. And I do not believe that there is any discord among any members of this House on the need and urgency of the highway program. But how to arrive at it and the way to pay for it is another picture. It seems to me that when you spend a dollar you like to know what you are spending it for. Until such time as the federal highway program is definitely announced and we know where we stand. I for one would like to go on record as saying that doing a sound business and doing it in a business way that we should come back here at a later date even if it is necessary to make arrangements to meet the needs when you actually know what the needs are. Until such time as we know what they are I think it is chasing good money after bad because any man in business only spends on what he knows he is spending for and what he is going to get for it. So, until such time as we actually do, I do not know personally how we can very intelligently vote upon a question on which we are all vague and just guessing at.

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

Mr. COUTURE: Mr. Speaker and Members of the House: I wholeheartedly join those opposing the proposed gasoline tax increase of 1 cent. The very fact that this tax would give Maine one of the highest gas taxes in the entire United States speaks for itself. Naturally, people are asking what is so different about Maine that it has to increase an already exorbitant tax load that is now the highest in all New England. In short, for sheer bad publicity, this proposal takes the cake, especially when you weigh the estimated revenue from this tax against the disadvantages.

The Highway Committee claims that they must have an extra two-and-one-half to three million dollars which they anticipate would be obtained from this 1 cent tax increase, in order to continue with their accelerated highway construction program. This explanation will never satisfy the people of Maine and I

predict that if we pass this bill, we will live to regret it. A poll conducted recently by the gasoline stations in my area resulted in an almost 100 per cent vote against this proposed tax increase.

The public is well aware of many of the facts in this case, for the cost of gasoline affects everyone's pocketbook. Every time a man went to fill up his gas tank he would be reminded of this fantastic tax increase if this bill is passed. The people know that President Eisenhower has advocated a National Highway program which may soon increase Maine's available funds by many millions of dollars. They know, too, that plans for this pending Federal Aid are not yet completed. They will, therefore, ask us, and rightly, why must we spend these additional sums now? The only reply I have been making to my constituents is: "We must not spend them".

The present revenue available for road maintenance and new road building appears to be adequate to cover the requirements for the next two years. What possible sense would there be therefore, in antagonizing our citizens and visitors to our great Vacationland by imposing this tax when already our gasoline tax is 39 per cent more than the cost from the dealer? It is ironic, is it not, that on the one hand we find gasoline manufacturers working continuously to lower the cost of gasoline while ever improving the quality of their products, so that today without tax, a gallon of gasoline costs only about 22 cents a gallon. While on the other hand, there is a steady drive by some legislators to squeeze out more and more money from the taxpayer to pad the original cost of this essential commodity.

As I see it, this program should maintain our roads in as good a condition as possible, to limit the building of new roads to approximate present income and to wait and see what the final Federal Highway Program will mean to our over all road picture.

With all these points in mind plus other facts which have been emphasized elsewhere, I could not look my constituents in the face if I voted anything but "No" on this pro-

posed gasoline tax increase. Thank you.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I too have been flooded with forms prepared and issued by the petroleum industry to my constituents at home. I must have received several hundred of them opposing the gas tax but I know that my constituents sent me down here to represent them and use my best judgment from information at hand as to how to vote on questions before this Legislature. I know that the people that sent those petroleum supplied forms, gave them to my constituents at home, I know that my constituents did not have any information except that they received—that is, to a large extent—from the attendants at those various filling stations.

I am convinced that the cost of building and maintaining roads not only in this State but in all the States have increased just like all the other costs of living. Therefore, from all the information I have been able to receive here in the last few months, I know that the Highway Commission in order to properly build and maintain our highways needs more money and I firmly believe that the money should be paid in the form of this gas tax as the gentleman from Bowdoinham, Mr. Curtis, stated by the users of the road in proportion to the use of the road. That is the fair and equitable way of doing it.

I realize that the visitors coming into our State are going to have a reaction according to what they see in our State. It has been said that by increasing the gas tax, we are going to turn away a lot of the visitors. They will not come here. I do not think that there is any truth in that assertion at all. My experience in going into other states has been I did not know what the gas tax was until I got there but I certainly observed what the condition of their roads was and that was the thought that was left indelibly in my mind, whether they had good roads or whether they had poor roads. And the same thing is going to be true of Maine.

If we raise enough money and maintain our roads and have good roads, that is the thing that they are going to remember. They are not going to remember how many cents they paid for gas tax because they are not even going to notice it. But they are going to know whether they are on good roads or not. And when they go back home they are going to say: "Don't go up there; you will get flat tires and you will have maintenance jobs on your car and you had better go somewhere else for your vacation."

We do not want that to happen. A few cents on the gas tax in comparison to the dollars in maintaining cars or buying or repairing tires is the picture before us. Therefore, I urge the Legislature to go on for the best interests of Maine and vote down this motion before us to indefinitely postpone the gas tax.

The SPEAKER: The Chair is informed that there are in the balcony of the House thirty-one students from the Eighth Grade of St. Hyacinth School in Westbrook, accompanied by Sisters of Presentation of Mary and Mrs. Cyr, Mr. and Mrs. Robichaud.

On behalf of the House, the Chair extends to you a cordial welcome and hopes you will have an interesting day and that you will learn something. (Applause)

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

Mr. COOK: Mr. Speaker and Ladies and Gentlemen of the House: I hope that everyone here will weigh very, very carefully some of the things that should be considered in regard to this gas tax. One of the things, it seems to me, that should be of paramount concern to us is one of the items that has been brought out by one of the previous speakers in regard to the federal program that lies ahead of us. There is little doubt in the minds of any of us that when the program is finally determined, it is definitely going to take some action on the part of the individual states.

I beg you to stop and consider just exactly what we are doing here at this time that may jeopardize our

position at that time. Consider, if you will, that this tax is supposed to raise somewhere in the neighborhood of two-and-a-half million dollars a year and the possibility as this bill now stands of robbing that two-and-one-half million dollars of one million dollars annually to put into taking the place of these road resolves that were presented to this Legislature.

Also, consider, please, if you will, the proposal made by one of the gentlemen here this morning. I believe he said that he intended to introduce an amendment that would propose increasing the Town Road Improvement Fund by half a million dollars. That is a total of a million and a half dollars that will be taken right away from these funds. Do we have any idea today whether we are not by making such moves just actually jeopardizing our position when we finally know what the federal program will be. It will be tying up those funds that might be funds needed at that time.

Also please consider that the federal program will not be anything that can take effect until 1958, so that we certainly are being very previous, very hasty, in trying to take care of that situation when we do not know what that situation is, and it will be at least two years that we will have time in order to cover that situation. I hope you will consider that very thoughtfully.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Harnden.

Mr. HARNDEN: Mr. Speaker and Members of the House: First, I want to concur wholeheartedly with the gentleman from Bangor, Mr. Quinn. I think his remarks were very timely. I believe that we all believe that we need better roads and in order to have them we have got to have more revenue. The Highway Committee, the Highway Commission, tell us that we need more funds. This increase in additional revenue would enable us to match federal funds and give us some extra working capital which we are told that we need. I believe it would be a mistake not to pass this bill and I certainly hope that the motion to indefinitely postpone will not prevail.

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

Mr. MARTIN: Mr. Speaker and Members of the House: When I first came here I found myself much in the position of the gentleman from Waterford (Mr. Pike) except that I had had a little experience in town politics as a result of which I developed a deaf ear. When I was asked to declare myself for or against a gas tax before I came here and heard the facts it just happened that my deaf ear always was toward the person speaking. So I came here without any preconceived notions. Since I have been here, I have heard figures quoted by experts to prove that we did need a gas tax and to prove that we did not need a gas tax. Frankly, I can not decide between those figures. I presume that both sides are right, which leaves me all the more confused.

However, going back to town affairs again, I do know that the people in my town want roads and I do know that the only way to get roads is to pay for them and we had some wrangles in town meeting just as we are having here but it usually ends up with a pretty solid vote in favor of raising the money to pay for the roads.

This gas tax proposal, it has been figured out, will cost the average motorist somewhere in the neighborhood of six dollars a year. I do not think it is going to hurt him too much. As far as these petitions against the gas tax, which we all have received, it appears that the campaign against the tax was carried out much more thoroughly in some places than it was in others. Some of you, I understand, have had more than 100 petitions unanimously signed against the gas tax.

I think that I have had something like 12 petitions in my district. Three of them were for the tax; one did not care, I think that fellow was kicking about broken bottles along the road or something, and the others were against the tax.

Now, I really do question the public being very much exercised against the gas tax. It has been asked by the gentleman from Bath (Mr. Couture) why Maine is differ-

ent from any other state and why Maine should need more money in the form of a gas tax than some other states. In answer to that, I would point out that Maine probably has a much higher proportion of roads in relation to population. Now, we are about to spend something like a half million dollars for a new Department of Development of Commerce and Industry. The object of it being to bring new industry into Maine. We have got to have some roads for them to bring their raw materials in and send their manufactured materials out and I suggest to you that the roads over which their trucks must travel are going to be at least part of the consideration that they give as to whether they will come here or not.

It has been suggested that we wait two years to see what the federal handout will be. I suggest to you that there may not be any federal handout. We have no assurance that there will be. We do not know what it will be or when it will come, if it does come. Do you think it is wise for us to mark time for two years and let our roads go to pieces and not build what is necessary waiting for some mythical thing which may come. I sincerely hope that the motion to indefinitely postpone will not prevail.

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

Mr. STORM: Mr. Speaker and Members of the House: First of all, I must confess that I have changed my thinking in the last few weeks. Throughout the session while we have been having figures fired at us from all sides as to highway needs, I have been consistently opposed to the highway tax. However, since within the last two weeks after this program of allocating a certain amount to rural highways has come into the picture, I have changed my thinking and I am going to go along with it. I am far from agreeing with my good friend, the gentleman from Portage Lake, Mr. Cook, that this would be robbing the highway funds. I think it is by far the best use to which this million dollars could be put.



We have many of these sections which have been neglected and certainly need attention. I want to concur with what my good friend, the gentleman from Bangor, Mr. Quinn, just said in regard to other states. Over the past few years, I have had occasion to drive in forty-two of the forty-eight states. I could not tell you at the present time what the gasoline tax was in any of them. When I needed gasoline, I bought it. I could tell you, however, a good deal about the condition of the roads in those states. That is the thing that remains in my memory. Along that line I can truthfully say that I have struck worse roads in the State of Maine than I have in any of the others that I have had occasion to be in and I sincerely hope that the motion to indefinitely postpone does not prevail. Thank you.

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

Mr. CIANCHETTE: Mr. Speaker and Members of the House: I am going along with the motion to indefinitely postpone and I would like to state my reasons for doing so. If you people will remember, there was sold to this House and the Legislature and to the people in the State of Maine only a few years back a twenty-seven million dollar bond issue. The people of the State of Maine believed, I think, that that bond issue was going to solve the highway problems within the State. I do not think that there is any question at this point how far it went toward solving the problems. We certainly have plenty of road to build yet.

We are facing a federal program of which no one knows the outcome yet. The latest reports, as I saw in the paper, I believe day before yesterday, where the so-called Gore Bill looked as though it may be the one that they are going to accept. If so, that will mean that the State of Maine will receive about three-and-a-half million dollars a year in addition to the present federal grants. Now, if we are to receive those grants we must match them. In order to match them, we are going to have to have more funds. I believe that those funds should be raised by gas taxes but we do not

know at this time what they are going to do. The present program is outlined for this biennium and the latest figures, I believe, are a few dollars short of carrying out that program. I believe that with the traffic on the roads increasing that difficulty will be overcome.

Why don't we wait until another session possibly or at least until the federal program is arrived at and then see how much money we are going to need? We cannot do it now. If we go today or during this session of the Legislature and raise the gas tax by one cent, I think that the people of the State are going to believe again that the highway problems are solved. I do not believe that it will solve it. I think that the gas taxes are probably going to have to be raised more than that within a few years.

There is another phase to this bill which has been pointed to a little bit this morning. As I refer to it, the pork barrel, I have been disagreed with but I still think that it is a pork barrel. Certainly, if this bill should pass and become law I am going to get over to the Highway Commission and fast to get my district in at the head of the list. There has been a list of roads presented by the Highway Commission that need to be built. I do not think that that is a problem for anyone to present a list to this House or to anyone of highways that need to be built. We all know that they need to be built everywhere. Of that list, in my own district, there was one highway mentioned that was a hardship case. The people in that town voted at the last town meeting to build that highway and match state funds. They were not given that opportunity because they could not anticipate future revenue. I think that there are other roads in the same category that are on that list. That one I am sure of.

If we will wait and see just what our problem is going to be or what it is and how we are going to arrive at an answer to the problem, I think that it will have to be after the federal program is clear in everyone's mind. I hope that the motion of the gentleman from Raymond, Mr. Edwards, carries.

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

Mr. REED: Mr. Speaker and Members of the House: As a signer of the majority "Ought to pass" report I was happy to endorse the program because I feel that it assures us, number one, of the continuance of our regular construction program that we have had for some years and number two, that it fills a gap that has been recognized for a long time, namely, that of our rural hardship cases where money has not been available to take care of these roads. I think that in raising the gas tax we are simply facing up to the fact that more money is needed. We are just looking at it and doing the right thing to do the job correctly by increasing this money.

Now, I feel that of course we know that in a few days we are going to be out of here and during the summer months we are going to be travelling over the highways of the State of Maine and we are going to see that many of them are in need of reconstruction and construction. Now, I feel that now we have an opportunity to do something really positive that will help correct this situation, and I feel that not to face up to it is simply shirking our responsibility and I feel that after weighing the case on both sides we are going to feel that we should go home feeling that the job has been well done, namely, by providing the funds to finance a good, sound, adequate highway program. I sincerely hope the motion to indefinitely postpone this program does not prevail.

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

Mr. FERGUSON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to bring before the members here some of the things that your Committee on Highways considered before they came out with this program, some of the things that went along to help the load on the small and large municipalities of the State.

1. We accepted plan 1 of the accelerated program so it would be possible for the towns with highways within the town to build with state

aid funds. These, of course, would be matching funds. We have 521 miles of such highways in this State. We transferred to the Bridge Department 22 bridges formerly maintained by some of the towns and municipalities in the State. We transferred 123½ miles from the state aid system to the state highway system, at a cost to the Highway Department alone for snow removal of approximately \$100,000.

We came up with this million dollars in funds to help out the municipalities to carry on or to develop some highways that they would never be able to do on their own initiative. It is a fund that was never available before to the municipalities and I am sure that there is a crying need for it. If you members here had had a chance to serve on that committee and hear the numerous complaints from all over this State I believe you would agree with me.

We considered several ways of setting this up. We finally came up with this package bill which you have before you today. We did not think it was fair to be robbing your Maine highways or some of the roads providing new revenue. We believe that the people of the State of Maine are willing to pay the extra penny on the gasoline to pay for better highways. As has been stated before here, it will cost the average citizen who travels 10,000 miles a year approximately \$6.70 for the whole year.

Now, as you know, there has been a lot of opposition to this program not only to the tax part but to the program. And I wonder whether this House is going along with the committee which worked hard and long hours to try to set up a program, a program that I think you people can be proud of to bring back to your people and say: "We are doing something about the highways."

Either that, or are you going to go along with the very strong bloc, I will not mention it, the petroleum companies whose idea is to block and stall and they are doing it very effectively. They are spending a lot of money and I wonder why did not they, instead of spending all of this money, reduce the gasoline price to the tanks all over the State by one cent a gallon. That certainly would

be of more service to the people of the State of Maine rather than trying to block a good highway program.

On your desks you have this pamphlet before you, the Maine Retail Gasoline Dealers Association. The Executive Secretary and Treasurer of this organization, Mr. MacKenzie, deserves a lot of praise in getting our program through. He has really been a lot of help to the committee in giving a lot of his time to the various members of the committee and other members of this House.

Getting back to the gas tax, I have heard some complaints from some of the members who are bordering on another state where the gas tax is, particularly New Hampshire, it is five cents and we are six. Well, my district too borders on the New Hampshire border a territory that perhaps has the longest section of the State of Maine bordering on the New Hampshire border.

When the question of increasing gas came up they were concerned about it. I have some letters. I drove hundreds of miles to visit these people. Some of them were willing to go along when they found out that there was a program tied in with the pending increase in gas. I think that is true with everybody. I have had several members tell me the same thing, who come from the central part of the State, where their district does not border onto an adjoining state where the gas tax is a little lower.

It has been pointed out here that Massachusetts has a gas tax of five cents. Well, if Massachusetts has a state aid system, the State is responsible for a mileage of only 2500 miles. They are collecting on the five cent tax revenue fifty million dollars a year in tax revenue. Every time they increase their tax one cent on the gas they get ten million dollars. And yet we have a good many more miles in the State of Maine which the State is responsible for, 4,326 miles or very close to that.

To get back to your revenue available for your construction program, the picture may have changed a little bit but not very much. We have taken from revenue from the Department of Motor Vehicles which will

leave us short in balancing federal funds of \$838,000. State funds necessary to match those funds will be \$942,000 which will give us approximately a million dollars in our highway surplus fund for working capital, in which we certainly ought to have at least three million dollars.

