

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 17, 1937.

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

Prayer by the Rev. Mr. Lincoln of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 434, L. D. 829: An act relating to revocation of fish and game licenses.

S. P. 435, L. D. 830: An act extending the Standish Game Preserve.

From the Senate: Bill an act to enlarge and define the powers of the Androscoggin and Kennebec Railway Company, S. P. 1695, L. D. 824, which was passed to be engrossed in the House on March 10th.

Comes from the Senate, with Senate Amendment A read and adopted and the bill recommitted to the Committee on Public Utilities in non-concurrence.

In the House, that body reconsidered its former action whereby this bill was passed to be engrossed.

Senate Amendment A read by the Clerk.

On motion by Mr. Webber of Auburn, Senate Amendment A was adopted in concurrence, and on further motion by the same gentleman the bill as amended was recommitted to the Committee on Public Utilities in concurrence.

Remonstrance of Thomas J. Towle and 23 others of Old Town and vicinity against L. D. 524, bounty on foxes, and against L. D. 519, trapping of foxes, (H. P. 1724). Presented by Mrs. Latno of Old Town.)

Read, ordered placed on file and sent up for concurrence.

The following remonstrance and petition were received, and upon recommendation of the committee on Reference of Bills were referred to the following committee:

Taxation

Remonstrance of O. G. Morin, Jr., and 54 others of Old Town and vicinity against any increase in tax on cigarettes and tobacco (H. P. No.

1725). (Presented by same member.)

Petition of members of Canton Grange in favor of an income tax (H. P. No. 1726). (Presented by Mr. Parsons of Hartford.)

Orders

Mr. Wikes of Portland, presented the following order and moved its passage:

Ordered, the Senate concurring, that H. P. 882, L. D. 308, bill an act amending the city charter of the city of Portland, be recalled to the House from the Committee on Legal Affairs.

The order received passage and was sent up for concurrence.

On motion by Mr. Sleeper of Rockland, the House recessed.

After Recess

The SPEAKER: The Chair understands that the gentleman from Madison, Mr. Thorne moves that the rules be suspended to permit smoking during the remainder of this morning's session. (Applause)

The SPEAKER: The House is still proceeding under Orders.

Mr. Sleeper of Rockland, presented the following order and moved its passage:

WHEREAS, the Joint Select Committee appointed in pursuance of the Joint Order relative to a Committee to investigate affairs of State Departments for the purpose of making recommendations on economy, S. P. 430, was therein "ordered, instructed, and directed" to make the survey therein contemplated "together with said Committee on Appropriations and Financial Affairs"; and

WHEREAS, said Committee by the terms of said order has no authority to make such survey or any part except in conjunction with the Joint Standing Committee on Appropriations and Financial Affairs; and

WHEREAS, some members of said Joint Select Committee have undertaken and are undertaking to make such survey independently of said Committee on Appropriations and Financial Affairs and contrary to the instructions contained in said order and in open violation thereof; and

WHEREAS, it was the intent of the Legislature in the passage of said order to provide for the conduct of such survey by said Joint Select Committee and said Joint Standing Committee on Appropriations and Financial Affairs, acting as one committee, and that said Committees, acting as one committee, should report thereon; and

WHEREAS, said order was so drafted as to be ambiguous in that regard; and

WHEREAS, the Senate members of said Joint Select Committee have so interpreted said order as to require a report from said Joint Select Committee alone and no report from said Committee on Appropriations and Financial Affairs; now therefore, it is hereby

ORDERED, the Senate concurring, that the members of said Joint Select Committee are again specifically directed to conduct said survey in conjunction with said Committee on Appropriations and Financial Affairs, acting as one committee, and not otherwise, and it is hereby further

ORDERED, the Senate concurring, that said order, S. P. 430 be and hereby is amended by inserting after the word "Committee" in the first line of the last sentence thereof the words 'consisting of the members of said Joint Select Committee and the members of said Committee on Appropriations and Financial Affairs' so that the last sentence of said Order as amended shall read as follows: 'Said Committee, consisting of the members of said Joint Select Committee and the members of said Committee on Appropriations and Financial Affairs, shall make prompt report to this Legislature now in session of its findings and recommendations as to such economies as in their opinion may be made, together with any bill or bills for appropriate remedial legislation, which bill or bills shall be received in either branch of the Legislature regardless of the cloture order, heretofore adopted by this Legislature.

Mr. SLEEPER of Rockland: Mr. Speaker, for the past several weeks we have heard nothing but economy from two phases, public economy from an unselfish public viewpoint, and personal economy from a personal selfish viewpoint.

I, as a member of the House, am

safe in assuming that every member in this House, regardless of party, is really interested in economy, and we resent the insinuation that we are not interested in economy, and we also resent the insinuation that a very small minority of the members in this Legislature are the only champions of economy, therefore, in order to put our case directly before the public, and show that we, members of the House, are interested in economy, and in order that this program for economy may be carried on in an ethical, orderly and practical procedure, I move that this order be given a passage.

