

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 18, 1939.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Paper from the Senate disposed of in concurrence.

The SPEAKER: The Chair will call the attention of the members to the fact that the second item on today's calendar has been recalled to the Senate.

From the Senate: Report of the Joint Select Committee created by Joint Order relative to Retirement System of Maine (S. P. 61) filing a Report together with a Resolve under title of "Resolve Authorizing the Appointment of a Committee to Study the Advisability of a Contributory Retirement System for Maine" (S. P. 672) and that it "Ought to pass."

Comes from the Senate, report read and accepted and the resolve passed to be engrossed.

In the House, report of the Joint Select Committee accepted in concurrence.

The SPEAKER: The Chair will call the attention of the members to the fact that the report has been reproduced and distributed on the members' desks. Is it now the pleasure of the House that the report be placed on file in concurrence.

The motion prevailed.

The SPEAKER: The resolve will lie on the table for printing.

From the Senate: Report of the Committee on Motor Vehicles on Bill "An Act relating to the Registration and Operation of Motor Vehicles by Non-residents" (S. P. 154) (L. D. 128) reporting same in a new draft (S. P. 669) (L. D. 1175) under same title and that it "Ought to pass."

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

In the House:

The SPEAKER: Is it the pleasure of the House to accept the report of

the committee "Ought to pass in new draft?"

Mr. FARWELL of Unity: Mr. Speaker and members of the House: As I understand this bill, it is a reciprocity bill with the State of New Hampshire. I am not prepared at this time to give much information on this bill, as I have not studied it very carefully. I have been given to understand by very good authority that this bill might possibly be unconstitutional. I do not believe that we should grant reciprocity with any one state, excluding other states that might be willing to grant reciprocity to us. I do believe that in granting reciprocity here in Maine we would be giving the privilege to a great many more cars and trucks coming into Maine than would go out of this State. At this time I would move the indefinite postponement of the bill.

The SPEAKER: The gentleman from Unity, Mr. Farwell, moves that the report of the Committee on Motor Vehicles on Bill "An Act relating to the Registration and Operation of Motor Vehicles by Non-residents" (S. P. 154) (L. D. 128) reporting same in a new draft (S. P. 669) (L. D. 1175), be indefinitely postponed. Is the House ready for the question? The question is on the motion of the gentleman from Unity, Mr. Farwell, that the report and the bill in new draft be indefinitely postponed. All those in favor of the motion for indefinite postponement will say aye; those opposed no.

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

From the Senate: Report of the Committee on Legal Affairs on Bill "An Act relating to the Port of Northeast Harbor Authority" (S. P. 261) (L. D. 445) reporting "Ought to pass" when amended by Committee Amendment "A" submitted therewith.

Comes from the Senate, report read and accepted and the bill passed to be engrossed as amended by Committee Amendment "A."

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

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

Committee Amendment "A" to S. P. 261, L. D. 445, Bill "An Act Relat-

ing to the Port of Northeast Harbor Authority."

Amend said Bill by adding thereto the following:

'Sec. 2. Effective date. This act shall become effective September 1, 1939.'

Thereupon, Committee Amendment "A" was adopted, and the bill was assigned for third reading this afternoon.

Final Reports

From the Senate:

Final Report of the Committee on Legal Affairs.

Final Report of the Committee on Library.

Final Report of the Committee on Maine Publicity.

Come from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Orders

Mr. Good of Monticello, presented the following Order and moved its adoption:

ORDERED, the Senate concurring, that the Attorney General be and hereby is directed to investigate the records of the state-owned or reserved lands of the State of Maine as described in the Revised Statutes of 1840, with particular attention to the sale of timber therefrom and the sale of any rights thereto.

The Attorney General is further directed to report his findings to the 90th Legislature.

The **SPEAKER**: Is it the pleasure of the House that the order have passage? The Chair recognizes the gentleman from Skowhegan, Mr. Hinman.

Mr. **HINMAN**: Mr. Speaker, I would like to inquire as to what expenses would be involved in the Attorney General's department. There is no provision at the present time for this kind of activity.

The **SPEAKER**: The gentleman from Skowhegan, Mr. Hinman, asks a question through the Chair. Does the gentleman from Monticello (Mr. Good) care to answer?

Mr. **GOOD**: Mr. Speaker, I do not know whether there would be any great expense attached to it. The Attorney General is paid for the duties he performs, and if he has got to perform some additional duties and is going to be at any additional expense, then I should believe it was only right to reimburse

him. I do not think we need to worry about any great expense.

The thing I have been trying to get at for the last three or four weeks is to try to find out whether the State of Maine does own any school lands, and, if these lands do belong to the State, and whether we have any timber that has been conveyed to other parties which we have not received any money for. If we own 161,000 acres in the State of Maine and it is well timbered, and if it should produce or has produced thirty-five or forty million dollars and we have not got it, why isn't it in the State Treasury? That is the only reason that I have asked for this information.

It seems that the gentleman from Skowhegan, Mr. Hinman, does not want this investigated. I do not know what his reason is. He has never explained it to me. I feel it is only right this order have passage.

Mr. **HINMAN**: Mr. Speaker and members of the House: I am very glad to explain as far as I can. In the first place, the Department of Forestry feels that they have ample organization and plenty of time to properly look out for this land, and, in cooperation with the Department of Education, are well able, and that we, if such investigation is necessary, can go to the Governor and Council, and, if we show them that there is any reason for the Attorney General or anybody else entering into the activities of the Department of Forestry, I think they have ample funds and authority to authorize such investigation. I am not strong for this Legislature taking on investigations that the departments of State or the courts can properly do without the Legislature. I hope that the order will not have a passage.

