

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, March 31, 1931.

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

Prayer by the Rev. Mr. Craig of Lisbon Falls.

Journal of the previous session read and approved.

The SPEAKER: It gives the Chair a great deal of pleasure to welcome and introduce to the Eighty-fifth Legislature the Honorable Frank A. Morey of Lewiston, Speaker of the House in 1911. (Applause, the members rising).

Papers from the Senate disposed of in concurrence.

From the Senate: Final reports of the committee on

**Agriculture
Pensions**

Come from the Senate read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

S. P. 603, L. D. 1013: An act authorizing cities, towns and counties to acquire and operate airports and landing fields.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 598, L. D. 1007: An act relating to requirements of applicants for registration as dealers in securities.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 597, L. D. 1009: An act relating to duties of superintendents of insane hospitals.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 600, L. D. 1008: An act to provide a dam across Dead River.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 580, L. D. 947: An act relating to the excise tax on motor vehicles.

(Under suspension of the rules

given its third reading and passed to be engrossed)

S. P. 599, L. D. 1010: An act relating to the abolishment or alteration of grade crossings.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 606, L. D. 1014: An act relative to the municipal court at Pittsfield.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 605, L. D. 1015: An act relating to subordinate officers of the Senate.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 602, L. D. 1012: An act relating to the acquisition of the Elliot bridge, so-called.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 601, L. D. 1011: An act to provide for the reconstruction or enlargement of the International Bridge at Calais, in the county of Washington, known as the Ferry Point Bridge.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 363, L. D. 385: An act relating to trial lists in Aroostook county.

(Under suspension of the rules given its third reading and passed to be engrossed)

S. P. 458, L. D. 601: An act to provide a pension for members of the police and fire departments of the city of Auburn.

(Under suspension of the rules given its third reading and passed to be engrossed)

From the Senate: Report of the committee on Salaries and Fees on bill an act to change the salary of the Clerk of Courts for Penobscot county (S. P. 104) reporting same in a new draft (S. P. 604) under same title and that it ought to pass.

Comes from the Senate the bill and report indefinitely postponed.

In the House, on motion by Mr. Burr of Mattawamkeag, bill and report indefinitely postponed in concurrence.

From the Senate: Bill an act relative to dogs in the woods or forests. (H. P. 108) (L. D. 77) which was passed to be engrossed in the House March 25th.

Comes from the Senate with Senate Amendments A, B, C, O and P offered and the bill and amendments indefinitely postponed.

In the House that body voted to recede and concur.

Orders

On motion by Mrs. Day of Gorham, it was

Ordered that the use of the House be granted to the Highway Commission for a hearing this afternoon between the hours of two-thirty and three o'clock.

Mr. BURKETT of Portland: Mr. Speaker, I move that at 12.30 this morning, the House adjourn until four o'clock this afternoon.

The motion prevailed.

Reports of Committees

Mr. Morse from the Committee on Pensions reported ought not to pass on resolve creating an old age pension recess committee. (H. P. 898) (L. L. 357)

Mr. Jones from the Committee on Ways and Bridges reported same on bill an act relating to the construction of a road in the town of Orono. (H. P. 675)

Same gentleman from same Committee reported same on resolve in favor of the trustees of the bridge between East Machias and Machiasport. (H. P. 878)

Same gentleman from same Committee reported same on bill an act relating to the construction of a road in the town of Aurora. (H. P. 251)

Mr. Weeks from same Committee reported same on bill an act to acquire Eastport-Perry Bridge. (H. P. 679)

Same gentleman from same Committee reported same on resolve in favor of the city of Eastport, for the repair of a bridge. (H. P. 449)

Same gentleman from same Committee reported same on bill an act relating to the laying out and assessing damages on State and State aid highways (S. P. 457) (L. D. 600) as it is covered by another bill.

Same gentleman from same

Committee reported same on bill an act relating to the Memorial Bridge at Belfast (H. P. 460) as it is covered by another bill.

Reports read and accepted and sent up for concurrence.

Mr. Authier from the Committee on Judiciary on bill an act relating to fees for organization of corporations (H. P. 1165) (L. D. 766) reported same in a new draft (H. P. 1437) under same title and that it ought to pass.

Mr. Kent from the Committee on Pensions on order relative to old age compensation reported a resolve (H. P. 1438) under title of resolve creating an Old Age Pension Recess Committee and that it ought to pass.

Mr. Weeks from the Committee on Ways and Bridges on Resolve in favor of the towns of Mexico and Rumford (H. P. 423) reported same in a new draft (H. P. 1439) under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

First Reading of Printed Bill

(H. P. 1429) (L. D. 1046) An act relating to the removal of snow from highways.

Passed to be Engrossed

(S. P. 427) (L. D. 533) An act to legalize meetings held by the Sea and Shore Fisheries Commission since the expiration of the terms for which they were appointed, of one or more of them, and to make valid any findings that they may render as a result of same.

(H. P. 1113) (L. D. 690) An act to exempt certain live stock from taxation.

Mr. WARD of Limestone: Mr. Speaker, I would like to reconsider our vote of yesterday whereby H. P. 1113, L. D. 690, an act to exempt certain live stock from taxation had its first two readings.

The SPEAKER: Will the gentleman state the purpose of his motion?

Mr. WARD: Yes, I want to move indefinite postponement.

The SPEAKER: The gentleman is at liberty to make that motion at the present time.

Mr. WARD: Mr. Speaker, I move that we indefinitely postpone this bill

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

Seventy-four voting in the affirmative and 19 in the negative, the motion to indefinitely postpone prevailed.

(H. P. 1418) (L. D. 1028) An act providing for the disposition of moneys collected from the tax on gasoline purchased for aeronautical purposes.

(H. P. 1421) (L. D. 1029) An act with reference to the State Highway Police.

(H. P. 1422) (L. D. 1034) An act relating to fishing in certain inland waters.

Mr. ELLIS of Rangeley: Mr. Speaker, to clarify the language in Section 58, I wish to offer House Amendment A and move its adoption, as follows:

House Amendment A to H. P. 1422.

Amend House Paper 1422 by striking out sub-section A in section 59 of said bill, and by substituting therefor the following sub-section: A. The main stream of the West Branch of said Carrabasset river, exclusive of tributaries thereto, up as far as and including those parts of Dead and Quick Streams, so-called, which are below the road leading from Salem to Phillips, and Lemon Stream, shall be open to plug or bait fishing, and"

Amendment A was adopted and the bill as amended had its third reading and was passed to be engrossed

H. P. 1424, L. D. 1030: An act to extend the time for the display and use of motor vehicle license tags.

H. P. 1425, L. D. 1031: An act to extend the jurisdiction of municipal courts in certain cases.

(H. P. 1432) (L. D. 1032) An act amending the Banking Law.

(H. P. 468) (L. D. 1035) Resolve in favor of the State Military and Naval Children's Home.

(H. P. 1433) (L. D. 1043) Resolve to reimburse the town of Shirley for support of the family of Angus A. Green.

(H. P. 1416) (L. D. 1036) Resolve providing pensions for certain soldiers and dependents of soldiers.

(H. P. 1417) (L. D. 1037) Resolve creating a Recess Committee to study the needs and requirements of aviation and its development.

(H. P. 1419) (L. D. 1038) Resolve authorizing Commissioner of Inland Fish and Game to settle damages with Charles Huff, of Topsfield.

(H. P. 1423) (L. D. 1039) Resolve for screening certain lakes and ponds in the State.

H. P. 1426, L. D. 1040: Resolve appropriating money for the completion of the statue of General Howard.

Mr. HILLS of Northport: Mr. Speaker, I move that the resolve be indefinitely postponed.

A viva voce vote being taken, the motion failed of passage, and the resolve had its second reading and was passed to be engrossed.

(H. P. No. 1427) (L. D. No. 1041) Resolve in favor of the town of Plymouth.

(H. P. No. 1428) (L. D. No. 1042) Resolve in favor of the town of Durham.

Passed to be Enacted

(S. P. No. 581) (L. D. No. 950) An act relating to the protection of children.

(S. P. No. 583) (L. D. No. 948) An act relating to pre-bid qualifications for State contracts.

(S. P. No. 584) (L. D. No. 952) An act providing for the enlistment of members of the State Highway Police.

Finally Passed

(S. P. No. 234) (L. D. No. 898) Resolve in favor of the Central Maine Sanatorium for the construction and equipment of an additional building for patients.

(S. P. No. 241) (L. D. No. 904) Resolve in favor of the Central Maine Sanatorium for the enlargement of the Nurses' Home.

(S. P. No. 523) (L. D. No. 794) Resolve in favor of John T. Pratt of Leeds.

(S. P. No. 524) (L. D. No. 793) Resolve in favor of Coyt Ingraham of Knox.

(S. P. No. 559) (L. D. No. 884) Resolve appropriating money to cover departmental deficiencies.

(S. P. No. 586) (L. D. No. 955) Resolve appropriating money to pay pauper claims heretofore approved by the Committee on Claims.

(S. P. No. 607) Resolve relating to the acceptance by the people of the State of Maine of the Greek flag presented by the President of the Greek Republic.

Orders of the Day

The SPEAKER: Under orders of the day the Chair lays before the House the first matter tabled and

today assigned bill an act relating to special provisions for towns peculiarly located, S. P. 487, L. D. 648, tabled March 25 by Mr. Brewster of Wells, pending third reading; and the Chair recognizes that gentleman.

Mr. BREWSTER: Mr. Speaker, in the absence of the gentleman from Berwick, Mr. Varney, who I understand wishes to speak on this matter and who is home sick, I move that this be retabled.

A viva voce vote being taken, the motion to retable prevailed.

The SPEAKER: The Chair lays before the House the second matter tabled and today assigned majority report ought to pass in new draft and minority report ought not to pass on bill an act to regulate the sterilization of inmates of institutions, S. P. 277, L. D. 250, new draft S. P. 590, L. D. 992, which came from the Senate the majority report accepted, and the new draft passed to be engrossed, and which was tabled in the House March 27 by Mr. Authier of Sanford, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. AUTHIER: Mr. Speaker, for the same reason, namely, the illness of my colleague, Mr. Varney, I move that it be retabled.

A viva voce vote being taken, the motion to retable prevailed.

The SPEAKER: The Chair lays before the House the third matter tabled and today assigned, Senate report ought to pass in new draft of the committee on Administrative Code on bill an act relating to administration of the State, S. P. 60, L. D. 20, new draft, S. P. 588, L. D. 954, which came from the Senate report accepted and the new draft passed to be engrossed as amended by Senate Amendment A, and which was tabled March 27 in the House by Mr. Robie of Westbrook, pending acceptance of report in concurrence; and the Chair recognizes that gentleman.

Mr. ROBIE: Mr. Speaker, I move that we accept the unanimous report of the committee, and that the new draft, as amended by Senate Amendment A, be given its several readings at this time, and that when the vote is taken, it be taken by the yeas and nays.

Mr. JACK of Lisbon: Mr. Speaker, I rise to second the motion.

Mr. FARRIS of Augusta: Mr. Speaker and members of the House: In view of the fact that the bill before us is so far reaching, and sets up so much power to be exercised by a few individuals, and, it appears to me, to be departing from the established principles of representative government, I am compelled to oppose this piece of legislation. I regret to do this because I am a personal friend of the Governor, and I know it is his honest opinion that this matter should be passed. However, I disagree with it.

It seems to me that by this bill we are delegating our power of making laws conferred by the people who sent us here to a small group of individuals so that they may perform the duties that now devolve upon us as legislators, and this without limiting the powers conferred on these commissioners and bureau chiefs as set up in the bill.

From the beginning of government, two desires, in a measure conflicting with one another, have been at work striving for supremacy: First, the desire of the citizens to control and regulate his own activities in such a way as to promote what he conceives to be his own good, and, second, the desire of the Legislature to curtail the activities of the citizens in such a way as to promote the common welfare of the whole State. The operation of the first of these—we call liberty, and that of the second—authority.

Throughout all history mankind has swung like a huge pendulum between these two desires, sometimes swinging too far in one direction, and sometimes in the rebound too far in the opposite direction. In all probability we shall never succeed in getting rid of all the evils which affect our state government, and perhaps it would not be a desirable result if we should succeed, since out of a state of settled perfection there could not come that uplifting sense of reform which follows the successful fight against governmental evils, and which is responsible for so much governmental advance-

ment, but I am sure that in many ways in our state government we are better off today than we have ever been before. It is, apparently, one of the deductions of progressive government that we get rid of old evils only to acquire new ones, and I am wondering whether we shall, under this proposed law, rid the administration of our state government of the evils we now have, or fly to others that we know not of. That is the question in the mind of every legislator in this House today. Today, as always, eternal vigilance is the price of liberty—liberty whose form has changed but whose spirit is the same.

In the early days of the history of this country it was the liberty of speech, and religious worship that were principally threatened, and later taxation without representation; but today it is the liberty to order the detail of our own daily conduct, the liberty to do honest and profitable business, and the liberty to seek honest and profitable investments. Those are the things that are in peril today. In my mind, our national government, in all history, never occupied a higher plane than it does today, and yet never before have the activities of the people been so beset with vexatious statutes, prying commissions and governmental intermeddling.

Under our form of government, the will of the people is supreme, and when we propose to make drastic changes in the administration of our state government, which will affect the welfare of thousands of our unfortunate citizens confined in our state institutions, and also their relatives and friends throughout the state, it is only fair that the people should be given an opportunity to approve or reject any such proposed legislation. If we vote according to the dictates of our own conscience, we cannot go far wrong.

Jefferson once said: "That government is best which governs least," and Lord Macaulay expressed it "The primary end of government is the protection of the person and property of men." Any attempt, therefore, to curtail the liberties of the citizens, which shocks the sense of personal inde-

pendence of any considerable portion of the state is likely to do more harm than good, not only because a strong feeling that a particular law is unjust lessens in some degree the respect for law generally, but because such a law cannot be successfully administered.

Another thing we must consider is the increase during late years of the number of commissions, boards, and similar agencies, the tendency of which is to undermine the fundamental principle upon which our form of government depends, namely, that it is "An empire of laws and not of men," the meaning of which is that rights and duties of the individuals as members of society should be defined by fixed laws and not be left to the official edict of commissioners and bureau chiefs as defined in this bill.

As legislators concern ourselves with this question: Is the proposed law just in its general application? The official who administers the law has nothing to do with the abstract question of its justice; his function is to ascertain what it is and whether it has been violated. The two functions are so utterly different that the necessity of vesting them in separate hands has long been recognized.

To confer upon the same man, or body of men, the power to make the law and also administer it, would inevitably result in despotic government by substituting the shifting frontiers of personal command for the definite boundaries of general, impersonal law. "The habits of thinking in a free country" said Washington in his farewell address, "should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers in one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus create, whatever the form of government, a real despotism."