Mr. CHASE of Baring: Mr. Speaker and Members of this Legislature: I have been accused of representing vested interests. I resent this accusation. I represent unvested interests, a group of men in Eastern Maine, honest, industrious, God-fearing men who work without coats or vests, in the woods and on the drive. It is for this group of people that I desire true economy. I did not acquire these calloused palms opening champagne or picking up mushrooms. They came from contact with the axe-handle and the cant-dog stock. I want to be able to go back to that group of men and say to Pete and Joe and Jim and Jack and Mike, that group of honest, hard-working men with whom I have slept on the fir boughs of a lumber camp and ridden logs down the swift waters of the St. Croix: "Boys, I have done everything I could to better your living conditions and to cut your taxes."

Now the passage of this order, which would enable your House members on that so-called economy committee to bring forth real economy, is what I want. I hope that this order receives passage. (Applause)

Mr. NOYES of Franklin: Mr. Speaker and Members of the House: I as a member of the recently appointed joint select committee am in hearty accord with the order presented by the gentleman from Rockland (Mr. Sleeper).

Under the order which we are now operating under or supposed to have been operating under, we were told to make a survey together with the committee on Appropriations and Financial Affairs. The survey, my friends, has not been made in that manner. We met with the committee on Appropriations and Financial Affairs yesterday afternoon. A

report was given to that committee by a minority of the joint select committee of five. I hope that this order has a passage for the purpose of informing the members of the committee how they are to operate.

Furthermore, members, in our papers this morning we have a proposed saving of \$227,000 biennially for the people of the State of Maine. It is also of equal interest to the people of the State of Maine to know that one of the proposed items would abolish the insurance on State property. That proposed item would save the State \$80,000, if we had no fires. But, members, during the last two years the State of Maine has collected nearly \$200,000 from fire insurance on State property, and I ask you where we might have been had we two years ago accepted the recommendations of one member of our committee who was then a member of the other body? He appeared before our committee and recommended that the State abolish its fire insurance. With \$200,000 collected from fire insurance policies in the last year, I ask you where the State would have been?

I for one prefer to proceed with this survey in the manner stated by this order, for the purpose of economy and in the interest of all the people of the State of Maine. (Applause)

Mr. VARNEY of Berwick: Mr. Speaker, needless to say, I am fully in accord with everything which has already been said by the other two members of the House Committee on economy. When I was made a member of that committee I supposed that I would be given an opportunity to meet in some measure of deliberation with the other members of some committee in a genuine effort to bring about some rule of economy in the State. I did not suppose that I was being put in the position of either signing some sort of a report which purports to be no one's and about which I knew nothing from having conducted a survey, or going on record as being opposed to economy. I certainly hope this order has passage, clarifying, at least to the members of the House committee, what the Legislature would like, I think, to have us do, and that is to sit down in some measure of deliberation and pass upon any economy measures that we can effect. (Applause)

Mr. HINMAN of Skowhegan: Mr. Speaker, as a member of the committee on Appropriations and Financial Affairs, I do not hesitate to say that I am equally incensed to think that any individual in this Legislature, regardless of which branch he may belong to, has the audacity to come before our Appropriations Committee and say that he or they, singly or collectively, have a right to force upon this State for consideration anything that they individually may choose—and that is the stand that is taken here. I submit to you that it is entirely improper, when there are fifteen men who have been selected to do a job, for any individual or any minority group of individuals to force upon this Legislature from day to day, as is intended, certain items that they individually think that we might talk about.

I believe that we are just as much interested in "the people" which they choose to talk about as are they or anybody else. I believe that it is our desire to economize wherever it is practically possible. I believe that any member of this Legislature can take a pencil and write down three-quarters of a million dollars of savings that he may think or that he may choose to say may be made. But is it not rather ridiculous, because he individually chooses to write down such and such items, to force them upon this Legislature as being worthy of consideration when he has not the support of anybody?

Have we not got more important things to do here? If we want real information, are not these fifteen men worthy and competent to properly consider it? Is it fair to any committee which this Legislature chooses to select that any individual should say, "I will do as I choose; you can come to me or go the other way?"

It is my hope that this order will not only prevail but that the opinion of the majority of that group of fifteen may prevail in our findings. (Applause)

Mr. MURCHIE of Calais: Mr. Speaker, and Members of the 88th Legislature: The remarks that I plan to make this morning may not appear to be very constructive. I promise you that I will propose something that will be more constructive at a time when the heat and mud that stream from the

volcano under which we live has cooled to some extent.

What I would like to say to the House this morning is just this: When a very ordinary individual—meaning myself—comes to the Maine Legislature and happens to be placed in a position carrying, as he understands, a considerable responsibility, and when he comes to understand, as I have, that the group to which he is assigned are honest and sincere in a desire to do a worthwhile job for the State of Maine, and when suddenly there is presented to one branch of the Legislature an economy order asking investigation of the departments, and finally to the other branch where it has a unanimous passage as should any measure honestly intended to improve the financial set-up of the State, is it, I ask you, to be wondered at that a member of the committee on Appropriations and Financial Affairs should be a little worked up, when you consider that this order carrying an intention for a cut-down in appropriations in some of the State departments or bureaus, makes a demand for such reductions before the committee on Appropriations and Financial Affairs have finished their work and have submitted any report?

