

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, April 11, 1939.

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

Prayer by the Rev. Mr. Poole of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Final Reports

From the Senate:

Final Report of the Committee on Indian Affairs.

Final Report of the Committee on State Sanatoriums.

Come from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Bill "An Act relating to Compensation of the Register of Probate of York County" (H. P. 941) (L. D. 369) on which Report A "Ought not to pass" was accepted in the House on April 5th.

Comes from the Senate, in that body Report B "Ought to pass" accepted and the bill passed to be engrossed in non-concurrence.

In the House:

Mr. FORD of Saco: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Saco, Mr. Ford, moves that the House recede from its former action whereby it accepted Report A of the Committee on Salaries and Fees "Ought not to pass," and concur with the Senate in the acceptance of Report B, "Ought to pass." Is this the pleasure of the House?

The motion prevailed.

From the Senate: Bill "An Act relative to the Use of Buckshot in Hunting Deer" (H. P. 2153) (L. D. 1130) which was indefinitely postponed in the House on April 5th.

Comes from the Senate, passed to be engrossed in non-concurrence.

In the House:

Mr. HOWES of Charleston: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Charleston, Mr. Howes, moves

that the House insist on its former action whereby the bill was indefinitely postponed, and ask for a Committee of Conference. Is this the pleasure of the House? All those in favor of the motion of the gentleman from Charleston, Mr. Howes, that the House insist on its former action will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will announce the committee later.

From the Senate: Joint Order recalling to the House from legislative files H. P. 1343, L. D. 544, Act Establishing a Low Rate Tax on Intangible Personal Property in accordance with Constitutional Amendment Permitting the same—which was passed in the House on April 7th.

Comes from the Senate, indefinitely postponed in non-concurrence.

In the House:

Mr. MARSHALL of Auburn: Mr. Speaker, I would just call the attention of the members of the House to the fact that this was the matter we discussed last Friday morning, concerning a reduction of tax under the present law on intangible property in the State, for the purpose of reducing real estate taxes in the State of Maine. More than two-thirds of the members of this House indicated a real desire to have that bill brought back to the House. Therefore, in view of our position last Friday, I move that the House insist upon its former action and that a Committee of Conference be appointed.

Mr. PAYSON of Portland: Mr. Speaker, I move that the House recede and concur with the Senate in the indefinite postponement of this measure.

In support of my motion, I would like to say this: If this bill is for the purpose of reducing real estate taxes, I do not believe that it will do it, and the people of the State of Maine did not believe that it would do it in 1933 when they killed this exact measure by an amendment when they voted in a state-wide referendum.

If this bill is for the purpose of raising funds for old age assistance, which would be the danger if it were brought back here, it would mean an increase in your real estate taxes, because the property

which is now taxed as intangible in all your cities and towns would be taken out of that and you would have only this low rate which would take care of the situation, and the money will go for old age assistance, and you will have to raise further money on your real estate in those towns.

This bill was heard and reported unanimously by the Committee on Taxation in this Legislature and reported unanimously "Ought not to pass". If this Legislature is going to dig back into the files every few minutes to recall bills that have already been killed, we will be here for the rest of the summer, and, personally, I want to get home and get my spring plowing done after these harrowing experiences.

Mr. MARSHALL: I simply want to say this in reply to the gentleman from Portland, Mr. Payson: It is true that a few years ago this particular measure was before the voters of the State, but it read in this way, or words to this effect, only it had the appearance of reducing the tax on intangibles to a low rate.

Now under our present law, as I pointed out to the members last Friday, these intangibles, except for the exemptions, are all taxable and assessable at the same mill rate as your real estate, but of the six hundred and seventy-one millions of intangibles estimated in the State, only about eight million dollars of that is assessed. Now of course psychologically it is always easy to get the populace as a whole to vote against taxation; but that was for the purpose of reducing your tax, and, to use reverse English on my previous statement, the people might very well have indicated by their vote that perhaps they did not want any reduction on intangibles, having in mind they were already being taxed. That is not true. Therefore, the motion of the gentleman from Portland, Mr. Payson, that the House recede and concur with the Senate in the indefinite postponement of this measure, which motion would precede mine under the rules, I hope will not prevail.

Mr. MURCHIE of Calais: Mr. Speaker, this whole matter resolves itself into whether we are going to be consistent or not. I have the highest possible regard for the gentleman from Auburn (Mr. Marshall), but if this House decides to take that action, it will be putting itself in the position of being the

most inconsistent body that ever lived. We turned down the income tax a very few days ago by quite a majority, and this measure, if passed, would bear down more heavily than that tax itself on the very people whom we are trying to keep in the State of Maine so they may die and we will have whatever they leave. I am against the motion of the gentleman from Auburn, Mr. Marshall.

The SPEAKER: The gentleman from Auburn, Mr. Marshall, moves that the House insist on its previous action whereby it passed this order. The gentleman from Portland, Mr. Payson, moves that the House recede and concur with the Senate in the indefinite postponement of this Order. The motion to recede and concur takes precedence over the motion to insist. The question before the House, therefore, is on the motion of the gentleman from Portland, Mr. Payson, that the House recede from its former action and concur with the Senate in the indefinite postponement of the Order.

Mr. MARSHALL: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Auburn, Mr. Marshall, asks for a division. All those in favor of the motion that the House recede and concur with the Senate in the indefinite postponement of the Order will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had. Fifty having voted in the affirmative and 59 in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is on the motion of the gentleman from Auburn, Mr. Marshall, that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will announce the Conference Committee later.

The following remonstrance was received, and upon recommendation of the Committee on Reference of Bills was ordered placed on file:

Remonstrance of James C. Chute and 30 others of Naples and Casco against passage of legislation repealing the 3 day Fishing License (H. P. 2220) (Presented by Mr. Meserve of Casco)

Sent up for concurrence.

Reports of Committees House Committee Report

Mr. McGlauffin from the House Committee on Leave of Absence, on being informed of the absence of Mr. Luro of Orono, on account of a recent automobile accident, reports that he be excused from attending the sessions of the House until he has recovered.

Ought to Pass in New Draft

Mr. Pike from the Committee on Sea and Shore Fisheries on Bill "An Act relating to a Bounty on Seals" (H. P. 1205) (L. D. 459) reported same in a new draft (H. P. 2219) under same title and that it "Ought to pass."

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

First Reading of Printed Bills

Bill "An Act relating to Elections in the city of Biddeford" (H. P. 1162) (L. D. 481)

Bill had its two several readings.

Mr. Donahue of Biddeford, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1162, L. D. 481, Bill "An Act relating to elections in the City of Biddeford."

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

Sec. 3 Referendum. This act shall be submitted for approval or rejection to the qualified voters of the City of Biddeford at a special election held for the purpose, or at any regular election, held before January 1, 1941, and warrants shall be issued for such election in the manner now provided for holding municipal elections, notifying and warning the qualified voters of said city to meet in the several ward rooms of said city, there to cast their ballots concerning the acceptance of this act. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the Legislature in the year 1939, entitled, 'An Act Relating to Elections in the City of Biddeford', be accepted?" which question shall be printed on the official ballots and at said election the voters of the City in favor of accepting the act shall vote "Yes" and those opposed shall vote "No." Otherwise said ballots shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the pre-

paration of voting lists for municipal elections shall apply to such election, and said election shall in all other respects be conducted according to law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of the mayor. If a majority of the valid votes cast as aforesaid shall be in favor of accepting the same, then this act shall forthwith take effect as herein provided. So much of this act as authorizes the submission of this act to the voters of Biddeford shall take effect as provided in the constitution, but it shall not take further effect unless adopted by said voters as hereinbefore provided.

Mr. DONAHUE: Mr. Speaker, and members of the Eighty-ninth Legislature: Yesterday, I told this House that the citizens of the city of Biddeford, including practically every business man and every manufacturer in the city, did not want this bill. This bill was the only bill that came out of the Legal Affairs Committee involving any change relative to election laws or city charters or otherwise, in any municipality in the State of Maine, which did not carry with it a referendum clause submitting to the people in the town or city affected the right to say whether they want it or not.

I believe the citizens of Biddeford, the people who pay the State tax, the people who pay the county tax and who pay their municipal taxes, who support the schools there and the other functions of local government, should be given the right, the same as any other municipality, to say whether or not they wish this change.

Mr. DOW of Norway: Mr. Speaker, just a brief word. The gentleman from Biddeford, Mr. Donahue, I think is correct when he makes the statement that this is the only bill that comes out of the Legal Affairs Committee regarding elections without a referendum. I think that is correct.

Just to refresh the memory of the members of the House, I will say that the law passed at the special session of 1933, Chapter 118, if I remember correctly, not only did not contain a referendum to the people of Biddeford, but was passed as an emergency measure. Apparently they were not as solicitous of the welfare of the citizens of Biddeford in 1933 as they are in 1939.

Mr. VARNEY of Berwick: Mr. Speaker, I move that this amendment be indefinitely postponed, and I do not propose to burden the House further with any more argument for or against this bill. I simply want to say that this amendment will, in effect, kill the bill because of the fact that the city of Biddeford is so predominantly Democratic. I think almost every one in this Legislature will recognize that to be so. If you do not think it is so, look at the results of the last election and you will see that the Democratic machine not only have control of things in Biddeford, but that they propose to continue to control them. For that reason, I renew my motion that this amendment be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that House Amendment "A" be indefinitely postponed.

Mr. VARNEY: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Berwick, Mr. Varney, asks for a division. Is the House ready for the question? All those in favor of the motion of the gentleman from Berwick, Mr. Varney, that House Amendment "A" be indefinitely postponed will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had.