The danger, therefore, which is threatened by the consolidation of departments and the appointment of commissioners and bureau chiefs is placing too much money and political power in the hands of a few individuals. Another danger,

as I see it in the bill, is that the authority conferred upon these administrative boards and bureau chiefs is an unlimited authority. The jurisdiction to deal with particular subjects involving the conduct of individuals is conferred in terms which are so indefinite that we will have to resort to the courts for a construction of the limitation of authority and power granted in this bill.

The power of making laws is the supreme power in the state, and the power in which it resides will naturally have such a preponderance in the political system, and act with such mighty force upon the public mind, that the line of separation between that and the other branches of the government ought to be marked very distinctly, and with the most careful precision. The Constitution of Maine has effected this with great felicity of execution, and in a way well calculated to preserve the equal balance of the government and the harmony of its operations. It has not only made a general delegation of the Legislative power to one branch of the state government, of the executive to another, and of the judicial to the third, but it has specially defined the general powers and duties of each of those departments, and one department should not encroach upon the rights of another department. It is for the legislature to make the laws, the executive to administer them, and the judicial to define and interpret them.

We have many thousand of our citizens who are unfortunate in being confined in our state institutions. We also have hundreds of employees such as attendants and nurses at the hospitals and feeble-minded schools, and guards at the state prison and reformatories. We have boards of trustees at these various institutions who have taken a personal pride in the work of their institutions, and have worked for the welfare of the inmates as well as the State at large. We have the superintendents and heads of these various institutions who are cooperating with the boards of trustees, trying to make their institution the best, so that when the Legislature convenes, they have a report of the doings of their institution for the past two years with which they want to impress

the Legislature and give a good accounting of their stewardship.

We have the local health officers, we have the officers of the towns and cities of our state who are doing good work under our present law—in fact we have a system now which has been built up gradually by the experience and foresight of public-spirited men and women in our state who served in places of public trust, and today we as a state are deriving the benefit of their experience and wisdom, and I say "Remove not the ancient landmark, which their fathers have set." I trust that this bill, at this time, in its present form, will not become a law. (Applause)

Mr. BRIGGS of Caribou: Mr. Speaker and members of the Eighty-fifth Legislature: I am well aware that the *lassiez-faire* policy in government prevails in certain quarters. The bill which we have before us under discussion is nothing but a simplification of the fiscal program of our beloved State of Maine. It has not been drafted under cover. The Cole Committee, in 1921, recommended these changes. This bill has been worked upon for six months, and by some of the ablest people of the State of Maine, and I for one am willing to accept their judgment as to the constitutionality of the law.

This bill provides primarily for a simplification of the fiscal set-up of this State in which no change has been made, so far as I can learn, in the last twenty years. Your methods of finance in the State of Maine, members of the Eighty-fifth Legislature, are antiquated and obsolete. Such items as a \$700,000 trust fund entirely vacated under our present system of book-keeping are absurd. Such items of accruals to different departments of special funds are absurd. This bill provides that all money coming to the State of Maine shall go to the treasurer of the State of Maine, and be allocated therefrom. This bill sets up a budget officer, which I believe to be a thing of vast importance in our fiscal program.

Speaking from twelve weeks of experience as a member of the Appropriations and Financial Affairs Committee, I say to you members of the Eighty-fifth Legislature, it is almost impossible to determine, sitting on that committee, the needs of the various departments

which appear before you. The departments vie with each other in securing exorbitant appropriations. Jealousy between departments is rampant. I am well aware that a state government cannot be conducted entirely the same as a business can be conducted, but I say to you that there is absolutely no reason why the business of the State of Maine should not be handled the same as any other well-conducted business, and I sincerely hope, members of the Eighty-fifth Legislature, that the motion before the House will prevail. (Applause)

Mr. EATON of Calais: Mr. Speaker and members of the Legislature: I believe this is the most important bill we have had before us for our consideration during this session. It has received much publicity throughout the State during the past year, and I believe the citizens of this State want this bill passed, as they feel it will save them money and bring the various departments up to the highest point of efficiency and I hope the report of the committee will be accepted.

Mr. FARRIS: Mr. Speaker, if the argument by my friend from Caribou (Mr. Briggs) is to be considered, we must say that our state government for the last thirty years has been a failure. We are rejecting the ideas of experienced legislators who have served in these Halls. We have had such men here as Lindsey, Hannibal Hamlin, James G. Blaine, Charles Littlefield, and several others down to today,—even our present Chief Justice has served in these Halls—and they never found any fault with our form of government. But now we find a little group who want to upset the whole form of our state government that has been built up by these men by hard work. Now the question is: Are we going to upset our state government which has been built up by experience and in various sessions of the Legislature? Are we going to depart from our plan we have built up and go on to a new plan, not knowing what it is? Do we know who is going to administer this new plan of government? Do we know of any man in the state who is going to take charge of all the state institutions, public health and welfare departments, spending three millions of dollars and having charge of sev-

eral thousands of inmates and several hundred employees? That is the question. If we do not get the right man and if we upset the heads of all these institutions, there will be an upheaval in this state such as has never been known before. I tell you, we are taking a dangerous step. You can pass this bill if you will, but before it goes through, I shall offer an amendment that it be submitted to the people for their ratification or rejection. (Applause)

The SPEAKER: The House will please refrain from any demonstration of any sort whatsoever.

Mr. PERHAM of Paris: Mr. Speaker and members of the House of Representatives: I am in favor of accepting the unanimous report of the Code Committee. On this Code Committee are sixteen members representing the House of Representatives, one from each county. I know every member of this Code Committee personally, and I feel after the consideration they have given the bill, and, considering the previous consideration given it by other notable people of the State, that they would not have come out unanimously in favor of this bill if they had not believed it a just thing for the State, neither do I feel that the Honorable Senate, at the next door, would have passed the vote that they did the other day had they not believed that it was—

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

The SPEAKER: The gentleman may state his point.

Mr. FARRIS: Any member of this House has no right to refer to the other body for the purpose of influencing legislation.

The SPEAKER: The point is well taken, and the Chair cautions the gentleman.

Mr. PERHAM: Mr. Speaker, that is a lack of parliamentary knowledge on my part. I accept the reprimand.

I do not believe at this time that it is necessary for me to take any more of the time of this House. I hope that the unanimous report of the Code Committee will be accepted.

Mr. WRIGHT of Bath: Mr. Speaker, I am heartily in sympathy with the provisions of the Code, and hope that the unanimous opinion of the committee will be accepted, ought to pass.

The **SPEAKER**: The question before the House is on the acceptance of the Senate report ought to pass.

Mr. **ASHBY** of Fort Fairfield: Mr. Speaker and members of the Eighty-fifth Legislature: As a member of the Code Committee, I want to say a few words in defense of the action of that committee. In regard to the remarks of my esteemed fellow member here, Mr. Farris, we will have to assume that if no change in the state government is necessary that the present set-up under the Constitution of Maine has reached perfection. He says, in effect, that no amendments could improve the present State set-up. Now if the present set-up in Maine has reached perfection, then we have got to assume that perfection has reached Almighty Power.

One of the criticisms of our committee has been that we rushed things through. We held four public hearings. Why did not the objectors appear at that time? The hearings were well advertised, and the present objectors at that time failed to materialize. They said nothing until the eleventh hour, until the committee had reported. At that time we had every reason to believe that this bill had been so perfected that there were no objectors. Then a gentleman drifted in here who assumes the right to dictate to the Legislature. A few of the faithful heard his voice, and they immediately fell into line. The real objection and all of the objection this committee has heard has been since the committee issued their report and the Senate passed the bill. Now we of the committee, composed of all factions of this House, both parties, unanimously conceded that this was a very fair and progressive bill. As a member of that committee, and as a member of the Legislature, and as a citizen of the State of Maine, I hope the unanimous report will be accepted.

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

Mr. **TOMPKINS** of Houlton: Mr. Speaker, I am heartily in favor of this new Code Bill. The great opposition that seems to have arisen in the mind of the gentleman from Augusta (Mr. Farris) is the unknown dangers that it may entail.

The Ancients would not go beyond the Mediterranean because

they did not know what lay beyond. If they had stayed within the Mediterranean Sea, there would have been no western civilization.

If the signers of the Declaration of Independence had hesitated as to whether that document would have been successful, we would have had no Constitution of the United States. And so I say that those who are doubters always put that boggy before the people, that danger of unknown things. I hope that this bill will pass, and I am heartily in favor of it.

The **SPEAKER**: Is the House ready for the question? The question is on the motion of the gentleman from Westbrook, Mr. Robie, that the House concur with the Senate in the acceptance of the report, ought to pass.

Mr. **SCATES** of Westbrook: Mr. Speaker, was that the motion of the gentleman from Westbrook? I thought it was in relation to the amendment.

The **SPEAKER**: The Chair understood the gentleman to move the acceptance of the report.

Mr. **ROBIE**: The Chair is correct, the bill as amended by Senate Amendment A.

The **SPEAKER**: The immediate pending question is on the acceptance of the report.

Mr. **WILLIAMS** of Falmouth: Mr. Speaker, I beg to be excused from voting, as I am paired with the gentleman from Gray, Mr. Morrill, who, if present, would vote yes, and I would vote no.

The **SPEAKER**: The gentleman asks to be excused from voting for the reason stated. Are there any objections?

There being no objection, the gentleman was excused from voting.

The **SPEAKER**: All those in favor of the yeas and nays will rise and stand until counted and the monitors have returned the count.

A sufficient number having arisen the yeas and nays were ordered.

The **SPEAKER**: The Chair cautions every member to remain in his seat until the vote is returned and declared. The Clerk will call the roll.

YEA—Adams, Allen, Allison, Andrews, Angell, Ashby, Authier, Bailey, Bearce, Bennett, Biddle, Blaisdell, Blanchard, Wilton; Blanchard, Phillips; Bowers, Breen, Brewster, Briggs, Burgess, Burkett, Portland; Burkett, Union; Burns, Carleton, Carter, Clarke,

Cobb, Cooper, Cram, Daigle, Davis, Dow, Drisko, Duquette, Eastman, Eaton, Edwards, Ellis, Fenlason, Fernald, Ford, Friend, Gagnon, Gauvin, Gibson, Goodrich, Goudy, Graves, Gray, Hamel, Harrington, Hatch, Hathaway, Hawkes, Hills, Hiscock, Holbrook, Hobbs, Jack, Jackson, Jones, Kent, Lancaster, Littlefield, Lizotte, Luce, Mack, MacKinnon, Martin, McCart, McLoon, Melcher, Merritt, Morey, Morin, Morse, Oliver, Owen, Patterson, Peacock, Perham, Plouff, Quint, Richardson, Robie, Rogers, Greenville; Rogers, Yarmouth; Sanborn, Sargent, Sawyer, Scates, Shaw, Snow, Blue Hill; Snow, Scarboro; Smith, Vinalhaven; Smith, Bangor; Smith, Masardis; Sterling, Caratunk; Sterling, Kittery; Stern, Sturtevant; Thomas, Harpswell; Thompson, Tompkins, Houlton; Tompkins, Bridgewater; Towne, Viles, Wallingford, Ward, Webber, Weeks, White, Crystal; White, Dyer Brook; Whitney, Wilbur, Worthen, Wright.

YAY—Additon, Berry, Boody, Brackett, Burr, Church, Crane, Day, Dekin, Farris, Hussey, Jacobs, Leonard, Lewis, Lowell, MacPherson, Palmer, Picher, Potter, Pratt, Soper, Sweet, Thomas, Woodland; Webster.

ABSENT—Audibert, Blodgett, Bussey, Clement, Plummer, Rounds, Smith, Waterboro, Varney.

Yes—116.

No—24.

Absent—8.

Paired—2.

One hundred and sixteen having voted in the affirmative and 24 in the negative, the motion to accept the report, ought to pass, prevailed.

Thereupon the bill had its first reading.

Mr. **ROBIE** of Westbrook: Mr. Speaker, I move that the rules be suspended and the bill be given its second and third readings at this time.

Mr. **FARRIS** of Augusta: I wish to offer House Amendment A and move its adoption.

The **SPEAKER**: The bill will have its second reading, by title only, at this time.

Thereupon the bill had its second reading.

The **SPEAKER**: The gentleman from Augusta, Mr. Farris, presents House Amendment A and moves its adoption. The Clerk will read the amendment.

House Amendment A to L. D. 954, An Act Relating to the Administration of the State.

Legislative Document No. 954 is hereby amended by adding thereto another section at the end of Arti-

cle VII of said bill to be known as Section 9, to read as follows:

‘Sec. 9. This act shall be submitted for approval or rejection to the duly qualified voters of the State of Maine at an election to be held on the second Monday of September in the year A. D. 1931. The aldermen of cities, and the selectmen of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives to give their vote upon this act and the question shall be: “Shall the Act Relating to the Administration of the State, consolidation of state departments and changing the names thereof, abolishing certain commissions, boards and offices, and repealing certain parts of the revised statutes as defined in this act, be accepted?” And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the same expressing it by making a cross within the square opposite the word “Yes” upon their ballot and those opposed to the question by making a cross within the square opposite the word “No” upon their ballot, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and returns made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the governor shall make known the fact by his proclamation, and thereupon this act shall become law. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing, accompanied by a copy thereof.’

Mr. **FARRIS**: Mr. Speaker, my purpose in offering this amendment is because this bill which you have just passed is so far reaching, and effects so many people in the State, that I think the people want a chance to vote on it. We must take into consideration the fact that it is almost impossible for the

people of this State by petition to get a measure on a referendum. We have had that experience and, by reason of technicalities, many petitions are thrown out; and it is within the power of the Chief Executive to decide upon that question and his decision cannot be appealed from. For that reason I offer this amendment and hope it will be adopted.

Mr. BRIGGS of Caribou: Mr. Speaker and members of the Eighty-fifth Legislature: It appeals to me that this particular piece of legislation is peculiarly unsuited to the referendum. A matter of sixteen closely written pages, containing a large amount of material, cannot be properly digested by the proletariat of the State of Maine as it will be presented to it. Furthermore, a referendum costs the State of Maine approximately fifty thousand dollars. The vote of this House here today was, I believe, 116 in favor and 24 against, and I believe, were this question submitted to the people in a proper manner and explained properly, the vote of the people of the State of Maine, so far as majority goes, would coincide with that of this body.

Again, the Chief Executive of the State of Maine is bound up heart and soul in this measure; it is primarily his measure. Any postponement of the carrying out of this measure would seriously embarrass him, and it is exceedingly important that the Chief Executive be allowed to go to work upon the changes involved as soon as possible. I hope that this amendment will not be adopted.

Mr. FARRIS: Mr. Speaker, I will say that we are sending a constitutional amendment to the people for a special election in September, 1931 in regard to reapportionment, and this act can go right along with that and will not cost any more.