Now I am not a sore-head, as this effort might well seem to indicate, nor do I believe that the leaders of this new movement were or are aiming anything directly at the committee on Appropriations and Financial Affairs. But what I want to know is this: What is it all about? What is behind it? Is it mostly a movement for publicity, as has been intimated? I do not quite believe that. Those on the inside may know. If so, will they be good enough to tell. I cannot help but believe it is an attempt to put our good Governor on the spot. If this is true, and behind the scenes and outside the Legislature there are supposedly greater minds directing such activities for political gain to themselves or their friends, then it is just too bad for the State of Maine, and it is most unfair to every member of this Legislature. In fact, we have had newspaper headlines on it during recent days, and it is an insult to every member of the Legislature. Somebody starts the economy idea; the newspapers give it publicity; the people at home

read it and it impresses them. If they only knew, as I believe, that the leaders of this set-up have no more regard for the economy of the State of Maine than the cats that howl on the back fence! (Laughter)

During my—yes, my intensive work in the committee on Appropriations and Financial Affairs I have come to many conclusions which I will stand for in the executive sessions of my committee. I am for clean politics and am happy in the thought that I am surrounded in this chamber by a group of the same mind. I have honestly come to feel that in my associations and contacts here.

So I just want to say this: Let us face straight ahead and do the work which is laid out for us, paying little attention to those who come and argue for the sales tax or those who argue against it, little heed to those who oppose a \$1,750,000 school bill or those who are for an income tax or against it. Let us consult friends whom we can trust always, and in this fashion carry on to a worthwhile session end. This idea, members, must prevail. If it does not, then I say to you in conclusion: In future Legislatures make no provisions for a committee on Appropriations and Financial Affairs, but wait until the session is well along and then make it up, headed—not by “the sons of wild jackasses”—I cannot use that phrase—that belongs to Senator Moses—but headed by the “publicity hounds” who have so indicated themselves in the sessions of this Legislature. (Applause)

Mr. DONAHUE of Biddeford: Mr. Speaker and Members of the Legislature: As a member of the budget committee who in a small way aided somewhat in making up the budget, I believe in fairness to the members of that committee and in fairness to our Governor that we should make our position clear relative to the budget.

Before that budget was made up, we had every department head in before our committee; we conducted public hearings in regard to the needs of the various departments, and we were ably assisted by men who are capable of handling your State affairs and who have had long periods of service along that line. At the time the budget was made up it became our duty to follow the mandates of the various laws

specifying what appropriations should be set up. For example, under your present State law the University of Maine is entitled to a certain percentage of certain funds. In setting up that item we had no alternative; we merely obeyed the mandate of the Legislature. If there had been a demand for any change of that law, then the people of the State of Maine through one of our representatives would have insisted that that legislation be introduced, that a public hearing be granted the proponents and opponents of the bill, and the committee to which it was referred would then pass judgment on it and report back to the Legislature for the Legislature's ultimate decision.

These seven recommendations of the committee on economy are all based, gentlemen, as I understand them, upon proposed changes in the law. Now if it is the will of the Legislature that these laws be changed, I for one, as a member of the committee on Appropriations and Financial Affairs, am willing to abide by that decision, because the will of the Legislature is the ultimate will in determining what shall be the policy of the State of Maine along financial lines for the next two years.

Your committee on Appropriations and Financial Affairs have had practically every department head in before their committee, have held joint committee hearings with the committee on Taxation and the committee on Publicity, but on not one item has the committee on Appropriations and Financial Affairs yet held an executive session. We have thought along the lines of some of the suggested economies, but until this order was introduced giving this committee the right to change the law, we were bound by the law which existed and were compelled and will be compelled to carry out those mandates until they are changed.

The budget report is merely a recommendation. It does not have to be accepted by any member of this Legislature. What the report will be by the committee on Appropriations and Financial Affairs in determining how much money in their judgment should be raised for the next two years as compared with the recommended appropriations in the budget, I do not believe that any member of that commit-

tee can state today. But it seems unwise to me that after a committee has spent eleven weeks, having the different department heads come in, many of them travelling a long way to appear before that committee, to permit an interpretation to be placed upon the order such as certain members of the economy committee, so-called, have placed on it, that the economy committee should operate independently of the committee on Appropriations and Financial Affairs.

I know we are all interested in economy. Many of us probably would like to make different changes in our set-up. But would it be wise to do it? That is the question. As the member from Skowhegan, Mr. Hinman, has said, any one of us can take a pencil and go down through that budget and cross off a million dollars. But at what price? Are we going to take it out of the Educational Department so that your cities and towns will not receive back any money to aid them in maintaining their schools? Are you going to close down your State House and just keep a janitor here? Is that true economy?

For these reasons, members, I sincerely hope that this order will have a passage.

Mr. FLANDERS of Auburn: Mr. Speaker and Members of the 88th Legislature: We have spent quite a lot of time this morning in discussion of this proposition of economy. It happens to be my privilege to be House Chairman of the committee on Appropriations and Financial Affairs; it was my privilege last session to sit on that committee; and I want to say that I was convinced then that we had members on that committee two years ago who were deeply interested in the financial affairs and all the affairs of our State. I want to say that we have members of that committee today, every one of whom take their job seriously. They want to do what is best for the State. And I was glad yesterday when a committee of three was appointed from the House, because I knew those men were interested in the State of Maine and interested in this Legislature to do what was right for economy. We met yesterday afternoon and went over the situation, and they presented seven articles of economy, and it came out in big headlines this morning: "\$227,000 saved for

the State of Maine." I want to say they were asked at that time if they had looked into this matter. They did not want anyone to come in and listen. We suggested having the heads of departments come in to hear their report. They wanted not listen to that. They wanted to do everything in their own way, to get headlines in the papers every day.