I hope that you people here will have confidence enough in your committee, both the members in the House and in the Senate, that you will go along. I am operating along the same lines as my good friend, the gentleman from Waterford, Mr. Pike. When I tell somebody that I am going to do something, come hell or high water I stick to my word.

Now, I do not believe I have anything further to add to my message. The only thing that I can say is that I hope that you people go along with this program. I think it is sound and if we do get this package through we of the committee feel that we can go along with the fifteen million dollar bond issue. If not, I do not see how we can finance it because I will take the same position on that as I did on the Governor's thirty million dollar bond issue, that there were no funds available for payment of interest or retirement of the bonds. As you know this is not a referendum matter. I think that the people who sent me here with the exception of a few have faith enough in me to use my own judgment and listen to the various debate in this House as we progress from day to day. Therefore, I am going to wind off by saying that I hope that the motion of the gentleman from Raymond, Mr. Edwards, does not prevail. Thank you.

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

**MR. TOTMAN:** Mr. Speaker and Members of the House: I know the most popular thing I might say at this point is to refer to the previous question but I am not going to. I think we have had so much serious conversation here this morning that it might be in order for me at the expense of one of my good friends in this House to inject a rather amusing reference to recent debate on another bill. One of the things I have enjoyed most in this Legisla-

ture is my association with the gentleman from Bridgewater, Mr. Finemore. He and I always have pleasant disagreements, we disagree but they are always enjoyable. I am so happy that the other day he got up and made the comment that if you folks would just go along and support his old tandem axle bill he knew the truckers would be tickled to death with the gas tax, so when he votes I am sure he is going to vote for the gas tax.

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

Mr. JENNINGS: Mr. Speaker and Members of the House: I feel that we as members of this body should face the issue we have before us. We recognize that our roads need attention. It has been brought out that we will receive on our state aid roads this million dollars which is going to be of great assistance. We should not worry too much about our constituents. Our constituents have faith in us on the work that we are to do here, and they know that when our money is spent for the roads and the roads only they will not put up the awful kick that some people think. I therefore am heartily in favor of this one cent additional gas tax, and hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: As has been said we have money enough to carry on our present highway program for this year and nearly enough for 1956. We have the proposed new federal program where we will need more money to match it. I fail to see how the one cent increase will support the new federal program and pay for this attached pork bill. It looks to me as if we should wait until we know what the federal program will be. I do not see how this bill is going to solve the highway program. I hope you will support my motion to indefinitely postpone.

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

Mr. MCGLAULIN: Mr. Speaker and Ladies and Gentlemen of the House: Some of you may recall one of the points that I tried to make when early in the session I addressed the new members of the House. One of the statements I made was be the master of your own decisions. I stated at that time that you should not be controlled by lobbyists, you should not even be controlled by what somebody back home told you they wanted. I agree wholly with the statement made by the gentleman from Bangor, Mr. Quinn, that we were sent here to use our judgment. We are vastly better qualified to pass on the measures that come up here before us than are the great majority of the people back home. We hear the discussions in committee, we hear the discussions on the floor of this House, we know what the problem is and the reason for it. Therefore, I am sorry to find that some men apparently are controlled by what somebody told them back home. I do not ask any man to go back on his principle. The gentleman from Waterford, Mr. Pike, has given a promise. Of course he has got to keep that promise, however unwise he may have been to make it. Any man that votes against this gas tax on the ground of principle, if it is a principle with him, he has got to stick by his principle, but most of us feel that we are free to use good common sense, and I cannot see how any farmer or a man that lives in a rural community that wants his roads improved can vote against the only means that will be presented in this Legislature for him to get that thing.

As to the waiting proposition, that seems to be wholly unsound. As the gentleman from Hartland, Mr. Gardner, stated, the fact that such a bill is in Congress to give us more money for roads does not mean that it is going to pass. Perhaps it will pass and perhaps it will not, and what is the sense of waiting to repair roads that need repair now hoping that some time in the future somebody is going to give us a bonanza? I have full confidence that you will vote down this proposal for indefinite postponement.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I have a terrible confession to make. Although I hesitate to make it publicly, they say that confession is good for the soul so here goes. I am one that has changed my mind. And I will state that of this list of towns that was listed, on the so-called pork barrel deal, the towns that I represent have not been listed in there at all.

I have opposed pork barrels, I have opposed special resolves because I feel that special resolves are of the pork barrel type where we have to come in here and fight for a little bit for our particular interests. However, I feel that the amendments coming into this bill and the way that this is set up does take most of the naming of pork barrel from it. It does in my estimation anyway.

Therefore, I believe that this bill as it is or as it may be amended would be a good thing for the people of the State of Maine. I call your attention to the bond issue which this House has passed. I first was opposed to any bond issues whatever. I do not think at this time that they are good financing of highways. I think that previous bond issues have proven that and if you consider the amount of interest that we are paying on present bonds now, and if it was not for the fact that we have to pay off such a terrible amount of bonds in 1957, there would have been no shortage to begin with. This bond issue that we have voted to pass here in the House has no provisions for repayment as far as I can see. The money would simply have to come from present highway construction.

So therefore, since we have seen fit to pass this bond issue I think it is only fair that we do pass a measure to provide some money to pay off the bonds. I have had a little experience in highways and roads. I have objected strenuously to a lot of highway policies. I opposed the gasoline tax at the beginning of the session because mainly I was opposed to the manner in which some of it was being spent.

I introduced an order here to bring some of that to light. I believe that the Highway Commission has taken steps and has removed most of my objections. Therefore, I feel that if we can appropriate a little money for town roads that we certainly ought to do it.

I would like to point out that the Gore Bill would provide money for highways but it is of the type of the controlled access highway, interstate highway. None of this money for the Gore Bill could be spent for state aid roads or roads of that type which are so close to the people and so close to our own constituents.

I sincerely hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRADGON: Mr. Speaker and Members of the House: I came here at the beginning of this session feeling that there was sufficient money on the previous bond issues, the so-called 27 million dollar bond issue which we have discussed and the accelerated program, to take care of our highway needs for the next two years. However, I am now convinced that that kind of money does not exist. That we do not have sufficient money to provide the kind of a road program, which I believe we and the people of the State of Maine want, without this additional money.

And I might say that along with my friend Mr. Allen, the gentleman from Chelsea, I am not influenced by the money that is going back into my district because I have looked over the list and I find that we have less than one mile so I am not greatly impressed with that.

However, I do now find myself in favor of this one cent increase in the gas tax. I believe it is necessary to provide the kind of roads we need and repair bills, certainly in my opinion, can mount up to a great deal more than a few cents, or a few dollars, well spent for road construction. I hope that the motion of the gentleman from Raymond, Mr. Edwards, does not prevail.

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

Mr. WINCHENPAW: Mr. Speaker, I feel maybe that I should say just a word or two since I started out being a conscientious objector and to me, it is maybe a matter of being consistent since I was one that has voted against doing away with the road resolves and voted against doing away with the betterment fund and now we have come up with a much better program than either of those were, maybe.

I think that perhaps I should go along with this thing and in view of what I tried to do yesterday by putting a tax on the stuff that a poor man uses, this is stuff that a poor man uses, and I have got to be very consistent and stick to all of my actions and so I hope the motion made by the gentleman from Raymond, Mr. Edwards, does not prevail.

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

Mr. EVANS: Mr. Speaker and Members of the House: I made the statement down here once that I was going to vote against this tax measure even if I did have to stand up alone. And the way it looks right now, I will not have too much company.

But it has been mentioned about the lobbying on this bill and I would like to call your attention to the first figures that were brought out by the Highway Department where they lacked several million dollars in funds for the second year of the biennium. Then the petroleum industries produced a set of figures contradictory to the highway figures, and in a few days the Highway Department came out with another set of figures. This went on and on until I do not think anyone knows exactly, even the Highway Department themselves, how much they do lack, if any.

In regard to the resolves, which have been introduced as a little sugar, I would call it, to get votes for this tax. I believe that the purpose defeats the whole program of the Highway Department in this respect. It has been the claim of that department that much too much money has been spent in the maintenance of state aid highways and, if this measure passes, there would

be several more miles added to the existing amounts to be maintained by the department. This additional amount must come from some source, as we all realize, and in regard to this amendment which was added on there, some have called it a pork barrel, some have asked the question: When was a pork barrel not a pork barrel? And my answer to that would be, when it was full of molasses. And I think that that applies to this by the number of opponents to the gas tax who have switched ground and are apparently for it. Thank you very much.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I would like to again reiterate what the Governor said in his budget address to us. Since July 1952, the Highway Commission has authorized a highway construction program of approximately 15 million dollars per year. This represents the minimum program necessary to effectuate the accelerated highway program. This is currently producing a hundred miles of new roads per year. This is less than the minimum necessary over the long run if we are to replace our state highways and state aid highways in the federal secondary system as they wear out.

It is admittedly a program compromised to fit the limits of presently available funds. And yet, within the next biennium, we will not be able to finance even this program. Within this estimated income and the allocations recommended on the highway budget, we can provide 14 million dollars for construction the first year of the biennium and only 11 million dollars in the second year. I am using round figures. This means we will be unable to match approximately a million and a half dollars of federal funds which would be available in the second year.

Subsequent to that, the Republican party and the majority of the Highway Committee definitely saw a lapse in our highway program. And there was help to the small towns which needed help on their state aid roads. Nowhere in the highway program are they taken care of. I, and I know there are others in this

House, are attempting to do what we can to help out this situation. For some unknown reason, the members of the minority party have labeled this "Pork Barrel". I do not see how attempting to help the small towns is pork barrel. Everybody will admit the situation exists and yet nobody has attempted to do anything about it except the Republican party.

Under the present situation, out of our highway allocations, these small towns will never be taken care of on their state aid roads. They will continually become worse all the time. Now I admit there is a difference of figures. But I hope you will take into consideration what the difference of figures are. We have a difference of figures from the Highway Commission and from those of the Maine Petroleum Industries.

I think that we are all well aware of the fact that the members of the Highway Commission and the members of the Tax Department are employees of the State of Maine. They are trying to do what in their opinion is best for the State. I also hope that you will take into consideration the Maine Petroleum Industries have a selfish interest. They are scared that if this gas tax increase goes through, it will mean that they will have to absorb the extra cent. We certainly know that the Maine Petroleum Industry is not hiring lobbyists to come up here looking out for the welfare of the State of Maine; they are looking out for their own welfare.

Now as far as the Eisenhower plan is concerned, which to my understanding did not mean state matching funds, I would say that it was out the window now. The Senate Committee has brought out the Gore Bill, which, in effect, means state matching funds up to the tune of 7 million dollars. Without question in my mind, either that or part of it will pass. We, without question, need more funds in the next biennium. If we do not pass the gas tax, I would say that it is inevitable that we will hold a special session. There is no way to take care of it.

I certainly hope that the motion of the gentleman from Raymond, Mr. Edwards, does not prevail.

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

Mr. COOK: Mr. Speaker and Ladies and Gentlemen: I would just like to state that perhaps the belief that I had when I came down here might be, to some extent, contrary to some others.

And that was that when I came down here, I came down here with the idea that I was going to be controlled by my constituents. I would like to hope that everyone here, when this vote is taken, would worry a little bit about their constituents and would have their dear ear in some other direction than in their constituents' direction.

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

Mr. CHILDS: Mr. Speaker, I would like to bring up one other point as far as your constituents are concerned. I think it is going to be a lot easier for you to explain your reason for voting for a one cent increase in the gas tax, than it is going to be for you to go home to your constituents and say: "I did nothing about the highway program, I left it just as it was." Because everybody in the State is well aware of the condition of the roads. And I think you are in a much worse position by saying "I did nothing."

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

Mr. RICH: Mr. Speaker and Members of the House: I think probably I cannot add much to what has been said. However, this matter of the petroleum industries urging people to sign these papers against the gas tax, you all know about it. I represent ten small towns. Probably there are 30 or 40 gasoline stations in those towns. I presume they all were boosted by the petroleum industries and had these papers to send out. One of those stations sent me an envelope which contained five signatures opposing the gas tax. Of those five signatures, all that I knew were young people who did not pay any tax except the gas tax and they did not want to pay any more. What about the other 39, perhaps, gas stations? Either they did not get many signatures or their own per-

sonal convictions were that the gas tax was needed and that it was a good tax.

I believe that this program, as outlined by the Highway Committee, is a good program. I believe we need more money for our roads and I know that the condition of our roads is terrible.

And as regards this pork barrel measure, well, I always like to be in on anything like that and whenever there is any money being distributed by the Highway Department, I am right over there to look after my share. So I went over and talked to Stan Weymouth and I said that if there is any of that money coming up my way, you know the condition of the roads in Charleston and Bradford, and there is one road there that I would like to see some help on. And I care not whether you give it to Charleston or to Bradford because they are both needy and deserving and you know it. Well, what was my surprise when those papers came out, not only did Charleston get a mile under that program but Bradford got their six-tenths of a mile, which was needed to connect up. And two other towns that I represent got little pieces of road that were needed very badly.

So this pork barrel looks awfully good to me. But I do not think it is a pork barrel. I think it is just filling some needs that we people back in the rural areas need. And I do hope that the motion of my good friend, Mr. Edwards, the gentleman from Raymond, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, I do not feel like shutting off the debate but it seems to me that we have had sufficient discussion and that now we might entertain the previous question. And I move the previous question.

The SPEAKER: The gentleman from Presque Isle, Mrs. Christie, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will kindly rise and stand in their places until the moni-

tors have made and returned the count.

A sufficient number arose.

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

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: The gentleman from Bridgton, Mr. Haughn, has requested a ye and nay 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 until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth of the members present having signified their desire for the yeas and nays, they are ordered.

The pending question before the House is on the motion of the gentleman from Raymond, Mr. Edwards, that the two Reports and Bill "An Act Increasing the Tax on Gasoline", House Paper 692, Legislative Document 760, be indefinitely postponed from further consideration.

As many as are in favor of the indefinite postponement of the two Reports and Bill will when the Clerk calls their name answer yes; as many as are opposed to the indefinite postponement of both Reports and Bill will when the Clerk calls their name answer no.

For what purpose does the gentleman from Friendship, Mr. Winchenpaw, arise?

Mr. WINCHENPAW: Mr. Speaker, may I ask a question through the Chair? I thought that we were voting on 1544, the new draft.

The SPEAKER: The Chair will restate the motion correctly. The voting is on the new draft Legislative Document 1544, but more particularly shall the two Reports and New Draft, and the Bill, everything, be indefinitely postponed from further consideration?

The Chair would inquire if some member had any intention of pair-



ing his vote. Although that cannot formally be done, the gentleman may ask to be excused from voting if he so chooses and states such a reason and the House agrees.

The Chair would inquire for what purpose does the gentleman from Hanover, Mr. Ferguson, arise?

Mr. FERGUSON: Mr. Speaker, I would like to ask a question of the Chair, that is to be sure that all the members understand, this provides the package bill—

The SPEAKER: The Chair would state that the gentleman is out of order.

The Chair will restate the question. The question before the House is on the motion of the gentleman from Raymond, Mr. Edwards, that the two Reports and the Bill with respect to the Special Order of the Day be indefinitely postponed from further consideration.

Those who are in favor of indefinite postponement will answer yes when the Clerk calls his or her name; those who are opposed to indefinite postponement will answer no. The Clerk will call the roll.

### Roll Call

YEA — Albert, Babineau, Beal, Bernier, Brewster, Cianchette, Cook, Cormier, Cote, Lewiston; Cote, Madison; Courtois, Couture, Bath; Couture, Lewiston; Coyne, Cyr, Davis, Westbrook; Dostie, Dudley, Dumais, Duquette, Edgar, Edwards, Elwell, Evans, Fay, Flynn, Foster, Fuller, China; Gilmartin, Haughn, Henry, Jack, Jacques, Jones, Kimball, Kinch, Lamb, Latno, Letourneau, Libby, Malenfant, Martin, Eagle Lake; Pierce, Pike, Porell, Potter, Reynolds, Ross, Brownville; Sanford, Sansoucy, Seaward, Skolfield, Tarbox, Valley, Walls, Walsh, Walter, Whiting, Willey.

NAY — Allen, Anderson, Baird Bibber, Blanchard, Bowie, Bragdon, Briggs, Brockway, Brown, Baileyville; Browne, Bangor; Call, Carter, Etna; Carter, Newport; Caswell, Cates, Childs, Christie, Cole, Crockett, Curtis, Davis, Calais; Denbow, Dicker, Dunn, Earles, Ferguson, Files, Finemore, Foss, Fuller, So. Portland; Gardner, Getchell, Greenleaf, Hanson, Harnden, Hatfield, Higgins, Hilton, Howard, Jennings, Knight, Lawry, Lindsay, Lord,

Mann, Martin, W. Gardiner; McCluskey, McGlaufflin, Michaud, Needham, Olpe, Osborne, Palmeter, Quinn, Reed, Rich, Roberts, Brooklin; Roberts, Dexter; Roundy, Sanborn, Shaw, Soule, Stanley, Bangor; Stanley, Hampden; Stanwood, Staples, Stilphen, Storm, Thomas, Tottman, Wade, Wadleigh, Williams, Winchenpaw, Woodworth.