Mrs. DAY of Gorham: Mr. Speaker and members of the 85th Legislature: This is a government of the people and I do not fear the final decision of the people on any measure. We are the representatives of the people, and, as has been said, it is a serious responsibility that rests upon us, so far-reaching in its effect, so tremendous in its significance, that I think we would do well to give time for a decision and not rush this mat-

ter through in the last hurried days of this session, but, rather, to submit to a referendum to the people on this important piece of legislation.

Mr. HAWKES of Richmond: Mr. Speaker, I feel that the people of this State have had ample opportunity to register their approval or disapproval of this measure at the hearings that have been held, and I hope that this motion will not prevail.

Mr. PERHAM of Paris: Mr. Speaker, I hope that I do not overstep the bounds of parliamentary procedure this time. In the newspapers of the State during this session the House has been literally panned for being leaderless on the floor and practically everywhere except in the corridors. I feel that if we send a matter of this sort back to the people to be voted on, we would be merely o. k.-ing that thought which the newspapers have so well supplied to the people back home. We are a government for the people, I will admit; but we are a government of representatives. My people sent me down here to represent them. I am supposed to use my own head once in a while without "passing the buck" back to them, and on a matter of this sort, which is something I believe is our duty to take care of and to dispose of in a proper manner, I think we would be "passing the buck" back to our people back home. I do not believe that they want it and I do not believe that they need it, and I do not believe that they deserve it. I hope that this amendment fails of passage.

Mr. SNOW of Bluehill: Mr. Speaker, I thought it would be unnecessary for me to address the House on this matter, and I still feel that it is unnecessary; but I do desire to call your attention to one or two things.

In the first place, this is not a matter that has been hurriedly considered. The Survey was made last year, it was thoroughly threshed out in the newspapers, the people were informed of the result, and the matter went to a representative committee of the people of the State of Maine, a very able body—men who gave their time freely. They submitted a bill and that bill was presented to this Legislature the 21st day of January, the same day that His Excellency addressed

the House on the matter. Numerous hearings have been held and the ideas of those appearing at those hearings have received careful consideration. The result is a bill that reflects the views of the great body of the people as shown by the vote here this morning.

As has been said, this is quite a comprehensive bill, although neither radical nor grasping. It covers twenty-six pages. It is a bill ill-suited to submit to a referendum. Furthermore, the people have had ample opportunity and have exercised that opportunity to state to their representatives their desires. Their desires are reflected here in the votes. We are a representative government. It is impossible for the people to act except through representatives. I do not feel that the people of Maine desire a referendum. If I thought they did I would hold up both hands and vote to give them the opportunity. The only ones who want a referendum are a few politicians and a few boards that will be abolished if this bill passes. Mr. Speaker, I move that the amendment be indefinitely postponed.

Mr. FARRIS: Mr. Speaker, I would like to ask the gentleman from Bluehill a question through the Chair. How many citizens of Hancock county appeared as proponents of this bill before the committee?

The SPEAKER: The gentleman from Augusta (Mr. Farris) asks the gentleman from Bluehill (Mr. Snow), through the Chair, how many proponents from Hancock county appeared in support of this bill at the hearing. He may answer if he pleases.

Mr. SNOW: I will answer in this way: Hancock county is represented in this Legislature by two Senators and six Representatives, and they were willing to leave the matter to the judgment of their representatives.

Mr. FARRIS: Mr. Speaker, the answer is not responsive to the question.

The SPEAKER: Is the House ready for the question?

Mr. ASHBY of Fort Fairfield: Mr. Speaker, I would like to ask Mr. Farris, through the Chair, how many objectors from Kennebec county appeared before that committee at this hearing?

The SPEAKER: The Chair conveys the question of the gentleman

from Fort Fairfield, Mr. Ashby, to the gentleman from Augusta, Mr. Farris.

Mr. FARRIS: Mr. Speaker, I will say that so far as I can remember none appeared because they were all friendly to the Governor. (Laughter.)

Mr. BURKETT of Portland: Mr. Speaker, I am wondering in what situation this House would be left if, after adopting a measure by a vote of 116 to 24, we ordered a referendum, thus indicating to them that we did not have confidence enough in our own judgment to vote on it. We frequently have to use the referendum here in this State on constitutional matters, amendments to the constitution, adoption of bond issues, and things of that kind. We have got in the habit here at times of putting it on to measures that we pass here, as to which there may be some doubt in our own minds; but it seems to me that after passing this measure by such a vote, we are simply voicing the sentiment of the people who sent us here and that to put on a referendum would be a very inconsistent thing to do.

Mrs. MOREY of Lewiston: Mr. Speaker, as a member of the Code Committee, I feel that maybe I should say just a word or two, although it is not really necessary; but I certainly feel, with my colleague, Mr. Burkett, that it would be perfectly absurd to tack on a referendum. I am heartily in favor of the code and I hope that the motion to indefinitely postpone the amendment will prevail.

Mr. FARRIS: Mr. Speaker—

The SPEAKER: The gentleman from Augusta, Mr. Farris, asks leave to speak more than a second time. Are there any objections?

Mr. FARRIS: I wonder if my friend from Portland (Mr. Burkett) has forgotten the trouble we had getting a referendum on three measures that were passed at the last session of the Legislature and those petitions were thrown out by reason of technicalities? I did not hear him asking for a referendum at that time.

Mr. BURKETT of Portland: Mr. Speaker, I will say in answer to that that the Judiciary committee of which both the gentleman from Augusta (Mr. Farris) and myself are members, has had before it this session and has reported out ought

to pass a bill that will take care of all these troubles and difficulties that beset the workings of the referendum. That bill will come in here reported ought to pass and it will make it perfectly easy for anybody to invoke the referendum on any measure where it is desired, provided that bill has a passage.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Bluehill, Mr. Snow that this amendment be indefinitely postponed. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

The SPEAKER: The pending question is the adoption of Senate Amendment A in concurrence. The Clerk will read the amendment.

(Senate Amendment A read).

On motion by Mr. Holbrook of Vanceboro, a viva voce vote being taken, Senate Amendment A was adopted in concurrence.

The SPEAKER: The Clerk will now read Senate Amendment B.

(Senate Amendment B read).

The SPEAKER: Senate Amendment B comes from the Senate read and failed of passage.

On motion by Mr. Robie of Westbrook, a viva voce vote being taken, the House voted to concur with the Senate in the indefinite postponement of Senate Amendment B, and under suspension of the rules this bill had its third reading and was passed to be engrossed.

The SPEAKER: The Chair now lays before the House the fourth specially assigned matter today, House reports, majority ought to pass, minority ought not to pass, of the committee on Taxation and Ways and Bridges jointly on bill an act relative to taxation of gasoline, H. P. 1117, L. D. 749, tabled March 27 by Mr. Blanchard of Wilton, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. BLANCHARD: Mr. Speaker, I move the acceptance of the minority report, ought not to pass.

A viva voce vote was doubted.

Mr. SCATES of Westbrook: Mr. Speaker, I want to take up just a

moment of your time, and only a moment. I want to call the attention of the members of this House, especially those along the seashore, that if this bill is enacted into law, it will increase the tax on gas used in the motorboats of the fishermen along the shore 100%. It also will increase the tax on the gas consumed in the tractors used by the farmers of this State 100%. It will also increase the gas tax on the gas used in every stationary engine 100%. Think of that! The automobile does not get the whole of it.

We have heard considerable about the referendum here today. Within eighteen months there was a referendum on this gas tax. It was discussed pro and con throughout this State, and the five cent gas tax was defeated in this State by a vote of 35,130 to 79,930. That is a referendum. There is no question but the people of this State voted on the gas tax eighteen months ago. Are you going to fly in the face of the people of this State? That is a referendum.

Now we have heard around the lobby in the past month that the people of the State have changed their mind, but if they have changed their mind in the face of that vote, it is a wonderful change. But, to make assurance doubly sure, there were sent out, a week ago last Friday, 4,500 questionnaires to the people of this State, all over the State, and here is the questionnaire: "Do you believe the Maine Legislature should increase the gas tax from four cents to five cents under present economic conditions? Please answer yes or no." And there was a place left vacant for their signature and their address. What was their answer to those 4,500 questionnaires that were sent out to the people all over the State? Here is their answer: (At this point Mr. Scates threw many packages of the questionnaires in the air, saying "No" as he threw each package). (Laughter) And here are the "Yeses," gentlemen. Take them and look at them. (Laughter) There was a total vote of 2,231, and out of that 2,231 there were only 114 yeses. Now, gentlemen, if you want to fly in the face of the public after that, I am content.

Mr. LOWELL of Lincoln: Mr. Speaker, I rise not for the purpose of making a speech upon the gasoline tax, but I will say this—that I rise that there may be no doubt in the mind of any of you here at this time as to how I stand upon the matter. I am heartily in favor of the one cent increase in tax upon gasoline, for the reason that that one cent increased tax means a million dollars or better for the maintenance of our State aid and rural roads. Now the question is: Do we want the roads; do we need the roads? I believe those of you who opposed a gasoline tax will agree with me that we must have roads. The pressure of traffic has simply forced us to build good roads, and build them in a hurry. In a brief quarter of a century this State has had to remodel a system of country lanes, of narrow, rocky, crooked turnpikes, and make them carry an endless and constantly increasing stream of high pressure traffic.

Now the question arises—where are we to obtain the money to carry on? There are different methods of taxation for raising road funds, but it all comes in some form of taxation from the people. I believe the gasoline tax to be one of the fairest methods of taxation that can possibly be devised to a certain extent, beside the money we get from other sources. We must have the road money or sit down and let things go back. You will hear to-day, no doubt, of the many burdens imposed upon the automobile owners. They will be enumerated to you. But let us forget that. We are showing no discrimination. They say "Why put the burden all upon us?" We are showing no discrimination. We all own automobiles, and we must build our roads for the automobiles. Well and good—the only way to get the money is from some form of tax. I believe we should forget all about the excise tax, and let us feel that when we fill up the gasoline tank and go out on the highway, that we are building roads as we drive, we are replacing the very road that we are displacing, and, remember, that in contributing a few pennies, that you are contributing to a fund of over one million dollars for the maintenance of your State aid and rural roads. I

know of no method quite so fair as the gasoline tax, pay as you go, each contributing his little bit, imposing no great burden upon any one individual, and it means a lot of money. I can think of nothing fairer than the tax upon gasoline.

They say: "Where is the limit? They say we will go to ten cents. I do not feel it is necessary, but I do feel that the State of Maine can and must go to extreme measures. The State of Maine is in a class by itself in so far as road building is concerned. Maine, with its vast area, 25,000 miles of highway, and its comparatively small population, makes it necessary to go to extreme measures, if you call this extreme. There are other states that have six cents and many that have a tax of five, and if any state is justified in a five cent tax, we believe it to be the State of Maine. I hope that the majority report of this committee will prevail.

Mr. PATTERSON of Freeport: Mr. Speaker and members of the House: We are supposed to represent our towns, some laying way up the line and towards East and West. As you all probably know, there was about, as I understand, an eight hundred thousand dollar deficiency on these roads for State aid, the three-times and the five-times road-building program and the three town act. After these roads have been built, you can get from one to five miles farther on a gallon of gasoline, you can go from five to eight thousand miles more on your tires, and a four-ply tire will run on these roads practically the same distance as a six-ply tire, and a good deal farther than they will on the outside road. Even an eight-ply tire will blow out on these outside roads. Now if we are going to have these roads built, we have got to have this money to build them with. You can see plainly that you can save enough money on this proposition to pay for the cost. I did not mention it was anywhere from five dollars to fifty dollars' expense in going to a garage to have broken springs and other things repaired. But you can save money by putting this gas tax on and getting your roads fit; you can save enough money to more than ten times pay for your gas tax, in my opinion. I doubt if some of the members will agree with me on

that, but I think I am pretty sure of it.

Now they made the statement two years ago that the people would not come into this State if they had to pay this five cent gas tax in the summer time. Furthermore, I will say that L. L. Bean, who has correspondence all over the United States, and sells hunting shoes all through the United States. Those people have come into his manufacturing place, and he has asked them that question and they have stated "We don't care; we are willing to pay that tax; only make your roads better."

Now every outlying district and town, I believe I am right in stating it, if you want your State aid, and your five-year plan and your three-year plan, State aid road and three-town plan, you will vote for this gasoline tax, for this one extra cent, and I think you will save it; I know you will save it. If you will just stop to figure, I think you will realize that.

These things have never been passed out on postcards, to show what saving there would be. In my candid opinion seventy-five per cent. of those who signed that card, if they had known the facts of the case, would have voted for the gasoline tax.

Mr. QUINT of Limerick: Mr. Speaker and members of the House: You will find, if you look at the majority report of the Ways and Bridges Committee, that the Ways and Bridges Committee signed this report unanimously. We did that only after we made a study for the past three months of the highway set-up of this State. The highway set-up of this State today shows that we must have \$1,000,000 additional this year. We have plenty of money after this year to take care of the state aid and third-class highway construction. We had \$2,100,000 for maintenance. Last year the State spent \$2,800,000. They built some 600 miles of additional road last year, which calls for more maintenance money. The State Highway Commission tell us they cannot possibly maintain the roads this year unless the State furnishes \$3,245,000. The Ways and Bridges Committee have gone over this thing very carefully and threshed it out from all points of view. We know that the people

are fed up on bond issues. There is the method of direct taxation, but we know they do not want it. The only alternative is your gas tax, or to take the money from state aid roads. That is the proposition of the opponents of this measure, to take \$1,000,000 from the state aid roads. Personally, I do not think it is right. We have built up in this State an interest charge of from a million to a million and a half, \$1,325,000 this year, and a million and a half next year. That takes nearly half of the motor vehicle fee; practically one-half of the motor vehicle fees goes to pay the interest. The people in the rural sections of the State do not oppose that. They never have opposed the bond issue in the rural sections of the State. The only thing the rural sections of the State are after today is that this Legislature be fair to them and come forward and furnish the money so they can continue to carry on their state aid program. I believe we should do so; it is the best method today possible, and I hope this Legislature will go on record that it is in favor of the continuation of construction of rural highways through increase in the gas tax.

Mr. HOBBS of Hope: Mr. Speaker and members of the 85th Legislature: The gentleman has just said that the people from the rural districts are in favor of this. I come from a rural section and I believe that they are not very much in favor of it. The gentleman from Freeport, Mr. Patterson, has said that we are going to save some money. If you can tell me how we are going to save any money, I would like to know. With legislation being passed that will increase taxes here, there and everywhere, I would like to know how we are going to get money to pay our bills, let alone saving any money.

I have heard it stated a great many times that if the Legislature did not meet but once in ten years, the people would be better off, and do you wonder that they say that? Mr. Speaker, I am not going to take any more of your time. I will just merely say that I am not in favor of this increase in the gasoline tax.