Eighty-six having voted in the affirmative and 26 in the negative, the motion prevailed, and House Amendment "A" was indefinitely postponed and tomorrow assigned for third reading of the bill.

First Reading of Printed Bills (Continued)

Bill "An Act to Amend the law relative to Commitment of the Insane" (H. P. 1325) (L. D. 546)

Bill was read twice and tomorrow assigned.

Passed to be Engrossed

Bill "An Act relating to Financial Responsibility" (H. P. 1424) (L. D. 608)

Bill "An Act relating to Jury Commissioners" (H. P. 2201) (L. D. 1146)

Bill "An Act relating to the Department of Sea and Shore Fisheries" (H. P. 2202) (L. D. 1147)

Bill "An Act relating to Protection of Trees, Shrubs and Nursery Stock" (H. P. 2205) (L. D. 1154)

Bill "An Act relating to Child Welfare" (H. P. 2206) (L. D. 1151)

Bill "An Act relating to Arrests" (H. P. 2207) (L. D. 1150)

Bill "An Act relating to Complaint in Cases of Neglect to Children" (H. P. 2208) (L. D. 1149)

Bill "An Act relating to Civil Actions for Death" (H. P. 2214) (L. D. 1152)

Bill "An Act relating to State Police" (H. P. 2215) (L. D. 1153)

Resolve relating to the Construction of a Dormitory at the Prison Farm (S. P. 552) (L. D. 1078)

Resolve relative to the Trapping of Muskrats (S. P. 630) (L. D. 1144)

Sent up for concurrence.

Amended Bills

Bill "An Act Defining and Prohibiting Unfair Sales Practices" (S. P. 324) (L. D. 577)

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

Bill "An Act relating to the County Commissioners of Androscoggin County" (H. P. 2061) (L. D. 1097)

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

Bill "An Act relative to Court Proceedings in relation to the Enforcement of the Inland Fish and Game Laws" (S. P. 215) (L. D. 287)

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

Passed to be Enacted

An Act relating to Dealers in Motor Vehicles (S. P. 385) (L. D. 786)

An Act relating to Apportionment of Motor Vehicle Registration Fees Paid by Inhabitants of Swan's Island, Isle au Haut and Cranberry Isles (H. P. 1220) (L. D. 462)

An Act relating to Removal of Infected Persons and Goods and Securing Infected Articles (H. P. 1601) (L. D. 912)

An Act relating to Real Estate Brokers (H. P. 1616) (L. D. 865)

An Act relating to Impersonating Justices or Officers (H. P. 1617) (L. D. 705)

An Act relating to the Sale of Wood by the Load (H. P. 1893) (L. D. 1022)

Orders of the Day

The Chair lays before the House the first item of unfinished business—

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

Mr. PAUL: Mr. Speaker, I move to reconsider L. D. 928 which was passed yesterday to be engrossed, being the eighth item on yesterday's calendar under unfinished business.

The SPEAKER: The gentleman from Portland, Mr. Paul, moves that the House reconsider its action of yesterday whereby it passed to be engrossed Resolve Creating a Recess Committee on Motor Vehicle Legislation (H. P. 1699) (L. D. 928). Is this the pleasure of the House?

The motion prevailed.

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

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

House Amendment "A" to H. P. 1699, L. D. 928, Resolve, Creating a Recess Committee on Motor Vehicle Legislation.

Amend said Resolve by adding at the end thereof the following: 'Said expenses shall not exceed the sum of \$200.'

Thereupon House Amendment "A" was adopted, and the Resolve was passed to be engrossed as amended by House Amendment "A", and sent up for concurrence.

The Chair lays before the House the first item of unfinished business, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act Relating to Liability for Damage Caused by Motor Vehicles" (H. P. 556) (L. D. 227), both reports tabled on April 7th by Mr. Thorne of Madison, pending acceptance of either; and the Chair recognizes that gentleman.

Mr. THORNE: Mr. Speaker, I move the acceptance of the minority report, "Ought to pass" on this bill.

Members of the House: When you hear a speaker and you have been here long enough this session I think, so that when you hear a speaker say that he intends to make a few brief remarks, that should be your cue to bolt for the door.

Two years ago I sponsored this bill, the same bill, in this Body. I realized during the late days of the session that it could not pass and I then stated that if I were returned to the Legislature this session that I would re-introduce that measure, or a like one, and work for its passage. I have re-introduced it myself and I have not been able to do any personal work looking toward its passage. I have not solicited a single member of the House, Senate or my committee in behalf of the passage of this bill, and I have made no argument before the Judiciary Committee for it. I want to say at the outset that I have no interest in the passage of this bill, financial or otherwise, in any way, except as a citizen of this State and an attorney at law who has and hopes to represent clients who are trying to recover damages for the negligence on the part of operators of motor vehicles. There were, however, before our committee, many opposing the measure. There was able representation by counsel for the Association of Casualty Insurance Executives, the Maine Association of Insurance Agents, representatives of insurance companies and insurance agents that filled the room, those whom I was acquainted with, many of whom were my warm personal friends, as well as those whom I did not know.

This is a matter that is of great importance to each and every person in the State of Maine who uses our highways in any way. It is not primarily a safety measure, but it is a protective measure for you and me and every other citizen who operates a motor vehicle upon our highways.

Now this bill is L. D. 227. It is called by almost everybody the compulsory automobile insurance bill. Call it that if you wish, but there is an election in the provisions of this bill what you may do under it. You may insure or you may file a bond or you may satisfy the Secretary of State of your financial responsibility. If you do any one of these three, you have met the provisions of this bill.

It has insurance coverage to \$1,000

for property damage; coverage of \$5,000 for injury to one person, and up to \$10,000 for more than one person.

The law as we now have it is the Financial Responsibility Act. It is no good whatever for the first accident. In other words, the law as we have it now, gives an irresponsible individual who may own an automobile, an opportunity to smash up one car and injure the occupants thereof without paying anything. The purpose of this bill is to make that man, when he has his first accident for which he is responsible, for which he is to blame, financially responsible, because I say to you that the occupants of the car in his first accident are just as dear and just as precious to somebody as the occupants of the second car after he has gone free in the first accident. I think it is rather a ridiculous situation to say to a man on the highway who is operating an automobile, an old nine dollar jalopy, with no insurance, no brakes, no brains in the driver, no money in the bank, that he can have an opportunity and right to smash up one car for you and then say to him: "That is all right so far, but before doing it again you must have insurance, file a bond with the Secretary of State of your financial responsibility." That is what the law is at the present time. That is all the law you have as a protection against that kind of man on the highway. It interests me and it ought to interest you because if you are involved in an accident with that man, whatever the damage to your property may be and the injury to yourself or family, you can recover nothing.

I say that a man has no moral right, even though today he has a legal right—he has no moral right to be given a death-dealing device like an automobile and go upon our highways without any financial responsibility for the negligent act which he commits. You order him to have a registration and to have a license to operate that motor vehicle but you say to him: "It is all right, you may go out now and do anything you want to once, but be careful because you can do it but once."

Now the State of Maine today realizes the need of this bill because the law today requires busses to be insured, it requires public cars under the "H" registration to be insured, and it requires common car-

riers operating trucks to be insured. Now why does it do so unless it realizes that there is a crying need for some financial responsibility behind the operators of those motor vehicles.

Now the opponents of this measure cite the Massachusetts law as the boogeyman to swing before you as scaring you against this protective measure. It is the only law in the United States, I think, known as the compulsory insurance law and they cite the bad features and bad experience that Massachusetts has had to scare you away from the adoption of a good law in a good State that will be honestly administered.

Now at this time I want to pay a compliment to the profession of which I am a member. The Bar of the State of Maine compares favorably with the Bar of any state in this Union. There has been trouble in Massachusetts due to wrong acts by members of the Massachusetts Bar by conspiracy between them and members of the medical profession to extort money from insurance companies under this act, but notwithstanding all those things, Massachusetts still has the law, and I say to you that if you pass this law you need have no worry or fear about the action of any member of the Maine Bar because that Bar is under the close scrutiny of the Courts of this State and the Bar Association of this State. To my knowledge there is nobody in that profession who would stoop so low as to enter into any conspiracy to extort money from the insurance companies, and if he did he would not go far with it in this State. So I say the comparison between the Massachusetts law and the Maine law is not a fair one.

Now they try to scare you by saying that the rates will be prohibitive. That is not so because the rates primarily are based upon traffic, and the City of Boston is known to us to have the worst traffic problem in the world. The rates probably in Boston are higher than in any other place—I am not sure about that—but the rates are established by the congestion of traffic.

The rates for insurance for liability in this State are established by zones so that the rate in the zone of Madison or Millinocket or Houlton is a lot less than it is in the zone including Portland. You see the reason is on account of more traffic there than farther inland,

so the rates will be established as they ought to be regarding traffic.

Another argument put forth by the opponents is that it would clog the dockets of the Courts of this State. Now I know something about the trial dockets of the Courts of this State and I say to you that it is absolutely true that there is not Court business enough in the State of Maine in the Superior Court, outside of Cumberland County, to keep the Court busy and the lawyers from starving to death. The Massachusetts Court dockets are clogged somewhat but they always have been, and it takes sometimes from two to four years to get to trial in the Massachusetts Courts from the time you enter the writ. But that was true before the adoption of the compulsory automobile insurance act.

One of the reasons for the clogging of those Court dockets is that in Massachusetts where all defendants have to be insured, the plaintiff knows that if he can establish liability on the part of the defendant, he may sue to recover the money.