Now I want to assure this Legislature that every one of us want to have a record when we go back to our homes that we have worked for economy and that we are going to work for economy, but we want to carefully consider these measures before they are acted upon.

As has been said, we have not had an executive session of the committee on Appropriations and Financial Affairs. We have just been considering these propositions. Many of these suggestions that they have made I think would not meet with the approval of that committee, and I certainly hope, members, that this order has a passage. (Applause)

Mr. SLEEPER: Mr. Speaker, I think that you will agree that this order has been endorsed by men representing every group and every walk of life in this House. By the passage of this order, Mr. Speaker and Members of the House, we as a body of the 88th Legislature wish to prove to you, to our Governor and to our real masters, the people, that this Legislature is sincerely and really interested in economy, and our only underlying motive is for the betterment and the welfare of our people of whom we are the servants and not the master of ceremonies.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Sleeper, that this order have passage.

Mr. ELLIS of Rangeley: Mr. Speaker, I move that when the vote is taken, it be by a division of the House.

The SPEAKER: The gentleman from Rangeley, Mr. Ellis, asks that when the vote is taken it be by a division. Is the House ready for the question? As many as are in favor of the passage of the order will rise and remain standing until counted and the monitors will make and return the count.

A division of the House being had,

One hundred and forty-four voting in the affirmative and none in the negative, the order received passage and was sent up for concurrence.

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

A report (S. P. 446) of the committee created by Joint Order, S. P. 439.

Comes from the Senate placed on file.

Mr. HINCKLEY of South Portland: Mr. Speaker, may I inquire who signs this report?

The SPEAKER: The Clerk will read the names of the members signing the report. The Chair will state that the document submitted appears to be in the nature of two reports, a majority report and a minority report.

The Clerk reading: John E. Willey, Chairman, Roy L. Fernald, on the part of the Senate, and below: Clifford E. Chase, House Chairman, Malcolm P. Noyes and George D. Varney, Secretary, on the part of the House.

Mr. HINMAN of Skowhegan: Mr. Speaker, it being very evident that the procedure is entirely contrary to the wishes of the Legislature, I move you that the reports be indefinitely postponed.

Mr. ELLIS of Rangeley: Mr. Speaker, I move that the reports lie on the table.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that the reports be indefinitely postponed. The gentleman from Rangeley, Mr. Ellis, moves that the reports be laid on the table pending the motion of the gentleman from Skowhegan. Under the rule of precedence, the question is on the motion of the gentleman from Rangeley, Mr. Ellis, that the reports be laid on the table.

The motion prevailed.

(House at Ease)

On motion by Mr. Ellis of Rangeley, the rules were suspended to take from the table the reports tabled by that gentleman a few moments ago.

Mr. HINMAN: Mr. Speaker, while I stand by my previous remarks, there seems to be good reason for taking a different course, and I now move that the report be accepted and placed on file.

The SPEAKER: The Chair will say that the joint order passed earlier in this morning's session requiring that further reports be made by members of the committee on Appropriations and Financial Affairs, together with the Joint Select Committee, can have no application to the report already submitted; that this report purports to be a preliminary or first report. The report therefore is received. The Chair now understands that the gentleman from Skowhegan, Mr. Hinman, withdraws his motion to indefinitely postpone the reports and now moves that the reports be placed on file in concurrence.

The motion prevailed.

The SPEAKER: The House is proceeding under Orders.

Mr. Philbrick of Cape Elizabeth, presented the following order and moved its passage:

Ordered, the Senate concurring, that the Engrossing Department be requested to return to the House bill entitled: An act correcting a clerical error in the apportionment of Representatives, H. P. 1043, L. D. 406, for further consideration.

The order received passage and was sent up for concurrence.

Reports of Committees

Mr. Davis from the Committee on Inland Fisheries and Game reported ought not to pass on bill an act relating to fishing for pickerel and pike (H. P. No. 1499) (L. D. No. 554).

Mr. Hascall from same Committee reported same on bill an act relating to bounty on bobcats (H. P. No. 1495).

Mr. Boothby from same Committee reported same on bill an act relating to trapping in certain sections of York County (H. P. No. 1160) (L. D. No. 426).

(Bill and report tabled by Mr. Varney of Berwick, pending acceptance of the report).

Mr. Noyes of the Committee on Inland Fisheries and Game reported out not to pass on bill an act relating to bear (H. P. No. 350) (L. D. No. 105) as it is covered by other legislation.

Mr. Bird from the Committee on Judiciary reported same on bill an act authorizing the relief of persons and corporations by suspending attachment on execution sale

and mortgage foreclosure proceedings which may work unjust hardship (H. P. No. 1164) (L. D. No. 430).

(Bill and report tabled by Mr. Wilkes of Portland, pending acceptance of the report).