Mr. PERHAM of Paris: Mr. Speaker, I am very sorry that it is necessary for me to speak on

two bills in the same forenoon, but I would like to say that I am heartily in favor of the gasoline tax. The State of Maine is big enough to swallow the rest of New England and there would not be much hanging out of Maine's mouth if they did it. We have a population of 800,000 people, really a pitiful number of people; yet no one in the State of Maine wants any pity. It is out of the question for us to raise our taxes on real estate. Again it is out of the question for us to raise more money by bond issue. We have but one alternative to raise future maintenance money for the State, and that is the gas tax.

Now I cannot understand Mr. Scates' remarks. It may be on account of a bit of thickness on my part. I refer to what he said that raising the gas tax one cent amounts to one hundred per cent but possibly that can be explained later. I have the highest regard and respect for the gentleman from Westbrook, Mr. Scates. Mr. Scates is in favor of maintaining the roads that we build and putting a surface on the State aid roads to make a further improvement year by year and thereby better our method of travel and which eventually will mean a big saving to the State; and yet in order to do that we must have more maintenance money which Mr. Scates is opposed to getting by raising the gasoline tax.

We have all come to the point in our own personal affairs where money is tight.—I say all, I mean the majority of us; but when it comes to a matter of taxing we do not like to go down into our pockets after more money. Yet I do not feel that at this time we should take a backward step. As a result of our great publicity campaign, thousands upon thousands of people are rolling to the State every day in the summer, and we should not stop the march of progress by cutting down the amount to be used for roads. I feel that we must go ahead and that those who play must pay the fiddler. If we ride on the roads we have got to pay the bills, and I know of no fairer method than by the gasoline tax.

Another thing! As I understand it, and I stand to be corrected if wrong, over one-third of the gaso-

line tax is paid by out of the state cars. I cannot imagine any person coming into the State of Maine from the outside who would object to a raise of one cent in the gasoline tax. People when out on a vacation are not interested in one cent, particularly at the time; in fact they work to throw away a dollar now and then.

Another thing that makes me very much in favor of this gasoline tax is this: The Taxation Committee and the Ways and Bridges Committee considered this matter thoroughly and they came out in favor of this by a vote of sixteen to four of the two combined committees. I hope that the majority report is accepted, and that the motion of the gentleman to accept the minority report fails. I shall vote no against the acceptance of the minority report.

Mr. SMITH of Bangor: Mr. Speaker, I have paid the gasoline tax and the increase in the gasoline tax easier than any other tax I have ever paid; but that is not my reason for rising. I rise to speak about bonds. There is no way the State of Maine can pay for its roads but by this gasoline tax without feeling it very keenly. It has been said that we have spent our money too lavishly on them and that we should keep the gasoline tax for the retirement of those bonds; and if we divert to maintenance the money that should go for construction, whether we raise it from four to five, six or eight (Massachusetts is still two) we are killing the goose that lays the golden egg. In reply to the gentleman from Westbrook, the remarks that he made about doubling I believe to be absolutely correct.

Mr. SMITH of Vinalhaven: Mr. Speaker and members of the Legislature: There have come before this Legislature 1046 printed bills. Now it is practically impossible for any man to become conversant with the position of all of these bills. I have just been looking over this tax on gasoline, and if I am not mistaken, this bill will increase the tax on gasoline used in motor boats one hundred per cent as stated by the gentleman from Westbrook, Mr. Scates. Now I have no objection to this increase in tax

on gasoline used for motor boats except that I object to it applying to motor boats used for fishing purposes. One hundred per cent is a tremendous increase in any tax. At the present time the fishermen along the coast of Maine are not catching fish enough to pay their expenses and a tax like this will be a great hardship. Personally, I think the tax on gasoline for automobile users for pleasure and so forth is perfectly just, but I do object to a bill being passed that will increase the tax on gasoline used by fishermen in their motor boats.

Mr. QUINT: Mr. Speaker, the only argument against this bill seems to be one as to which the committee already has an amendment to offer when this comes to a second reading which I think will take care of that. There will be a four cent exemption instead of two.

Mr. EATON of Calais: Mr. Speaker and members of the Legislature: I represent the city of Calais in this House and am very much interested in the matter of roads. If you will look carefully on the map you will find the trunk line across Washington county but you will need to look quite carefully. We are very anxious to have this hard surfaced. I came over it yesterday and got stuck several times. We do not want anything to hinder the road-building program. I feel that if the five cent gas tax is adopted, it may help us to get hard surfaced roads.

Mr. JACK of Lisbon: Mr. Speaker, like Mr. Perham I beg to be excused for speaking today a second time, but I shall have to speak again this afternoon if a certain matter comes up here. We are now entering the home stretch of this legislative session, and if we do our duty, we will discuss the proposition and let daylight into them here and there where it should be admitted.

Relative to this proposition, I am in favor of the minority report, and I will state my reasons: Yesterday we exempted farmers from taxation on their stock, some of it. This morning we cut it right off and put them back in the vice. Today we are adding a cent tax to their gasoline and everybody else's gasoline.

Let us examine the proposition: A man buys a car and pays the State a tax. There is one tax. Then he has his car licensed—there is another tax. Then the town taxes his car—there is the third tax. Then we tax the gasoline; there is the fourth tax. Now if there is anything that will show you the way the straw is blowing, when you come to certain sections, you had better perk up your ears and stick your eyes out because there is abundant evidence of it all. It has been said by one of the speakers that certainly we do not want to get at this by way of direct taxation. Now, to get at it by way of direct taxation, would mean that everybody would bear their part, but if you go at it this way, everybody does not bear their part.

It was said here, relative to another matter—taxation without representation. Now before this day is over, if this schedule comes on as it is planned, you will get an insight into taxation without representation. I will show you institutions that are paying nineteen per cent dividends, paying 8.5 mills on a dollar in taxes, and you will see the same crowd trying to jam this proposition through, voting for another exemption. They are hitting at the wrong crowd. Let us take care of the under dog. If you do not, the under dog is going to take care of you, and it may be two years from now.

Mr. HATHAWAY of Milo: Mr. Speaker, I want to say that I am in favor of the farming element too, and I am in favor of the five cent gas tax, in this way: Two years ago I was not particularly in favor of it, but with this tax we have, five per cent is going to go on unimproved roads. The gentleman from Lisbon (Mr. Jack) has just said that the farmer pays four taxes on his car. He does, and then from the middle of October through to the middle of May those cars are tied up in his barn; he cannot get out on account of the horrible condition of the rural roads. I was up in my section this week, in the mud knee-deep.

Now this five per cent, or the new tax, if it becomes a law, is going to be used on these unimproved roads to help these farmers that are paying four taxes get

their trucks and their cars out on the road twelve months a year.

I was present at the balloon ascension. One of the toy balloons happened to fall on my desk. I noticed there was just one of the cards from eastern and northern Maine. I wondered if that was the ratio in which the cards were sent out. This one card from northern Maine says yes, they are in favor of it. I do not blame people that live in a community where they have a lot of hard-surface roads—I can see they do not particularly need this extra cent tax on gasoline, but we people who are unfortunate in living in the northern and eastern part of the State, where there is a large percentage of unimproved roads—I think that the farming element will favor this bill this year with the five cent tax, which will be about half a million dollars annually, for unimproved roads.

Mr. GRAY of South Portland: Mr. Speaker, I come from South Portland where we have a wonderful bridge which connects the city of Portland with South Portland, called the million dollar bridge, and I hope to go back over that bridge at the end of this week. And I do not think it would hardly be safe for me to enter into South Portland and not make a protest against this tax. Personally, I am against it, and the people of South Portland, as far as I know, who have talked with me, are against it. If I were this morning to take a text on this increase of gasoline taxation to five cents, I would term it as "The end is not yet."

Where will gasoline taxation end? This pamphlet which was passed around this morning gives us the gasoline tax in the several states of the Union. Florida started it in 1921 with one cent. In 1930 she had six cents. Georgia started with one cent. Today she has six cents per gallon. South Carolina started in 1922 with two cents; today she has six cents. If it would end with five cents, we might be justified in voting that additional cent, but where will the end be? We know not.

There has been a great deal of talk on this floor about the farmer, reduction of taxation to the farmer. The farmer who has a truck that brings his product to the city, the farmer who has an automobile for his family's use, will be taxed this

additional penny just the same as you and I who live in the city.

When you purchase an automobile, there are nine units of expense. The first thought that comes into the mind of people today is "Where shall we secure revenue to conduct the affairs of State?" You purchase a new car, and before you can take that new car out you pay an excise tax, next a registration fee, next a fee for an operator's license, next, although not compulsory but very necessary, the liability insurance, next the personal liability for your own protection, then comes along fire insurance, theft insurance, and lastly but not least, the gasoline tax—nine units of expense. I do hope that the minority report will pass.

Mr. ADDITON of Auburn: Mr. Speaker, I had no idea of speaking on this matter, but after listening to all the oratory which I have here today and thinking of what has been said—I have been here once previously—but I have learned much since I came here, and there is a great deal yet I can learn—but I did not expect anyone would attempt to instill into my mind or your mind that the people back home are not intelligent enough to consider this proposition which we have been considering here. It is very fortunate, to be sure, that the different communities in this State have selected their very best men to represent them here, but I would have thought that we still have able men and women back home, and it would seem to me now that with as many inhabitants as there are in the State of Maine that those represented here are not the only ones capable of passing upon this question. No matter which side of the question I may be on, I am always ready to leave it to the people, and I will acquiesce willingly with the majority. My only object in speaking, Mr. Speaker, is to go on record that I stand for the will of the people in opposing this increase in gasoline tax.

Mr. THOMAS of Harpswell: Mr. Speaker, it is inconceivable to me how the dear, good members of the Legislature of Maine should be so deeply interested in raising taxes and then vote against the Fernald bill. (Laughter)

Mr. WHITE of Dyer Brook: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Dyer Brook, Mr. White, moves the previous question. All those in favor of the Chair entertaining the previous question will rise and remain standing until counted and the monitors have returned the count.

A sufficient number having arisen, the previous question was ordered.

Mr. BOODY of Windham: I wish for a moment to have the indulgence of the House—

The SPEAKER: The gentleman may speak on the previous question only.

Mr. BOODY: I do not want to speak on that, but I wish to call your attention to another matter laid on the table in regard to the gasoline tax.

The SPEAKER: The Chair will have to inform the gentleman he is not in order.

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

The SPEAKER: The question before the House is shall the main question be now put? As many as are in favor of the Chair putting the main question will say aye; those opposed no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The question before the House is on the motion of the gentleman from Wilton, Mr. Blanchard, that the minority report ought not to pass be accepted, and the gentleman from Westbrook, Mr. Scates, asks that when the vote is taken, it be taken by yeas and nays. All those in favor of the vote being taken by yeas and nays will rise and remain standing until counted and the count returned by the monitors.

A sufficient number arose, and the yeas and nays were ordered.

Mr. ALLEN of Sanford: Mr. Speaker, will the Chair explain to the members just what is meant by a vote of yes and no on this matter?

The SPEAKER: A vote of yes will be a vote for the motion, which was acceptance of the minority report ought not to pass.

Mr. ALLEN: That would mean, Mr. Speaker, a four cent gas tax?

The SPEAKER: Yes, a four cent gas tax.

Mr. ALLEN: A vote of no would

be for the five cent gas tax in a way?

The SPEAKER: The gentleman is correct.

Mr. SCATES: As I understand it, Mr. Speaker, a vote of yes is opposed to the five cent gas tax.

The SPEAKER: That is absolutely true.

Mr. PERHAM of Paris: Mr. Speaker, I want to just make sure of that. I understand, if I vote no, I vote in favor of the five cent gas tax?

The SPEAKER: The gentleman is correct.

Mr. SARGENT of Brewer: Mr. Speaker, I want to vote to keep the tax the same as it is. I don't know which way I should vote.

The SPEAKER: The Chair would inform the gentleman he should vote yes. The Clerk will call the roll.

YEA—Additon, Allison, Bearce, Bid-
dle, Blanchard of Wilton, Blanchard
of Phillips, Boody, Bowers, Breen,
Brewster, Carter, Clarke, Cooper,
Daigle, Davis, Day, Dekin, Duquette,
Edwards, Ellis, Gagnon, Gauvin, Gou-
dy, Gray, Hamel, Hills, Hobbs, Hus-
sey, Jack, Jacobs, Lizotte, Luce, Mc-
Loon, Morey, Morin, Morse, Oliver,
Picher, Richardson, Robie, Sargent,
Scates, Snow of Bluehill, Smith of
Vinalhaven, Smith of Bangor, Stern,
Sturtevant, Thomas of Harpswell,
Thompson, Viles, Wallingford, Web-
ber, Whitney, Williams, Worthen,
Wright—56.

NAY—Adams, Allen, Andrews, Ang-
gell, Authier, Bailey, Bennett, Blais-
dell, Brackett, Briggs, Burgess, Bur-
kett of Portland, Burkett of Union,
Burns, Burr, Carleton, Church, Cobb,
Cram, Crane, Dow, Drisko, Eastman,
Eaton, Farris, Fenlason, Fernald,
Ford, Friend, Gibson, Goodrich,
Graves, Harrington, Hathaway,
Hawkes, Hiscock, Holbrook, Jackson,
Jones, Kent, Lancaster, Leonard, Lew-
is, Littlefield, Lowell, Mack, MacKin-
non, MacPherson, Martin, McCart,
Melcher, Merritt, Owen, Palmer, Pat-
terson, Peacock, Perham, Plouff, Pot-
ter, Pratt, Quint, Rogers of Green-
ville, Rogers of Yarmouth, Sanborn,
Sawyer, Shaw, Snow of Scarborough,
Smith of Masardis, Soper, Sterling of
Caratunk, Sterling of Kittery, Sweet,
Thomas of Woodland, Tompkins of
Houlton, Tompkins of Bridgewater,
Towne, Ward, Webster, Weeks, White
of Crystal, White of Dyer Brook, Wil-
bur—82.

ABSENT—Ashby, Audibert, Berry,
Blodgett, Bussey, Clement, Hatch,
Morrill, Plummer, Rounds, Smith of
Waterboro, Varney—12.

Mr. WHITE: Mr. Speaker, I was

going to move the acceptance of the majority report ought to pass.

The SPEAKER: The motion is not in order, inasmuch as by an earlier vote this morning the House is in recess, after the reading of the notices, until four o'clock.

Recessed until four o'clock this afternoon.

AFTER RECESS

(4 P. M.)

The SPEAKER: The matter engaging the attention of the House under Orders of the Day is the fourth assigned matter. The last action was the rejection of the minority report, ought not to pass.

On motion by Mr. Quint of Limerick, a viva voce vote being taken, the House accepted the majority report, ought to pass, and under suspension of the rules the bill was given its two several readings.

Mr. QUINT: Mr. Speaker, I wish to offer House Amendment A and move its adoption, as follows:

House Amendment A to Legislative Document No. 749, an act relating to tax on gasoline.