In Maine many, many suits that ought to be brought are never brought because while the plaintiff knows that he can establish liability, the bringing of a suit is an idle and expensive gesture because having recovered judgment against the financially irresponsible defendant he can never collect it, so why go to the expense and trouble of bringing suit when you know you can never collect a cent?

I have practiced law quite a long time and I hope to be able to for some time yet. There come to my mind three cases. There are others and there will probably be others if the State of Maine does not pass this bill. They are pitiful cases where the plaintiff has a clear case, where suit was brought and judgment recovered and then there was no money ever paid. I will cite one.

About a year ago, or perhaps two years ago, and I know about the accident, a man brought into my office his daughter about seventeen or eighteen years of age, a beautiful girl, and she had been in the hospital a long, long time. She was grievously injured, one or both legs broken, internally injured, and that beautiful girl was a physical wreck. She is now and always will be, and the man who drove the car

that caused the injury to her is financially no good. But he was out on the highway, and because of the grievous injuries to that girl, the hospital bill was \$400, and the father could not pay it. The hospital has never received it and never will. I brought suit for the father and for the girl and the father was so poor that he had to leave the State and finally when the suit came up for trial—it never came to trial—the father was not able to come back to Skowhegan for the trial because he was not financially able and he did not come back. I had to honestly advise them that while he had a clear case, probably he could never recover anything, and the suit was entered on the docket “neither party”, which means dismissed. This, as a lawyer would state it, was a perfect case on the question of liability but I knew that no money would ever be recovered. Now if that man had been obliged to be insured, either he would not have been on the highway without insurance or, having insurance, that girl could have recovered pecuniary damages for injuries, and her father could have recovered what he had to pay out for her injuries, and the hospital would have had its money, and, outside of permanent injuries, they would have been in as good a position as they possibly could be. That is only one situation. You lawyers know of many other cases besides that. Those things will continue unless the State of Maine does something to protect the man, you and me, on the highway against those irresponsible drivers of automobiles.

One man before the committee gave this illustration: A poor man going to work should not be obliged to insure his car. Now I want to discuss this proposition. Suppose that this poor man is not financially able to buy an insurance policy but, by his labor, has accumulated a house, a home, and an automobile, and he has paid his bills the best he could and put a little money in the bank. Perhaps his home is worth \$3,000. Another workman comes along and Mr. A runs into him. Neither man is insured. Mr. A—the one I first cited, runs into him and is to blame for the damages—admits it. Mr. B brings suit against him and recovers to the extent of the damage to his property and the injuries to his person in the amount,

we will say, of \$4,000. Mr. B can levy upon the property of A and he does so and he takes the life savings of Mr. A, who had no insurance, and Mr. A's family is penniless, and still Mr. B has not recovered what he ought to recover, and both men are out of pocket. Now if Mr. A had been insured, Mr. B would have recovered his \$4,000 damage and it would not have cost A another cent. Is there anything very bad about that kind of law?

I want to quote just a moment in these brief remarks something from the New York Commissioner of Insurance. I quote: "A suggestion that by using the Massachusetts Compulsory Automobile Liability Insurance Law as a base, eliminating its known weaknesses, and adding some additional features and safeguards, 'a reasonable, practical and sane law' could be produced for New York is made by Superintendent Louis H. Pink of the New York Department, in his report to the legislature. A compulsory law, he says, is not likely to meet the favor of the legal profession, as it would remove from the field of litigation the major source of business so far as the law of negligence is concerned, and likewise it is probable that private insurance enterprise would vigorously oppose such a law, as it readily suggests the establishment or extension of state insurance funds. However, he says that in the view of the department, it is dubious that the efforts of insurance enterprise appreciably to increase the number of uninsured cars will be successful, and 'therefore, it is reasonable to assume that the answer will be legislation on the subject.' 'While there are those who will oppose any legislation compelling automobile insurance in any form,' he concludes, 'the department is not convinced that insurance companies, agents or brokers will generally take such an attitude. It is rarely possible to satisfy everyone concerned in every aspect of a matter as controversial as compulsory automobile insurance has proven to be. However, the department is of the opinion that if the major objections to the Massachusetts plan, briefly discussed herein, are substantially overcome, the objections of insurance enterprise generally will be greatly minimized.'"

Now, Mr. Speaker and members of the House, this lengthy discourse

is finished. I do not ask you to think as I do because there is no reason at all for you to vote on legislation just because one man asks you to vote for a bill. You are sent here and come here to vote according to the dictates of your own conscience and what you think would be right and for the best interests of the people of the State of Maine. You will do that regardless of whatever they ask you. I do ask you to give it careful consideration.

The SPEAKER: The gentleman from Madison, Mr. Thorne, moves that the House accept the minority report of the Committee on Judiciary, reporting "Ought to pass" on Bill "An Act Relating to Liability for Damage Caused by Motor Vehicles". The Chair recognizes the gentleman from Lincoln, Mr. Weatherbee.

Mr. WEATHERBEE: Mr. Speaker and ladies and gentlemen of the House: The majority of the Judiciary Committee, after a lengthy hearing and full consideration of the many different angles of this proposed legislation, have concluded that compulsory insurance for Maine is inexpedient and unwise. In support of that conclusion, let me review briefly the evidence and arguments submitted before your committee.

Compulsory automobile insurance is, as a matter of fact, nothing more or less than a tax on all the motorists of Maine to pay for the accidents and damage occasioned by the 7% of our drivers who are reckless or negligent. It thus represents an arbitrary liability without fault on every motorist regardless of his driving record or whether or not he is a reckless or careful driver. The careful driver is thus compelled to pay for the damage occasioned by the reckless driver. The reckless driver, in turn, is in no way penalized but rather pays no more for his accidents than the careful driver does for no accidents. Thus, the very basis of this tax is unfair.

The proponent of this measure has argued that it is not a tax and that it is not compulsory insurance because there is an election for the man registering his car whether he will take out insurance on his car or whether he will furnish a bond to satisfy the Secretary of State as to his financial responsibility.

Thus you see it is very plain that it is not compulsory insurance for the wealthy man but it still remains compulsory insurance for the poor man and the man of moderate circumstances, because obviously he cannot furnish a bond nor can he so satisfy the Secretary of State. The only recourse left for him is compulsory insurance.

By the most conservative estimate, this measure would tax the motorists of Maine between four and five million dollars annually or at least from twenty-four to twenty-eight dollars a car on top of the present registration fees. And, if we are to learn from our only precedent in this field, Massachusetts,—and certainly that is the only example open to us—if we are to learn from their precedent we will find that this is only the beginning, as in that State insurance rates have increased markedly under a similar law. This would be the cost to the owners of motor vehicles, and this measure would also mean a tremendous increase in cost to the general taxpayer. Court costs and expenses would increase due to increased litigation. The appropriations for the Secretary of State's department would have to be increased to take care of the expense involved in checking and recording bonds and certificates of insurance and holding hearings. The appropriation of the Insurance Department would have to be increased to allow for the tremendous work involved in the investigation and determination of rates.

This, briefly, would be the cost of this measure. In these days when we are considering ways and means of economy in order to meet imperative needs and demands of the people without imposing additional taxation, the need for this legislation should certainly be far greater than any other now before us to justify imposing this cost which runs into millions of dollars.

What is the need that would justify such a tax? Proponents of the measure say that it is necessary to compensate persons injured by drivers financially unable to pay for the damage caused. And undoubtedly many cases of unjust loss may be cited. We must, however, determine the proportionate need of such a tax, and not be guided by isolated cases, of which we all know.

To intelligently determine whether or no this tax should be im-

posed, we should know how many accidents there are, in how many of the cases the motorist is solely responsible, how many of such motorists are insured or financially responsible to pay the damage already, and, most important, how many persons go uncompensated. And on these very important questions we have no accurate data but only vague allegations.

The only finding of fact made by the majority of the Recess Committee appointed four years ago was that since 300,000 accident fatalities occurred in the United States in a ten-year period, Maine should have compulsory insurance. The minority of that committee found that "the problem presented by the comparatively small number of damage claims which cannot be collected does not present a state-wide problem of sufficient importance to justify the exercise of the police power in the passage of a Compulsory Insurance Act."

A California Recess Committee conducted a thorough investigation of such need, contacted all attorneys and relief agencies, and, finding the amount of uncollected judgments very small and not one accident victim on relief, concluded:

"That financial losses result from death, injury and property damage sustained in automobile accidents is, of course, beyond question. But that such losses remaining uncompensated do not reach the huge totals that have at times vaguely and without supporting data been alleged seems equally beyond doubt in the light of all positive findings."

It seems obvious, therefore, that no need commensurate with other needs and demands now before us appears to justify this legislation.

It is obvious, moreover, that this bill as presented would benefit but very few of the persons who might be injured by motor vehicles. This measure is not designed to compensate all persons injured in motor vehicle accidents but only those who have a legally enforceable case. In other words, the motorist must be solely responsible for the accident and the injured party not in any way contributorily negligent. Surveys of accidents have shown that in only about 50% of all accidents is the motorist liable to pay for the damage. Thus 50% of all injured parties would be without recourse even if this law were passed.

Furthermore, under the provisions of this bill, the remaining fifty per

cent who might conceivably have a legal cause of action would remain unprotected because of the many loop-holes in this bill. The bill does not cover non-resident or foreign cars, but allows them to use our highways without being insured. In the absence of statistics, we can only guess at the number of accidents caused by these cars, but, in view of the large amount of tourist traffic which we have in the State of Maine, especially during the spring and summer and fall, it appears that this percentage is likely to be very high.