Mr. Philbrick from the Committee on Judiciary reported ought not to pass on resolve permitting the county of Hancock to sue the State of Maine (H. P. No. 679) (L. D. No. 238).

(Resolve and report tabled by Mr. Higgins of Ellsworth, pending acceptance of the report).

Mr. Thorne from the Committee on Judiciary reported ought not to pass on bill an act relating to prevention of crimes (H. P. No. 676) (L. D. No. 220).

Mr. Chase from the Committee on Legal Affairs reported same on bill an act relating to pawnbrokers and dealers in junk and second hand goods (H. P. No. 1540) (L. D. No. 708).

(Bill and report tabled by Mr. Harris of Minot, pending acceptance of the report).

Mr. Chase from the Committee on Legal Affairs reported ought not to pass on bill an act relating to payment of personal property tax (H. P. No. 1517) (L. D. No. 611).

(Bill and report tabled by Mr. Higgins of Ellsworth, pending acceptance of the report).

Mr. Cole from the Committee on Legal Affairs reported ought not to pass on bill an act relating to steam boilers (H. P. No. 1537) (L. D. No. 720).

Mr. Pike from same Committee reported same on bill an act regulating the moving of household goods, chattels and personal effects of the residents of the State (H. P. No. 1298) (L. D. No. 474).

Mr. Boothby from the Committee on Inland Fisheries and Game reported same on resolve relative to fishing in Mousam Lake (H. P. No. 991).

Same gentleman from same Committee reported same on resolve relative to fishing in Great East Lake (H. P. No. 862).

Same gentleman from same Committee reported same on resolve relative to fishing in Mousam Lake (H. P. No. 990).

Mr. Hascall from same Committee reported same on resolve opening Webb's Pond and Little Webb's Pond to ice fishing (H. P. No. 359).

Same gentleman from same Committee reported same on resolve for screening of Schoodic Lake (H. P. No. 997).

Same gentleman from same Committee reported same on resolve relating to pickerel fishing in Birch, Little Birch and Baker Brooks (H. P. No. 355) as it is covered by other legislation.

(Bill and report tabled by Mr. Martin of Milford, pending acceptance of the report).

Mr. Higgins from the Committee on Inland Fisheries and Game reported ought not to pass on resolve relating to ice fishing in Eagle Lake and St. Froid Lake in Aroostook County (H. P. No. 863).

(Resolve and report tabled by Mr. Brown of Eagle Lake, pending acceptance of the report.)

Reports read and accepted and sent up for concurrence.

Mr. Davis from the Committee on Inland Fisheries and Game on bill an act relating to fishing for gain or hire, H. P. 1449, L. D. 637 reported same in a new draft (H. P. No. 1727) under same title and that it ought to pass.

Mr. Martin from the Committee on Maine Publicity on bill an act designating a certain road as "Pine Tree Trall" (H. P. No. 889) (L. D. No. 273) reported in a new draft (H. P. No. 1728) under same title and that it ought to pass.

Mr. Alden from the Committee on Public Health on bill an act relating to the incorporating of cemeteries, and the operation of burying grounds, burial structures, and the disposal of dead human bodies (H. P. No. 41) (L. D. No. 27) report same in a new draft (H. P. No. 1729) under same title and that it ought to pass.

Mr. Everett from same Committee on bill an act relating to plumbing (H. P. No. 1309) (L. D. No. 493) reported same in a new draft (H. P. No. 1730) under same title and that it ought to pass.

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

Mr. Boothby from the Committee on Inland Fisheries and Game reported ought to pass on bill an act relating to the horning of deer (H. P. No. 1494) (L. D. No. 549).

Mr. Davis from same Committee reported same on bill an act relating to wild animals in captivity (H. P. No. 1448) (L. D. No. 639).

Mr. Higgins from same Committee reported same on bill an act relative to importation of wild birds and game (H. P. No. 1452) (L. D. No. 521).

Reports read and accepted and the bills having already been printed were read twice under suspension of the rules, and tomorrow assigned.

First Reading of Printed Bills and

Resolves

(H. P. No. 1723) (L. D. No. 838)
An act relating to hunting of raccoons.

(H. P. No. 1722) (L. D. No. 837)
Resolve relative to fishing in certain Somerset County waters.

Passed To Be Engrossed

(S. P. No. 186) (L. D. No. 249)
An act relating to the issue of notes and bonds of the South Portland Sewerage District.

(S. P. No. 305) (L. D. No. 516)
An act for the protection of Rhododendron Maximum Linnæus and Kalmia Latifolia Linnæus.

(H. P. No. 186) (L. D. No. 60)
An act relating to hunting and trapping.

(H. P. No. 617) (L. D. No. 183)
An act relating to equity powers.

(H. P. No. 1048) (L. D. No. 335)
An act relative to trust estates.

(H. P. No. 1050) (L. D. No. 336)
An act relating to registration of voters.

(H. P. No. 1257) (L. D. No. 458)
An act relating to civil actions in court.

(H. P. No. 1542) (L. D. No. 569)
An act relating to pauper settlement.

(H. P. No. 1720) (L. D. No. 836)
An act granting Charles N. Scott the right to maintain a ferry across Eggemoggin Reach in Hancock County.