ABSENT—Alden, Anthoine, Bean, Charles, Green, Hancock, Jacobs, MacDonald, Madore, Maxwell, Nadeau, Pullen, Rogerson, Ross, Bath.

Yes 59; No 76; Absent 14.

The SPEAKER: Fifty-nine having voted in the affirmative and seventy-six having voted in the negative, fourteen being absent, the motion for indefinite postponement does not prevail.

Thereupon, on motion of Mr. Childs of Portland, the Majority "Ought to pass" in New Draft Report was accepted.

The Bill in new draft was then given its two several readings.

The SPEAKER: What time does the House assign for the third reading of the Bill? Three-thirty this afternoon, is that the pleasure of the House?

The Chair would state that the motion was put as Eastern Daylight Time. The Chair will put the motion again so that there will be no confusion. Is it the pleasure of the House that the Bill be specially assigned for third reading for this afternoon at three-thirty Eastern Daylight Time, two-thirty Eastern Standard Time.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I am not trying to debate the time of the third reading because I know that it is something that we want to bring to a head and conclude but it seems questionable if that will be time enough due to the fact that I understand that there are two or three amendments and one or two are not fully prepared yet.

So a little later this afternoon, if the time would be possible, I would like to see it to give those other people ample time for all their amendments. There are some, I under-

stand, that are still under discussion and I do not know if they are fully prepared yet or not. If it could be advanced another half hour or so it would help tremendously.

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

Mr. ELWELL: Mr. Speaker, I think I can state that the amendments that the gentleman has reference to are reproduced and are in the process of being distributed.

Thereupon, the Bill was assigned for third reading at two-thirty o'clock, Eastern Standard Time, this afternoon.

The SPEAKER: The Chair would request the gentleman from Waterville, Mr. Bernier, to kindly approach the rostrum.

The House may be at ease.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair lays before the House the first item of unfinished business, 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 May 17 by the gentleman from Waterville, Mr. Bernier, pending the motion of the gentleman from Portland, Mr. Childs, to accept the Majority Report.

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

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: This bill was introduced to solve the City of Waterville's lopsided ward setup. The City of Waterville has a mayor-council form of government, the city is divided into seven wards, each ward having two councilmen and one alderman. Our wards have not been realigned since 1895. A few figures will illustrate the present inequality existing among our wards.

Ward 3, the smallest ward registration-wise, has 757 registered votes. Ward 5, the largest ward, both in point of population and registration, has 2,458 registered voters, over three times as many as ward 3. This

bill would have authorized the Governor to appoint a commission of three persons, all non-residents of the City of Waterville, to survey the realignment problem and to propose a realignment plan to the city council. The city council would then have been authorized to approve or disapprove of the plan.

However, as you know, the Legal Affairs Committee has reported this bill out with a majority "Ought not to pass" report. I think that for the very fact that it has come as a majority "Ought not to pass" report questions to some degree the wisdom of our choice in Waterville of this means for realigning our wards. I would like to say a word or two on that.

The reason we chose this means was as follows.

First, actually, it is the only means whereby the wards have ever been realigned in the City of Waterville. In spite of the fact that previous to 1895, our city charter contained a provision which was almost identical to the reapportionment provision of the Maine Constitution pertaining to this House. That provision was never used. And I understand it was never used due to a very or a somewhat bitter hassle which the city found itself in some time before 1895 in attempting to realign the wards under that old provision.

Secondly, I feel that this method did provide a safety valve, you might say, for the opposition party. This plan had to be approved by the city council and there is a substantial majority of Republicans upon our city council.

However, we have decided upon a somewhat different course. The general laws do set up a provision whereby cities may realign their wards and I would like to move that the minority "Ought to pass" report be accepted solely for the purpose of introducing an amendment.

I would like to explain the purpose of this amendment. This amendment would merely abolish this proposed commission setup. All this amendment would do is to take off from our books the 1895 law leaving us in Waterville free to realign our wards under the general law.

I therefore move the acceptance of the minority "Ought to pass" report.

The SPEAKER: The Chair would state that there is a pending motion so that that motion is not in order at this time.

Mr. BERNIER: Well Mr. Speaker, I therefore trust that the pending motion is defeated in order that I may introduce the proper amendment.

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

Mr. CHILDS: Mr. Speaker and Members of the House: As the gentleman from Waterville (Mr. Bernier) has pointed out, what they were attempting to do was to operate under the charter of 1893. That particular charter gave the Governor the right to appoint three non-residents of Waterville to realign these wards in Waterville and it would be approved by the city government, which is the council in Waterville.

Now I certainly am not attempting to insinuate the cards are stacked. It just so happens that the majority of the city council of Waterville are Democrats and at the present time we have a Democratic Governor. That could be just a coincidence; I do not know.

As far as the amendment is concerned, the amendment does absolutely nothing. The charter of 1893 which gave them the right to change their ward lines, in my opinion, repealed itself. The only thing it gave them the right to do was change the ward lines in 1893 and said nothing about the future.

We have in our revised statutes a method of changing the ward lines in any city which is done by the city council and then approved by the voters. What they were attempting to do here was take it completely away from the voters and they would have nothing to say about changing the ward lines.

And I think that the gentleman from Waterville (Mr. Bernier) certainly well realizes the fact that the general revisions would have precedence over any charter of the City of Waterville. Also, if he, which I believe he has, has read closely the particular chapter which he is referring to in the 1893 charter, it

is quite obvious that it would repeal itself because it was only for the year of 1893 that this would be in effect.

I truthfully admit that this amendment does no harm but it does not do a bit of good. It is just an expense of printing it on the calendar two or three times and then enacting it. I cannot see wasting money on something which does not amount to anything.

And I therefore move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the two Reports and Bill be indefinitely postponed.

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

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: I was somewhat surprised throughout the course of the progress of this bill that the only place in which politics was injected into this bill was here in Augusta. The Waterville Morning Sentinel carried a report a couple of weeks ago, and I am sorry I do not have it here to read verbatim, suggesting that possibly political influences had been exerted thereby providing the reason for this majority "Ought not to pass" report. I do not know of any political pressures; however, it was suggested.

I would like to point this out. Before this bill was introduced by myself, it was discussed before the full city council in the City of Waterville, it was approved unanimously by both the Republicans and Democrats at that city council meeting. It was mentioned in the Waterville Morning Sentinel several times before the hearing date. At the hearing date, not one single Waterville citizen appeared to oppose the bill. And I would like to state this, that we did introduce several bills in behalf of Waterville and on two of them there was rather vociferous opposition.

I would like to state this further, for some reason or other now that we do have a Democratic Governor, the implication is evidently freely drawn and rather liberally drawn that we Democrats are up to some political skulduggery.

When this particular means of realigning the ward lines was en-

acted, you had a Republican Governor. And I do not know whether you had a Republican city council, however, you did have a Republican Governor.

I would like further to point out that in the City of Waterville, we have a very well - balanced vital working two-party system. You just plain do not get away in Waterville with any type of political skulduggery.

I do think that this thing does serve a useful purpose. However, we are free to go under the general law irrespective of whether you pass this or not. But I do believe that this does serve a useful purpose. I do hope that the motion is defeated that this be indefinitely postponed. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Childs, that the two Reports and Bill "An Act Providing for a Change of Ward Lines in the City of Waterville", House Paper 919, Legislative Document 1027, be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, through the Chair I would like to ask the gentleman from Waterville, Mr. Bernier, a question. My question is this: Under the general revisions by which they can comply with it, isn't it true that the ward lines will be approved by the voters of the city and under the charter it is only approved by the council?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to the gentleman from Waterville, Mr. Bernier, who may answer if he so chooses.

Mr. BERNIER: Mr. Speaker, that is perfectly true that under the general law the voters of the City of Waterville will approve the ward revisions.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Childs, that the two Reports and Bill be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, I request a division.

The SPEAKER: The gentleman from Portland, Mr. Childs, 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. Forty-eight having voted in the affirmative and twenty-eight 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 Clerk will read any notices he may have.

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

Mr. BIBBER: Mr. Speaker, I ask unanimous consent that unless previous notice has been 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 that 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: Does the Chair hear objection to the gentleman's request for unanimous consent? The Chair hears none and it is so ordered.

The SPEAKER: The Chair would state that probably there will be a supplemental calendar for this afternoon.

On motion of Mr. Bibber of Kennebunkport,

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

#### After Recess

1:00 P.M., E.S.T.

The House was called to order by the Speaker.

The SPEAKER: The Chair lays before the House the first tabled and

today assigned matter, House Report, Leave to Withdraw as covered by other legislation of the Committees on Highways and Taxation, jointly, on Bill "An Act Increasing the Tax on Gasoline", House Paper 627, Legislative Document 667, tabled on May 17 by the gentleman from Kennebunkport, Mr. Bibber, pending acceptance, and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the Report was accepted and 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 first tabled and unassigned matter, Bill "An Act Classifying Additional Surface Waters in Maine", House Paper 1230 Legislative Document 1513, tabled on May 12 by the gentleman from Houlton, Mr. Rogerson, pending third reading.

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

Mr. REED: Mr. Speaker and Members of the House: I regret to say that Mr. Rogerson, the gentleman from Houlton, is confined to his residence today with a kidney ailment but he expects to be back tomorrow and in deference to him, I would request that this be tabled until tomorrow.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Reed, moves that the Bill lie on the table pending third reading and be specially assigned for tomorrow. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the second tabled and unassigned matter, Bill "An Act relating to Boilers and Unfired Steam Pressure Vessels", House Paper 1235, Legislative Document 1525, tabled on May 13 by the gentleman from Portland, Mr. Childs, pending the motion of the gentleman from Bangor, Mr. Quinn, to recede and concur. (In Senate engrossed as amended by Senate Amendment "A" in non-concurrence. (In the House,

engrossed as amended by House Amendment "B"))

Senate Amendment "A" was again read by the Clerk.

Thereupon, the motion of Mr. Quinn of Bangor prevailed and the House voted to recede and concur with the Senate.

The SPEAKER: The Chair lays before the House the third tabled and unassigned matter, House Joint Order relative to Study of Milk Control Law by Attorney General, House Paper 1252, tabled on May 11 by the gentleman from Durham, Mr. Bowie, pending passage (Ordered Reproduced)

Is it the pleasure of the House that this Order receive passage?

The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker and Members of the House: This House has already passed an order for the study of the Maine Milk Commission laws by the Research Committee. And I can see no need of passing this order. It has a price tag of \$3,000.00 on it and I believe \$3,000.00 is getting scarce around this Legislature, if I have been following the trend of the thing. And I move indefinite postponement.

The SPEAKER: The gentleman from Milo, Mr. Brockway, moves that the Order be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, I forgot this was coming up today so I did not make any speech and therefore I think I will have to go along with the gentleman from Milo, Mr. Brockway, for the indefinite postponement of this bill.

However, I do feel, and I want it on the record, that I did not want this turned over to the Research Committee and that is why I asked for this particular investigation and I just hope and pray that we will have someone on the Research Committee who will have an interest in the dairy situation in Maine.

The SPEAKER: The question before the House is on the motion of the gentleman from Milo, Mr. Brockway, that this Order be indef-

initely postponed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair lays before the House the fourth tabled and unassigned matter, An Act Transferring State Sanatoriums from Department of Institutional Service to Department of Health and Welfare, House Paper 1134, Legislative Document 1332, tabled on May 16 by the gentlewoman from Paris, Mrs. Mann, pending passage to be enacted, and the Chair recognizes that gentlewoman.

Mrs. MANN: Mr. Speaker and Members of the House: I am going to assure my friend, the gentleman from Kennebunkport, Mr. Bibber, that I am not going to make a nuisance of myself after all. I had made definite plans, several days ago, to try to do something about this because I do not think the transfer of the State Sanatoriums to the Health and Welfare is a good move. I am not going to fight it too much and I am not going to even try to block the bill any further, but I do feel that I would like to just justify a little bit my reasons for trying to block the bill.

In the first place, I have been disturbed over the lack of patients in our T. B. sanatoriums. I could not understand why the other hospitals all over the State would have long waiting lists and they would be very full all the time and never have room for people, but the state sanatoriums had so many empty beds and it seemed a shame. So I investigated a little bit and I found that it was the job of the Health and Welfare Department to see that the people were committed, in the proper way, and sometimes they would be forced, someone would persuade them to go to the sanatoriums and sometimes they had to be forced there through court action. But they just did not get there. And I did not like it. I think it is too bad because it is a waste of the facilities of the sanatoriums. So I could see that there was a lack of cooperation between the two departments. Of course if that means that there is a jealousy between the two departments and through this program it would work out better if they were under one head, it should

go through. I want to do what is best for our patients in our sanatoriums. Of course, we are all primarily interested in the people in the sanatoriums. So if that could be worked out, that is fine. But if the people in this Health and Welfare Department do not have the equipment, the money and the personnel to get people there, I do not see how they can take on the greater burden of carrying on the Sanatoriums which is a vastly complicated process and it would take a lot of money and a lot of people to work it out. My main idea is that if they cannot handle one department, how can they handle two?

Now I am not going to vote for postponement but I am still for it. If anyone here wants to vote it I certainly would heartily go along with them.

The SPEAKER: The Chair would state that the pending question is passage of this Bill to be enacted.

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

Mr. BIBBER: Mr. Speaker and Members of the House: I want to thank the gentlewoman from Paris, Mrs. Mann, for the very gracious consideration she has given me on this bill. And I feel sure in my own heart, after having worked with the two consultants who have made the survey of the State, if this is passed into law, their questions will be fully answered and taken care of.

And I move passage of this bill.

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, moves that the Bill be 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.

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(Off Record Remarks by the Speaker)

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The SPEAKER: The Chair lays before the House the fifth tabled and unassigned matter, Bill "An Act relating to Flares, Lanterns and Reflectors for Large Trucks," House Paper 134, Legislative Document 135, tabled on May 17 by the gentleman from Portland, Mr.

Childs, pending further consideration. (In House engrossed as amended by Committee Amendment "A" and House Amendment "A") (In Senate engrossed as amended by Senate Amendment "A", Committee Amendment "A" and House Amendment "A".)

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

Mr. TOTMAN: Mr. Speaker, I do not know whether this motion would be in order at this time. I would like to move that the bill be indefinitely postponed, the bill and amendments. I would like to speak to that if it is in order.

The SPEAKER: The Chair would state that the Bill is not before the House at the present time.

The motions in order would be to recede, concur, insist or adhere.

If the gentleman wishes to move to recede and then move indefinite postponement, that would be in order.

Mr. TOTMAN: Well, Mr. Speaker, I am just trying to expedite the burial of the bill. I feel that it has been amended to the point now where no good can be accomplished by working on the bill any further and I would move that we recede and then I would move indefinite postponement.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that the House recede. Is this the pleasure of the House?

The motion prevailed.

Thereupon, on further motion of the same gentleman, the Bill with accompanying papers was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair lays before the House the sixth tabled and unassigned matter, Bill "An Act relating to Joint Ownership Re Inheritance Tax Law and Joint Bank Accounts", House Paper 912, Legislative Document 1020, tabled on May 17 by the gentleman from Bangor, Mr. Browne, pending assignment for third reading, and the Chair recognizes that gentleman.

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

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

HOUSE 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 the Title of said Bill by striking off from the end the words "and Joint Bank Accounts"

Amend said Bill in section 2 by striking out the underlined paragraph designated "D" and inserting in place thereof the following underlined blocked paragraph:

"D. By survivorship in any form of joint ownership, other than joint bank deposits and joint building and loan shares, created on or after the effective date of this act, the value of decedent's interest in such joint ownership to be determined for the purpose of this chapter as provided by section 10-A' "

Further amend said Bill in section 3 by striking out the underlined paragraph designated "Sec. 10-A." and inserting in place thereof the following:

"Sec. 10-A. Value of share of joint owner. If the decedent, at the time of his death, shall be the co-owner of any form of property, other than joint bank deposits or joint building and loan shares, in any form of joint ownership created on or after the effective date of this act, the value of such joint ownership shall be determined by dividing the whole value of the property by the number of co-owners, regardless of the amount, if any, contributed by any individual co-owner.' "

House Amendment "A" was adopted.

On motion of Mr. Browne of Bangor, under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

The SPEAKER: The Chair lays before the House the seventh 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 May

17 by the gentleman from Sherman, Mr. Storm, pending acceptance, and the Chair recognizes that gentleman.

Mr. STORM: Mr. Speaker and Members of the House: In view of the action taken yesterday in this House whereby we passed L. D. 363, there does not seem to be much purpose in keeping this bill alive and I, therefore, move the indefinite postponement of the bill and report.

The SPEAKER: The Chair understands that the gentleman from Sherman, Mr. Storm, moves that the "Ought not to pass" Report be accepted. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the 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 17 by the gentleman from Brooks, Mr. Elwell, pending passage to be engrossed, and the Chair recognizes that gentleman.

Mr. ELWELL: Mr. Speaker and Members of the House: Section 47 in the obsolete highway laws, so listed, is the section in the law that was provided in some of the previous Legislatures to take care of a problem similar to that one which faced the House this morning.

In the final days of a previous session, the problem arose as to how the Legislature was to divide the highway funds among the different accounts. I think that at that time they recognized that the problem that was laid before them was much similar to the one we had today in this respect: They recognized the problem of reconstruction and in the present highway law, which is not being utilized and is therefore being repealed, there was an apportionment on a mileage basis for the old third-class highway and for the state aid roads.