No other state but Massachusetts has compulsory insurance, and in that State a large percentage of Massachusetts cars do not carry extraterritorial coverage because of the high cost of the compulsory policy in their State, which means that Massachusetts cars are driven on Maine's roads and cause accidents on our Maine highways, and a large percentage of those cars do not carry insurance which covers them against accidents in the State of Maine. Of the remainder to be protected by this act, the vast majority of them are small claimants who could and should be paid by the party causing the accident, not by such a tax on all motorists. Massachusetts experience shows that of all claims paid for personal injury accidents 84% were under \$334.

The primary function of the State is to protect the safety of its citizens. As a proponent of this tax said, "Compulsory insurance is not a safety measure." And of course that is obvious. Many of the recess committees which have investigated the Massachusetts law have reported their conclusion as being that compulsory insurance increases accidents. In the three-year period from 1935 to 1938, our safety campaign, carried on under a very meager appropriation, was instrumental in reducing highway fatalities by 17%. Our proposed appropriation for State Police during the next biennium is only \$290,000 annually and no appropriation has been made for safety promotion. How much more effectively such an amount of money as that involved in the cost of the proposed bill could be used in promoting safety on our highways and in saving lives.

These were the arguments which particularly influenced and affected the opinion of the majority of the Judiciary Committee. We were con-

vinced that compulsory insurance necessitates a tax entirely disproportionate to any need, and, because it will not do what it was designed to do but rather imposes a tremendous burden on those least able to pay, I urge the acceptance of the majority report "Ought not to pass," and I hope that the motion of the gentleman from Madison, Mr. Thorne, will not prevail.

Mr. SMITH of Thomaston: Mr. Speaker, in support of this measure, I would like to state the following case that happened to us:

Our son's car was run into by a young man who had purchased a car for right around \$50, and who had not paid anything down on it but was going to pay for it on the installment plan. As to how he was going to get the money, I do not know. This boy made a sharp left turn for some unknown reason and smashed our son's car into a lamp post, doing about \$200 damage to the car, and our son suffered a slight concussion of the brain. The result was that we had to pay all the expenses, with no chance for recovery from anyone.

I think that the motion of the gentleman from Madison, Mr. Thorne, should prevail.

Mr. HINCKLEY of South Portland: Mr. Speaker and members of the House: In spite of the statement of the gentleman from Madison, Mr. Thorne, that usually when anyone says they are going to say a very few words it is usually a sign for the members to bolt for the door, I want to assure you that I shall promise to say a very few words on this subject.

Further elaborating what the gentleman from Madison, Mr. Thorne, has said in regard to crowded dockets, I want to say that not even in Cumberland County is our docket crowded, because at this very term of court the jury was impanelled yesterday and it is being discharged today. That does not show a very crowded docket, even in Cumberland County, and that is true usually in our county, it is almost impossible to keep a jury there for even one week, because the cases for trial are so very few in number.

Now I think every member of this House recognizes that there has been a crying need for years past for something to be done to protect those people who are injured by the negligence of someone driving an automobile. We have discussed it in

this Legislature and in past Legislatures, and we recognize that something ought to be done, and various remedies have been proposed. I am convinced that this is the best measure that has ever been proposed by this or any other Legislature and that we would do well to pass it, in order to protect those people who have been injured by automobiles.

In my practice, which has extended not very many years, but over a period of twenty-seven years—and every lawyer can say the same thing—I have known many cases where there have been injuries and absolutely no recovery. That has been true in my own experience, and I know it has been true in the experience of others.

Just one other thing I want to state, and I am through. There is in my town at the present time a young woman who was injured a matter of two or three years ago. She was seriously and permanently injured. She brought suit and liability was established, and she had a recovery of something over \$20,000, if my memory is correct. That man who caused this injury immediately went into bankruptcy, and that woman is now a permanent cripple, and she will never get out of the hospital.

I say something ought to be done to protect cases such as this, and I know of no other way except that you make the person who sees fit to have an automobile and drive it guard those people whom he, through his negligence, sees fit to injure. I hope this measure has passage.

Mr. BIRD of Rockland: Mr. Speaker and members of the House: I am one of the members of the Judiciary Committee who signed the majority report. I think all of the other speakers said that they would be short. I think it is fair for me to say that I am going to be long.

This insurance bill has been before the Judiciary Committee time and time again. Previous to my coming to the Legislature, they had a recess committee, and the recess committee reported to the Judiciary Committee, and there has never as yet been a bill enacted.

Now the gentleman from Madison, Mr. Thorne, in his statement, I think he said that there was nobody appeared for the bill. I think Mr. Thorne is enthusiastic about this bill, but there was a great deal of

opposition to the bill, and, after mature consideration, the majority report came out "Ought not to pass". It seems to me that the question is whether or not the remedy is not worse than the disease here.

Now the matter that impressed me was that if this bill goes through all of the out-of-state cars that come into Maine and have accidents, there is no remedy. Furthermore the statistics show that the accidents increase instead of diminish.

There appeared before the committee a large opposition from the farming element of this State. There was nobody in favor of this bill except, I think, the gentleman from Madison, Mr. Thorne.

Now it is true, from my experience in litigation and in enacting laws and in trying to observe the laws, it is impossible for the Legislature to legislate a law that is one hundred per cent. Now we are here to legislate laws which we believe are for the benefit of most of the citizens. The thing that did impress me, as I understood it, is that you are going to have an increase of premium, and you are going to have an increase of accidents, and this bill is not going to take care of the foreign cars. Therefore, I move that the majority report be accepted.

Mr. WINSLOW of Auburn: Mr. Speaker, I feel that the matter has been gone over quite thoroughly by the two sides during this time, and you have quite a good deal of material here, I think, so I shall be very brief in what I have to say.

I am strongly in favor of the acceptance of the majority report of this committee. I speak perhaps from the insurance agent's standpoint. I think that all of the members of the House will agree that this insurance business is quite a substantial business in the State of Maine at the present time.

I think one of the chief features against this proposed bill is the fact that it is compulsory, and the attitude of our people and our citizens is against anything of that nature. It has been said that this was not compulsory in the way that any insurance company would have to insure undesirable risks. However, it proves out to be practically compulsory. In other words, you take the State of Massachusetts, which, as the other speakers have said, is the only State from which we can draw any comparison. I might say

in 1935, the first year in which we have those statistics, there were 5240 cases in which the companies refused to insure and in which the applicant took it before the proper authorities, and on those cases taken to court on appeal the insurance companies were sustained in only 1857 out of between five and six thousand cases.

It has been said that it would increase very materially our present rates. There is no question about that. You can refer to the State of Massachusetts, and you will find that in a great many sections they have doubled and more than doubled the rates previous to the passage of the compulsory law. It was brought out here this morning regarding the rates in the city of Boston. That is true not only in that locally, but, if you go into the city and the surroundings of Worcester, Springfield and other communities, you will find that the rates are ridiculously high. That compels the farming or rural element to pay those rates as well as the city dweller.

There are several reasons which I would like to present to this House which have increased these rates very materially. There are a few items I have noted down. One is the failure to report promptly and lack of cooperation by the insured. They know they are insured and they don't care whether they report the accident, and they do not care what cooperation they give the insurance carrier, because they know they are protected, otherwise they might be more careful.

The gentleman from Madison, Mr. Thorne, speaks very highly of the attorneys and the doctors in the State of Maine. I have not any doubt of that, and I will agree with him very largely in that statement, but I believe we have human nature in the State of Maine as well as in the State of Massachusetts, and I believe we will be very apt to have certain elements here which would take advantage of that compulsory act. It has been made a racket of the first degree in every way in the State of Massachusetts. Anyone residing there will give definite testimony to that effect.

It is also true it has been the cause of many excessive bills for attendance and treatment which was entirely unnecessary. There were various doctors engaged in this racket, and, as they knew they were

absolutely certain to get their pay, they have not kept their charges as reasonable as they otherwise would have been.

In 1926, when this bill went into Massachusetts, there were 838,000 and some odd registrations, and they had claims on 40,651. In 1935 they had registrations of 958,000, which is about 12 or 13 percent increase with claims on 67,190, an increase of about 46 or 47 per cent in the amount of claims.

I am not going to take any more of your time, because I think the members of this House are very well decided at the present time as to the value of this bill. I wish to urge them, from my own experience in the insurance business, that it would be an unwise bill to pass for the citizens of Maine.

Mr. FARRINGTON of Augusta: Mr. Speaker, in order that I may follow the example of the preceding speakers, I will say that if I talk long no one will be more surprised than I am. I would, however, like to make a few remarks on this bill.

In Massachusetts, in the Opinion of the Justices, 251 Mass. 569, one of the big reasons that the bill was upheld was as a safety measure. Apparently no one now claims it was a safety measure.

I am quoting from the report of the Royal Commission of Ontario:

"The best opinion on Compulsory Insurance Legislation, as for example that of the State of Massachusetts, is that the psychological effect of compelling everyone to take insurance is the reverse of making them careful, for everyone knows that everybody else is insured and that in case of an accident the insurance company and not the person causing the injury will have to pay it."

The New Hampshire court, in the Opinion of the Justices, has expressed doubt as to its constitutionality where it did not apply to residents and non-residents alike, as a discrimination against residents.

Section 1 of the bill provides for insurance or a bond signed by personal sureties or being able to supply proof that the applicant is worth \$11,000. It seems there is another constitutional question involved. It seems as though it is discrimination against the poor man. It allows the man who has property to get his car registered without insurance. Furthermore, even though a man may be worth \$11,000 today which is what he would need under

this act, who knows during the course of the year for which his car is registered whether he will still be worth that or not. The same thing applies to the bond signed by the sureties. It would be possible to get personal sureties on bonds, and at the time they sign it possibly they are worth the amount that is required, but here again who can tell how long they will be in that condition, and maybe the day before the accident occurred the surety may have gone into bankruptcy or something of that sort.