Amend Legislative Document No. 749 by striking out the word "three" in the twelfth line of Section 80, as amended, and insert in place thereof the word "four"; and further amend said legislative document No. 749 by adding thereto a new section to read as follows:

"Section 89 of the Revised Statutes is hereby amended by striking out the words "three-fourths" in the thirteenth line thereof and inserting in place thereof the words "four-fifths", and by striking out the words "three-fourths" in the 21st line thereof and inserting in place thereof the words "four-fifths."

A viva voce vote being taken, the House adopted House Amendment A.

Mr. ALLEN of Sanford: Mr. Speaker, I move that under suspension of the rules the bill be given its third reading at this time.

On motion by Mr. Biddle of Portland the bill was temporarily tabled.

Papers from the Senate, out of order and under suspension of the rules.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the committee on Banks and Banking.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Bills In First Reading

S. P. 613, L. D. 1024: Resolve in favor of procuring testimonials for the purpose of marking the unmarked graves of the soldiers of the Revolutionary War.

(Under suspension of the rules the resolve received its second reading and was passed to be engrossed.)

S. P. 619, L. D. 1023: Resolve in favor of the Frontier Water Company.

(Under suspension of the rules the resolve received its second reading and was passed to be engrossed.)

S. P. 537, L. D. 841: An act relating to the salary of the Commissioner of Agriculture.

(Under suspension of the rules the bill received its third reading and was passed to be engrossed.)

S. P. 615, L. D. 1025: An act reducing the excise tax on motor vehicles.

(Under suspension of the rules the bill received its third reading and was passed to be engrossed.)

S. P. 616, L. D. 1022: An act to establish a general highway fund, and relating to the construction and maintenance of State, State aid and third class highways.

(Under suspension of the rules the bill received its third reading and was passed to be engrossed.)

S. P. 587, L. D. 957: An act to provide for the further issuance of State Highway and Bridge bonds.

(Under suspension of the rules the bill received its third reading and was passed to be engrossed.)

From the Senate: Report of the committee on Salaries and Fees on bill an act in relation to the salary of the State Auditor, S. P. 151, reporting same in a new draft S. P. 536, L. D. 839, under same title and that it ought to pass.

Comes from the Senate report read and accepted and the new draft passed to be engrossed as

amended by Senate Amendment A.

In the House, report read and accepted in concurrence and the bill received its two several readings, Senate amendment A read, and a viva voce vote being taken was adopted in concurrence.

Thereupon the bill had its third reading under suspension of the rules and was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Report of the committee on Pensions reporting ought not to pass on bill an act relating to blind persons entitled to aid, S. P. 367, L. D. 388.

Comes from the Senate recommitted to the committee on Pensions.

In the House, recommitted in concurrence.

From the Senate: Report of the committee on Judiciary on bill an act to correct typographical and clerical errors in the Revision, S. P. 449, L. D. 621, reporting same in a new draft, S. P. 611, L. D. 1026, under the same title and that it ought to pass.

Comes from the Senate report read and accepted, and the new draft passed to be engrossed as amended by Senate Amendment A.

In the House, report read and accepted in concurrence. Thereupon the bill had its two several readings.

The Clerk read Senate Amendment A.

A viva voce vote being taken, the House adopted Senate Amendment A in concurrence, the rules were suspended, the bill had its third reading and was passed to be engrossed as amended by Senate Amendment A in concurrence.

Reports of Committees

(Out of order and under suspension of the rules).

Mr. Blaisdell from the Committee on Legal Affairs reported ought not to pass on bill an act legalizing recreational sports and games and certain other activities on Sunday, H. P. 916, L. D. 369.

Mr. GOUDY of South Portland: Mr. Speaker, I knew that somebody told me to do something but I could not remember who the per-

son was nor what he told me to do. I do now remember that brother Perham wanted me to have these things tabled, if possible, because he is not here this afternoon.

A viva voce vote being taken, the report was tabled, pending acceptance.

Mr. Burkett from the Committee on Judiciary on bill an act relating to taxation of corporate franchises (H. P. 957) (L. D. 448) reported same in a new draft (H. P. 1440) under same title and that it ought to pass.

Report read and accepted and the new draft ordered printed under the Joint Rules.

Majority report of the Committee on Legal Affairs reporting ought not to pass on bill an act permitting outdoor and indoor recreation on Sunday (H. P. 914) (L. D. 367).

Report was signed by the following members:

Messrs. CROSBY of Penobscot
HOLMAN of Franklin.
—of the Senate.

Miss MARTIN of Bangor
Messrs. SARGENT of Brewer
JACK of Lisbon Falls
BLANCHARD of Phillips
BLAISDELL of Franklin
—of the House.

Minority report of same Committee on same bill reporting same in a new draft (H. P. 1441) under title of an act permitting outdoor recreation on Sunday and that it ought to pass.

Report was signed by the following members:

Messrs. GOUDY of So. Portland
SHAW of Bar Harbor
—of the House.

On motion by Mr. Goudy of South Portland, a viva voce vote being taken, the reports were tabled, pending acceptance of either.

On motion by Mr. Burkett of Portland, a viva voce vote being taken, the new draft was ordered printed.

First Reading of Printed Bills and Resolves

(Out of order and under suspension of the rules).

(H. P. 1437) (L. D. 1049) An act

relating to fees for organization of corporations.

(H. P. 1438) (L. D. 1047) Resolve creating an Old Age Pension Re-cess Committee.

(H. P. 1439) (L. D. 1048) Resolve in favor of the towns of Mexico and Rumford.

Passed to be Engrossed

(Out of order and under suspension of the rules).

(H. P. 1429) (L. D. 1046) An act relating to the removal of snow from highways.

Passed to be Enacted

(Out of order and under suspension of the rules).

(S. P. 84) (L. D. 96) An act relative to hunting licenses.

(S. P. 85) (L. D. 97) An act relating to penalties for violations of rules and regulations of the Department of Inland Fisheries and Game.

(S. P. 278) (L. D. 249) An act to provide for continuous revision of the statutes and legislative assistance.

(S. P. 374) (L. D. 478) An act relating to industrial education.

(S. P. 418) (L. D. 525) An act relating to trial terms in York County.

Mr. ANGELL, of Saco: Mr. Speaker, I wish to lay before the House Senate Paper 418, L. D. 525, bill an act relating to trial terms in York county, and move that that bill be indefinitely postponed.

In explanation of that motion I might say that I am somewhat in the position of the man who stood on the curbstone and saw a dog coming down the street with a tin can tied to his tail. He laughed and hung onto his stomach and said "I would give five dollars rather than miss that sight." Just when the dog got opposite to him he saw that it was his dog. He then said that he would give five dollars to find out who tied the can on that dog's tail.

This bill went before the Judiciary committee and was sponsored by one man, the gentleman who presented the bill. In opposition to the bill appeared some of the best legal talent in York county, the mayor of the city in which this trial term of court is held, the

mayor of Saco, a representative of the Chamber of Commerce. I sat there and listened to the testimony presented, and I will say that when they got through working on that committee about half past six at night, I rather felt that anything I might do at that time would be far from helpful to the killing of that bill. Later on, much to my surprise, and to all of those interested, that committee reported out that that bill ought to pass.

Now I would just like to have this House know some of the facts relative to the situation there in York county and just what it means to us, so that when you vote on this question to indefinitely postpone it, as I hope you will, you will vote intelligently.

This court was established as one of three trial terms seventy-two years ago in the city of Saco. Two other terms, namely, one in May and one in October, are held at the county seat—Alfred—where the proponents of this bill wish to move the third term of this court. Now it seems to me, when we consider a bill of this sort, the first thing we should consider when we vote is who are the people most vitally interested and most seriously affected. We have some sixty-three practicing lawyers in York county, and out of those sixty-three forty-eight of them have gone publicly on record as desiring and requesting that this term of court stay right where it is—in Saco in January. Of the other fifteen, one of those gentlemen came from Alfred. He is not a trial lawyer. By the great stretch of one's imagination he could not be considered as such. Another one is a member of the same Judiciary committee that voted this bill out ought to pass, a young man who, up to the present time, since he has been practicing law, has not tried any cases at the January term of court, and who admitted before the committee that more than one-half of his law practice is in the state of New Hampshire. Yet he voted to take the third term of court and move it up to the county seat.

Now the embarrassing part of all this is that all these gentlemen are personal friends of mine, but I cannot help feeling that somewhere back of all this a grave injustice is being done.

Now so much for the lawyers! Then there are the officers of the court, the judge, who ought to be in a position to know whether it is worth while to hold a term of court in Saco, who are in favor of retaining it there. The clerk of courts, who has been the clerk of courts ever since Noah was a small boy, is in favor of retaining it there. The county attorneys, past and present, are in favor of retaining it there. That is the slant of the legal fraternity. Next comes your public, all you folks who have sat here and heard the public safeguarded and protected. How is the public concerned in this measure? The public may either be the man on trial or it may be some of his friends or the witnesses or jurors who come to that court. In Saco we have accommodations. In Biddeford, a mile and a half from the court house, we have as good a hotel as you will find in that section of Maine. We have comfortable restaurants and boarding house accommodations for these people. Now they ask to take those same people and move them up to Alfred where there is neither a hotel nor a restaurant, and where in order to feed your jurors you have got to lug them five miles up to a country grocery store where they may sit on some stools at the counter and have their luncheon, or take them over to the adjoining town of Sanford, five miles in the other direction, where they are the most anxious to have the court brought to Alfred.

Now the proponent of this bill laid the greatest stress to move this court on the cost of the court, and he selected for his golden text, the case of the January term of court in this past year, one of the longest terms that has ever been held in York county. He itemized each item and he expounded at some length on how the county was spending more money than they should to hold one out of three of their trial terms of court down in Saco, where they have been held for 72 years. He expounded to the extent that it cost \$2,000 more to hold that term of court than it would at Alfred. Gentlemen and ladies, he did not tell that committee that by going back ten years and taking the average cost of that court for a

period of ten years it had been only \$836. He did not impress that on the committee. Now what does that cost mean? It means that it comes out of the county, and what is the picture so far as the county is concerned? The territory that is served by the term of court in Saco, within a radius of ten miles covers better than one-half of the valuation of York county. Are not those people entitled to one out of three terms? The proponent of this bill did not impress on you the fact that 75 per cent of the cases tried at the January term of court—I ought to say this in a very low voice—come right from that immediate locality. So much for the cost of running that court.

The next thing we were told about was the accessibility, the accommodation and the beautiful court room. We will grant there is a better view from the court house in Alfred than at Saco. It is well equipped; it is a comfortable place to hold court; and the lawyers of York county hold two out of their three terms of court there; but it does not seem an unreasonable request that, down there in the cities of Saco and Biddeford and the coast line of York county that we should be entitled, after paying better than one-half of the county tax, to at least one of those terms of court. They may expound at some length on the condition of the court room in Saco where they have to hold court, but they have been doing it for seventy-two years and there is no public demand to have this change made. There was no attorney from York county who stood up and objected to trying his cases there. The idea originated in the mind of one man. From that point it has developed, I am sorry to say, into more or less of a political football, and I do not think it is the intention of this body, of the Legislature, to allow anything of that sort to go on, either with or without their knowledge.

Some of you might ask how it was that the Judiciary committee reported that out unanimously ought to pass. Every member of this House has served on some committee or other, and when you have a matter that comes up—every one of you has experienced the same thing—invariably, if you

have a representative from that particular territory or district on your committee, you are very apt to let him take the serious side of it and abide by his conclusions. So the proponent of this bill started off with a mighty handsome handicap in having two members on the Judiciary committee who, before they got through, knew just how they were going to vote. Bear in mind those gentlemen are both friends of mine, and I would not believe for one instance that they would exert undue influence on that committee; but I do know in what condition the minds of the balance of that committee would be when they saw two men from York county opposed to the people.

We attempted to have this matter left to the York county delegation and simply asked that we be allowed to wash our own linen and take care of our own business. What happened? Our senatorial representation from York county was two to one in favor of allowing the court to stay where it is. The House representation was split, but would any one of those men on that committee go on record publicly and tell us how he voted? No, there was a blind ballot so nobody would know how anybody else voted. Now I do not think that savors of particularly pleasing politics, and I rather feel that Saco and the district surrounding Saco, where forty-eight of the lawyers of York county are practicing law, and where 75 per cent of the trial cases came from in that particular term of court, should be allowed to retain the court that has been there for seventy-two years, and I hope that when the motion is put to indefinitely postpone the bill, you will vote yes.

Mr. ALLEN of Sanford: Mr. Speaker and members of the House: I am somewhat surprised at the course of this bill is taking. As a matter of fact, the gentleman who had this bill in charge, Mr. Varney of Berwick, is away, and it would seem to me that it would have been good parliamentary ethics for the gentleman from Saco (Mr. Angell) to have waited until Mr. Varney got back. Therefore, in the absence of Mr. Varney at this time, I would like to move that this matter lie on the table until his return.

A vive voce vote being taken, the bill was tabled pending the motion to indefinitely postpone.

Passed to be Enacted—continued

S. P. 579, L. D. 951: An act to require full returns of expenditures in primary elections and to provide for publicity in connection therewith.

(H. P. 99) (L. D. 70) An act closing Oosoola Stream, in Norridge-wock, to hunting and trapping.

(H. P. 796) (L. D. 982) An act relating to State aid for academies.

(H. P. 1386) (L. D. 946) An act relating to Waldo-Hancock Bridge.
(H. P. 1394) (L. D. 968) An act to abolish the Common Council of the City of Biddeford.

(Tabled by Mr. Allen of Sanford pending passage to be enacted.)

(H. P. 1399) (L. D. 972) An act to amend an act to incorporate the Oquossoc Light and Power Company.

(H. P. 1402) (L. D. 973) An act relating to elections in the City of Lewiston.

Finally Passed

(S. P. 236) (L. D. 897) Resolve in favor of the Central Maine Sanatorium for the construction and equipment of a school house.

(S. P. 585) (L. D. 953) Resolve in favor of the Pownal State School, for additions and improvements.

(H. P. 240) (L. D. 975) Resolve in favor of Reed Plantation.

(H. P. 273) (L. D. 976) Resolve in favor of the towns of Gardiner and Randolph.

(H. P. 404) (L. D. 977) Resolve in favor of the town of Wellington.

(H. P. 451) (L. D. 979) Resolve in favor of the towns of Atkinson and Sebec for the construction of a bridge.

(H. P. 520) (L. D. 978) Resolve in favor of A. C. Bassett of China.

(H. P. 627) (L. D. 995) Resolve providing for the purchase of two hundred copies of Maine Province and Court Records, Vol. II.

(H. P. 1365) (L. D. 941) Resolve in favor of the town of Island Falls.

(H. P. 1398) (L. D. 971) Resolve in favor of the town of Dixmont, to repair Center Bridge.

(H. P. 1400) (L. D. 974) Resolve in favor of A. A. Abbott.

(H. P. 1401) (L. D. 980) Resolve in favor of the town of Milford.

(H. P. 1403) (L. D. 981) Resolve

in favor of Eugene H. Flint of Monson.