And reading through the statutes, it appeared to me that if we were to pass a gasoline tax and provide additional funds for state aid highway reconstruction, this would be

a logical manner in which to distribute the funds in order that it would not get into a problem as to who gets what and why and also it would solve the problem of patching these different sections of road and, in my mind, actually our road problem is similar to maintaining a roof. When it leaks as badly as our roof does, I think it is time to shingle it in an orderly fashion rather than to patch it in a patchwork fashion.

So in this amendment, assuming that the gasoline tax increase is going to be a reality, I proposed this method of distribution. And in this amendment I proposed that we divide a million five hundred thousand dollars on six thousand miles of highway, which is not in the accelerated program, not eligible for federal matching funds, and is the State's responsibility to maintain. My division would be on the basis of \$250.00 a mile, which would be really a depreciation figure which we would be setting aside for each mile of highway that we have in each one of the individual towns.

One of the major considerations, on my part, in setting this up was to try to preserve the individual initiative of the town and recognize that this problem is something which is bigger than we can solve alone and that we have to keep the civic interest in the community and the desire to help themselves in solving the problem.

Therefore, I offer this amendment to L. D. 1521 and move its adoption.

The SPEAKER: The gentleman from Brooks, Mr. Elwell, 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 S. P. 564, L. D. 1521, Bill "An Act Repealing Obsolete Highway Laws and Clarifying Project Completion Dates."

Amend said Bill by striking out all of section 2 and inserting in place thereof the following:

"Sec. 2. R. S., c. 23, Sec. 47, repealed and replaced. Section 47 of



Chapter 23 of the revised statutes is hereby repealed and the following section enacted in place thereof:

**'Sec. 47. Additional state aid for state highway and state aid highway reconstruction. Additional allotments of state aid for state highway and state aid highway reconstruction shall be apportioned annually to the cities and towns at the rate of \$250 per mile for each mile of improved state highway or state aid highway located therein, provided said highway is not in the Federal aid system.**

Any town which appropriates funds under the provisions of sections 44, 46, and 49, or section 50, shall be eligible for aid under this section. The amount granted under this section shall be in addition to and become a part of the joint fund referred to in sections 44, 46 and 49, or section 50, and may be expended on new construction or reconstruction under the supervision of the Commission.'

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

Mr. CHILDS: Mr. Speaker, I believe that the gentleman from Brooks (Mr. Elwell) has fairly well pointed out that this amendment is more or less contingent on the passage of the gas tax. The third reading on the gas tax is assigned for 3:30 this afternoon, and at that time we more or less will know whether it will be a reality or not.

I do not think there is much point in discussing this now because the gas tax will come up later with many proposed amendments.

So I therefore move that this matter lie upon the table for later in today's session.

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 Brooks, Mr. Elwell, that House Amendment "C" be adopted. Is this the pleasure of the House?

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

(Mr. Fuller of South Portland was granted unanimous consent to address the House off the record.)

### House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair is informed that there are in the balcony of the House part of a group of eleven students in the Freshman Civics Class of Lewiston High School, accompanied by their teacher, Miss Lancaster.

On behalf of the House, the Chair extends to you a cordial welcome and hopes that you will enjoy your visit and that it will prove profitable. (Applause)

The SPEAKER: The Chair lays before the House the ninth 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 17 by the gentleman from Portland, Mr. Childs, pending adoption of House Amendment "B".

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

Mr. GREENLEAF: Mr. Speaker and Members of the House: I would like to move that House Amendment "B" be withdrawn, if that is proper.

The SPEAKER: Does the Chair hear objection to the gentleman's request that House Amendment "B" be withdrawn? The Chair hears none and House Amendment "B" is withdrawn.

Thereupon, Mr. Browne of Bangor offered House Amendment "C" and moved its adoption.

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

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

Amend said Bill by inserting after section 1 thereof, a new section 1-A, as follows:

**"Sec. 1-A. R.S., c. 12, Sec. 4-A, additional. Chapter 12 of the revised statutes is hereby amended by adding thereto a new section to be numbered 4-A, to read as follows:**

'Sec. 4. Rules and regulations. The Director shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations to carry out the provisions of this chapter.

Such rules and regulations shall become effective when approved in writing by the Governor and Council and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation or the reasonableness of same, or any act or order of the Director in enforcing any such rule or regulation, may appeal to a Justice of the Superior Court by presenting to him a petition therefor in term time or vacation and he shall fix a time and place of hearing which may be in the chambers or in vacation and cause notice thereof to be given to the Director and, after the hearing, the Justice may affirm or reverse the rule, regulation, act or order of the Director and the decision of such Justice shall be final.' "

Further amend said Bill by inserting after the 1st paragraph of that part designated Sec. 9 of section 3 the following underlined paragraph:

**'Duly appointed law enforcement officers of local, state and sheriffs organizations are empowered to enforce any of the provisions of this chapter or any rules or regulations promulgated thereunder in times of an emergency or during authorized alerts including partial or full mobilization necessary to carry out the provisions of section 6. It shall be unlawful for any individual to fail or refuse to comply with any just or reasonable order relative to the above from any such duly appointed law enforcement officer. Such failure to comply with such order shall constitute a misdemeanor.'**

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

The SPEAKER: For what purpose does the gentleman from Chelsea, Mr. Allen, arise?

Mr. ALLEN: Mr. Speaker, for a point of inquiry, I would like to know roughly what House Amendment "C" would accomplish, what it was.

The SPEAKER: The gentleman from Chelsea, Mr. Allen, addresses a question through the Chair to the gentleman from Bangor, Mr. Browne, or any other member, who may answer if he so chooses.

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

Mr. BROWNE: Mr. Speaker and Members of the House: You will recall when the original bill, Legislative Document 353, was reported out, it contained language which could be interpreted as giving the Director of Civil Defense rather dictatorial powers. That bill was amended by Senate Amendment "A" I believe, which struck out that particular language, in fact, weakened the whole bill completely.

This amendment proposed here, House Amendment "C" seems to represent a compromise giving the Civil Defense Director an opportunity to set up rules and regulations by which the laws of the Civil Defense can be carried out. It also provides for an avenue of appeal in instances where one believes that he has been aggrieved by any rule or regulation made. I think that it represents a rather satisfactory compromise and without something such as this there would be no object to pass any law at all with reference to Civil Defense thus far.

On motion of Mr. Greenleaf of Boothbay Harbor, under suspension of the rules, the House voted to reconsider its action whereby on May 9 it adopted Senate Amendment "A" as amended by House Amendment "A" thereto.

The SPEAKER: The Chair understands that the gentleman from Boothbay Harbor, Mr. Greenleaf, now moves that under suspension of the rules, the House reconsider its action whereby it adopted House Amendment "A" to Senate Amendment "A" on May 9. Is this the pleasure of the House?

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

Mr. QUINN: Mr. Speaker, might we have the title to the L. D. as well as the number, we do not know what they refer to.

The SPEAKER: The Chair would state that it is Bill "An Act Revising the Laws on Civil Defense and

Public Safety", Senate Paper 159, Legislative Document 353.

The question before the House is on the motion of the gentleman from Boothbay Harbor, Mr. Greenleaf, that the House reconsider its action of May 9 in adopting House Amendment "A" to Senate Amendment "A". Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman, the House voted to indefinitely postpone House Amendment "A" to Senate Amendment "A".

Senate Amendment "A" was then adopted without amendment thereto.

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

On motion of Mr. Pierce of Bucksport, the House voted to take from the table Resolve 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 earlier today pending passage 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. 966, L. D. 1092, Resolve, 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.

Amend said Resolve by adding after the word "from" at the end of the 9th line from the end thereof the following words: 'the unappropriated surplus of'

House Amendment "A" was adopted.

Thereupon, the Resolve was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I would like to inquire if Legislative

Document 1440, Bill "An Act relating to Fees of Jurors and Witnesses" is in possession of the House?

The SPEAKER: The Chair would state that it is.

Thereupon, on motion of the same gentleman, the House voted to reconsider its action of yesterday, whereby it receded and concurred with the Senate on Bill "An Act relating to Fees for Jurors and Witnesses", House Paper 1185, Legislative Document 1440.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of April 13 whereby the Bill was passed to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I now move that House Amendment "A", which has been reproduced and distributed with filing number 573 be adopted.

The SPEAKER: The gentleman from Mechanic Falls, Mr. Foster, moves that House Amendment "A" be adopted. The Clerk will read the amendment.

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

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

Amend said Bill by striking out the underlined figure "\$5" in the 3rd line of section 2 and inserting in place thereof the underlined figure "\$3"

Further amend said Bill by striking out the underlined figure "\$5" in the 6th line of section 2 and inserting in place thereof the underlined figure "\$2.50"

Further amend said Bill by striking out the underlined figure "\$5" in the 7th line of section 2 and inserting in place thereof the underlined figure "\$2"

Further amend said Bill by striking out the stricken out figure "\$25" and the underlined figure "50" in the 11th line of section 2 and inserting in place thereof the figure "\$25"

The SPEAKER: The question before the House is on the motion of the gentleman from Mechanic Falls, Mr. Foster, that House Amendment "A" be adopted.

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

Mr. WOODWORTH: Mr. Speaker, I do not know if I am in any position to argue with the gentleman from Mechanic Falls, Mr. Foster, and some other lawyers here. But this was gone over in the committee, we put most of the winter on it. It finally had the blessings of the County Commissioners Association and some attorneys agree that it is good. One judge told me that it was one of the best bills that had been written in here for quite a while on anything like that.

And I would move for indefinite postponement of the amendment.

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

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I have talked with both the gentleman from Mechanic Falls, Mr. Foster, and the gentleman from Benton, Mr. Woodworth, and Mr. Woodworth's idea is that a person that goes to court as a witness should get a day's pay. Now, of course, the old law and this particular amendment is not set up like that. It is to give them a little something for the time they go as a witness.

Now if this bill goes through without this amendment, it will make it practically unreasonable to go after any kind of a claim that is less than a hundred dollars because there would be so much cost involved that the cost would eat up the claim. If you give a witness \$5.00 a day and you have a case that has ten witnesses, he is there one day, there is \$50.00. And if it happens to be he is there two days there is \$100.00. So a \$100.00 claim would be no good. I mean you are building up so much cost here that for small litigations you practically nullify them. Some of them might have a just claim and a rightful claim but the expense would eat it up and he could not afford to prosecute it.

So I move that the Legislature go along with the amendment.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: The reason that witnesses were paid a small sum for appearance in court was originally, and I think still is, so that witnesses could be summoned to help a person with his case without it costing him more than his claim was worth. I certainly go along with this amendment. I think \$5.00 to have a witness brought into court perhaps to testify for five minutes is altogether too high. I am against the indefinite postponement of this amendment.

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

Mr. ALLEN: Mr. Speaker, in looking up the original L. D. 1440, I notice that these fees have been very, very small in the past and they probably have been that way for some time. Some of these \$2.00 fees were probably established back in the days when a man got \$2.00 a day for his labor. And it seems to me only fair that if a man is summoned to court for a witness, he should get at least \$5.00 and the mileage of eight cents a mile which would be comparable to what any company pays for travel.

Therefore, I would like to go along with the motion of the gentleman from Benton, Mr. Woodworth, to indefinitely postpone this amendment.

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

Mr. STANLEY: Mr. Speaker and Members of the House: Being on that committee, there was evidence brought to us that in some cases where a closed store was broken into, the man was summoned to court after the person was found who did the breaking in and it cost him, the grocery man, \$8.00 to hire a man to take his place while he went to court for which he received \$2.00. That was one of the facts brought out before the committee.

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

Mr. CHILDS: Mr. Speaker and Members of the House: Without

question the gentleman from Hampden, Mr. Stanley, is correct on particular matters such as that but he is referring, of course here, to criminal cases which is paid out of the county.

The objection that the gentleman from Mechanic Falls, Mr. Foster, is bringing up and also the objection the gentleman from Bangor, Mr. Quinn, is bringing up are on civil matters in which either the plaintiff or the defendant ends up paying the court cost.

Now in any small case in which you have \$100.00 or even up to \$200.00 involved and you have from five to ten witnesses, it would be rather ridiculous to take a case into court and possibly pay out \$50.00 or \$60.00 in costs. And I certainly know that the problem exists on criminal matters but most of your cases which are going to court are civil matters.

And I therefore hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: I just want to add that I do not think at any time have people figured that the fee paid witnesses was intended to be compensatory. I think it is more as a token for service they perform. I believe that a person who is called into court to testify for or against any cause has a service and duty to perform that. So they should not be expecting to be paid for it. I am sure that even the Legislators in the years gone by, and perhaps this year, have been paid and their salary has not been compensatory. They have performed a service and I think that is true of witnessess.

And the object of this reduction in this bill to increase the witness fee is intended and aimed and for the poor person who ought to be able to get in court if he has a just cause. And there can be just cause even if the amount is not too large. at \$5.00 for each witness, the cost would be prohibitive for the poor person.

And when you speak of justice for all, on such legislation as this,

I suppose we would have to add to the title justice for all those who can afford it. Thank you.

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

Mr. ALLEN: Mr. Speaker, the question arises in my mind if attorneys were assigned to a case, if they would go into court for \$3.00.

The SPEAKER: The gentleman from Chelsea, Mr. Allen, addresses a question through the Chair to any attorney in the House who may answer if he so chooses.

Mr. CHILDS: Mr. Speaker, my only answer is that a good many attorneys assigned to cases go into court for nothing.

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

Mr. CIANCHETTE: Mr. Speaker, as a member of the committee, I would like to concur with the gentleman from Benton, Mr. Woodworth. This matter, as he pointed out, was very carefully threshed out in the committee and for a long time. It was re-written I do not know how many times. Mr. Allen, the gentleman from Chelsea, brought up a point that these old figures, or the \$2.00 fee, and if I recall correctly, that was in effect in 1911. I believe that that was the date that went into effect, and the committee felt that at that time a \$2.00 fee was about a day's wages at the time. I do not know why it should not be brought up comparable to somewhere near a day's wages to-day.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I feel called upon to say something. While I am sitting here, I think of the kind of men that I have at home that I am paying \$8.00 a day. It seems kind of ridiculous to me to ask any man to go into court for the fee of \$5.00.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I kind of hesitate to speak on this but I have had quite a lot of experience. A short time ago, I gave a good

lawyer up in our good county quite a considerable amount of small bills to collect, all below a hundred dollars. Last Saturday when I arrived home, I got the check for the amount and after going over it carefully, I find that I got \$2.00 less than half the bills that I gave him.

So I believe that if the lawyers collect under those circumstances that surely they would allow the poor person. I know that I would be perfectly willing to give him \$5.00 a day while he works for me as a witness if I am going to give half the bill to the lawyer to collect it.

The SPEAKER: Is the House ready for the question?

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

Mr. WOODWORTH: Mr. Speaker, I would like to address a question to the gentleman from Portland, Mr. Childs, he said that sometimes they do not collect, but I would like to ask him if he does that on a duty or for the reason that he cannot collect.

I also think that perhaps it would be a good idea to start a new era in this witness business and perhaps the lawyers will call it a duty and let the witnesses have a little of their fee.

The SPEAKER: The gentleman from Benton, Mr. Woodworth, addresses a question through the Chair to the gentleman from Portland, Mr. Childs, and the gentleman may answer if he so chooses.

Mr. CHILDS: Mr. Speaker, I think I understood part of his question, but I think I realize what he was getting to. I will answer him by saying that in the City of Portland, we have a legal aide which means that each lawyer usually spends one or two days a month by going down there and spending one full day giving free legal advice.

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

Mr. WADE: Mr. Speaker and Members of the House: It seems to me that this discussion the last few minutes has brought up quite a matter of difference of opinion on this thing and I frankly am somewhat confused.

I wonder whether at this time a motion to indefinitely postpone this bill and the accompanying papers is in order.

The SPEAKER: The Chair would state that the pending question is on the motion of the gentleman from Benton, Mr. Woodworth, that House Amendment "A" be indefinitely postponed.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: The last few comments seem to have drifted back toward attorneys or lawyers. This whole fee structure is not something the lawyers pay, it is something the clients pay. If you happen to be the client, it is something that is coming out of your pocket. Now you may have an automobile accident and you may have five or six witnesses around there that you feel you want summonsed to go to court to tell what they know about the case, that you need them to support your side of the case. Your opponent has the same kind of a situation. So you have them subpoenaed and go. It means that you have to pay \$5.00 a day for each of them whether it took five minutes or ten minutes for them to testify in that case. And if by any reason the case was postponed to another day or several days, you would have to pay it for each of the days of the postponements. So that your cost for your witnesses at \$5.00 apiece would soon eat up any small claim of \$200.00 or \$300.00.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: It is very evident to me that the members of this committee have had very little legal experience or they would come to quite a different conclusion.

I do not think that there is a lawyer in Portland, and probably in the State, who has not given time many times for absolutely nothing to help somebody that was in need and could not afford to pay. This crack about the lawyers taking most of the fee, as the gentleman from Bangor, Mr. Quinn, says does

not affect this case at all. It is the clients that have to pay. I have known cases that had 30 witnesses. That means \$150.00 a day. It counts up tremendously and somebody, not the lawyers, has to pay that cost. I will say this: If the members in this House knew what they were talking about, they would not indefinitely postpone this amendment.