In the first paragraph of Section 2, empowering the insurance commissioner to fix rates, here again is a question of constitutionality. The Massachusetts Court has held as follows:

"Reasonable presumptions are indulged in favor of the constitutionality of any act of a public body brought the courts for review. But there must be some provision for judicial examination of rates when fixed by public authority . . . the provisions will be constitutional if provision is made for a judicial review of the premiums there to be established by the commissioner of insurance and not otherwise."

This bill provides for fixing rates by the Insurance Commissioner, with no provision for review. Furthermore, there is a disparity in rate-fixing. One section provides for the insurance commissioner to fix rates, but another section, Section 3, gives the Secretary of State authority to make special rates in special cases.

Also in Section 2 of the act there is what I believe to be an unjustified delegation of police power, in that it provides that the insurance companies shall inspect all motor vehicles and see that they are in proper order before they shall insure them. That is a function of the State and not a function of the insurance companies.

Another thing, there is nothing in the bill that requires that an accident be reported within a certain length of time.

Section 4 refers to reporting of accidents and states "every person insured, who is involved in any accident, shall forthwith report to his insurer the time, place and cause thereof in writing, and shall forward to his insurer forthwith any letters, claims or summons which come into his possession."

That makes no requirement on the part of the person who is in-

jured—there is no provision as to the length of time in which the injured party may bring suit. They may sit back four or five years and the insurance company knows nothing about the accident, and has no opportunity to investigate it at the time, and knows nothing about it until somebody brings suit. This is just another opportunity for fraud.

I believe that the people of Maine are honest on the whole, but, as somebody has said here, you cannot beat human nature.

In Massachusetts the accident must be reported within thirty days. They seem to have it taken care of.

There is a provision in this act which would include coverage for guest cases. If I am riding with a friend of mine and we are involved in an accident, possibly the person driving the car is guilty of contributory negligence and could not recover. But if I am not negligent in any way, it does not bar me from recovering from my friend with whom I am taking a ride. Massachusetts found that section so bad they have had to repeal that section of the law. However, it is in this law, and that is another argument against this law.

The gentleman from Lincoln, (Mr. Weatherbee) has pointed out that even with compulsory insurance there would not be one hundred per cent coverage. This is absolutely true. Most of us probably feel if we are run into by a Massachusetts car we are covered, because Massachusetts has compulsory insurance. That is not entirely true. In Massachusetts it is possible to get coverage which complies with their requirements and permits them to register their car, but that insurance covers only in the State of Massachusetts, and in order to get coverage in other states they have to go and pay an additional fee of about six dollars; so we do not know, when we are hit by a Massachusetts car, whether they are covered in the State of Maine or not. This being true, we cannot get one hundred per cent coverage on the horrible accidents we have heard of this morning. I have all the sympathy in the world for the parties, but we will still continue to have these horrible examples, as there is not one hundred per cent coverage.

Many states have investigated the Massachusetts law and studied it thoroughly, and, so far as I know,

there has not been anyone that has adopted that law. I agree with the gentleman from Rockland, Mr. Bird, when he says that the by-products of compulsory insurance far outweigh the advantages of the act. I hope that the motion of the gentleman from Madison, Mr. Thorne, will not prevail.

Mr. THORNE: Mr. Speaker and members of the House: I beg your indulgence again while I attempt, in my stumbling way, to answer a few of the arguments proposed by the opponents of this motion.

It is possible, of course, that there may be some question of constitutionality about the bill, but I do not think so. The State of Maine, in its police power, has the right to say what you shall do with your property where it affects the public of this State. The Massachusetts act, passed some years ago, is still the law of that State, and if it were unconstitutional, that matter would have been settled in the courts long before this time.

My esteemed friend, the gentleman from Rockland, Mr. Bird, has said that accidents are increasing and not diminishing. That is true at the present time, but that is not caused by compulsory insurance in Maine, because we do not have it yet. And the fact that accidents are increasing rather than diminishing is an argument in favor of the passage of this bill, because if you are going to have more accidents you ought to have more protection against them.

Now as to the Massachusetts or out-of-state cars involved in accidents in this State, we have a provision of law under which if an out-of-state car or the owner thereof or the operator thereof is involved in an accident in the use of the highways of this State, he can be sued in this State and his property that is here can be attached. In any event, we can have a judgment against him in this State and do the best we can to collect it from his property in other states.

I would admit that this is not perfect legislation, but it appears to me it would be as near to it as could be arrived at at this time, and I think that you ought to give the matter serious consideration.

The SPEAKER: The question before the House is on the motion of the gentleman from Madison, Mr. Thorne, that the House accept the minority report, ought to pass, on

Bill "An Act Relating to Liability for Damage caused by Motor Vehicles." The Chair recognizes the gentleman from Portland, Mr. Cowan.

Mr. COWAN: Mr. Speaker, and ladies and gentleman of the House: I intend to vote in favor of the motion of the gentleman from Madison, Mr. Thorne, and I will tell you why.

For years I have been wondering what we should do in regard to this particular matter, and, in studying the problem, sometimes I was in favor of compulsory insurance and sometimes I was against it. But, in the past two or three years, with the increasing number of accidents and the number of cases where satisfaction is not being paid, I, finally, reluctantly, very reluctantly, have come to the opinion that it is the only solution.

I am not attorney for any liability company. Money for lawyers is not in Mr. Thorne's bill. The lawyers can make more money by keeping the law as it is today. But, for the good of all the people of the State of Maine, and for the protection of my own family and for the protection of your family—and I think probably one hundred per cent of the members of this House have liability insurance themselves—I hope you support the motion of the gentleman from Madison, Mr. Thorne.

Mr. RICHARDSON of Strong: Mr. Speaker, I want to speak in opposition to the motion of the gentleman from Madison, Mr. Thorne, believing that this is injurious and that it is unfair.

I would like to remind the members of this House that organized agriculture in this State is almost united in opposition. This Legislature is pointing now to the fact that it has turned thumbs down on every proposal for a new tax in Maine, and this is exactly what this measure involves, a new tax.

The SPEAKER: the question before the House is on the motion of the gentleman from Madison, Mr. Thorne, that the House accept the minority report, "Ought not to pass." All those in favor of the motion for the acceptance of the "Ought not to pass" report will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had. Nine having voted in the affirmative and 98 in the negative, the

motion to accept the minority report did not prevail.

On motion by Mr. Bird of Rockland, the "Ought not to pass" report was accepted and sent up for concurrence.

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

Order

(Out of order)

From the Senate: The following Order:

ORDERED, the House concurring, that (S. P. 549) (L. D. 1075) Bill "An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey" be recalled from the Governor (S. P. 664)

From the Senate: The following Order:

ORDERED, the House concurring, that (S. P. 131) (L. D. 115) Bill "An Act relating to Aid to Libraries, Expenses of State Historian, Topographic Mapping, and Abolishment of Grade Crossings," be recalled from the Governor (S. P. 663)

Came from the Senate, read and passed.

In the House, were read and passed in concurrence.

The Chair lays before the House the second item of unfinished business, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act Creating a Lien Against Certain Insurance Proceeds in Favor of Hospitals in the State of Maine" (H. P. 1416) (L. D. 606), both reports tabled on April 7th by Mr. Thorne of Madison, pending acceptance of either; and the Chair recognizes that gentleman.

On motion by Mr. Thorne, the majority report "Ought not to pass" was accepted, and sent up for concurrence.

The Chair lays before the House the third item of unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act to Require Security for the Payment of Liability for Damages arising out of Motor Vehicle Accidents, and to Eliminate from the Highways Irresponsible and Reckless Motor Vehicle Operators" (H. P. 1586) (L. D. 875),

tabled on April 7th by Mr. Mills of Farmington, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Mills, the "Ought not to pass" report was accepted and sent up for concurrence.

The Chair lays before the House the first tabled and today assigned matter, Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Fishing Licenses" (S. P. 364) (L. D. 824) reporting same in a new draft (S. P. 629) (L. D. 1143) under title of "An Act relating to Hunting and Fishing Licenses" and that it "Ought to pass," tabled on April 10th by Mr. Downs of Rome, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Downs, the "Ought to pass" report was accepted and the bill was given its two several readings.

Mr. Downs then offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 629, L. D. 1143, Bill, An Act Relative to Hunting and Fishing Licenses."

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

'No resident of the state over 18 years of age and no non-resident over the age of 10 years shall fish in any inland waters of the state except in accordance with the following provisions:

Further amend said Bill by striking out the second sentence in the last paragraph and inserting in place thereof the following: 'Any resident under the age of 18 years may hunt without a license if accompanied at all times by a parent or guardian while in the fields or forests or on the waters or ice of the state with firearms in his possession, except that any resident under the age of 18 may procure a license to hunt by filing with the clerk issuing the license the written consent of his parent or guardian.'

MR. DOWNS: Mr. Speaker and members of the House: I wish to say to you that this amendment simply determines this: That the youth of our State shall not be obliged to take up the burden of taxation or to pay a license fee until they shall have attained the age of eighteen years rather than six-

teen years of age as required in this bill.

I have in mind a specific case this morning of a boy who comes from a large family of children and who, by the greatest degree of frugality, has been able to go through high school and expects to graduate in June. Like many of the other boys of our State, and I was once a boy, he enjoys fishing particularly well. The last time I saw him he was worrying how he was going to be able to pay for his class pictures. That boy may graduate in June, which perhaps might be on a Friday, and he might like to go fishing on the following Saturday, but he finds that he is unable to do so because he has not got change enough left in his pocket to pay for the necessary license.