(H. P. No. 1102) (L. D. No. 318)
An act to define, regulate and license real estate brokers and real estate salesmen; to create the Maine Real Estate Commission.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I offer House Amendment A and move its adoption. This is a committee agreement and does not in any way change the substance of this bill. It is made in this way to avoid the quite substantial expense of printing a new draft.

House Amendment A to H. P. 1102, L. D. 318, bill an act to define, regulate and license real estate brokers and real estate sales-

men, to create the Maine Real Estate Commission.

Amend said bill by striking out all of Section 16 thereof and re-numbering Section 17 as Section 16.

Thereupon, House Amendment A was adopted, and the bill as amended by House Amendment A was passed to be engrossed.

Passed to be Enacted

(H. P. No. 1632) (L. D. No. 764)
An act relating to Penobscot County Court House.

Orders of the Day

Under Orders of the Day the Chair lays before the House the first tabled and unassigned matter, bill an act relating to a State Geologist, H. P. 1696, L. D. 823, tabled on March 9th by Mr. Hinman of Skowhegan, pending first reading; and the Chair recognizes that gentleman.

Mr. HINMAN: Mr. Speaker, owing to the fact that this, like all other matters involving a contribution of money, has not yet been considered, I move that it be retabled pending first reading.

The motion prevailed, and the bill was retabled pending first reading.

The Chair lays before the House the second tabled and unassigned matter, bill an act regulating the labeling of fresh eggs for sale, H. P. 64, L. D. 28, tabled on March 9th by Mr. Viles of Augusta, pending third reading; and the Chair recognizes that gentleman.

Mr. VILES: Mr. Speaker, I offer House Amendment A and move its adoption, and I may say that this amendment strikes out the appropriation clause of this bill. The committee on Appropriations are inserting the appropriation under that of the Department of Agriculture.

The SPEAKER: The Clerk will read House Amendment A.

House Amendment A to H. P. 64, L. D. 28, an act regulating the labeling of fresh eggs, for sale.

Amend said act by striking out Sec. 9 thereof.

Mr. PRINCE of Detroit: Mr. Speaker, I offer House Amendment B and move its adoption.

The SPEAKER: Does the gentleman offer an amendment to the

amendment or a new amendment to the bill?

Mr. PRINCE: A new amendment to the bill, Mr. Speaker.

The SPEAKER: Will the gentleman kindly defer it until the pending motion has been acted upon?

Thereupon, House Amendment A was adopted.

The SPEAKER: The gentleman from Detroit, Mr. Prince, now presents House Amendment B and moves its adoption. The Clerk will read House Amendment B.

House Amendment B to H. P. 64, L. D. 28, bill an act regulating the labeling of fresh eggs for sale.

Amend said bill by inserting after the word "identified" in the sixth line of section four the words "on such passage or container."

Thereupon House Amendment B was adopted and the bill as amended by House Amendment A and House Amendment B had its third reading and was passed to be engrossed and sent up for concurrence.

The Chair lays before the House the third tabled and unassigned matter, bill an act relating to the registration of house trailers and camp trailers, H. P. 1439, L. D. 633, tabled on March 9th by Mr. Seabury of Yarmouth, pending third reading; and the Chair recognizes that gentleman.

Mr. Seabury offered House Amendment A and moved its adoption as follows:

House Amendment A to House Paper, 1439, L. D. 633, bill an act relating to the registration of house trailers and camp trailers.

Amend said bill by striking out in the next to the last line thereof the figure "10" and inserting in place thereof the figure '5'.

Mr. SEABURY: Mr. Speaker, I wish to say that I have no great difference of opinion with the committee. I am interested, however, in the development of trailers, and it seems to me that a five dollar rate would yield more revenue than a ten dollar rate, and it also seems to me better to go slowly in the matter as trailers are a new industry which require some caution as to what we do. I do think that the idea of a five dollar fee instead of ten would be in line with our usual conservative attitude in this State and I think it would be help-

ful to the proper regulation of the industry.

Thereupon, House Amendment A was adopted and the bill as amended by House Amendment A had its third reading and was passed to be engrossed and sent up for concurrence.

The Chair lays before the House the fourth tabled and unassigned matter, House Order relative to statement of receipts and expenses of the Department of Inland Fisheries and Game, tabled on March 10th by Mr. Flanders of Auburn, pending passage; and the Chair recognizes that gentleman.

On motion by Mr. Flanders the order was retabled pending passage.

The Chair lays before the House the fifth tabled and unassigned matter, bill an act defining, regulating and taxing games of skill, H. P. 1642, L. D. 782, tabled on March 10th by Mr. Hinckley of South Portland, pending reference to a committee; and the Chair recognizes that gentleman.

On motion by Mr. Hinckley the bill was referred to the committee on Taxation and sent up for concurrence.

The Chair lays before the House the sixth tabled and unassigned matter, bill an act to provide for aid to dependent children, H. P. 1656, L. D. 794, tabled on March 10th by Mr. Hinman of Skowhegan, pending acceptance of report of the committee on Bills in the Third Reading; and the Chair recognizes that gentleman.

On motion by Mr. Hinman, the report of the committee on Bills in the Third Reading was accepted.

Mrs. CURRIER of Bangor: Mr. Speaker, I now offer House Amendment A and move its adoption.