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

Mr. MCCLUSKEY: Mr. Speaker and Members of the House: It seems to boil down to this that the lawyers will have to get by with fewer witnesses and therefore will have to work a little harder themselves. (Laughter)

I move the previous question.

The SPEAKER: The question before the House is on the motion of the gentleman from Benton, Mr. Woodworth, that House Amendment "A" offered by the gentleman from Mechanic Falls, Mr. Foster, be indefinitely postponed.

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

A division of the House was had.

Sixty having voted in the affirmative and fifty-four having voted in the negative, the motion prevailed and House Amendment "A" was indefinitely postponed.

The SPEAKER: For what purpose does the gentleman from Mechanic Falls, Mr. Foster, arise?

Mr. FOSTER: Mr. Speaker, if it is in order, I would like to move for indefinite postponement of the bill.

The SPEAKER: The Chair would state that it is in order.

Mr. FOSTER: I would make that motion, Mr. Speaker.

The SPEAKER: The gentleman from Mechanic Falls, Mr. Foster, moves that Bill "An Act relating to Fees for Jurors and Witnesses", House Paper 1185, Legislative Document 1440, with all accompanying papers be indefinitely postponed.

As many as are in favor of the indefinite postponement of this Bill with all accompanying papers will signify by saying aye; those opposed, no.

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

Seventy-four having voted in the affirmative and forty-five having voted in the negative, the motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: For what purpose does the gentleman from Chelsea, Mr. Allen, arise?

Mr. ALLEN: I would like to ask a question, Mr. Speaker.

The SPEAKER: The gentleman may state his question.

Mr. ALLEN: Mr. Speaker, I would like to have someone here, possibly of the legal profession, tell me now if I can be forced —

The SPEAKER: The Chair would inquire as to what the question pertains?

Mr. ALLEN: Mr. Speaker, the last bill.

The SPEAKER: The Chair would state that the gentleman's question is not in order at this time.

The House will recess for fifteen minutes and the Chair would be pleased to talk to the gentleman during the recess.

### Recess

Called to order by the Speaker.

The SPEAKER: The members will notice that there have been distributed on the desks Supplements numbers 1 and 2 of the House Advance Journal. Items there will be in order after the Bill assigned for third reading at 2:30 Eastern Standard Time.

### Third Reader Tabled

Bill 'An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases' (H. P. 1251) (L. D. 1544)

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

Mr. Ferguson of Hanover offered House Amendment "E" and moved its adoption.

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

HOUSE AMENDMENT "E" to H. P. 1251, L. D. 1544, Bill "An Act

Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases.”

Amend said Bill by inserting after Section 4 thereof, a new section 4-A, as follows:

“Sec. 4-A, R.S., c. 16, Sec. 167, amended. Section 167 of chapter 16 of the revised statutes is hereby amended to read as follows:

‘Sec. 167. Provision for refund of 3/7 of tax paid by users of aircraft. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in sections 158 to 168, inclusive, for the purpose of operating aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections 158 to 168, inclusive, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of 1/3 3/7 of the amount of such tax paid by him upon presenting to the State Tax Assessor a statement accompanied by the original invoices showing such purchases. Provided that applications for refunds as provided herein must be filed with the State Tax Assessor within 9 months from the date of purchase.’”

Further amend said Bill by inserting after Section 5 thereof, a new section 5-A, as follows:

“Sec. 5-A, R. S., c. 16, Sec. 182, amended. The 3rd, 4th and 5th paragraphs of section 182 of chapter 16 of the revised statutes are hereby amended to read as follows:

‘At the time of the filing of said report each use fuel dealer shall pay to the State Tax Assessor a tax of 6c 7c upon each gallon so reported as sold or used, and the State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily. If such report is not filed by the last day of the month such dealer shall be liable to a penalty of \$5 a day for each day in arrears, due on demand by the State Tax Assessor and recoverable in an action of debt.

Each dealer shall, within 15 days after demand made on him by the State Tax Assessor, pay a tax of 6c 7c per gallon upon each gallon of such fuels upon which the tax has not been paid which, upon an audit, the State Tax Assessor may find to have been received into the State during the preceding year by the dealer and not properly accounted for in a dealer’s report or in accordance with law.

Each dealer paying or becoming liable to pay the tax imposed by this section shall be entitled to charge and collect 6c 7c per gallon only as a part of the selling price of the fuels subject to the tax.’”

Further amend said Bill by striking out all of section 6 thereof, and inserting in place thereof the following:

‘Sec. 6. Collection of taxes. No tax imposed by the provisions of this act shall be levied prior to June 1, 1955. With respect to internal combustion engine fuel as defined in section 159 of chapter 16 of the revised statutes, this act shall apply only to such fuel which the distributor shall sell, distribute or use on and after June 1, 1955.’

Further amend said Bill by striking out all of section 7 thereof, and inserting in place thereof the following:

‘Sec. 7. Appropriation for state aid construction and reconstruction in hardship cases. There is hereby allocated from the General Highway Fund the sum of \$1,000,000 for the fiscal year ending June 30, 1956 and the sum of \$1,000,000 for the fiscal year ending June 30, 1957 to be expended by the State Highway Commission for the reconstruction of highways designated as state aid highways not on the federal system where, because of excessive maintenance or hazardous conditions such reconstruction is desirable; and for the construction of unimproved sections of such highways located between improved sections in instances where the public use and safety require such construction. Any unexpended balance for the fiscal year ending June 30, 1956 shall not lapse but shall be carried forward to the next fiscal year to be expended for the same purpose?’



The SPEAKER: The pending question is on the motion of the gentleman from Hanover, Mr. Ferguson, that House Amendment "E" be adopted.

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

Mr. CHILDS: Mr. Speaker and Members of the House: If you will look at the amendments before you, you will find House Amendment "A" to House Amendment "E" which is filing number 577. You will notice on that particular Amendment that I have amended Section 7 by striking out all of Section 7 in House Amendment E and replacing a different Section 7. What I have done in this section is an attempt which I believe is a fair way of distributing this million dollars a year. It amounts to this, it is taking the state aid roads, improved and unimproved, not on the federal secondary system, on a mileage basis, dividing this mileage basis up into different counties. Briefly I have had it broken down and it will briefly go this way.

The County of Androscoggin would get \$34,000.00. Aroostook would get \$99,000.00, Cumberland \$72,000.00, Franklin \$35,000.00, Hancock \$69,000.00, Kennebec \$69,000.00, Knox \$40,000.00, Lincoln \$42,000.00, Oxford \$67,000.00, Penobscot \$117,000.00, Piscataquis \$37,000.00, Sagadahoc \$20,000.00, Somerset \$74,000.00, Waldo \$65,000.00, Washington \$77,000.00, and York \$83,000.00.

The Highway Commission would then have the authority to decide themselves where this money would be used in the county. In my opinion, I believe each county would be getting a fair share of it and I am also of the opinion this would take it completely out of politics and the commission itself would decide where the hardship cases are in each county, but each county would be getting a fair share according to the mileage.

Now I am leaving this up to your consideration. I hope you will give it some thought as to the worthiness of this particular House Amendment and I will offer House Amendment "A" to House Amendment "E" and move its adoption.

The SPEAKER: The gentleman from Portland, Mr. Childs, offers

House Amendment "A" to House Amendment "E" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "E" to H. P. 1251, L. D. 1544, Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases."

Amend said Amendment by striking out all of the last paragraph designated "Sec. 7" and inserting in place thereof the following:

**'Sec. 7. Appropriation for state aid construction and reconstruction in hardship cases.** There is hereby allocated from the General Highway Fund the sum of \$1,000,000 for the fiscal year ending June 30, 1956 and the sum of \$1,000,000 for the fiscal year ending June 30, 1957 to be apportioned to the 16 counties on the basis of the number of miles of improved and unimproved designated state aid highways located within each county not on the federal system and to be expended by the State Highway Commission for the reconstruction of Highways designated as state aid highways not on the federal system where, because of excessive maintenance or hazardous conditions such reconstruction is desirable; and for the construction of unimproved sections of such highways located between improved sections in instances where the public use and safety require such construction. Any unexpended balance for the fiscal year ending June 30, 1956 shall not lapse but shall be carried to the next fiscal year to be expended for the same purpose.'

The SPEAKER: The Chair would like to make one explanation before recognizing any speaker. Amendments to an amendment are in order before the amendment itself is considered. This House Amendment "A" to House Amendment "E" would modify House Amendment "E" by striking out section 7 thereof and substituting a new section 7. If House Amendment "A" to House Amendment "E" is adopted that would preclude another amendment which did the same thing, substitute a new section 7 for the section

7 in the original House Amendment "E".

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

Mr. HAUGHN: Mr. Speaker, the only request I was going to make on these two amendments, I would like to see a division made rather than just a "yes" vote because there are a good many of them I do not believe fully understand there is another amendment coming up. So we can act upon each one very truthfully.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Harnden.

Mr. HARNDEN: Mr. Speaker, I would like to inquire what happened to House Amendment "C"?

The SPEAKER: The gentleman from Rangeley, Mr. Harnden, addresses a question through the Chair to any member who wishes to answer, what became of House Amendment "C". The gentleman from Hanover, Mr. Ferguson, may answer if he so chooses.

Mr. FERGUSON: Mr. Speaker and Members of the House: In drawing up House Amendment "C" this morning just before Section 7, stated: "Further amend Bill by adding at the end thereof the following section." Under new amendment "E" it states by striking out all of that Section 7 and inserting in place thereof the following. In fact there was just a little mistake in the drawing up of the amendment. This was simply to correct a mistake that was made in Amendment "C". So you discount Amendment "C" with filing number 567.

The SPEAKER: The Chair would inquire if the gentleman from Rangeley, Mr. Harnden, understands the answer.

Mr. HARNDEN: Yes, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, as a matter of question, did I understand you to say that the proper way to do this would be to amend House Amendment "E" with any other House Amendments which have been presented heretofore?

The SPEAKER: The Chair would request the gentleman from Dur-

ham, Mr. Bowie, to kindly approach the rostrum.

(Conference at rostrum)

### House at Ease

Called to order by the Speaker.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Childs, that House Amendment "A" to House Amendment "E" be adopted.

The Chair recognizes the gentleman from Bar Harbor, Mr. Edgar.

Mr. EDGAR: Mr. Speaker, if I may I would like to direct a question to the gentleman from Portland, Mr. Childs.

The SPEAKER: The gentleman may state his question.

Mr. EDGAR: I have noticed that in House Amendment "A" to House Amendment "E" there is a provision made for unexpended balances not lapsing. Now do I understand correctly that that implies the possibility of the money being allocated to any one particular county not necessarily all being spent within one year in that county, or is there some guarantee that the money allotted to the county will be spent in that county in the year in which it is supposed to be spent?

The SPEAKER: The gentleman from Bar Harbor, Mr. Edgar, addresses a question through the Chair to the gentleman from Portland, Mr. Childs, who may answer if he so chooses.

Mr. CHILDS: Mr. Speaker, I shall have to answer the gentleman by saying that I assume that all of the money in any county will be spent, but it is certainly necessary to have some clause in there to say what would be done with the money if it was not allocated. Instead of sending it back to the general highway fund, apparently, it would be, in my opinion, a better idea to have it be expended in the following year for the same purpose. I assume it will all be spent though but there would have to be some provision to take care of it if it is not spent.

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

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

We are getting so many amendments so fast that it is pretty hard to pick one's self up out of the confusion.

I would like to ask through the Chair of the gentleman from Hanover, Mr. Ferguson, the House Chairman of the Highway Committee, which of these amendments follow the pattern of the program of this committee?

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

The Chair recognizes that gentleman.

Mr. FERGUSON: Mr. Speaker and Members of the House: This Amendment "A" seems to be the one that is satisfactory to the most of the people on the committee. This House Amendment "A" that was presented by Mr. Childs, the gentleman from Portland, follows the pattern and our programs. It is what we would like to see enacted. This is the amendment that we hope that this House will go along with and accept.

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

Mr. COTE: Mr. Speaker and Members of the House: Through the Chair I would like to ask a question of the gentleman from Portland, Mr. Childs. I see he has broken this down by counties. I would like to know whether he has it broken down by towns and cities.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, addresses a question through the Chair to the gentleman from Portland, Mr. Childs, who may answer if he so chooses.

Mr. CHILDS: Mr. Speaker, I do not have them broken down into towns. I have the number of miles broken down into counties and then I have it done on a percentage basis. I do not know the number of miles in each town.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker and Members of the House: I cannot agree with my good friend the gentleman from Hanover, Mr. Fer-

guson, on the amendment by the gentleman from Portland, Mr. Childs. And I think this amendment is wrong. I think the intent behind it is very nice, but if you will notice, this apportionment is based on the number of miles of improved and unimproved designated state aid highways.

Part of the intent behind this fund, if it is going to be allocated other than directly in the Highway Commission, is based on the fact that, and I would have to refer to another amendment here they have come in so fast, it is based on the fact that it is sort of an incentive thing also. And if you will notice one other amendment mentions the fact that it should be based on state and state aid highways and probably should be distributed providing the town furnishes their proportionate share.

I am afraid that this amendment of Mr. Childs, the gentleman from Portland, due to the fact that it is based on the number of miles of improved and unimproved roads would have a tendency to hold the towns back for the simple reason that the more miles of unimproved roads they had the more benefit they would get under this resolve. Instead of having the incentive to keep on constructing state aid roads, it would work in reverse. In other words, the more unimproved road they had, the more mileage, the more funds they would get, which is wrong.

And it is my opinion that this amendment of Mr. Childs, the gentleman from Portland, should be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I have no great differences in passing this Amendment "E" to House Amendment "A" but I do believe that what Mr. Denbow, the gentleman from Lubec, said is true after reading it. I do not believe the State Highway Commission wants to put money on the unimproved designated state aid highways because they have in these past two or three years kept at each town, and especially mine, to reconstruct and

improve our present improved highways.

So I would hesitate in voting to put this money on unimproved designated state aid highways. Although I do not question the amendment, I think it is a good amendment with the exception of that word "unimproved".

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Childs, that House Amendment "A" to House Amendment "E" be adopted.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker, I do not question the advisability of spending the money on either improved or unimproved designated state aid roads. I think that is perfectly all right. But I am very much against the basis of allocation; it is wrong. It will create the tendency to instead of having the towns appropriate their share, they could lay off and still get benefited. It is wrong in principle.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I would just like to go along with the expression that has just been made due to the fact that we already have a fund known as the town road improvement fund whereby the towns are now being reimbursed at the rate of \$100.00 a mile on the unimproved mileage in the state aid system. So you would be duplicating yourselves if you allocated money here through this fund. I would just like to make that point clear.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I cannot agree with my good friend, the gentleman from Brooks (Mr. Elwell) and we are pretty well agreed on most everything in regard to roads in our towns. But if you will notice this says, "Unimproved designated state highway." Now what Mr. Elwell, the gentleman from Brooks, refers to is the town road improvement fund which is mud

roads. Now there is a vast difference between the two. And I can see why we would need this in here because it is construction.

Now most towns have a few miles that have been designated and that is for construction. It says here, "The basic number of miles of improved and unimproved." Now the improved has already been constructed but because of the wear and tear it may need something more done to it this year or next year. And so that one is necessary in there in order to take care of that. The other one is just as necessary, unimproved designated state highways. Now mind you that designated puts a different light on it than what these gentlemen have been talking about, it seems to me. It cannot be used for mud roads like the town road improvement fund, it must be used on designated roads.

I think if you had anything to do with town affairs, you would know that before any state money can be used as state aid highway, the road has first to be designated. That is a count has to be made. At the present time there has to be 50 cars or more per day going over that piece of road or they will not designate it, they will keep it in the town road funds and the town will have to take care of it themselves except for what money they can get from the town road improvement fund.

So I do not see anything wrong with this amendment. I do not see any corrections that would be made what good it could do.

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

Mr. CHILDS: Mr. Speaker and Members of the House: As most of the members know, I am not on the Highway Committee, nor am I an expert on highway problems. All that I was attempting to do with this amendment was distribute this on a fair basis. I was under the impression that this million dollars which was to be allocated every year was to be designated for certain roads which towns themselves would not take it upon themselves to do.

I appreciate the wisdom of the gentleman from Lubec (Mr. Den-

bow) on highways and I well realize that he has a vast knowledge of the highway situation. But I was under the impression that these particular highways which we are attempting to help with this million dollars are those highways which the towns themselves will not take any incentive on and they will use their state matching funds for the particular state aid roads which lead to their market places and so forth: and particularly those which are not leading to their direct market centers and railroad stations and so forth are the ones left untouched. The Highway Commission here would designate which particular roads are considered hardship cases and designate the ones which are to be taken care of.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, I too like this amendment as it is and I think that if we want to get politics out of this thing we want to eliminate the word "pork barrel." I do not see how in the world anybody can call this a pork barrel if you allocate the funds here according to road mileage. In other words, it is a fair shake to everybody and it is going to be left once again as to the question of need and I think that is what we are all striving for here, the roads that need it are the ones that we are going to try to get reconstructed in this state aid system.