(Emergency Measure)

(H. P. 201) (L. D. 143) An act to authorize the county of Aroostook to enlarge and repair the county jail at Houlton.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds of the entire membership of this body. All those in favor of the passage of the bill to be enacted will rise and stand until counted, and the monitors have returned the count.

A division being had, One hundred and seventeen voting in the affirmative and none in the negative, the bill was passed to be enacted.

Mr. BIDDLE of Portland: Mr. Speaker, if in order, I move to take from the table Legislative Document 749, bill an act relative to taxation on gasoline, tabled by me earlier in the session.

The motion prevailed and that gentleman presented House Amendment B and moved its adoption, as follows:

House Amendment B to H. P. 1117, L. D. 749, an act relative to tax on gasoline.

Amend said bill by inserting after the words "stationary engines" in the twentieth line of section one, the words "or in aeroplane engines."

Thereupon House Amendment B was adopted.

Mr. Allen of Sanford withdrew his motion that the bill be given its third reading under suspension of the rules, and tomorrow was assigned for its third reading.

On motion by Mr. Ashby of Fort Fairfield, it was voted to take from the table the 13th unassigned matter, House report ought not to pass of committee on Taxation on bill an act to raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes, H. P. 995, L. D. 677, tabled by that gentleman March 26, pending acceptance of the report.

Mr. ASHBY: Mr. Speaker and members of the Legislature: It has

been one of the great indoor sports of this House to substitute the bill for the report. Now I think there has been a reason for this. While we all feel that the committee are good members, we sometimes doubt their judgment. As a matter of fact I am inclined to think, sometimes, that they are something like the French Canadian. He sold a horse to a man that he warranted to be strictly sound, and when the gentleman took the horse, the horse ran into most everything he came to—fences, barns, anything. He decided he must be blind and he took him back to the French Canadian and said: "You warranted this horse to be sound, but he runs into everything and he must be blind." The French Canadian said: "That is good. He no blind; it just because he don't give a damn." (Laughter)

As I have been told, there was one gentleman who signed this report who said he believed in the taxation of excess power but that it would kill him in his own county if he signed it. In view of all these things I move in this instance that the bill be substituted for the report.

Mr. FARRIS of Augusta: Mr. Speaker, I am very much surprised that the gentleman from Fort Fairfield (Mr. Ashby) should rise this afternoon and make such a motion. He talked this forenoon relative to the Code committee as though it was something sacred. The Taxation committee is one of our regular Joint Standing committees created by joint order of the two branches. I do not think that the gentleman is consistent. He has not given any reason why the bill should be substituted for the report. I believe that the opinion of the committee on Taxation on this matter is worthy of consideration. I tried to go against the Code committee this morning and was defeated. Now I am going to sustain the Taxation committee and I trust you will not turn down the committee's report without hearing any evidence.

Mr. ASHBY: In answer to Mr. Farris, I would say this: The difference in these two reports was that in the instance of the Code committee not one single opponent appeared against it. In the instance of this bill there were plenty of pro-

ponents for the bill, and in view of the fact that there were proponents and the committee did not see fit to consider the almost conclusive evidence that the light and power companies should be taxed, I do not think the cases are at all parallel.

Mr. HATHAWAY of Milo: Mr. Speaker, as a rule, it does not make much difference to me what people say; but I happen to be a member of this committee that is under fire. I am not blind neither have I any ulterior motive. I did sign the report ought not to pass. I was present at the hearing and I kept awake during the most of it, and everyone who wished to speak did speak and they were heard. I see no reason why the bill should be substituted for the report.

Mr. JACK of Lisbon: Mr. Speaker, and members of the 85th Legislature, this is a tax bill, and I wish to call your attention to the fact that this morning we reconsidered our decision of yesterday whereby we voted to exempt from taxation certain livestock of the farmers, mules and horses and neat cattle under 18 months old and sheep to the number of 35 and swine to the number of 12 and domestic fowl to the number of 300. This morning we voted to put that tax right back on. We also voted today—this seems to be quite a day for taxation—to put a tax on the man who buys gasoline so that if he buys five gallons he pays 25 cents tax. Now there is 20 cents tax on a 90 cent investment. Every day, undoubtedly, you back up to the tank, and it costs you 20 cents if not 40, and that goes on 365 days out of the year. Perhaps you think you are not paying any tariff, but sometime when you don't have much to do, figure that out. They say that is better than a direct tax applied to everybody including some of the big corporations we are not able to tax. It is, to some extent, an indirect tax—it includes the fellow who uses his automobile. "Well," some bright genius of the past or present will rise up and say, "corporations use automobiles." That is all right. I am going to tell you on this proposition before we get through with it that if they get taxed on it they are going to pass it on to you, so if they do use gasoline it is all charged up to the public. Perhaps you cannot do that.

In regard to the bill before us—I have reduced a lot of this to writing. They say that brevity is the soul of wit. "This is an act to put an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes."

Now you have all seen the bill. It was printed and you have all had it. "The said tax shall be computed at four per cent on the gross income as reported under the provisions of this act and the tax against each public service corporation (Municipal plants exempted) herein described shall be four per cent of the gross income received by said public service corporation during the preceding twelve months."

Now it is fair to assume that somebody will answer here sooner or later along the legal lines, so in order to prepare your mind for that, I will cite you a little law. Under the definition and nature of tax, it is said by legal authority that it is generally understood to mean imposition of duty or impost for support of government. The burden or charge imposed by Legislature on persons or property to raise money for public purpose or to accomplish some governmental end.

Now the right to tax: Never to be suspended or surrendered by Legislature. That is a part of the State Constitution, Article IX, Section 9.

Equality and uniformity: Constitution of Maine, Article IX, Section 8. Essential to validity of all taxation that it be assessed and apportioned with equality and uniformity.

Now there are corporations in Maine that are paying a franchise tax, and I will read to you from the Tax Assessors' report the amounts paid in. I will leave off the cents.

Railroads	\$1,658,109
Street Railroads	81,867
Telephone Companies	345,913
Telegraph Companies,	30,719
Express Companies	38,713
Parlor Car Companies	2,200
General Franchise Taxes	514,384
Savings Banks,	247,697
Trust and Banking Companies,	320,711
Insurance Companies	505,232
Loan and Building Associations	1,304
Railroad Workers' Credit Union	5

Telephone Workers' Credit Union	34
National Bank Stock	196,595
Trust and Banking Company's Stock,	175,850
Total	\$4,119,341

Now those are the companies that are paying an excise tax in Maine.

Now a little more law: In 1907 the Supreme Court of Maine was asked an opinion, and I will read it, or at least a portion of it: "Nor does the constitutional provision prohibit the Legislature from imposing other taxes than those on real and personal property. The Legislature is left free to impose other taxes, such as poll taxes, excise taxes, license taxes, etc. It can impose such taxes in addition to, or instead of, taxes on property. It can subject persons and corporations to both or either kind of taxation, or exempt them from either kind."

I assume, unless somebody here wants to disagree with the Supreme Court of the State of Maine, that probably covers the proposition.

Therefore, in answer to the argument of the electrical companies that they are already paying taxes, this does not mean by law that this Legislature cannot impose another tax, as stated by the Supreme Court of Maine.

The issue before us today is: Does the State need the money for its schools, hospitals, roads and all other governmental expenses? Well, I do not know any better answer to that proposition than to call your attention to the Committee on Appropriations, and you will notice every one of them has turned white since they have been serving on this committee, in about three months. That includes Brother Briggs and Brother Carleton here, and I don't know how many more. Now the fact that the State does need additional money is self-evident, therefore it is not necessary to argue that side of the case. The next side to take up, then, is the question of the electrical companies' ability to pay and the amount which they are now paying. Please bear in mind that the average tax rate throughout the State of Maine is 44 mills and a fraction of a dollar.

As an illustration as to how and as to the amount that the various companies are paying, I will give

you four examples, taken from their own report as to the amount of property and as to the amount of taxes paid for 1930. Starting with the Central Maine Power Company, they have property of \$49,682,023.70; tax paid \$418,896.13, which equals 8½ mills on a dollar. Androscoggin Electric Company: Property, \$7,737,321.25; tax paid, \$65,259.49, which equals 8½ mills on a dollar. Cumberland County Power and Light Company: Property, \$20,739,114.60; tax paid, \$297,999.62, or 15 mills on a dollar. Bangor Hydro-Electric Company: Property, \$15,356,874.01; tax paid, \$152,190.73, or 10 mills on a dollar. You do not see 44 mills and a fraction anywhere in there, do you?

Let us look at the Central Maine Power Company, with property, in 1930, of \$49,682,023.70. Now if you put a 50 per cent valuation on them—and I assume a great many of the gentlemen here are taxed on that valuation—the valuation would be \$24,841,011.85. Now you figure that on an average rate of 44 mills and their tax would be \$1,093,004.52. They paid \$418,896.13, and the balance due the State, if they paid the same proportionate part of the taxes that you pay, is \$674,108.39. No wonder you are taxing cows and dogs. Somebody has got to make it up. (Laughter)

We will take the Androscoggin Electric Company, with property, in 1930, of \$7,737,321.25. At a 50 per cent valuation that would equal \$3,818,440.62. Figure that on a 44-mill basis and you would have \$169,011.39. They paid, in taxes, \$65,259.49, but there is a balance due the State, if they are taxed as you are taxed, of \$103,751.90.

Cumberland Light and Power Company: Property in 1930, \$20,739,114.60. At a 50 per cent valuation, that would be \$10,369,557.30. Figured at 44 mills you have \$445,258.32. Tax paid was \$297,999.62. Balance due the State, \$147,258.70.

Bangor Hydro-Electric Company: Property in 1930, \$15,356,874.01. Fifty per cent valuation would be just half of that, \$7,678,437, which at 44 mills would be \$337,851.23. The tax paid was \$152,190.73. Balance due the State, \$185,660. 50.

Now we have a grand total that is due the State, assuming that is a fair proposition and is fair in

Maine, and assuming that everybody should bear their particular part of the burden that is due for everybody to bear—I assume, although I have never been President of a \$52,000,000 corporation, or a \$1,000,000 corporation, if I believe in schools, if I believe in hospitals, if I believe in police protection, all those things, unless I should change my mind, I should walk down to the Taxation Board and say "Gentleman, what is my share?" I think it would be only fair, if these people will not assume their proportional part of the burden, that we should put it on to them. Of course they will say, as one of them said to me, "That is all they tax us." But even if they believe that and mean it, why do they fight this proposition here today? Now the total amount due the State of Maine, assuming they should be taxed as the rest of us are, and assuming they were assessed on a fifty per cent valuation, and if we are not, it is somewhere near it, there is due the State of Maine \$1,110,779.49.

Now according to the report given by the State Tax Assessors and placed on your desks at the beginning of the session—and you will remember I put an order in here—the total valuation that the electrical companies are taxed on is \$23,525,468, but if you will look at pages 174-175 and 176 of the 1929 and 1930 Public Utilities Report, you will see that the total assets of all the companies are given as \$105,994,700.75, therefore they are only assessed for a little more than one-fifth of their admitted assets.

Now this bill is not intended to tax municipally-owned plants. The gross revenue from all other companies amounts to \$11,460,949.50. A 4 per cent tax on that will give the State of Maine \$458,437.98. This tax will come out of the earnings on common stock and in the case of the Central Maine Power Company which has out \$2,500,000 in common stock, all owned by four shares, it was stated here two years ago, by people who live in some other part of the country.

Now are we milking ourselves dry financially to build up the West? Do you think we are?

Therefore, the tax will not be paid by Maine citizens as it applies to the Central Maine Power Company. The preferred stock and

bond rate of interest is set and this will in no way effect their rate of interest. One of the arguments of the power companies has been that if you put the tax on, they will pass it on into rates. Well, now here is a proposition: If they will not reduce their rates, and we have no power to reduce their rates, we should take the difference away from them by the process of taxation.

Two years ago, at a hearing here, it developed that there were thirty-nine states getting cheaper electrical service than the State of Maine. Now I asked Mr. Wyman at that time if he could not generate electricity in the State of Maine just as cheap as they could anywhere. He said "yes." You will find that in the report, and I have the report here any time you want to see it.

Now as to their passing the tax on, I will say it cannot be done as the public will not stand for it. Now I assume they used the same argument when an excise tax was advocated on railroads, telephone companies, and all other companies which I have just read to you. The tax went on, and there seems to be no great complaint about their rates.

The next question for us to consider is: Can the electrical companies pay, and to prove that they can I will now read you a list of the amount of dividends earned and paid by the various companies. There is another gentleman who is going to speak on this article, so I will simply refer to the first one, which happens to be the Central Maine Power Company. In 1930 they earned 19.7 per cent and paid 12 per cent. We will take that company for example. The Central Maine Power Company, gross revenue, \$4,456,015. Figure a 4 per cent tax on that, and you have \$178,240.60. The amount available for common stock dividends, in 1930, was \$493,618. Deducting tax of \$178,240, and you have \$315,378 available for dividends on common stock, which leaves them 12 per cent profit on the stock, and \$15,378 to be added to surplus.

Now this 12 per cent dividend that they are paying is four times what the banks will give you for the use of your money, so that would not be awfully bad if they were hit that way.

Now apparently some of the

water power companies have plenty of money to spend for their own selfish ends, as they admit during the referendum of 1929 relative to the exportation of power, they spent around \$200,000, a part of which had a tendency to pollute the citizenship of Maine. Let me read you a part of the report of the Grand Jury findings in Androscoggin County relative to that:

"The Grand Jury, in extraordinary session, for three days listened to information supplied by 64 summoned witnesses relative to the alleged miscount of votes cast in Lewiston in September on the referendum calling for the export of surplus hydro-electric power." It goes on—this is the report that the Grand Jury made public:

"We are, however, convinced that in several of the wards and particularly in Wards Three, Four and Five, the miscount on election night, which was proved by the recount to have been made was so grossly inaccurate and incorrect that we can only conclude that there was wrong-doing on the part of some at least of the persons participating in the original count.

"We are, however, blocked from bringing in an indictment, partly because of the absence of definite proof as to the particular person or persons who participated in this wrong-doing, and partly by the lack of what seems to us adequate statute to prevent such wrong-doing and to enable it to be detected if and when it occurs.

"We feel so strongly that statutory changes should be made which would make any such similar occurrence difficult to accomplish and possible to detect, that we take this opportunity to make some recommendation which we respectfully submit to the court with the hope that it will receive some publicity and perhaps accomplish some good.

"In the first place, it seems to us that the statutes should require the same publicity to be given to the expenditures made by any person, firm or corporation interested in a referendum that is now required for campaign contributions. The evidence before us indicates that in all of the wards votes were counted by certain persons who had previously been employed and paid for their services by those interested in securing a certain result on one of the refer-

endum questions submitted. In some of the wards, and particularly in Ward Five, substantially all of the ballot counting was done by such persons. While we have no evidence to prove, and therefore do not assert that the actual wrong-doing was done by these persons, nevertheless, we feel strongly that it is an unfortunate situation, that only through Grand Jury examination can the facts be learned as to these payments.