Members of the House, I leave it to you whether he shall be allowed to go fishing or be obliged to stay at home. I thank you.

Mr. PEAKES of Milo: Mr. Speaker and members of the House: In behalf of this bill, the Fish and Game Committee ruled in their session that anyone over seventy years of age could fish without a license providing they had a license in their possession when they reached the age of seventy. That will take out about \$8,000 from the Fish and Game Department. Reducing this to sixteen would bring it back.

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

The SPEAKER: The gentleman from Rome, Mr. Downs, offers House Amendment "A" and moves its adoption. The gentleman from Milo, Mr. Peakes, moves that House Amendment "A" be indefinitely postponed. Is the House ready for the question? The Chair recognizes the gentleman from Berwick, Mr. Varney.

Mr. VARNEY: Mr. Speaker, as I just read this amendment it occurs to me that a boy between the age of sixteen and eighteen, unless he had a parent or guardian, could not get a license to hunt or fish under any conditions. I do not know whether I am right or not, but the last sentence says: "except that any resident under the age of 18 may procure a license to hunt by filing with the clerk issuing the license the written consent of his parent or guardian." Supposing that he lives with his grandmother. He has not

any parent or guardian and I do not think he could hunt at all under that provision.

Mr. DOWNS: Mr. Speaker, of course as you have recognized before this, I have not had any legal training and I would not be able to determine. The amendment was drawn for me and I presumed it was drawn correctly. If what the gentleman from Berwick (Mr. Varney) says is correct, it can easily be corrected.

In reply to the statement of the gentleman from Milo (Mr. Peakes) I wish to say that if this State has got to rely for its revenue upon men who have passed the age of seventy years and under the age of eighteen, it is much better that we go out of business.

Mr. NOYES of Franklin: Mr. Speaker, in answer to the gentleman from Berwick, Mr. Varney, as I understand the amendment, the amendment simply replaces or keeps in effect the law as it is today. I think it reads the same as Section 6 of this bill on Page 2 of L. D. 1143. Now this age limit of eighteen years was made four years ago in the Eighty-seventh Legislature when the license was increased from fifty cents to one dollar. The thought at that time was that if we were increasing our license fees we were creating a hardship on these young boys and girls and we therefore felt that they should be granted a free license up to the age of eighteen years. I agree with the gentleman from Rome, Mr. Downs, and I hope that his motion prevails.

Mr. LARRABEE of West Bath: Mr. Speaker, all we have had before us this session has been raising revenue to care for the aged. It seems to me that we are doing all we should for the people who have reached the age of sixty-five or more, and it seems to me that this House is stooping pretty low to take the privileges away from the young people previous to eighteen years of age and giving it to men past seventy. When I get to be seventy, if I ever do and probably never will, I shall have had my good times and I will enjoy seeing the young people have a good time, and I now enjoy the company of young people. I want to see those young people happy and healthy and out in the fields and fishing in the brooks. I do not believe there is a man in this House mean enough to take away

that privilege from a boy sixteen years old and give it to a man seventy.

Mr. DeBECK of Holden: Mr. Speaker, I wish to say that I do not come under this age limit in either way. I am past sixteen and I am under seventy. If the Fish and Game Department in the State of Maine, which I respect, needs money so badly that we have to tax the boys and the old men over seventy, I think that they had better try and make some saving somewhere.

Mr. PRATT of Turner: Mr. Speaker, we have had all kinds of bills presented to this Legislature in regard to taxing people in the State of Maine along different lines and you have turned down every taxation measure that affects any member in this House, and now you want to turn around and tax the young boys of the State of Maine. I hope the motion of the gentleman from Rome, Mr. Downs, prevails.

Mr. SPEAKER: The question before the House is on the motion of the gentleman from Milo, Mr. Peakes, that House Amendment "A" be indefinitely postponed. All those in favor of the motion will say aye; those opposed no.

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

The SPEAKER: The question now before the House is on the motion of the gentleman from Rome, Mr. Downs, that House Amendment "A" be adopted. Is this the pleasure of the House?

The motion prevailed and House Amendment "A" was adopted.

The Chair lays before the House, in accordance with House Order adopted yesterday, the first tabled and unassigned matter, Senate Report, "Ought to Pass" of the Committee on Indian Affairs, on Resolve Appropriating Money for Drilling Artesian Wells in the Town of Perry (S. P. 426) (L. D. 970), which came from the Senate report accepted and the bill passed to be engrossed as amended by Senate Amendment A; tabled on April 3 by Mr. Sleeper of Rockland, pending acceptance in concurrence.

The Sergeant-at-arms will see if he can locate the gentleman from Rockland, Mr. Sleeper.

(At this point, Mr. Sleeper returned to his seat)

The SPEAKER: The question before the House is on the acceptance

of the report of the committee on Indian Affairs on Resolve Appropriating Money for Drilling Artesian Wells in the Town of Perry. The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and members of the House: I wish to beg your pardon for holding this matter up in this way. However, I felt if I were not here this would pass anyway. I have had some troubles with the Indians, but I dare now to go out at night, so I now hope that the report of the committee will be accepted in concurrence.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the House accept the report of the Committee on Indian Affairs, "Ought to pass." Is this the pleasure of the House?

The motion prevailed, and the Resolve was given its first reading. Senate Amendment A was read by the Clerk and adopted in concurrence.

The Chair lays before the House the second tabled and unassigned matter, Report of the Committee on Military Affairs on "Resolve Making an Appropriation for the Purchase of Land Adjoining Land of the State Military Department, at Augusta, known as Camp Keyes" (S. P. 328) (L. D. 588) reporting same in a new draft (S. P. 539) (L. D. 1105) under title of "Resolve relative to the Purchase of Land Adjoining Land of the State Military Department at Augusta, known as Camp Keyes," and that it "Ought to pass," which came from the Senate report read and accepted and the Resolve passed to be engrossed as amended by Senate Amendment "A"; tabled on April 3 by Mr. Fellows of Augusta, pending acceptance in concurrence; and the Chair recognizes the gentleman from Augusta, Mr. Farrington.

On motion by Mr. Farrington, the report of the Committee was accepted in concurrence and the resolve was given its first reading.

Senate Amendment "A" was read by the Clerk.

Mr. FARRINGTON: Mr. Speaker, I move the indefinite postponement of Senate Amendment "A."

In support of that motion, I would say that this amendment was put on through some misunderstanding. This bill provides for the purchase of land from an indi-

vidual. The Adjutant-General's Department wished to purchase the land, and the city of Augusta is involved in no way in this purchase. I therefore move that Senate Amendment "A" be indefinitely postponed.

Mr. MILLS of Farmington: Mr. Speaker, I wish to concur with the opinion just expressed by the gentleman from Augusta, Mr. Farrington. I am on the Committee on Military Affairs, and we considered the new draft. This new draft which we presented to the House was not in any way connected with this amendment. We understood that rather than provide money for the purchase of land out there at Camp Keyes, we were giving the Governor and Council power to do it if they found it necessary in order to make Camp Keyes a proper landing field. We passed it along to the Governor and Council, as I understood it, so if occasion arose when it was necessary for the State to purchase this land they would have the power to do it. This amendment does not seem to be germane to any discussion we had in the committee on the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Farrington, that Senate Amendment "A" be indefinitely postponed. All those in favor of the motion of the gentleman from Augusta, Mr. Farrington, for the indefinite postponement of the amendment will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and Senate Amendment "A" was indefinitely postponed in non-concurrence.

The Chair lays before the House the third tabled and unassigned matter, Bill "An Act Relative to Fishing Licenses" (H. P. 1568) (L. D. 666), tabled on April 3 by Mr. Pike of Bridgton, pending acceptance of report of Committee on Bills in the Third Reading; and the Chair recognizes that gentleman.

Mr. PIKE: Mr. Speaker and members of the House: I move the indefinite postponement of this bill, and, in support of my motion, I would like to say a few words in regard to my position.

In the first place, I want to apologize to the Committee on Inland Fisheries and Game, on which there are many of my close and personal friends. It was owing to

my own negligence that evidence was not produced before that committee at the time of the hearing in regard to this matter. I suppose negligence is like what the late George Billings said, "There is no excuse for laziness, but no second wife ever hurried it up." Perhaps the members of the House will act as my second wife in helping to bring out a few facts.

I represent a constituency which is located in the center of our summer business in the State of Maine. I am involved in it myself. We find ourselves very sensitive to the demands of customers. In no instance is the customer always right more than in our summer business in the State of Maine.

Way back in 1932 or 1933 the summer guests began to ask for a short-term fishing license, and being on the committee, when I came to the Legislature, through our representative they introduced a bill for a ten-day fishing license. It had a good hearing, well attended, and the committee decided that that was a little too long, and they brought out a new draft for a three-day fishing license, which has been the law of this State and which is sub-paragraph 8 of the section covering fishing licenses.

Strictly speaking, this is not a non-resident license. It can be issued to any resident of the United States, and despite rumors to the contrary, we are still inhabitants of the United States, so we can buy these three-day licenses.

Let me tell you just how that works. Somebody comes along on a nice morning and says, "Bill, can't you go to Moosehead Lake. We have got a spare seat in the car and a camp." Bill kind of smothers his conscience, throws his work to one side, gets his boots and rod, and jumps into the car, and when he gets to Greenville he says, "Boys, I have forgotten to get my fishing license."

Now if it were not for this three-day license, he would have to sit in the camp and play tiddley-winks while the others fished, or else come back home and get a license. He can go into Greenville and lay down \$1.65 and get a three-day license, and when he gets back home he can present it to the town clerk and for 50 cents get an annual license. The State gets 50 cents more than they otherwise would, and Bill gets his fishing. And in repealing this law

no provision has been made for our resident fishermen to get a license when they are afflicted with that very carelessness which made me forget to come to the committee hearing on this matter.