I would like to see this amendment adopted, myself.

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

Mr. DUMAIS: Mr. Speaker and Members of the House: I cannot make out these things here, I mean I have looked them over and studied them and they were getting to be so a Philadelphia lawyer would have to explain them but I do not believe that the citizens as a whole will get a fair shake here. I am not in favor of seeing this million dollars go out to plantations 201 and 506 and send them eight or nine thousand dollars.

You say that this is coming out of us, the people that buy the gasoline. You say that it might cost each and every one of us here \$6.00

apiece. Well, we are already paying \$36.00 and if we vote for this here, we are going to pay \$42.00 and I do not quite — all these amendments and everything like that, I mean it does not give up to anything.

I would like to see this explained as to what town is going to benefit by this. I do not see where our cities are going to benefit by this any. And I do think that the cities contribute a big part of the gasoline tax and I do not think they should be ignored.

So I would move that the bill and all its amendments be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, moves that the Bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Rangeley, Mr. Harnden.

Mr. HARNDEN: Mr. Speaker and Members of the House: If I understand this correctly, and I think I do, there will be so much money allocated to each county. The Highway Commission would designate where the money should be spent in these several counties. And this amendment states that it should be spent where because of excessive maintenance, or hazardous conditions, such construction is desirable. And for the construction of the unimproved sections of such highways located between improved sections in instances where public use and safety require such construction.

It seems to me that this is a pretty fair way of doing it. And I certainly hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Edgar.

Mr. EDGAR: Mr. Speaker and Members of the House: I personally think that the idea of the gentleman from Portland, Mr. Childs, is a good one. I understand the amendment in so far as the where is concerned but I am still bothered about the when. I see nothing in this amendment that would indicate in any way when the Highway Commission was going to spend, or would have to spend, or would be

expected to spend the allocated money in any one given county.

Now as I read this amendment, it seems to me that they could delay any number of years at their own discretion as to the spending of the money in any given county. I realize the need might occur where they might consider it better to accumulate the money over a period of years and do a big job rather than spend the allocation yearly on a series of smaller jobs.

I would appreciate Mr. Childs, the gentleman from Portland, straightening me out on that if he would or could.

The SPEAKER: Before doing so, the Chair would like to correct a previous statement. The pending question is still the amendment question. The indefinite postponement is of a deferred priority.

The gentleman from Bar Harbor, Mr. Edgar, addresses a question through the Chair to the gentleman from Portland, Mr. Childs, who may answer if he so chooses.

Mr. CHILDS: Mr. Speaker, Apparently the gentleman from Bar Harbor (Mr. Edgar) and I just do not agree on the wording of this. I just assumed that the wording that the million dollars would be allocated for the fiscal year of '56 and the million dollars allocated for the year '57 and, that it was to be apportioned among the sixteen counties, that the Highway Commission themselves by this particular wording are directed to do it. I believe that this wording is no different than any other particular wording in the statutes where you allocate money.

I do not think it is necessary, but to clear the matter up you could put the word in here and "direct" it to spend it. But if the money is not spent in these particular counties, there is no need of it, it would just lapse into the fund for the next year to be used for the same purpose. And if we ever reach a point where the act is no longer a need, the law could then be repealed and we could do away with that. But I certainly do not think there is any need of worrying about that particular matter right now because it is my understanding that even at the present moment we have such roads

as this that go up anywhere to 40 or 50 million dollars. Other roads which are in good shape now will soon fit in this particular category and I certainly do not question that need at this present time.

And while I am up, if I may, I would like to answer the gentleman from Lewiston (Mr. Dumais) and inform the gentleman that I am also from a city which is a larger city than Lewiston, but I am here for the purpose of representing the State of Maine. I am not here for the purpose of representing Portland.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I think that some of the confusion is caused probably in that tenth line, right after where it says "Where, because of excessive maintenance or hazardous conditions such reconstruction is desirable." Perhaps, it seemed to me, that some fear that because that is in there that some places would not get it. That is just in there as enabling. In other words, if my town did not have any use for this road, why we would not be given any part of it. So you could not just simply draw it up by towns because if we have, and some towns have, all their state aid highway roads built, there is not any use to spend any more money on them. And that is like other things in law, it is just for clarification.

Now the idea that someone has expressed here that the towns would not go ahead and build roads, they would just hold them in abeyance waiting for this time to come, why the little thought there is just too funny to be funny. Because we just do not do those things back in the towns.

This morning, the town manager asked me what I thought about this thing, was it going through and would it apply on one particular road. And I said, "I do not know, it would be the pleasure of the Legislature." And he says, "If it does, why we will just take the money that we have already appropriated and continue where they have left off and continue that piece of road and if we have any more we will go over on the so-called White road

where it has been designated and we will spend it there. I think it is an awful good thing and I hope it goes through." And I am sure all the other people in the towns will do the same thing.

We will not stand back because we are going to get a few thousand dollars out of this fund and wait another year to have our roads. We are going to do our part and do not let anybody fear that. Every town in this State will be up and doing and this will just simply get it done a little mite quicker and keep in line with progress.

The SPEAKER: The Chair recognizes the gentleman from Sumner, Mr. Cole.

Mr. COLE: Mr. Speaker and Members of the House: I think this is a good amendment and I think it is a good bill. I do not expect this bill to do much good on Congress Street in Portland, or Main Street in Lewiston, but I think that for small towns, it cannot be beat. And it does fill a gap which needed to be filled in these small towns where we did not have anything to fix these old worn out state aid roads. We have town improvement funds for the dead-end roads and other mud roads but for all old roads, we have a lot of them in my six towns that I represent, and I do hope that the bill will be approved and amended and I do not wish for an indefinite postponement of either. Thank you.

The SPEAKER: The Chair would state again the pending question is on the motion of the gentleman from Portland, Mr. Childs, that House Amendment "A" to House Amendment "E" be adopted.

The Chair recognizes the gentleman from West Gardiner, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I have been thinking about the objection voiced by the gentleman from Lubec (Mr. Denbow) namely that basing the dispensation of the money by counties on a basis of unimproved mileage would tend to reduce the amount appropriated by the towns for such building.

Unless I am wrong, this amendment as written would not have that effect. There must be some basis upon which to allocate and di-

vide the money among the counties. The method here has been taken on a basis of mileage. I think the confusion arises by the word "unimproved mileage" but I would call your attention to the fact that it is a total of improved and unimproved mileage; therefore, the money is not allocated by unimproved mileage, it is allocated by a total of improved and unimproved and I cannot see any fairer way to do it. I hope this amendment passes.

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

Mr. STILPHEN: Mr. Speaker and Ladies and Gentlemen of the House: I concur heartily with the gentleman from Lubec, Mr. Denbow. I feel that this amendment, when you allocate money to cities and towns throughout the State of Maine, you should allocate the money on the basis of what they themselves are willing to do for themselves. I think that when you have a town that has not built state aid road, have not done as their neighbors done and spent their own money trying to get out of the mud, I think that we should think of that and he has a very sound idea whereby the allocation of money should be based on the improved roads where the towns have spent money and helped to get themselves out of the mud.

Now then, we are all really sincere and really want to help get the people out of the mud and things but somewhere around this House, there is another amendment that we heard of a few minutes ago, something to the tune of a million and a half dollars to be put out over the State of Maine. And I think that these amendments that are being tossed in here at this present time are no more than something to confuse us. I think that if we are really sincere and have taken the bait which is in the barrel, it is not a pork barrel, a molasses barrel or anything, I come from a coastal town and I can think of only one thing, this is a bait barrel. If we are going to take the bait of a gasoline tax and tax the people throughout the State of Maine, the traveling public, let us give them something, let us not be niggardly about it. Let us give them a million and a half dollars, let us go home and

say, "Here, we brought something into every town and hamlet in this State of Maine," instead of passing a million dollars over here to the Highway Commission where they can go up in some section of some county and put it on some road where there may be a necessity but it is not going to be allocated and distributed over the State of Maine to the taxpayers who are paying the tax.

And I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Rockland, Mr. Stilphen, moves that House Amendment "A" to House Amendment "E" be indefinitely postponed, which is the pending question.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I would like to reiterate that the difference between the improved sections and the unimproved sections of state aid highway amounts to around 1100 miles. Any statements to the contrary, notwithstanding, the town road improvement fund is based upon the unimproved mileage, and the towns are receiving now approximately \$100.00 a mile reimbursement on that mileage.

I notice another discrepancy in this amendment as I sit here that we also have a state highway system in Maine all of which is not in the accelerated program. And there are some state highways that are in much the same position as state aid highways. While they are called state highways according to classification, their condition is comparable in many cases to the state aid roads. So I think that in considering your reconstruction you should consider state highways that are not in the accelerated program as being in the same category with your state aid roads.

Now your total highway system in Maine amounts to some 21,000 miles. A little more than half of that is in the town road system, some 11,000 miles. If you speak of the state aid system with all the designated road or the unimproved road, you are talking about a road system of some 8,000 miles in round figures. And if you take out the

unimproved, you drop down to 7,000, and if you take out that which is in the federal system you drop down to 6,000, in fact, 5,700 plus the 400 miles in the state highway system you have a net figure of improved state and state aid highway, not in the federal program, of around 6,100 miles. And I believe that that 6100 miles is the mileage that we should be concerned with here. Now that is the mileage which the citizens of the individual towns have contributed to over the years by raising matching funds on state aid.

And if I were to propose an amendment, which I intend to do later, I would propose that the towns be reimbursed on the basis of the number of miles that they have in this improved system and thereby be rewarded for what they have done in the past to help themselves, what they were currently doing to rebuild their present system and build new roads. And I believe that your mileage, if you were to divide it in this manner, should be by the individual town, the number of miles of road in that town at so many dollars per mile, depending upon the sum of money that you were dividing up. Now if you were to take 6,000 miles of road and apply \$250.00 a mile to it, you would come out with a million and a half dollars. And that would pretty much take care of your situation.

Now the town-road improvement fund was mentioned here as a means of distributing funds. We are allocating now a hundred dollars a mile to reconstruct roads which cost up to \$6,000.00 a mile to build. The state aid roads cost approximately two and one-half times that to rebuild. So if you are setting aside a fund here, a depreciation factor, if you want to call it that, if you were to figure two and one-half times what you are already figuring on your town road mileage, you would come back again to the \$250.00 a mile.

Now I would like to just make a few comparisons to show you what I find the situation to be, for what time I spent studying into it. We have heard much talk about whether or not the people want to have



the gasoline tax. And I have heard many people say that their criticism of the tax would be that they do not feel that it would be coming back onto the roads that they use. And looking into that and wondering how near right they are, I ran into this picture. Of the approximately 10,000 miles of road that we have in the state system, we have built a 100 miles under the accelerated program of spending around 15 million dollars a year, which, incidentally, is the bulk of our funds. Now if we build a 100 miles out of the 10,000 mile system, we are building one per cent of that system. So it is easy for you to see why the people say that they do not see any of it coming back unless they happen to be driving over that one per cent that particular year.

Well to my way of thinking, this 6,000 miles of road in the state aid system is the abandoned child of the whole highway system. And I call it that for this reason. We are encouraged by the federal government to match federal funds to improve the roads under the accelerated program. Naturally, the towns are concerned about the roads for which they are responsible. But this 6,000 miles of road which sorely is in need of reconstruction in the state aid system, neither side wants to be responsible for, and consequently we are spending slightly over a million dollars a year on reconstructing state aid highways and spending over four million dollars a year maintaining them. And that is the problem that we are faced with and the maintenance is, to put it in the words of one of the members of the Highway Commission, killing us. And that is the problem that faces us today.

But as far as the division of the funds, in order to make it fair and equitable, I think you have to go back and consider the interests of the individual towns involved, consider the incentive that the gentleman from Lubec, Mr. Denbow, mentioned, and consider that they are a partner in the problem. As a matter of fact, I have a report here of the survey that was made back, according to an order of the Legislature, somewhere in 1953, that showed where the towns and cities

contributed a total of maintenance and construction in the year of '51 of eight million dollars. And I feel that whatever we do here we should try to create an incentive to those communities to help themselves. And that is my objection to a hand-out in any form that you want to pass it to them which will hurt that incentive and which will make them want to send a representative down to the Highway Commission to try to get something out of it now rather than to raise it in their own town meetings and try to help contribute to this program. In general that would be my objection to these amendments.

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: I understood that this million dollars was to try to help the towns who could not very well help themselves. I think that if the towns want to get this money every man who favors getting something from this million dollars should vote for the Childs amendment. And this talk that the cities ought to have something, I go along with the gentleman from Portland, Mr. Childs. I come from a city. We are not trying to get any money for the cities; we are trying to help these country towns.

It seems to me that much of the argument that has been put in here this afternoon is to merely try to confuse the issue, hoping to kill the whole measure.

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

Mr. BROWN: Mr. Speaker and Members of the House: I really thought before they started talking that I did know something about roads, but I guess I am mistaken. I would say to clear up some of this confusion that we have heard, the state highway system and the state aid system are two different things. We have heard it stated that under the state highway system, the towns contributed something to take care of that road. Under the state highway system, the State builds those roads and also maintains them. The town does not have a penny in

them. Under the state aid system, the towns have their share in so many units and they also help maintain them. And I think any town official, we have heard it said that that did not know how the Highway Commission designates this money. I think any town official who wishes to be fair will admit that the Highway Commission has always been more than fair. It is the town officials that designate what piece of road that money should be laid out on. The Highway Commission simply approves it. And I think that the most of us feel that we should go along with the amendment of Mr. Childs, the gentleman from Portland.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I also come from the city and I also feel that this is a very fine program that we are embarking on, as has been presented to us after a long and diligent study by our Highway Committee.

And I hope that the Legislature will not go along with the pending motion to indefinitely postpone. We have had a lot of discussion on this. Now, I would like to move the previous question.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, moves the previous question on the motion of the gentleman from Rockland, Mr. Stilphen, for indefinite postponement of House Amendment "A" to House Amendment "E".

For what purpose does the gentleman from Bridgton, Mr. Haughn, arise?

Mr. HAUGHN: Mr. Speaker, to request a division when the vote is so taken.

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

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

A sufficient number arose.

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

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: The pending question before the House is on the motion of the gentleman from Rockland, Mr. Stilphen, that House Amendment "A" to House Amendment "E" be indefinitely postponed.

As many as are in favor of the indefinite postponement of House Amendment "A" to House Amendment "E" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty-two having voted in the affirmative and sixty-three having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Childs, that House Amendment "A" to House Amendment "E" be adopted. Is the House ready for the question?

As many as are in favor 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 forty-one having voted in the negative, the motion prevailed and House Amendment "A" to House Amendment "E" was adopted.

The SPEAKER: The pending question is on the motion of the gentleman from Hanover, Mr. Ferguson, that House Amendment "E", which has been amended by House Amendment "A", be adopted.

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

Mr. ELWELL: Mr. Speaker, I would like to ask a point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. ELWELL: Mr. Speaker, what would be the status of further amendments, revising section 7, which has just been —

The SPEAKER: The Chair would state that the gentleman is not rais-

ing a point of order. Perhaps the gentleman would approach the rostrum.

The House may be at ease.

#### House at Ease

Called to order by the Speaker.

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

Mr. ELWELL: Mr. Speaker and Members of the House: These amendments are certainly confusing, at least they have me confused. If you will look at Filing number 570, Amendment "D" to House Paper 1251 would amend Section 7 which is a similar amendment to the one which you are now discussing, which I would propose later on the agenda, and which substitutes a million and a half dollars to the state aid system and that would be the major difference between the two amendments.

And then the second difference would be that it would be distributed on a mileage basis, but on mileage in each individual town, rather than to be allocated by the Commission.

I hope that the motion to accept the amendment does not prevail.

The SPEAKER: The Chair would like to state at this time that since House Amendment "E" offered by the gentleman from Hanover, Mr. Ferguson, would substitute a section 7 for the section 7 of the original bill, striking out section 7 of the original bill and replacing it with a new section 7 that if it is adopted then another amendment offered by the gentleman from Brooks, Mr. Elwell, could not be considered because the House had already considered what should be done with section 7 of the bill so that if the amendment offered by the gentleman from Hanover, Mr. Ferguson, is adopted, then the amendment of the gentleman from Brooks, Mr. Elwell, would offer would then be out of order and could not be offered.

The pending question is on the motion of the gentleman from Hanover, Mr. Ferguson, that House Amendment "E" as amended by House Amendment "A" thereto be adopted.

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

Mr. ELWELL: Mr. Speaker, for the sake of putting a motion on the floor, I move this amendment be indefinitely postponed and ask for a division.

The SPEAKER: The gentleman from Brooks, Mr. Elwell, moves that House Amendment "E" as amended by House Amendment "A" thereto be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, I am not going to go into this again, this is just repetition. I just want to point out that if the motion of the gentleman from Brooks, Mr. Elwell, prevails, it will undo what we have already just carried out what our thoughts are. His amendment is just increasing another half a million dollars and also having the mileage done on a town basis.

If it is done on a town basis, in my opinion, I do not think it will be too practical. First of all, any large construction program would be out of the question. It would all be done on small matters and it would be very confusing for the Highway Commission to do.