"Next, we feel that the statutes should forbid the counting of ballots in a referendum election by persons who have received pay from any persons, firms or corporations who have been interested in securing a certain result from the referendum.

"We also feel that the statutes should definitely punish any persons counting ballots who purposely miscount and thus aid to defraud the voters at the election from obtaining the proper counting of the votes they have cast.

"We cannot express too strongly our condemnation of the very apparent fraud in the count of votes that was made in this election, but we are helpless under the law as it exists to bring in any indictment against any person or persons. We hope, however, that the eventual adoption of some, at least, of these suggestions may result in preventing the recurrence of such a situation.

"These findings and recommendations bore the signatures of the foreman of the jury, Earl H. Beckler, of Livermore; Fred H. Lancaster, County Attorney."

Let us see what happened over there. The report on the yes vote, which stood for exportation, as publicly announced at the beginning, was 2,950; no, 2,639, resulting in 311 yes, for exportation, but on investigation it was discovered that instead of being 2,950 yes, there were only 2,323 with 3,363 nos, resulting in a vote of 1,040 nos for the city of Lewiston.

Now, if these people have got \$200,000 to spend for such purposes as that, certainly they ought to have enough to help furnish schools and hospitals, police protection and other things for the State of Maine.

Now I want to refer to the Bible to cinch this thing a little: "And

Jesus entered into the temple of God and cast out all them that sold and bought in the temple, and overthrew the tables of the money changers."

I ask you, men and women of Maine, should we not cast the money changers out of the politics of Maine and try to keep the ballot pure? And let the aforesaid company render unto Caesar the things that are Caesar's, which, in this case, is their part of the taxes due the State of Maine. And should we not also say unto the Insull crowd and to every other crowd that comes into Maine, "Come clean, Maine is not Chicago, and in the long run you cannot keep it so." I believe that.

Now the electric light companies have had practically everything given to them by way of taxation. Some people say they believe in fairies, and I guess it is fair to assume they believe in a Santa Claus also, but I see the seams of care in the face of their Santa Claus, his shoulders are getting slightly stooped, his coat is worn out at the elbows, and his pants at the knees, the soles of his shoes are gone, and he is walking on his uppers. Someone might ask "Who is this Santa Claus"? As a partial answer to that I might say "Nearly 9,000 farms gone out of existence in the State of Maine in the last ten years, mill after mill liquidated, mortgages foreclosed on homes by the hundreds, store after store assigned."

Well, somebody else will say the power trust has bought in numerous mills and are therefore philanthropists. Now let me analyze that, and I hope I can call to your attention a situation you have never thought of. First, they sell their product for fifteen times its cost. Who else can do that? Who else is doing that? Second, they will pay around 10 mills on a dollar by way of taxation. Who else can get by on that proposition? Are we willing to admit that Maine is confronted by a power even greater than itself? If you admit it here today, there will be a tomorrow. I believe that to be true as I have faith in the citizenship of Maine. You can put over an injustice, but you cannot keep the lid off. Third,

can competitors who pay taxes compete with those who do not pay taxes? Take your taxes right in the city of Augusta, 48 mills on a dollar. This crowd can save enough each year in taxes—I told you what they save. The Central Maine Power Company saved \$674,108 to buy a mill, to buy a newspaper and to buy banks. They buy them with your money, but they retain the title, and then we wonder about the mystery of their method or system of financing. Why, even a school boy could figure that out.

Now somebody here will be bright enough, I presume, to argue that this proposition was before the Legislature of 1927. That is right, it was. It went through the House here jokingly, and then they tipped it over in fifteen seconds, as soon as the lobby got its feet placed. I would like to ask who employed them. We know who employs the lobby. Mr. Wyman admitted that the fellow that pulls the light pays the lobby bill, and the consumer pays the lobby bill; Mr. Wyman does the hiring, and the consumer pays the bills, and then they work against the consumer.

Now that report came out of the committee in 1927, unanimous report against it. Why, this looks like a pretty good bill—it is all right to tax these other companies I mention by an excise tax—perhaps they haven't the power to influence Legislatures or to intimidate Legislatures. Perhaps this Legislature cannot come back if it stands up and does its duty, but who wants to come back if they cannot do their duty? I do not. This bill was before the committee in 1929. I presented it, and there was a unanimous report against it. Isn't that funny? It was presented again in 1931, and there was a unanimous report against it. Isn't that funny? Now did it ever dawn on you farmers here, manufacturers here, business men here who believe in a fair deal, that it must be extremely wonderful and strange that during those three sessions that the farmers apparently did not have a friend on that committee, the business man did not have a friend on that committee, the manufacturer did not have a friend on that committee, and the same thing in 1929, and the same in 1931.

Now I am going to be charitable enough to say this: That I know

that to new members coming in here for their first term, the whole proposition is somewhat of a mystery. We sit on a committee, and we are inclined, as Brother Angell says, to let the other fellow lead on and we stifle honest opinions many times. But I am not going to be so charitable now. How can it be that a second year man, or a third year man can sit on that committee and say to one crowd ten mills is enough for you when he knows the balance of the citizenship of Maine is paying 44 mills on a dollar? What is the power that causes men to do such things? I do not know, but I do know this—that there is nothing sacred about a committee's report—it is simply a system adopted for the purpose of clarifying a situation—they appoint a committee to hear certain kinds of arguments dealing with certain propositions, but that does not end it; they report it, and it comes in here. It is a quicker way of getting at it than it would be by a committee of the whole. But if the thing is aired out properly, and you see that an injustice is being done, you are not bound by that committee report; you should not pay any attention to that committee report.

Now you know, if these figures are correct—and they have been given to me by state officials, and they have to when you ask them—they are not paying their part, and can you think of any reason why they should not pay their part? I know they are big, I know they are powerful, but decency and justice demand that you represent the whole citizenship of Maine and not let one particular group which perhaps lives in Chicago strip Maine dry financially. Why, somebody might say they are an infant industry. Well, they have been going some thirty years and have been nursing at the financial breast of Maine to the detriment of the whole body politic, while the business man, the farmer, the householder is shoving his entire property into the yawning mouth of taxation. I do not believe you think so. You can do as you please on this proposition. I have told you all I know about it.

Mr. BOODY of Windham: Mr. Speaker, as one of the three who appeared before this committee, of the proponents, I made certain statements there when the oppo-

nents rose, they deliberately threw to that committee a statement I had made that the Central Maine Power Company had earned 22 or 24 per cent on the common stock, that I was seriously in error and that it was no such a thing. There was a direct statement by the Central Maine Power Company attorney and by me that was at variance to a tremendous degree. Today I asked one of the members of that committee if they further investigated the statements that I made and the statements of the attorney for the Central Maine Power Company in ascertaining through the Public Utilities whether the statement that I had made was correct or whether his was, and he said that they had not, that the Chairman of that committee reported ought not to pass, and they simply agreed. I was shocked to hear that declaration. I had not believed that the committee, all of your committees, did not give faithful thought and weigh carefully everything that pertains to public good, but when I heard them say that they easily cast that aside, I have not wondered why it is that every bill I have entered has always been reported ought not to pass.

When the Central Maine Power Company was organized, Walter S. Wyman, a great personal friend of mine, because we never agreed on anything, owned the Central Maine Power Company. He is now their servant and employee. He owns nothing in the Central Maine Power Company; it is out of the State of Maine, and it is on that line that I shall discuss this proposition before you. Having had, you understand, a disagreement with the attorneys for the Central Maine Power Company in regard to its earnings, I immediately went to the Public Utilities Commission and secured for the last three years a statement made by the power companies, under a sworn affidavit, that the returns they had made was correct, and on that basis I will discuss it. I have before me a certified copy of the returns to the Public Utilities Commission of Maine.

In 1928 the Central Maine Power Company reported to the Public Utilities Commission of Maine that their income on the common stock, that they earned, was \$491,801.76, or 19.6 interest, and they distributed

\$325,000 on a basis of 13 per cent. In 1929, the Central Maine Power Company earned \$453,144.80, 18.1 per cent interest above all payments and costs of carrying on. They distributed \$300,000 or 12 per cent interest. In 1930, last year, they earned \$493,618.16, or 19.7 per cent on the common stock, and they distributed \$300,000 or 12 per cent, making a total for the three years of distribution of \$925,000. Where did it go? Chicago!

The Bangor Hydro-Electric Company plead poverty, that they are unable to pay this tax which we are trying to put upon them, and in their declaration they publicly declared that they paid 8 per cent on the common stock. I find that in 1928 they earned \$438,451.75, or 9 per cent on the common stock, and they distributed \$227,982.68, or 6 per cent. In 1929, they earned \$531,066.17, or 10 per cent, and distributed 7½ per cent. In 1930, with their poverty staring them in the face, unable to pay the State of Maine an excise tax, they earned \$576,253.36, 10½ per cent interest, and in the three years they distributed to the common stockholders who held \$5,384,700 in common stock \$925,000, and they had a surplus of \$513,000 in the treasury, or an income of a million and a half, and still they are poverty stricken.

Here, gentlemen, is a subsidiary of the Central Maine Power Company, the Cumberland County Power and Light Company. In 1928, after deducting a loss of \$171,000 annually for carrying on the electric railroad, they earned \$633,780.43, 21.6 per cent, and they distributed \$438,000, 15 per cent interest. In 1929 they earned \$641,000 on the common stock, \$82,828, 22 per cent interest beside the interest they paid on the bonds and the preferred stock, and the gentleman who represented them says when I said twenty-six, I was wrong and he was right. In 1930, they earned \$700,503.40, on a basis of 22 per cent. In addition to that they earned \$1,417,000 and \$514,000 left in cash in the treasury.

Infantile paralysis and cannot pay! I will not detain you longer. Here are several of the leading hydro-electric companies of Maine, and I want to read you their gross income. They earned last year \$11,705,596.50. Deduct the municipally-owned, and you have \$11,-

460,949.50. On the basis of four per cent, which we are asking them to contribute for the great expenses of Maine, for the taxes that are bearing our people down to poverty—many of them in the rural sections are today wondering what the future is going to be—on that basis of four per cent we receive \$458,-433.98, and then they get what is left.

In the last distribution there was taken out of the State \$2,973,000 that went to Chicago. Widows and orphans must pay one-half of one per cent on the savings of four per cent, and no guarantee that they will ever receive the principal, but, on the other hand, millions can go free and nobody wink an eye. Who is this Simon Legree of Finance, who swings the whip of oppression over the people of Maine? Have you got the courage to face him? Will you say in your mind that the people of Maine shall not be robbed? We are glad to help them in Maine, but the great resources of the people of Maine shall not go out of Maine.

Mr. FARRIS of Augusta: Mr. Speaker, I am sure that the members of the House have been entertained by the gentleman from Lisbon (Mr. Jack) and the gentleman from Windham (Mr. Boody); but they have not said one word in favor of the merits of this bill. The gentleman from Lisbon has quoted from the decision of the Supreme Court of Maine that it was proper for the State to impose an excise tax on corporations in lieu of other taxes, but he read it that way and you did not see the wording.

Mr. JACK: I think I have the right to correct the gentleman.

The SPEAKER: The gentleman makes the point of being misquoted.

Mr. FARRIS: I understood him to read the decision and that is the way it read as I heard it. I think the Record will bear me out. I am not interested in this bill particularly. I am not a representative of the Central Maine Power Company or any other electrical corporation to be affected by this bill. Neither am I a stockholder but I like to see fair play. Now this bill attempts to impose an excise tax besides all the other taxes paid by the electrical corpo-

rations of the State of Maine and all the electrical corporations are taxed in the State of Maine according to the local rates and the local assessment. I have here in my hands some figures I got last night from the Assessors' office. The Central Maine Power Company paid \$442,148.63 in taxes, that is at the local rates by the local board of assessors. The Androscoggin Electric Company paid \$74,183.23; Cumberland Light and Power Company, \$425,958.23; Bangor Hydro-Electric Company, \$146,000, making a total of \$1,098,581.89.

Now that is a total tax of those four companies as I obtained it. I have not got the other companies' figures. There are other companies in the State of Maine generating electricity, and this bill would affect those companies, and this imposing of a four per cent excise tax not in place of these taxes but in addition to them, would put them out of existence.

Now these power companies in Maine have spent a lot of money during the past three or four years developing this State and keeping our mills running. We have had a lot of depression in other states but Maine has not been affected for the reason that we have had these companies trying to develop our State. Now this bill is unfair in more ways than one because it has exempted the small corporation whose income does not exceed fifty thousand dollars. I might apply that to the gentleman's farm who introduced the bill, the gentleman from Fort Fairfield. He might have well passed a bill to impose an excise tax on the gross production of potatoes in Aroostook county. On the man who owns a thousand acres of land, but it would exempt the man who owns two hundred and fifty acres. That is just to show you how unfair this bill is. It is not a fair bill and the gentleman from Lisbon knows it is not a fair bill. He put the same bill in two years ago and it was reported out unanimously ought not to pass by the Taxation committee, and it went through here and he never made a yip. Now he is trying to substitute the bill for the report. He did it last night on the exemption bill, he and Mr. Boody, and the House

indefinitely postponed it this morning. Now we want to consider what we are doing and not pass something today and rescind it tomorrow. Let's look into this matter. "Excise tax levied. Every public service corporation as above defined in Section ninety-nine A, organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes incorporated under the laws of the State or by special act of the Legislature or doing business in said State, operating any such public service corporation in this State, under lease or otherwise, shall pay to the Treasurer of the State for the use of the State an annual excise tax for the privilege of exercising its franchises and the franchises of its dams, power stations, power and transmission lines, switch boards and other property, and which said annual excise tax shall be in addition to all taxes upon such public service corporations, their property or stock." You see that it is in addition to all the taxes. It is not a fair bill. It is in place of all other taxes except such buildings as they own possibly or right of way. We do not tax the rolling stock of the Maine Central Railroad or any other railroad. We do not tax the franchises of telephone companies. It is in lieu of other taxes. He said that it was in addition to other taxes. It should apply to all corporations alike. Why do they pick out any large corporation and try to make it pay an excise tax besides the other taxes it is paying, just the same as you and I are being taxed in our localities by the local board of assessors.

Now I want to entertain you a minute by reading an editorial from the Lewiston Journal of March 23rd. This is from Androscoggin county where my brother from Lisbon lives.

"The Legislature of Maine just closing, has been marked by freedom from contentious issues and for the first time in many years, the public utilities have been out of the picture.

This may be due to the fact that the Public Utilities, especially the electric light companies have learned a lesson—to let well enough alone; and to efface themselves by

attending strictly to affairs of their own in Maine-development.