Now in the section where I came from they made a survey of the summer business there, and in drawing a circle with a radius of ten miles from my home, we found that enclosed an area where the gross summer business amounted to more than two million dollars. A lot more of these circles can be drawn in the western and eastern part of Maine to cover as much business as that. There is not a single large summer hotel in that circle, just run of the mill summer business. I tell you we do not half appreciate the importance of this business. I know this three-day license does not appeal to you in Aroostook County and in Piscataquis and in Penobscot as much as it does to us, because the people that go there fishing go for a week or more, and no one would be fool enough to buy a three-day license when he wanted to fish longer than that.

But we have a great many weekend guests. I got these figures from the Fish and Game Department last year. The totals are: season 3,378; thirty day, 17,614; exchange, 862; junior, 3,196; three-day, 15,750.

If my mathematics are correct, they pay the State \$23,625, and they numbered 38 per cent of the total licenses issued in the State.

I find this: People frequently come to our camp, a typical family, father, mother and two children each of them over sixteen years of age. We do not allow out-of-State youngsters to fish without buying a license if they are over ten years of age. They have made up their usual budget and they know what they are going to pay on the trip, but they forgot about fishing. Perhaps they are not fishermen, but they get out there and they see a beautiful lake or stream and it appeals to them and they think perhaps they would like to fish a little while. Now if they have to buy a thirty-day license it costs them \$12.60 for the family, and that hits their budget pretty hard, but if they can buy a three-day license, it only costs them \$6.60, and that can be absorbed a great deal easier. What we want to do with these people is to have them go away with a good taste in their mouth. We want them to come to Maine and receive

hospitality and not be fleeced. Do not let us try and get every last cent that the traffic will bear. I certainly hope my motion for indefinite postponement of this bill will prevail.

I will say this in closing: At the hearing before the committee no one appeared except in favor of this bill, and the committee is in no way to blame for their report on the bill.

Mr. STARRETT of Warren: Mr. Speaker and members of the House: I wish to rise in defense of my reason for signing the report on this bill which came before this Legislature. It was not original with me, but I was asked to present it, and, after giving the bill some study, I dropped it in the hopper and it has gone along to the time when it is waiting for its third reading.

I would like to point out a few evils of the present three-day, \$1.65 non-resident fishing license. There are over 400 town clerks in the State of Maine and fourteen agents in as many cities in Massachusetts who sell these three-day licenses, and some of these agents and town clerks, through their acquaintance with or their desire to be kind to the purchaser of that license, have failed to fill in the date when the license became effective, and numerous holders of those licenses have failed to fill in the date themselves until they saw a warden approaching.

Now this custom has caused a feeling in the minds of the holder of a thirty-day license, that the man purchasing a three-day license was getting out and perhaps getting as much fishing as he was when he paid \$3.15 for a thirty-day license or \$5.15 for a seasonal license.

The Department of Inland Fisheries and Game have gone to great expense in keeping wardens on our various bodies of water to check up on these three-day licenses. It has caused a feeling among the holders of resident licenses that they were being interfered with in their daily pursuit of fishing, because you can readily see that on our large bodies of water the wardens, in order to check the holders of these three-day license, would have to visit every boat on the lake every day and sometimes more often. Some of these three-day license holders have come to the Department and wanted an extension of that three days on account of the fact that they had

two days rainy weather when they could not fish.

I hesitate somewhat to take up the time of this Legislature which has so many important measures before it, but I feel that this is an important measure. I feel it is a conservation measure, and, ladies and gentlemen, I think the time has arrived when we should think about conserving our natural resources and take measures toward that end. Fishing in Maine is one of the major attractions to our non-resident guests and a great asset to the various interests who derive an income from them. I will not attempt to name them, but from the small hot-dog stand to the largest hotel in Maine, they receive some benefit from this.

Some of these various interests want the present three-day \$1.65 license retained—and I will say that some of my most esteemed and best friends in this Legislature are opposed to the measure.

As I look at the situation, if the State of Maine had a surplus beyond the accepted standard of good fishing, we would have no need of curtailing the non-resident fishing—and it has been pointed out that this would be a curtailment of the non-resident fishing in the State of Maine.

As a member of the Committee on Inland Fisheries and Game, I have listened to guides and sportsmen from all parts of the State, and ninety-nine per cent of them have told the same story, that fishing in the State of Maine is being depleted in our best waters. I would also like to point out a fact that I think all the members of this House are familiar with, but perhaps have not given it a great deal of consideration: There are only five per cent of the waters in the State of Maine that have a natural increase of fish; ninety-five per cent of the waters in the State of Maine are totally dependent upon the propagating of fish to maintain our present fishing. The demands by municipalities for water supply, the demands of industry for power and water for other uses, has caused fluctuation of the water levels, which disturbs the eggs before they can be hatched.

In conclusion, I am going to leave with you this thought: If you feel that the State of Maine has a surplus of fish so that we may allow

non-residents and residents alike to take all they may want, you will know how to vote on this bill; but I do think, if you feel our natural resources should be saved, if you feel that the fishing as an asset to the various interests that derive an income from non-resident fishing should be maintained, then I hope you will not support the motion for indefinite postponement of this bill.

Mr. WELCH of Chapman: Mr. Speaker, I would like to say that we did pass a bill, Legislative Document 632, which allowed the issuance of a fifteen-day license. We are cutting out the three-day licenses, and Legislative Document 632 makes it permissible to issue a fifteen day license to take the place of this. Before that it was a three-day or a thirty-day license which a man must purchase.

Mr. NOYES of Franklin: Mr. Speaker, I am frank to say that I cannot follow the reasoning of our Committee on Inland Fisheries and Game. On one hand they would have us believe that we receive considerable money from out of state people and therefore deserve and should have a lot of money to spend for the propagation of fish; and then they tell us in the next breath that we should conserve those fish and jack up the license fees so that those people will not come to the State of Maine. In New Hampshire, Vermont and New Brunswick they issue three-day licenses and I question if a man and his family are going to spend a week-end here where it is possible to go either to New Hampshire or Maine,—and it seems to me that Maine will lose that business. For that reason, I hope that the motion of the gentleman from Bridgton, Mr. Pike, will prevail.

Mr. SMITH of Thomaston: Mr. Speaker, I would like to support the motion of the gentleman from Warren, Mr. Starrett. This is just a start to make the Inland Fish and Game Department self-supporting. As I understand the matter, it would increase the revenue of that department about \$8,000, and I am heartily in favor of it.

Mr. PIKE: Mr. Speaker, in the first place I would like to answer one or two things. The gentleman spoke about summer guests coming in and wanting to exchange their three-day license. They are not exchangeable. The man who buys a

three-day license pays the highest rate for fishing of any man in the State. The resident who buys a three-day license, when he has forgotten his own annual license, pays fifty cents more than he would have had he got his license directly from the Town Clerk. I believe as much as the gentleman from Warren (Mr. Starrett) in the conservation of our resources. I believe in the support of our Fish and Game Department and I will vote with him or anybody else for an appropriation from the general funds to support it. But, for Heaven's sake, do not let us kill the goose which lays the golden egg and which is keeping our State in the summer business.

The summer guests are not catching our fish. I will guarantee that every fisherman in this House gets ten fish for every one that the non-resident gets. We are the ones who get the fish, and we are not taxing ourselves any higher for licenses this year.

Another thing I forgot to mention: Our chief competitors in the summer business are the states of Vermont, New Hampshire and Massachusetts, and on the first day of April each one of these States was selling a three-day license, New Hampshire and Massachusetts were selling a license for \$1.15 and Vermont for \$1.65. I think we should consider that.

The SPEAKER: The question before the House is on the motion of the gentleman from Bridgton, Mr. Pike, that the report of the committee and accompanying bill, "An Act Relative to Fishing Licenses" be indefinitely postponed. All those in favor of the motion for indefinite postponement of the committee report and accompanying bill will say aye; those opposed no.

A viva voce being taken, the motion prevailed, the report, together with the bill, were indefinitely postponed and sent up for concurrence.

The Chair lays before the House the fourth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Motor Vehicles on Bill "An Act Exempting from the Payments of Excise Taxes Residents of States which Grant Reciprocal Privileges to Residents of this State" (H. P. 1442) (L. D. 622) tabled on April 4th by Mr. Poulin of Waterville, pending acceptance; and the Chair recognizes that gentleman.

Mr. POULIN: Mr. Speaker, I move that the bill be substituted for the "Ought not to pass" report of the Committee, and, before I state my reasons for making such a motion, I would like to ask the indulgence of this House in bearing with me for a few moments, and I promise I will be just as concise as possible in stating the situation as I see it.

In my opinion, there is a class of people in the State of Maine who are taxed excessively and unfairly—and I am referring to that particular class of people who operate motor vehicles transporting goods from this State to border States.

Under the present situation, Mr. Speaker and members of the House, a man who owns a truck and is a resident of the State of Maine pays an excise tax, of course, besides his registration fee in the State of Maine, and if he goes to Boston, Massachusetts, he has to pass through the State of New Hampshire, and there he has to pay an additional excise tax, and he also pays an excise tax in the State of Massachusetts and he pays an excise tax in other states if he goes further. That, in my opinion, is pyramiding of taxation and is very unfair. The reason for that, I might say, is because the State of Maine, under the present law, which is in the statutes of this State, is not granting reciprocity in this matter as all of the other States except the State of Maine, north of Georgia, on the Atlantic seaboard, are doing.