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

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

Mr. FERGUSON: Mr. Speaker and Members of the House: Accepting this House Amendment "A" of the gentleman from Brooks, Mr. Elwell, certainly would not be consistent with the bill, as your Committee on Highways sees it.

I am not going to carry on. We have discussed this amendment and the bill itself to a great length and I hope that the motion of the gentleman from Brooks does not prevail.

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

Mr. WINCHENPAW: Mr. Speaker, I still do not want to be a trig in the wheel of progress and there is a little confusion here as to which party is going to put this thing through. But I would like to point out that this package program, this

package of roads that was to be fixed, that was put on our desks on May 11th, if you will look it over, you will find it is all pretty small sections, 2-10's of a mile, 3-10's of a mile, and 4-10's of a mile and I have always believed in going along and trying to be consistent, that this would be the best amendment to put on here because it would put it where we know where it is going and this 2-10's of a mile in my particular section, this amendment for \$150,000 would just pay for it because we went all through that last year. We had the money all raised and then we could not build that piece of road.

And otherwise, I am not sure that the towns would know what they were going to get. It would be entirely up to the Highway Commission to say, "We will fix this piece or we will fix that piece in your county" and I think this would be much fairer.

And I might add a word here concerning the million and a half dollars. I think that in the end there would be enough money for that because we were promised a half a million each year of the biennium without the gas tax to do some of these hardship cases and if you take credit for that and take credit that the gas tax will produce about two million point five in one year, that adds up to five million for the two years of the biennium. And I think this would be a much better amendment and the towns would certainly know where they were going.

The SPEAKER: The pending question is on the motion of the gentleman from Brooks, Mr. Elwell, that House Amendment "E" as amended by House Amendment "A" thereto be indefinitely postponed.

The Chair again recognizes that gentleman.

Mr. ELWELL: Mr. Speaker and Members of the House: In order to clarify this amendment a little, I feel that I should remind you that we did earlier in the afternoon discuss a section of the law which would divide this money on the basis of mileage at the rate of \$250 a mile and add it to, in fact, if I read this from the bill, it reads, "The amount granted under this section shall be in addition to and become a part of

the joint fund referred to in Sections" so and so which are the state aid accounts. Now speaking of the small amounts of money that would be spent, how much smaller would they be if this money were not added to them? Certainly we do have a very small state aid account in each one of the individual towns. The towns raise from one to four units. And one unit of state aid money will build approximately one-tenth of a mile of road under present costs. So if it is inefficient to build a road in small units, it is more inefficient to leave it as it is. The units will be smaller under the present program if we do not augment them with this one.

And I feel that giving this money to the selectmen to increase the size of the job, to encourage them in what they are already trying to do will certainly be a step forward and you will find that you have better relationship between your towns and your State and we will all have better roads to ride over.

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

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

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves the previous question on the motion of the gentleman from Brooks, Mr. Elwell, that House Amendment "E" as amended by House Amendment "A" thereto be indefinitely postponed.

In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present.

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

A sufficient number arose.

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

The question now before the House is: Shall the main question be put now? The question is debatable.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: The reason for our not putting the main question now, this is the first time I have ever held anything up, is to explain the amendment that the gentleman from Brooks, Mr. Elwell, explained wrong.

The SPEAKER: The Chair would state that the gentleman may not—

Mr. FINEMORE: Mr. Speaker, that is the only reason I would like to see it —

The SPEAKER: The Chair would state that the gentleman may have a further chance to argue on the main question if he wishes to.

Mr. FINEMORE: That is what I do, Mr. Speaker. I am sorry I made the error.

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

Mr. CHILDS: Mr. Speaker, I am of the opinion also that the main question should not be put now. The gentleman from Brooks, Mr. Elwell, has presented certain arguments which nobody has had the opportunity to answer. It is a certain element of debate which has not been brought in before and I think that the gentleman's question and the remarks should be answered.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I, too, am of the opinion that the main question should not be put now, if that is the case.

The SPEAKER: The pending question is: Shall the main question be put now? All those in favor will signify by saying aye; those opposed, no.

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

An insufficient number arose.

The SPEAKER: Obviously less than one-third of the members present having arisen, the main question is not ordered.

The pending question is still on the motion of the gentleman from Brooks, Mr. Elwell, that House Amendment "E" as amended by House Amendment "A" thereto be

indefinitely postponed, and further debate is in order.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I apologize for holding this up. But when we started off this bill, we started off with the understanding that this money was to be given to the towns and the towns did not have to put up any money to meet it. If I am in error, I will stand to be corrected. Well now, we have worked around so that an amendment is trying to be placed upon this that is going to be to increase the old state aid act. Well, if this money goes in as under the state aid act and is given to the towns to raise the money to go against each unit as mentioned here, we are going to be right back where we started, because I do not believe that many of the small towns are able to raise, to be honest to match, probably ten or twelve thousand dollars which they may get under this act.

Another thing, it has been mentioned here that the towns which have done the most work are the towns that should get the most money. I believe that is a very debatable statement because I would go as far as to say that very few, if any, towns in our State raise less than the total amount that they are allowed to raise anyway. I know in our county, I am very familiar, with it, and each and every town raises every unit that it is possible for them to have to go along with the State. And we are building every bit of road that we can build.

And therefore, I believe that this House Amendment "A" to House Amendment "E" is the only possible solution. There may be some miswording in there but I am not smart enough to say whether there is or not. And I hope the motion for indefinite postponement of House Amendment "E" as amended by House Amendment "A" does not prevail.

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

Mr. PIERCE: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

#### House at Ease

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

Mr. ELWELL: Mr. Speaker and Members of the House: Just to clarify an apparent misunderstanding, the distribution of the funds as proposed under the draft of 1521 would be based on the improved mileage. And any town, as the gentleman said, that is participating already in the state aid road program would be eligible for these funds. I trust that answers his question.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, well it seems to me that what the gentleman from Brooks, Mr. Elwell, is talking about is the old equalization fund being worked over again here. In other words, you get rewarded according to how much you put into a thing. And that works all right up to a point. But as I understand, these projects we are working on are the projects that are needy projects, projects that towns cannot themselves afford to do. And in other words, I think we are missing the boat here in not realizing that this money we are trying to raise is money the towns cannot raise themselves or cannot match themselves. Otherwise, they would have done it.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Harnden.

Mr. HARNDEN: Mr. Speaker and Members of the House: It seems to me that if we adopt this Amendment "A" to Amendment "E" and spend this money in each county where it is the most needed, it is about as fair a way as there is to do it. And I certainly hope that it will be done that way.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: The amendment of the gentleman from Brooks, Mr. Elwell, here would up-

set the whole program that we are trying to put into effect. His amendment would be on a matching basis. Well you cannot get away from that. You still would be penalizing the towns or municipalities who could not or have not been able in the past to raise the money to help themselves. Really, I know quite a lot more about it now than I did the first day I came in on this Committee of Highways.

There is a crying need. The plan now is to set up on the million seven that the bill that we have passed here some time ago that takes into consideration your evaluation of small towns. We have many, many large cities and many large wealthy towns. Perhaps they will qualify for this, they do not need it. I realize that fact myself. I have one or two large towns in my district and I do not think there will ever be a need for them to get any of this fund here.

This is a much, much needed fund and you ladies and gentlemen of this House have got a chance now to establish a fund to take care of the worthy cases and I certainly hope that you will not go along with the gentleman's motion for indefinite postponement of my amendment.

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

Mr. ELWELL: Mr. Speaker and Members of the House: Apparently this confusion is over the matching of these funds. Now you are misinterpreting the bill if you read it in that manner, the numbers there that are already given are 44, 46 and 49 and are the regular state aid account to which the towns are already contributing. Now this merely says those towns which are contributing to that account are eligible. Any town which does not have a problem and is not contributing to it and are building roads now naturally would not want to be passed something. And I would think it would be very wrong to consider a town which was not raising any money at all as a hardship case and we would want to go in and give them a hand-out.

The problem is that there are some 600 towns in the State. I un-

derstood from the highway office Friday afternoon that there were 533 towns taking advantage presently of the state aid accounts. Those are the towns which pretty regularly raise the money because they have the problem. As a matter of fact, there are only 99 towns this year taking full advantage of their state aid. But I am not concerning myself with those who are taking the full advantage, I am merely talking about the towns that raise the minimum of two units of state aid road and are thereby year by year going along with the state aid road program.

And I would propose that those towns across the State be given an additional \$250 a mile on their improved mileage because that is the burden that they are saddled with, or we are saddled with, to rebuild.

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

Mr. CARTER: Mr. Speaker, I had not intended to speak on this subject, but I can see very well that the proposal that Mr. Elwell, the gentleman from Brooks, plans to have adopted would merely give the wealthier towns more money. Now we are interested in hardship cases. The towns that have not been able to keep up with their building program.

And I can see no other way to help those towns than to go along with the plan that Mr. Ferguson, the gentleman from Hanover, has outlined for us.

The SPEAKER: The Chair recognizes the gentleman from Searsport, Mr. Knight.

Mr. KNIGHT: Mr. Speaker and Members of the House: I had not planned to speak upon this bill but representing ten small towns in Waldo County, I feel that I would be remiss if I did not say a few words.

This is a serious decision for the representative who is representing a group of small towns to make. And the sentiment, as has been expressed to me by my constituents, regarding the gas tax increase has been evenly divided. The problem of road construction in the small town is a very serious one and we of the small towns are handicapped by small populations and many miles

of plain mud roads. And we are constantly endeavoring to get our farmers out of the mud and with the passage of legislation enabling the towns to transfer two units of the state aid money to the town road improvement fund will be a long step in the right direction.

And while this problem of reconstructing our mud roads, or state aid roads is being neglected, many selectmen, and I concur with them, do not favor rebuilding a state aid tarred road where we have one farmer left who is hauling his products to the market in the spring of the year.

Nevertheless, this problem of rebuilding our state aid roads is still with us. And as to what pieces of state aid roads should be rebuilt is not a problem for our towns to decide. I will say that most selectmen live on the good road and if it was not a good road when they were elected, it soon will be a good road after they have been in office a short time. The wheel that squeaks the loudest usually gets the most grease and that principle can very well apply to selecting which roads shall be rebuilt under a program.

We have in our Highway Department an able man whose knowledge of our Maine State roads is without equal and I refer to Stanley Weymouth. Many of us in this Chamber have, over a period of years, gone to this gentleman with our road problems and have relied upon his judgment and he has solved our problems for us fair and equitably. I believe he has drawn up a list of needy state aid road projects which would be rebuilt in the various towns. And I feel safe in saying that the selectmen of my town would be willing to leave this whole program of rebuilding state aid roads in his hands if he so desired it.

I believe this kind of a program is sound and leaves the rebuilding of the state aid roads entirely in the hands of competent men who know and understand our problems. And I am pleased to go along with this kind of a program.

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

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

I have listened all winter to this debate on highways and their needs without having said anything. I learned by listening that the State Highway Commission had money enough without a tax to continue on for two years with their regular road building program and also match any federal moneys which might be available.

Along the latter part of the session, up pops the one cent gas tax for hardship cases. Now as I see it, some of the members of this House are amending that one cent gas tax to death. I was told that this gas tax would bring in approximately \$2,500,000 which would be allocated to hardship cases by the Highway Commission. I favor leaving it with the Highway Commission and let them allocate it, they certainly know where the worst roads are and what needs attention most. And I for one would not have voted for the gas tax had I known it was going to be amended as many times as it has been and was not going to be left with the Highway Commission. Thank you.

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

Mr. WOODWORTH: Mr. Speaker and Ladies and Gentlemen: I voted for the gas tax this morning thinking that this would be left up to the hardship cases, managed by the State Highway Department.

In my town, particularly, we have no way of raising money and I think there are lots of other towns the same.

I should like to see it left up to the Highway Commission.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker and Members of the House: I do not think there have been many times in my life that I have been as much confused as I have been here this afternoon. But I am not going to repeat a good deal of what Mr. Cates, the gentleman from East Machias, has said. I believe that this should be left with the Highway Commission under the supervision of the state aid division.

I believe that if we get to splitting this up into little pieces among all the towns in the State, we will come up with nothing. I would like to go home and tell my folks that we had made available money that we can really do a job with in hardship cases. I know of cases that might be spent in a neighboring town of mine that would help my town a lot more than it would to have a little slice of that to be played with in the home town. When you find stretches of road, hardship cases, that need to be reconstructed three miles long, it is going to take more than one year to construct those.

I would not have very much objection to writing it up on the county basis, but I really think it should be left in one lump sum and be administered from the Highway Commission as I said before.

I also believe that we have a very serious problem in our town road improvement program. As we ride along the roads from here to Kittery we might wonder where all the food came from and all the surplus milk we have been talking about. Those farms are not on those roads. A good many of them are still in the mud. I would like to see appropriated out of this gas tax, which I voted for this morning, another half a million dollars to go with the town road improvement fund to help get some of these milk and poultry farmers out of the mud. They probably are the most hard-pressed because they are probably forced to go to market daily. None of us want sour milk or stale eggs on our tables. I think that is one of our big highway problems with the type trucks collecting our milk we have got to have a road to those farms where they can get to them at least every other day.

I guess I have probably said enough.

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

Mr. FERGUSON: Mr. Speaker, and Members of the House: I would like to point out at this time that if House Amendment "A" to House Amendment "E" is adopted, both of those amendments would leave the whole expenditure under the



supervision of the Highway Commission. And House Amendment "A" would allocate it to each county, and an account that was to be spent within that county by and where the Highway Commission state aid department would see fit to spend it.

The SPEAKER: Is the House ready for the question?

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

Mr. BIBBER: Mr. Speaker, I would request a division.

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

Mr. EVANS: Mr. Speaker, I just wanted to concur with Mr. Brockway, the gentleman from Milo. And I think that if there are any funds available to be passed out that that would be the logical thing to do. Then when these roads are built they will accomplish the purpose of getting the farmer out of the mud and the State will not have the problem of maintaining them after they are built.

And I would like to concur a hundred per cent with Mr. Brockway, the gentleman from Milo.

The SPEAKER: Is the House ready for the question?

The gentleman from Hanover, Mr. Ferguson, has moved the adoption of House Amendment "E". The gentleman from Brooks, Mr. Elwell, has moved that House Amendment "E" as this House has amended it be indefinitely postponed.

As many as are in favor of the indefinite postponement of House Amendment "E" as amended by House Amendment "A" thereto will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seven having voted in favor of the motion to indefinitely postpone and seventy-five against, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Hanover, Mr. Ferguson, that House Amendment "E" as amended by House Amendment "A" thereto be adopted. Is this the pleasure of the House?

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.

Seventy-seven having voted in the affirmative and four having voted in the negative, the motion prevailed and House Amendment "E" as amended by House Amendment "A" thereto was adopted.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Dumais, that the Bill together with all accompanying papers be indefinitely postponed.

However, if any other member wishes to offer an amendment, that amendment would have priority.

The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, I would like to offer House Amendment "A", which calls for five hundred thousand dollars to be added to the town road improvement fund. It is filing 528.

The SPEAKER: The gentleman from Durham, Mr. Bowie, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

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

HOUSE AMENDMENT "A" to H. P. 1251, L. D. 1544, Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases."

Amend said Bill by adding at the end of the 1st sentence of section 7, before the period, the following words: 'and the sum of \$500,000 is hereby appropriated annually to the Town Road Improvement Fund'

The SPEAKER: The Chair would inquire for what purpose the gentleman from Lewiston, Mr. Dumais, rises?

Mr. DUMAIS: Mr. Speaker and Members of the House: I have not got the amendment here but that is a million five hundred thousand dollars. Is this another five hundred thousand dollars added to the million five hundred thousand dollars?

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, addresses a question through the Chair to any member who cares to answer. Any member who chooses may

answer the gentleman from Lewiston, Mr. Dumais.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: The bill that we have accepted is for a million. This other five hundred thousand is another amendment that the gentleman from Durham, Mr. Bowie, thinks he wants to put onto the bill and the town road improvement fund.

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

Mr. DUMAIS: Mr. Speaker, we have voted down this one and a half million dollars. Now we are putting that five hundred thousand dollars, if I may ask a question from the gentleman from Hanover, (Mr. Ferguson) so that we are going right back to a million five hundred thousand dollars. It seems like peanuts but, incidentally, I happen to be buying a couple of thousand gallons of gas a month to keep some vehicles on the road. It certainly is going to hurt my pocketbook and I am quite interested in this and I would like to know if a million five hundred thousand dollars to build a road to a town in some plantation I think is quite a bit of money. So I would like to know what I am giving my money for and so do a lot of my constituents in Lewiston.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, to answer the question of my good friend, the gentleman from Lewiston, Mr. Dumais, let me say that under the bill it calls for a penny on gas, you raise two million and a half. The reason that I put this amendment in there is that I do not want to see too much more of this money go into the accelerated program. In other words, I would like to have it earmarked for a certain way of being spent. We have already spent one million of it. We have a million and a half more to spend. In other words, to put it in plain English, we have already spent a million. This five hundred thousand dollars to go into the town road improvement fund will be divided equally among every town in

the State of Maine. As it is now divided, each town gets two hundred dollars to start with, and a hundred dollars for each mile of town road they have. In other words, it would just be five hundred dollars more added to that particular fund and that is your mud road.