House Amendment A to House Paper 1656, Legislative Document 794.

Section 4 of House Paper 1656, Legislative Document 794, is hereby amended to read as follows:

'Sec. 4. **Application.** Application for aid under this act shall be made to the municipal board on forms provided for this purpose by the department. Such applications shall be made by the parent having custody of the dependent child and shall contain such information as may be required by the department. The municipal board shall file

promptly such application with its recommendation with the department, which shall then make such investigation of the case as may be necessary to determine the eligibility of the applicant for the aid desired. If the municipal board should not perform the duties above required of it within a reasonable time, application may be made direct to the department. Provided, however, that applications for aid to dependent children of world war veterans may be made direct to the department.'

Thereupon, House Amendment A was adopted.

The lady from Bangor, Mrs. Currier, now offers House Amendment B and moves its adoption. The Clerk will read House Amendment B.

House Amendment B to House Paper 1656, Legislative Document 794.

Section 9 of House Paper 1656, Legislative Document 794, is hereby amended to read as follows:

'Sec. 9. **Towns to be assessed.** The state shall recover from the city, town, or plantation in which the child so aided has legal settlement, $\frac{1}{2}$ of the amount expended for aid to each dependent child, which shall be credited to the regular legislative appropriation for aid to dependent children; provided, however, that in the event that the Federal allowance for aid to each dependent child should be increased subsequent to the passage of this act, the reimbursement to the state by the city, town, or plantation shall be decreased accordingly. Whenever it appears that a city, town, or plantation is delinquent in making reimbursements to the state, the amounts shall be collected by the State in the same manner and subject to the same penalties as state taxes. Any balance due shall be assessed in the succeeding year in the same manner as other state taxes.'

Thereupon, House Amendment B was adopted, and the bill, as amended by House Amendment A and House Amendment B, had its third reading and was passed to be engrossed and sent up for concurrence.

The Chair lays before the House the seventh tabled and unassigned matter, bill an act regulating and defining games of skill, S. P. 402, L. D. 812, tabled on March 10th by Mr. Hinckley of South Portland, pending reference in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Hinckley, the bill was referred to the committee on Taxation in non-concurrence.

The Chair lays before the House the eighth tabled and unassigned matter, House report ought to pass in new draft of the committee on State Lands and Forest Preservation on bill an act relating to the Knox Arboretum, H. P. 1123, L. D. 420, new draft H. P. 1697, tabled on March 10th by Mr. Flanders of Auburn, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Flanders, the bill and report were retabled pending acceptance of the report.

The Chair lays before the House the ninth tabled and unassigned matter, House report ought not to pass of the committee on Mercantile Affairs and Insurance on bill an act relating to the standard form insurance policy, H. P. 684, L. D. 225, tabled on March 11th by Mrs. Thurston of Bethel, pending acceptance of the report; and the Chair recognizes the lady from Old Town, Mrs. Latno.

Mrs. LATNO: Mr. Speaker, owing to the absence of the lady from Bethel, Mrs. Thurston, I move that the bill and report be retabled pending acceptance of the report.

The motion prevailed and the bill and report were so retabled.

The Chair lays before the House the tenth tabled and unassigned matter, House report ought not to pass of the committee on Public Health on bill an act relating to beauty culture, H. P. 1558, L. D. 687, tabled on March 11th by Mr. Weatherbee of Lincoln, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. WEATHERBEE: Mr. Speaker, at the request of my opponent, who is unable to be present in Augusta today and who wishes to offer a compromise which he hopes will be satisfactory to all parties, I move that this bill be retabled pending acceptance of the committee report.

The bill was thereupon retabled, pending acceptance of the committee report.

The Chair lays before the House the eleventh tabled and unassigned matter, resolve proposing an amendment to the Constitution relating to

signers on referendum petitions, H. P. 1636, L. D. 775, tabled on March 11th by Mr. Sleeper of Rockland, pending third reading, and the Chair notes the absence of the gentleman from Rockland, Mr. Sleeper and understands that the gentleman from Thomaston, Mr. Elliot, moves that the bill be laid on the table.

The bill was thereupon retabled, pending third reading.

The Chair lays before the House the twelfth tabled and unassigned matter, bill an act relating to prepayment of excise tax on motor vehicles, H. P. 877, L. D. 279, tabled March 11th by Mr. Philbrick of Cape Elizabeth, pending motion of the gentleman from Castle Hill, Mr. Ellis, to indefinitely postpone; and the Chair recognizes the gentleman from Cape Elizabeth, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, this bill was laid on the table by me for the protection of the gentleman from Portland, Mr. Payson, who is here to speak for himself today.

Mr. PAYSON of Portland: Mr. Speaker, the gentleman from Castle Hill, (Mr. Ellis) moved the indefinite postponement of this bill last week and gave you his reasons for his action. I think if I state the purposes of the bill and the general purposes of the motor vehicle excise tax law that a case can be made out in favor of the bill.