As a consequence, motor carriers coming into the State of Maine are forced to pay an excise tax to this State, which, in 1938, brought into the State revenue of some \$23,000. Of course the question to be considered in my motion is whether or not the State of Maine is losing any money by this move. I am well aware of the fact that this Legislature is inclined toward economy, and if I did not feel that this bill, if passed, would be for the benefit of the people, I should never have offered such a motion in the face of legislation that has been offered to the members and which I believe is on the way to be enacted in this present session.

The law providing for a five per cent discount on automobile registration has been repealed, which means that the forty-three thousand and trucks in the State of Maine, motor carriers operating between the various States, would pay an

additional fifty thousand dollars. In this same Legislature there has been passed a bill granting reciprocity to the farmers who are engaged chiefly in farming, where they transport their own goods to another State. They have been granted reciprocity in not paying an excise tax in New Hampshire or other States. Probably that will mean that out of that \$23,000 which might be considered lost to the State, some \$8,000 should be deducted. If there is any loss at all, the loss would probably become \$15,000, and that is discounting the repeal of the five per cent law on registration.

Now in regard to the law providing for increased weight, a conservative estimate might be that it would increase the revenue from trucks operated in this State ten thousand dollars. I feel that the only fair thing to do is to do the same thing our sister States do and grant reciprocity in excise tax exemptions, in order that motor carriers of this State shall have the same privileges as the motor carriers in other States. I do not think, as much as this Legislature is inclined toward economy, it wishes to save two million dollars to the detriment of a certain particular class in this State. I hope my motion to substitute the bill for the report will prevail.

The SPEAKER: The gentleman from Waterville, Mr. Poulin, moves that the House substitute Bill "An Act Exempting from the Payments of Excise Taxes Residents of States which Grant Reciprocal Privileges to Residents of this State" for the "Ought not to pass" report of the Committee on Motor Vehicles.

Mr. DOW of Norway: Mr. Speaker and members of the House: I realize that this report came out of the Committee on Motor Vehicles with a unanimous "Ought not to pass" report. I have quite a lot of respect for all the committees in this Legislature and the Committee on Motor Vehicles is no exception. I did not attend the hearing on this bill and most of the information that I have gotten has been gotten since the hearing. There were some points called to my attention that caused me to wonder and ponder a little as to whether or not the report of this committee should be accepted without some discussion.

I have been informed, and my information may not be correct, that

the majority of the committee might not be opposed to the enactment of this law, but in view of the fact that we happen to be an economy minded Legislature and there appeared to be a possible loss of about \$23,000, it might be well not to consider this bill at this time. For that reason, and apparently that reason only, and my information may not be correct, but it has been called to my attention that there is some question as to the constitutionality of the collection of numerous excise taxes on the same piece of personal property. For example, collecting an excise tax in two, three or four different states on the same truck. There seems to be a tendency to break down trade barriers between the various states in the Union, thereby reflecting savings on transportation, resulting in lower cost to the consumer of the goods hauled by these motor carriers.

I understand—and here again I am speaking from information which has been furnished me—the restoration of the 5 per cent cut on motor vehicle carriers for this next year will result in putting back into the highway fund approximately \$50,000 that will have to be paid by the trucks of the State. I understand also that it is estimated that the new law which regulates weight limits will result in increased registration and increased revenue, and that if the passage of this bill did mean any loss of revenue it would mean only an apparent loss. I am wondering if, under all the circumstances, we want to accept this committee report until we seriously consider whether or not it is a fair thing to do.

Mr. FARRINGTON of Augusta: Mr. Speaker and members of the House: I rise, as a member of the Committee on Motor Vehicles, to explain the attitude of the committee in regard to this bill.

As the gentleman from Norway (Mr. Dow) has stated, probably the principal reason that we reported the bill as we did was because we felt it would mean a loss of money to the state in the neighborhood of \$23,000 annually. The figures that have been quoted to you in the last few minutes I have no reason to doubt are correct, in so far as can be definitely known. They are naturally estimates; they would have to be.

I do not believe I am out of order

as far as the other members of the Motor Vehicle Committee are concerned when I say that the general feeling on the committee was, as far as the law itself was concerned, that the excise tax law, shall I say, was not altogether desirable. However we did hesitate to report out favorably on the bill, due to the fact there was a \$23,000 item involved as far as the State is concerned. If these figures are true—and, as I say, I have no reason to doubt them—it would seem there would be no net loss to the State, because of the fact that the 5 per cent discount has been repealed, and because of several other measures which have passed and which may result in additional registrations in the State.

I would call the attention of the House, however, to a fact which should be considered in determining what action you will take on this bill, namely, that this \$23,000 item is an item which was collected by the Secretary of State. It is also estimated that an equal amount of another \$23,000 is, in all probability, although this figure again is not definite and is an estimate, has been paid to the towns and cities of the State during this period of 1938. I do not know how that \$23,000 to the towns and cities is distributed; I do not know whether any one city has collected a large part of it. I do not know how much it would affect any town or city in the State to lose that but I do feel that the House should understand that the \$23,000 item to the State, even if taken care of by the possibility of new registration, does not give any consideration to another \$23,000 which would be lost by the towns and cities of the State.

Mr. GOOD of Monticello: Mr. Speaker, I feel that if other states are willing to grant us permission to go in, that probably as the next step it seems as if the State of Maine ought to grant other trucks the privilege of coming into the State without paying an excise tax. If reciprocity is being granted in other states, it seems as though we ought to be willing to take down the bars and let other trucks come in here.

If I understand the matter, trucks are almost at the breaking point now in paying the excise tax, and if it would make a more friendly feeling between the states and the truck drivers and the common car-

riers, I would be much in favor of this bill.

I do know of an instance that happened last year, when a man, after going to Massachusetts with a load of potatoes, his neighbor wanted him to bring back a horse. He said, "I can't do that, because if I do, I will have to go and buy an excise tax." Therefore he was deprived of that privilege. This man was his neighbor, and he could bring back that animal from Massachusetts for very little cost.

So I feel that if other states are willing to go on with us and give common carriers a break, I feel it is only fair to truck drivers from the State of Maine to enter into agreements for reciprocity.

I realize that the railroads probably would not be in favor of granting reciprocity. We tried for years to get a reduction in freight rates; we tried through the Public Utilities; we tried every way possible, and we could not seem to bring any pressure to bear upon the railroads, especially in Aroostook County, to grant us a reduction in freight rates. One day a man conceived the idea of starting down from Aroostook with a load of potatoes on a truck, and, while it was impossible for any of us to bring any pressure to bear on the railroads or on the Public Utilities, after some time elapsed and the other people took up the same method, they were very glad this year to reduce their rates. As I understand, they have reduced the rates to five cents a hundred, and I think before they stop the trucks, they probably will reduce them five cents more. If the trucks have done that much for Aroostook County and other parts of the State, then I believe it is only fair and reasonable that we should enter into an agreement for reciprocity with other states, and I hope that we will do that.

Mr. STILPHEN of Dresden: Mr. Speaker, as a member of the Ways and Bridges Committee, I want to go on record as favoring the report of that Committee, "Ought not to pass." I believe that if every member of this House could have set on that Committee and heard the appeals for money to fill up the mud holes which these out-of-state trucks have made, they would not be willing to deprive that Department of one dollar.

Mr. ELLIS of Fairfield: Mr.

Speaker, I hesitate to say a word upon this matter as I may not be sure of what I am talking about. If this bill is to relieve these freight cars that are coming down here from other states from anything they are paying now, I am opposed to it. They are breaking up the roads and crowding us off the highways and I should be in favor of making them pay more than they are now.

The SPEAKER: The question before the House is on the motion of the gentleman from Waterville, Mr. Poulin, that Bill "An Act Exempting from the Payments of Excise Taxes Residents of States which Grant Reciprocal Privileges to Residents of this State" be substituted for the "Ought not to pass" report of the Committee on Motor Vehicles.

Mr. POULIN: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Waterville, Mr. Poulin, asks for a division. All those in favor of the motion of the gentleman from Waterville, Mr. Poulin, that the bill be substituted for the report will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had.

Twenty-nine having voted in the affirmative and 50 in the negative, the motion did not prevail.

The SPEAKER: Is it now the pleasure of the House that the "Ought not to pass" report of the Committee on Motor Vehicles be accepted?

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

Mr. VARNEY of Berwick: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Berwick, Mr. Varney, asks

unanimous consent to address the House: Is there objection? The Chair hears none and the gentleman may proceed.

Mr. VARNEY: Mr. Speaker, while there are still other matters remaining on the calendar, I want to point out to the House that it is also a fact that it is necessary for one or two of the important committees to have executive sessions this afternoon and evening in order that they may report in to us remaining bills which are before those committees. Should we continue in session this afternoon, those committees could not meet and those bills would probably not be reported until day after tomorrow, which would, in the end, result in slowing up the procedure of the Legislature.

Mr. Speaker, I now move that the House adjourn.

The SPEAKER: The Clerk will read the notices.

Mr. SLEEPER of Rockland: Mr. Speaker,—

The SPEAKER: For what purpose does the gentleman rise?

Mr. SLEEPER: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Rockland, Mr. Speaker, asks unanimous consent to address the House. Is there any objection? The Chair hears none and the gentleman may proceed.

Mr. SLEEPER: Mr. Speaker, some of us come here for honor and we do not find it; some of us come here for money and we do not find it; some of us come here for rest and we do not find it; but Lloyd Crockett came here for love, and he found it. (Laughter and applause)

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the House now adjourn until tomorrow morning. Is this the pleasure of the House?

The motion prevailed and the House so adjourned.