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

Mr. McGLAUFFLIN: Mr. Speaker, I would like to ask the gentleman through the Chair, the gentleman from Hanover, Mr. Ferguson, if this proposed amendment interferes with the committee's program.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: No.

The SPEAKER: The Chair declares that the House is recessed for ten minutes and requests the members to stay in the near vicinity of the House and reassemble when the gong sounds. The House is recessed.

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### Recess

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The House was called to order by the Speaker.

The SPEAKER: The Chair is obliged to state that House Amendment "A" just offered by the gentleman from Durham, Mr. Bowie, is out of order and would explain that it is out of order for the following reasons: That it proposes to add at the end of the first section of Section 7 additional words. When the House voted to adopt House Amendment "E", it chose to replace all of Section 7 with certain words so that the House has acted on what should be Section 7 and it cannot do so again.

The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker and Members of the House: What we have to do in this particular case as it has been explained to me is to—I still want an opportunity to offer this amendment—so we will have to set up a different section and due to the fact that we will not

have time to print that up, we will have to adjourn and, in effect, by adjourning until tomorrow and giving us time to prepare this amendment, you will, in effect, say that you would like this idea of five hundred thousand dollars being put in the town road improvement fund.

Now, I am not going to adjourn at this time but I would like to hear from other members of the House in regard to how they feel on this particular money going into this particular fund.

The SPEAKER: The Chair would state that it understands the gentleman from Durham, Mr. Bowie, to mean that in a short interval after the members have had a chance to debate the question whether he should draw up an amendment adding a five hundred thousand dollar appropriation from gas revenue to the town road improvement fund that he would move to table, not to adjourn, the Bill with accompanying papers until tomorrow.

In the meantime, the Chair understands the gentleman to request that members present their notions on whether the five hundred thousand dollar annual appropriation should or should not be added to the town road improvement fund from additional gas tax revenues if the bill is passed.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I come from one of those areas where I naturally would look with favor upon this additional five hundred thousand, suggested by the gentleman from Durham, Mr. Bowie, to go into the town road improvement fund. However, I think that we have a good bill as it now stands and I fear that we may carry this thing too far. I would feel that I am opposed to the idea of going any further in allocating this money as provided under this bond issue.

The SPEAKER: The Chair understands that no member has raised objection to the discussion of this matter and it is by unanimous consent.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I am

inclined to agree with the gentleman from Perham, Mr. Bragdon. We have got a good bill; let's let it alone.

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

Mr. STORM: Mr. Speaker and Members of the House: I heartily concur with my good friend, the gentleman from Perham, Mr. Bragdon, that we had better be satisfied with what we have. Coming from a rural area, the same as he does, I hesitate not to ask for more money in the Highway Improvement Fund but I think we had better take what we have and call it good and leave the bill as it is.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I think at least in the interest of being consistent in this thing I should say that I would agree with the gentleman from Durham, Mr. Bowie, that we should expend the extra \$500,000.00 on the town road improvement fund. And I would like to tell you briefly what my thinking behind the matter would be.

When the town road improvement fund was established, apparently it was understood that this fund would receive a certain percentage of the gasoline tax revenue as well as a percentage of the revenue from automobile registrations. The very short section in the chapter which I happen to have in the book here before me and I would just like to read it because I think it is very revealing. "Town road improvement fund, Section 60, there is established a special fund to be known as the town road improvement fund. The Legislature shall appropriate for the fiscal year such amounts as it shall deem proper from the general highway fund, but not to exceed 10 per cent of the average gross income from the gasoline tax and registration fees of motor vehicles. The average being that of the preceding five year period."

Now currently, I understand that our revenue from the gasoline tax is fifteen million dollars, slightly over, and it would be slightly under for the past five year period not

taking into consideration the income from motor vehicle registration. So I would say that if you were to go back to that intent, it certainly would justify the argument of the gentleman from Durham, Mr. Bowie, that perhaps their fair share would be at least this extra \$500,000.00.

I do not think that I did point out in the beginning that they are now getting one million dollars in the town road improvement fund and this would make it one and a half million. In other words, the 10 per cent of the five year period. That would be the average.

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

Mr. WALSH: Mr. Speaker, I wonder if you would give me a little lawyer's right from the shoulder advice after we adjourn this afternoon as to how I might amend the title of this bill. It seems to me that is the only thing we have not done. Could I confer with you for a few minutes afterwards?

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: Someone has said that two wrongs never make a right, but no one has ever said that two rights did not add up to two rights. I am in favor of the amendment which will be offered by the gentleman from Durham, Mr. Bowie.

If you recall, it was quite a while ago, 1927, when we got the 2 cent gas tax by referendum. It was set up at that time that all of that money would be used for these mud roads, that is from town to market roads and it was put right on the ballot. They set up the third class system and we did get some roads and then Legislatures which came afterwards saw fit to do away with this. And I do not think that we have kept faith by doing these things with the towns.

I do not like the word "State" when speaking. To me the State is just us people no matter where we come from, whether we come from towns or not. We set up our counties and towns and State in the geographical way to better serve the

people. And then they talk about what the State does for towns. I do not go along with that thinking at all. In fact, the towns or municipalities have to send the money to the State in the first place. And the State, as such, is no Santa Claus, they depend upon us folks in the towns.

Now our people from the towns and in all the municipalities are going to pay their share of this amount of money if the bill passes, this increased gas tax. And I think it is fair and I think it would be a fine thing if we did have more money for the municipalities and this extra amount in the town road improvement fund.

Now as I understand the law on this town road improvement fund, it applies not only to the towns but to all the municipalities. In the first place, there is allotted, passed by the last Legislature, \$200.00 to every municipality for the improvement of mud roads. And then, they will all get that anyway. And then if the cities do have any mud roads they will get their share of \$100.00 per mile just as well as the towns. So if the cities do not have the mud roads, they have no problem, so they would not get any. And I think this extra amount of money coming back to the towns would satisfy everybody and be a step forward.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I cannot speak for other members of the Committee on this matter inasmuch as we went very hurriedly over it last night with Mr. Bowie, the gentleman from Durham, but I have a feeling that the majority of the committee would perhaps feel that allocating a million dollars to take care of what we might consider hardship cases that we were doing our part in supporting that. There is no doubt but what some of the towns could very well use this fund. It is a question of whether or not we can go ahead and spend that much money and I am going to be very brief.

I have an amendment here which I want to offer to another bill that would make it possible for the

town with the approval of the Highway Commission where they could transfer two units of their state aid fund, that is the total state aid fund to the town road improvement fund. This, I think, would go far to take care of this situation.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: This is the first time I have arisen on this subject and I am not casting my remarks at any one individual in what I have to say. But it was my opinion that we were hoping to build up the reserve fund for the Highway Department a little bit by the additional money. We started at a million dollars now with this town road improvement, now we are considering a million and a half, the next jump will be two million, two million and a half and then we will have to raise the gas tax another cent and start all over again.

If we are going to offer 151 amendments to this bill, I think we will kill the bill. I think the bill is good as it stands. I am fearful that we will undo the good that we could accomplish by offering too many amendments. Personally, I favor the bill but not a flock of amendments attached to it.

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

Mr. MARTIN: Mr. Speaker, could this elderly gentleman have the special dispensation of his kind neighbors to ask a question off the record and out of order?

The SPEAKER: The gentleman from West Gardiner, Mr. Martin, requests unanimous consent to ask a question off the record. Does the Chair hear objection to the gentleman's request?

The Chair hears no objection and the gentleman may state his question off the record and out of order.

(Off Record Remarks)

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

Mr. MCCLUSKEY: Mr. Speaker and Members of the House: I do not entirely agree with the gentleman from Fairfield, Mr. Osborne. I think that all of these amendments

should have our close study and I think on this particular one that the Chairman of the Highway Committee for the House, the gentleman from Hanover, Mr. Ferguson, was asked if this would hurt the highway program in any way. And his answer was "No". I think we should consider that when we consider our vote on this motion.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: Maybe I was a little bit hasty and perhaps did not understand the gentleman from Portland, Mr. McGlaufflin. What I meant was it did not enter into the picture. We had not discussed it but it certainly would upset our program for what we have left over from revenue for matching federal funds in '57 and for our capital working funds. We would just be \$500,000.00 short if we took it and spent it some other place.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, I have been led to believe by a lot of the members I have talked with around here today that the gas tax is very much in doubt if this particular amendment does not go on. I got this sentiment from our rural legislators and I still think that is the truth. In other words, I am telling you, like I told you this morning, I believe it is on the record, if I came down here and just voted for a gas tax, I would not vote for it at all.

In other words, if we are going to give this money back to the people in the way in which we can all get benefit from it, I will go along with the gas tax. In other words, if it means two and a half million going into the accelerated program and a gas tax, that is definitely out as far as I am concerned. On the other hand, if we are going to take this two and a half million and put a million of it on this needy road project and a half million more of it in our town road improvement fund, which will be divided equally among every town and city in the

State of Maine, then I am willing to go along with the gas tax. And I think there are a lot of members here who feel the same way about it. I would like to be in a position now to table this bill until tomorrow morning for putting on the appropriate amendment.

The SPEAKER: The gentleman from Durham, Mr. Bowie, moves that the Bill with accompanying papers lie on the table and be specially assigned for tomorrow morning for the purpose of offering an amendment.

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.

Fifty-five having voted in the affirmative and thirteen having voted in the negative, the motion prevailed and the Bill with accompanying papers was tabled pending the motion of the gentleman from Lewiston, Mr. Dumais, that the Bill be indefinitely postponed.

The SPEAKER: The Chair would state that there are several important matters that should be handled before adjournment if possible.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regulating the Solicitation and Collection of Funds for Charitable Purposes" (H. P. 1117) (L. D. 119) reporting that the House recede from its action whereby it passed the Bill to be engrossed as amended by House Amendment "B", and recede from its adoption of House Amendment "B" and indefinitely postpone House Amendment "B" and pass the Bill to be engrossed as amended by Committee Amendment "A" submitted with this Report.

That the Senate recede from its action whereby it accepted the "Ought not to pass" Report of the Committee, concur with the House in substituting the Bill for the Report, adopting Committee Amendment "A" and passing the Bill to

be engrossed as amended by Committee Amendment "A".

(Signed)

Messrs. CHARLES of Portland

HAUGHN of Bridgton

EDGAR of Bar Harbor

—Committee on part of House.

Messrs. WOODCOCK of Penobscot

MARTIN of Kennebec

LESSARD of Androscoggin

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The House receded from its action whereby the Bill was passed to be engrossed, receded from its action whereby House Amendment "B" was adopted, and House Amendment "B" was indefinitely postponed.

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

COMMITTEE AMENDMENT "A" to H. P. 111, L. D. 119, Bill "An Act Regulating the Solicitation and Collection of Funds for Charitable Purposes."

Amend said Bill by striking out all of the last paragraph of that part designated "Sec. 274-A" and inserting in place thereof the following underlined paragraph:

"Professional solicitor" shall mean any person who is employed by any person or charitable organization for compensation or other consideration to solicit contributions for charitable purposes from persons in this State."

Further amend said Bill by striking out all of that part designated "Sec. 274-B."

Further amend said Bill by striking out the underlined words "person, firm, corporation or association" in the 1st and 2nd lines of that part designated "Sec. 274-C" and inserting in place thereof the underlined words "professional fund raiser and no professional solicitor"

Further amend said Bill by adding after the underlined words and punctuation "one year." in the 7th line of that part designated "Sec. 274-C" the following underlined sentences:

"The Department shall grant such license whenever it shall be shown to its satisfaction that the person or organization requesting the license is reputable and responsible and has suitable facilities for applying the

funds to the purpose for which they are to be solicited, and that the records of such funds and the purpose for which they are used will be properly and accurately kept. Such license shall be furnished to the licensee without fee or charge, and may be revoked by the Department whenever in its discretion it seems for the best interest of the public to do so.'

Further amend said Bill by striking out all of Subsection II of that part designated "Sec. 274-C" and inserting in place thereof the following underlined subsection:

**'II. The names and addresses of president, secretary and treasurer and places where records will be kept; addresses shall include both residence and place of business.'**

Further amend said Bill by striking out the underlined word "registration" in the 1st line of Subsection VIII of that part designated "Sec. 274-C" and inserting in place thereof the underlined word 'application'

Further amend said Bill by renumbering that part designated "Sec. 274-C" to be 'Sec. 274-B' and by renumbering that part designated "Sec. 274-D" to be 'Sec. 274-C'

Further amend said Bill by adding at the end thereof, before Section 2, the following underlined section:

**'Sec. 274-D. Enforcement and penalties. In the event that any solicitation is conducted without compliance with the terms of sections 274-A to 274-C, inclusive, the Department shall have the right to enjoin the solicitation and the person concerned shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.'**

Committee Amendment "A" was adopted and the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs be and

hereby is authorized to report such resolve as is necessary to cover such deficiency as may exist in the appropriations covering the cost of the current legislative session (S. P. 586)

Came from the Senate read and passed.

In the House: The Order was read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that Bill "An Act relating to Registration Fees for Certain Motor Trucks" (H. P. 768) (L. D. 844) be recalled to the Senate from the Governor (S. P. 588)

Came from the Senate read and passed.

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

#### Non-Concurrent Matter

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) which was passed to be enacted in the House on May 17, and passed to be engrossed in concurrence on May 13.

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

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

SENATE AMENDMENT "A" to S. P. 578, L. D. 1542, Bill "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."

Amend said Bill by inserting before the enacting clause, the following Emergency Preamble:

**'Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment; and

Whereas, facilities of the various departments in rendering necessary services established by law are badly in need of repair, construction and reconstruction; and

Whereas, in order to accomplish the greatest possible improvement

in these facilities for the total needs of the people of the State of Maine, it is vitally necessary that these repairs, constructions and reconstructions be commenced as soon as possible this year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,

Further amend said Bill by adding at the end thereof the following Emergency Clause:

**'Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.'

Thereupon, the House voted to recede and concur with the Senate.

Mr. Maxwell of Winthrop was granted unanimous consent to address the House.

Mr. MAXWELL: Mr. Speaker and Members of the House: It has been brought to my attention that in the referendum clause of L. D. 155, An Act Creating a Sewer System for Town of Winthrop, which has already been enacted, there is some ambiguity which might complicate a bond issue; therefore, I most humbly and respectfully request unanimous consent to introduce a bill notwithstanding the cloture order which will clarify that particular section.

The SPEAKER: The gentleman from Winthrop, Mr. Maxwell, requests unanimous consent to introduce a bill notwithstanding the cloture order. The Clerk will read the title.

The CLERK: Bill "An Act relating to Referendum for Sewer System for Town of Winthrop".

The SPEAKER: Does the Chair hear objection to the reception of this bill notwithstanding the provisions of the cloture order?

The Chair hears none and the Bill is received.

Thereupon, on motion of the same gentleman, under suspension of the rules, the Bill (H. P. 1260) was given its three several readings, passed to be engrossed without ref-

erence to a Committee and sent up for concurrence.

Mr. Earles of South Portland was granted unanimous consent to address the House.

Mr. EARLES: Mr. Speaker, I have heard the expression mentioned today and else times that a fellow gets up and says, "I did not," or "I had not planned to speak on this matter." When you hear me out you can well understand that I certainly did not plan to speak on this matter.

At approximately three o'clock this afternoon, I received a phone call from the Chairman of the Cumberland County Board of Commissioners and into my rather ample ears he poured a tale of woe.

It seems that they are running short of money down there. They have a borrowing capacity of some \$250,000.00 and they want to increase that borrowing capacity to \$400,000.00 and it comes to mind that the only way that possibly can be accomplished is if, under suspension of the rules and notwithstanding the cloture rule, I have permission to introduce a rather mild and innocuous little act entitled "An Act Relating to Increase in Temporary Loans for County of Cumberland."

Now the Chairman of the Board of Commissioners in Cumberland indicates to me that they want to put this act in and receive the added borrowing capacity so that they may go without several weeks and several months of possible payless Saturdays and so that the merchants with whom they have contracted may be paid.

It appears that not so long ago, they contracted for and have had erected in the court house there a substantial heating system, which has run them into something like forty or fifty thousand dollars and this new addition to the county building has put their entire financial picture out of whack. And therefore, I would present this bill and respectfully move its passage.

The SPEAKER: The gentleman from South Portland, Mr. Earles, requests unanimous consent to introduce a bill, notwithstanding the provisions of the cloture order. The Clerk will read the title.



The CLERK: Bill "An Act relating to Increase in Temporary Loans for County of Cumberland."

The SPEAKER: Does the Chair hear objection to the reception of this bill notwithstanding the cloture order?

The Chair hears none and the Bill is received.

Thereupon, on motion of the same gentleman, the Bill was given its three several readings under suspension of the rules, passed to be engrossed without reference to a Committee, ordered printed and sent up for concurrence.

### House Order Out of Order

Mr. Totman of Bangor presented the following Order which was received out of order and under suspension of the rule:

ORDERED, that Mr. Ross of Bath be excused from attendance for the duration of his illness, also that Mr. MacDonald of Rumford be excused from attendance for the remainder of the regular session because of illness.

The Order was read and passed.

On motion of Mr. Childs of Portland,

Adjourned until eight - thirty o'clock, Eastern Standard Time, tomorrow morning.