The act now before the Legislature is an act which would have all out-of-state corporations pay the motor vehicle excise tax on their trucks and cars to the town or city where those cars are kept. At the present time the tax is paid to the State. That would affect the oil trucks that were spoken of by the member from Castle Hill, Mr. Ellis, also trucks run by branch offices of Armour, Swift, Cudahay and other foreign corporations. For example, if the Montgomery Ward store in Lewiston should use a delivery truck around the city of Lewiston for delivery of goods, that truck under the existing law would pay an excise tax to the State of Maine and not to the City of Lewiston. I know you will not confuse the motor vehicle excise tax with your State registration tax on automobiles. The registration tax that you pay for your li-

cense for your automobile is the one that furnishes money for the State Highway Department, which is the only department in the State that seems to have any money. The motor vehicle excise tax is nothing but the old personal property tax.

About ten years ago the assessors of the different towns and cities found that they were not collecting the personal property tax on automobiles as they thought they should. A great many people owned automobiles up to October, November and even March and then traded them in and did not take delivery of a new car until after April 1st. This seemed unfair to the assessors and so there was worked out this motor vehicle excise tax. The purpose of the tax was that the money collected should go to the city or town where the personal property tax would have been paid.

Due to the fact that there was not any such law in any other state of the United States, there was some difficulty in working out the thing so that it would cover the whole situation exactly as was intended. The committee working on the bill did the best they could, and in order to make sure that no one was missed and no one was left out, they used the state as a catch-all, so that if any motor truck did not pay a tax to a town or city or was not obligated under the law to pay a tax to a town or city then they would not get by without paying any tax, so the State was inserted there.

As Mr. Ellis has said in his argument against this bill, the trucks use the State Highways. You follow that argument to its logical conclusion and you will see that you use your automobile on the State Highway. I use my automobile on the State Highway, therefore I should pay my automobile excise tax to the State Department and you should pay your automobile tax to the State Department.

This is simply a correction of an error made ten years ago. I drew the original bill ten years ago, and I would like to correct a mistake I made then. I hope the bill will not be indefinitely postponed.

Mr. HINMAN of Skowhegan: Mr. Speaker, I will say I do not want to appear strictly in opposition to the committee report, but it is by understanding that the passage of the

committee report means the taking away from the department of the Secretary of State, Division of Motor Vehicles, ten thousand dollars a year. I believe that it is also the opinion of that department that the fee can be collected with more certainty under State regulation than it can under town or city regulation. Those are just things that might be worthy of consideration.

Mr. FLANDERS of Auburn: Mr. Speaker, I will say that this means a loss of from one thousand to fifteen hundred dollars to the City of Auburn from people who have cars the same as the member has spoken of and which are located in our town. Now I do not know why the City of Auburn should not receive the license fees on these cars, just the same as if they were residents. I hope this bill will be indefinitely postponed.

Mr. ELLIS of Fairfield: Mr. Speaker, it would seem as though this law had worked out fairly and all right for the past ten years, and while we cannot blame any town or city if they see a chance for increase in their revenue to get it if they can, it would seem that rather than change the procedure in the law that we had better let it remain where it is. For that reason, I would support the motion of the gentleman from Castle Hill (Mr. Ellis) to indefinitely postpone.

Mr. HINCKLEY of South Portland: Mr. Speaker, as the law reads at the present time, it says: "Provided further that a non-resident registering a motor vehicle in this state shall pay to the municipality of the state where he is occasionally or temporarily residing * * *." In my opinion, the law as it is at the present time would cover the situation, but the amendment as provided for in the bill or the bill as it is now will take care of the situation and clarify it so that we will know exactly what it means. It says that a non-resident shall pay to the municipality. Now undoubtedly that was intended to mean non-resident persons as well as corporations, but it is not clear as the law reads at the present time. Now we have simply inserted in there "non-resident person" and it is provided also that foreign corporations shall be included. In my opinion, it does not materially affect the law as it is now, but it simply clarifies it, and I hope it will not be indefinitely postponed.

The **SPEAKER**: The pending question is on the motion of the gentleman from Castle Hill, Mr. Ellis, that the bill be indefinitely postponed. As many as are in favor of the motion of the gentleman from Castle Hill to indefinitely postpone the bill will say aye; those opposed no.

A viva voce vote being doubted, a division was had.

Thirty-five having voted in the affirmative and 65 in the negative, the motion to indefinitely postpone did not prevail.

The bill was thereupon given its third reading and passed to be engrossed and sent up for concurrence.

The **SPEAKER**: The Chair lays before the House the thirteenth tabled and unassigned matter, communication from Townsend Club No. 1 of Gardiner requesting a memorial to Congress to enact into law the Townsend Business Recovery Plan, tabled March 12 by the gentleman from Rangeley, Mr. El-

lis, pending consideration; and the Chair recognizes that gentleman.

On motion by Mr. Ellis the communication was placed on file.

On motion by Mr. Viles of Augusta, it was voted to take from the table the seventeenth unassigned matter, bill an act relating to the safe-guarding of clam flats, H. P. 631, L. D. 189, tabled March 16th by that gentleman, pending third reading.

Mr. **VILES**: Mr. Speaker, it appears that at least three members of the committee on Sea and Shore Fisheries were absent when the bill was reported out. I therefore move that it be recommitted to the committee on Sea and Shore Fisheries, and sent up for concurrence.

The motion prevailed.

On motion by Mr. Whitney of Bangor,

Adjourned until ten o'clock tomorrow morning.