An effort to put an excessively large excise tax (4 per cent) on the output of the electric light companies has had no support. Nor is it a fair proposition, so far as the consumer is concerned—for it must fall on him.

An excise tax is placed by the State on franchises, and privileges, that escape tax, otherwise. The electric light companies have no such franchises, as expressed in property, except the people tax themselves through the companies for the franchise of the law itself which creates monopoly of service in communities and the general franchise to use the gravity of falling bodies.

To put this more clearly; the railroads pay franchise taxes for their right of way and similar relief from competition of parallels. This excise tax covers great amounts of property which can not otherwise be distributed, as to revenue. The rolling stock remains in no one spot. This is of great value. If taxes in the home town of the company, all of this tax would go to Portland, or Bangor where the chief railroads of Maine are located. But the electric companies have no such roving capital. All of their property is taxed where found. Dams, plants, offices, wires, poles, are located definitely. The P. U. Commission fixes their rates. If they earn too much dividend, the P. U. Commission is at hand for appeal. The Gulf Island Dam was built in Lewiston and Auburn and pays a tax of \$60,000 per annum to Lewiston and Auburn. It does not escape as would the locomotives or trolleys if they paid no excise tax.

If the Legislature should put an excise tax on passing current from hydro-power, why not on steam electric power? The present Legislature has seemed to perceive that any new tax is added to costs to consumer. And that is very good. Economy seems also to be a purpose. Very Good."

That is from the Androscoggin paper, the county from which my friend from Lisbon comes. Now he tried to make you believe here, members of the House, that these

companies are not paying a tax, but they are paying a tax and the local tax assessed at the regular rate, and furthermore their taxes have been taxed up in every city and town this last year and we are going to investigate the State Board of Assessors. The Central Maine Power Company and the Bangor Hydro-Electric Company and the Cumberland County Power and Light Company were hit worse than anyone else when this boost was made in the regular tax. Yet you have not heard them "holler". I say this bill is unfair, and I hope you will not substitute the bill for the report.

Mr. JACK: Mr. Speaker, in order to correct some of the statements my brother from Augusta (Mr. Farris) has made,—he lives perhaps in the shadow of this gigantic octopus. He made an illusion to the fact I was trying to show you that there're not taxed and in addition I read you that whole sheet stating what they paid. Also in addition to that I read you what they should pay if they were taxed on the same basis that you are taxed.

Now as to the law! The Supreme Court of Maine was asked for an opinion in 1907 and I will read it: "Nor does the Constitutional provision prohibit the Legislature from imposing other taxes than those on real and personal property. The Legislature is left free to impose other taxes, such as poll taxes, excise taxes, license taxes, etc. It can impose such taxes in addition to, or instead of, taxes on property. It can subject persons and corporations to both or either kind of taxation, or except them from either kind."

Now I will read a list of the corporations that did pay an excise tax, and, in addition, this is what Judge Wing said in 1927, and if anybody wants to dispute his figures we will check up on them a little later. "In addition to the taxes by way of excise, which you will remember, were about \$1,900,000 in the year 1926, the railroads of this State, both steam and electrical, paid, under this Section four of Chapter ten, a tax of \$380,394.-78; for their lands and buildings outside their located right of way

these transportation companies paid a tax of \$380,394.78."

Now these other companies do pay property tax in the various towns but the State can impose an excise tax. That is on the franchise, the right of doing business.

Now one more error! He said I put this proposition in two years ago and it went through without a yip. Perhaps I did, but if you will look at the Legislative Record of 1929, Page 841, you will find that whole page devoted to a discussion of this proposition. I should call that three columns and all yip. (Laughter).

Mr. FARRIS: I also want to state that these corporations pay a franchise tax according to their authorized capital stock. I think the gentleman from Lisbon (Mr. Jack) will not dispute me on that point.

The SPEAKER: Is the House ready for the question.

The question was called for.

The SPEAKER: The question is on the motion of the gentleman from Fort Fairfield, Mr. Ashby, that the bill be substituted for the report. All those in favor of that motion will say aye; those opposed no.

A viva voce vote being taken, the Speaker announced that the nos appeared to have it.

Mr. JACK. Mr. Speaker, Mr. Ashby was about to call for the yeas and nays. I did not vote because I did not catch what you were saying.

The SPEAKER: Does the gentleman move for the yeas and nays? Mr. ASHBY: Mr. Speaker, I move for the yeas and nays.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Ashby, moves for the yeas and nays. All those in favor will rise and stand in their places until counted and the monitors have returned the count.

A sufficient number having arisen, the yeas and nays were ordered.

Mr. ASHBY: Mr. Speaker, I wish the Chair would state this motion plainly so that the members will know how they are voting.

The SPEAKER: The Chair will state that the question is on the motion to substitute the bill for the report. A vote yes on that means

the substitution of the bill for the report and a vote of no is against the substitution of the bill for the report. The Clerk will call the roll.

YEA—Additon, Allison, Andrews, Ashby, Bennett, Berry, Boody, Burgess, Burr, Bussey, Carter, Clarke, Cobb, Cooper, Daigle, Eaton, Edwards, Fernald, Hawkes, Hills, Hobbs, Jack, Jacobs, Leonard, Littlefield, Lowell, Luce, MacPherson, Morey, Morin, Paterson, Potter, Pratt, Richardson, Sawyer, Scates, Smith of Vinalhaven, Smith of Masardis, Sterling of Kittery, Stern, Thomas of Harpswell, Thomas of Woodland, Viles, Ward, Whitney, Williams—46.

NAY—Adams, Angell, Bailey, Bearce, Biddle, Blaisdell, Blanchard of Wilton, Blanchard of Phillips, Briggs, Burkett of Portland, Burkett of Union, Carleton, Church, Clement, Cram, Crane, Davis, Dekin, Dow, Drisko, Duquette, Eastman, Farris, Friend, Gibson, Goodrich, Goudy, Graves, Gray, Hamel, Harrington, Hatch, Hathaway, Hiscock, Holbrook, Hussey, Jackson, Jones, Kent, Lancaster, Lewis, Mack, Martin, McCart, McLoon, Melcher, Morse, Oliver, Owen, Palmer, Peacock, Picher, Plouff, Quint, Robie, Rogers of Greenville, Rogers of Yarmouth, Shaw, Snow of Bluehill, Smith of Bangor, Soper, Sterling of Caratunk, Sweet, Tompkins of Houlton, Tompkins of Bridgewater, Towne, Wallingford, Webber, Weeks, White of Crystal, White of Dyer Brook, Wilbur, Worthen, Wright—74.

ABSENT—Allen, Audibert, Authier, Blodgett, Bowers, Brackett, Breen, Brewster, Burns, Day, Ellis, Fenlason, Ford, Gagnon, Gauvin, Lizotte, MacKinnon, Merritt, Morrill, Perham, Plummer, Rounds, Sanborn, Sargent, Snow of Scarboro, Smith of Waterboro, Sturtevant, Thompson, Varney, Webster—30.

Forty-six voting in the affirmative and 74 in the negative, the motion to substitute the bill for the report failed of passage.

On motion by Mr. Farris, the majority report ought not to pass, was accepted by a viva voce vote.

Mr. CARLETON of Portland: Mr. Speaker, I move that we reconsider our vote of yesterday whereby we passed to be engrossed House Paper 1076, L. D. 1020.

Mr. JACK of Lisbon: Mr. Speaker, I would like to know what that has reference to.

The SPEAKER: The title is resolve in favor of the town of Hampden for a fishway.

Mr. JACK: Mr. Speaker, I move that the matter lie on the table.

The SPEAKER: This motion is not debatable. All those in favor of the motion to table will say aye; those opposed no.

A viva voce vote being taken, the motion to table prevailed.

Mr. HOBBS of Hope: Mr. Speaker, I move to reconsider the action of this House whereby Senate Paper 575, L. D. 913, bill an act to increase the salary of the judge of the Municipal Court of Rockland, which was indefinitely postponed in the House March 25 in non-concurrence and on which in my absence yesterday, it was voted to recede and concur.

The SPEAKER: You now make the motion that the House reconsider its action whereby this bill was passed to be engrossed.

A viva voce vote being doubted,

A division of the House was had,

Thirty-two voting in the affirmative and 57 in the negative, the motion to reconsider failed of passage.

Mr. FARRIS of Augusta: Mr. Speaker, I move that the House adjourn.

A viva voce vote being doubted,

A division of the House was had,

Forty-five voting in the affirmative and 58 in the negative, the motion to adjourn failed of passage.

Mr. Wright of Bath was granted unanimous consent to introduce an order out of order, as follows:

Ordered, the Senate concurring, that resolve in favor of the Augusta State Hospital for new construction, H. P. 943, L. D. 996, be recalled to the House from the engrossing department.

A viva voce vote being taken, the order received passage.

On motion by Mr. Melcher of Rumford, it was voted to take from the table the seventh unassigned matter House report ought not to pass of the committee on Judiciary on bill an act to provide provisions for medical and surgical treatment of persons whose resources are insufficient to pay for same, H. P. 931, L. D. 408, tabled by that gentleman March 25, pending acceptance of the report.

Mr. MELCHER: Mr. Speaker, I yield the floor to the gentleman from Bath, Mr. Wright.

Mr. WRIGHT of Bath: Mr. Speaker and members of the House: I move to substitute the bill for the report.

I ask your indulgence to briefly review what the State is doing for State aid hospitals.

Prior to the 84th Legislature, the trustees of hospitals, receiving State aid presented resolves accompanied with a statement of facts, and asked for definite sums for the two ensuing years.

These resolves were heard by the committee on Budget which passed upon their resolves. The total appropriations for State aid hospitals allowed by the 83rd Legislature was \$157,800.

The ever increasing demands for hospital State aid funds grew so rapidly that a radical change became necessary.

The 84th Legislature passed the so-called Mitchell bill which is found in Private and Special Laws of 1929, Chapter 35, Page 451.

This resolve appropriated the sum of \$160,000 to be expended for the fiscal year ending June 30, 1930 and a like amount in 1931.

Three per cent of the above amount was set aside for administrative purposes and the money was allocated to the different State aid hospitals upon a basis of services rendered instead of a lump sum to be used at the discretion of State aid hospitals for charitable cases.

For the fiscal year ending June 30, 1930, the total hospital bills presented to the department of Public Welfare were \$211,000, and as only \$160,000 less 3 per cent was available for 1931 bills a ration was determined and the allotment to various state aid hospitals was made for the year 1931.

The effect of this method of allocating the above mentioned funds greatly reduced the amounts received from the State, in most cases as compared with the former resolves. The smaller hospitals were affected the most while many larger institutions made perceptible gains.

This situation, together with the financial depression, and the ever increasing demand for hospitalization has caused further deficits for hospitals which must be made up in some way.

Last January the executive committee of the Maine Hospital Association met and drafted H. P.

931, L. D. 408 which was entered under my name.

Section 1. provides for the creation of a State Department of Hospital aid to consist of the Department of Public Welfare ex-officio, etc.

Section 2. provides for the raising the amount for the necessary care of medical and surgical cases for the present rate of \$2.50 to \$3.50 per day in addition to any necessary emergency charges that may be approved by the Hospital Department in or by public or private hospitals of certain classes of persons whose resources, or the resources of whose responsible relatives as defined by section 18 of chapter 29 of the Revised Statutes, are insufficient to pay for same, except chronic cases, or persons who have resided in an almshouse previous to making the application, etc.

Section 3. The State Department of Hospital Aid shall have general supervision of the administration of the provisions of this act, and shall prescribe the necessary forms for application, reports and other proceedings required by this act, etc.

And here I may state that the Department of Public Welfare is empowered to accept or reject applications from State Aid Hospitals in State Aid cases.

Section 4. This section stipulates that the State Department of Hospital Aid shall recover from the town in which the person so aided has legal settlement, one-half of the amount expended which shall be credited to the regular legislative appropriation for hospital aid.

The second section is copied from Chapter 161, section 11, page 1750 of the Revised Statutes which is also found in the 1929 laws relating to the Department of Public Welfare, section 11, page 15.

Section 5 states that no pauper disabilities shall be created by reason of receiving the aid provided in this act.

Section 6 provides for the allocation of money expended to the several hospitals each year in accordance with the proportional actual free work done the preceding years as appears from the records of the department of hospital aid.

Quoting from the 11th report of the Department of Public Welfare covering the biennial period ending

June 30, 1930, pages 28 and 29, it is interesting to note that of the twenty-four hospitals listed the number of admissions was 30,135, 1973 of which cases received state aid. The number of beds in these hospitals is 1520 having daily average of 1034 patients and an average cost per capita of \$4.17 per day.

This cost per capita being \$4.17 and the State allowing \$2.50, leaves a deficit in each case of \$2.67.

It is clearly seen that if the rate per day allowed by the State is raised to \$4.50, the deficit in each case would be decreased to \$1.67, which would be a great assistance to the hospitals.

The point I want to emphasize is that if the towns are assessed one-half and the State one-half, there would be a larger amount available for hospital work and the apportionment between town and State would be equitable and just, each bearing one-half of the burden instead of the State appropriating all the money.

I wish to state further that if this bill passes, it would not affect the Mitchell bill, but would only be limited in amount by that resolve.

It is very evident that hospitals cannot lower their standard in times of depression, and must always be ready for an uncertain number of patients which results in proportionately large overhead and expenses at most times.

Another strong argument in favor of this bill is the fact that few towns at present appropriate money to assist their hospitals, the burden of the deficits being borne by public drives or private subscription.

I hope that the motion to substitute the bill for the report will prevail.

Mr. JACK: Mr. Speaker, is there a quorum present?

The SPEAKER: The Chair will inform the gentleman that a quorum is present.

Mr. COBB of Gardiner: Mr. Speaker, I second the motion to substitute the bill for the report.

The SPEAKER: All those in favor of the motion to substitute the bill for the report will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had,

Forty-one voting in the affirmative and 23 in the negative, the mo-

tion to substitute the bill for the report prevailed.

On motion by Mr. Wright, the bill had its three several readings under suspension of the rules and was passed to be engrossed.

On motion by Mr. Jack of Lisbon, it was voted to take from the table Legislative Document 1020, resolve in favor of the town of Hampden for a fishway.

Mr. JACK: Mr. Speaker, I now yield the floor to Mr. Carleton of Portland.

On motion by Mr. Carleton the House voted to reconsider its action whereby this resolve was passed to be engrossed and that gentleman presented House Amendment A and moved its adoption, as follows:

Amend said resolve by adding to the end thereof the words "said sum to be taken from the general maintenance funds of the Department of Inland Fisheries and Game."

A viva voce vote being taken, the amendment was adopted, and on motion by Mr. Smith of Bangor the bill as amended was passed to be engrossed.

Mr. PATTERSON of Freeport: Mr. Speaker, I move that we adjourn.

A viva voce vote being doubted,

A division of the House was had,

Fifty-one voting in the affirmative and 27 in the negative, the motion prevailed and the House adjourned until tomorrow morning.