Mr. **GOOD**: Mr. Speaker—

The **SPEAKER**: The gentleman from Monticello (Mr. Good) has already spoken twice. Does the gentleman desire leave to speak a third time?

Mr. **GOOD**: Yes, Mr. Speaker.

The **SPEAKER**: The gentleman from Monticello, Mr. Good, asks to be permitted to speak a third time. Is this the pleasure of the House?

The motion prevailed.

Mr. **GOOD** Mr Speaker, if the figures I have are right — and the figures have been compiled by men who claim to know, there should be thirty-five million dollars today in the treasury for the

support of schools. They say there is very little now coming from the sale of timberlands. If that is true, it seems to me that it is time for somebody to investigate, and if the Forestry Department which we have today and which is being paid to look after that, if they lease a school lot for \$600 and the state-owned land men who adjoin that land get \$300 of it, I think it is time we should investigate and see why the \$600 does not come to the State, instead of the adjoining landowners retaining \$300. I also understand that if any wood is cut on that land that belongs to the State the adjoining landowners collect \$2.50 a cord.

It seems to me it is only fair and right that if the Forestry Department will not investigate—if they have got ample time to investigate and won't investigate—then I am asking for the Attorney General to investigate.

Mr. BIRD of Rockland: Mr. Speaker, I move that the Order be indefinitely postponed.

The SPEAKER: The gentleman from Monticello, Mr. Good, moves that the Order have passage. The gentleman from Rockland, Mr. Bird, moves that the Order be indefinitely postponed. All those in favor of the motion of the gentleman from Rockland, Mr. Bird, that the Order be indefinitely postponed, will say aye; those opposed no.

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

The SPEAKER: Is it the pleasure of the House that the Order have passage?

Mr. SHESONG of Portland: Mr. Speaker, I think the subject matter of this Order is something that should be investigated a little further. I move that the Order lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Shesong, moves that the Order lie on the table pending passage. All those in favor of the motion that the Order lie on the table will say aye, those opposed no.

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

The SPEAKER: Is it now the pleasure of the House that the Order receive passage?

The motion prevailed, and the Order received passage and was sent up for concurrence.

Reports of Committees House Committee Report

Mr. McGlaufflin from the Committee on Leave of Absence, on the illnesses of Mr. Brown of Caribou, Mr. Ellis of Fairfield and Mr. Hamel of Lewiston, reported that each be excused from attending the sessions of the House during their illnesses; and on the absence of the gentleman from Brownville, Mr. Davis, on account of the death of his father, reported that he be excused from attending the sessions of the House.

Placed on File

Mr. Dwinall from the Committee on Towns on Petition of Wilbur J. Dunphy and 73 others of Concord in favor of Bill "An Act to Provide for the Surrender by Concord Plantation of its Organization" (H. P. 262) reported that same be placed on file.

Mr. Snow from same Committee reported same on Petition of Robert B. Taylor and 39 other legal voters of the Plantation of Lexington in favor of Bill "An Act to Provide for the Surrender of Lexington Plantation of its Organization" (H. P. 714)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the town of Bristol for Support of Georgia Poland (H. P. 374)

Same gentleman from same Committee reported same on Resolve to Reimburse the town of Anson for the Support of the Children of Parker Lewis, a State Pauper (H. P. 1304)

Same gentleman from same Committee reported same on Resolve Compensating Brunswick Hospital for Medical Aid to Clarence Rush (H. P. 701)

Mr. Cleaves from same Committee reported same on Resolve in favor of the city of Eastport (H. P. 1369)

Same gentleman from same Committee reported same on Resolve in favor of the town of Owl's Head (H. P. 830)

Mr. Cushing from same Committee reported same on Resolve to Reimburse the town of Anson for Support of Maurice and Wilfred Weymouth (H. P. 1306)

Same gentleman from same Com-

mittee reported same on Resolve in favor of L. U. Klein of Eagle Lake (H. P. 1246)

Mr. Churchill from same Committee reported same on Resolve in favor of Marcia Simonson of Limestone (H. P. 691)

Same gentleman from same Committee reported same on Resolve in favor of Staples Funeral Service of Gardiner (H. P. 1484)

Same gentleman from same Committee reported same on Resolve in favor of Harry B. Philbrick of Sidney for Expenses of Almon S. Tilley and Wife (H. P. 1240)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Churchill from the Committee on Claims on Resolve in favor of H. L. Bruen of Readfield (H. P. 1274) reported same in a new draft (H. P. 2240) (L. D. 1194) under same title and that it "Ought to pass"

Mr. Cushing from same Committee on Resolve in favor of Joseph Michaud of Berwick (H. P. 236) reported same in a new draft (H. P. 2241) (L. D. 1195) under same title and that it "Ought to pass"

Mr. Fogg from same Committee on Resolve in favor of Edith Given of Windsor (H. P. 460) reported same in a new draft (H. P. 2242) (L. D. 1196) under same title and that it "Ought to pass"

Mr. Melanson from same Committee on Resolve in favor of Elvin Silsby of Aurora (H. P. 1482) reported same in a new draft (H. P. 2243) (L. D. 1198) under same title and that it "Ought to pass"

Reports were read and accepted.

The resolves, having already been printed, had their first reading under suspension of the rules and were assigned for second reading this afternoon.

Ought to Pass

Mr. Churchill from same Committee on the following Resolves:

S. P. 53, Resolve in favor of Frank C. McIntyre of Lawrence Station, Charlotte County, New Brunswick

S. P. 249, L. D. 449, Resolve Granting a Bonus to Albert Arthur Poul-iotte

H. P. 232, Resolve in favor of Louis H. Violet of Hartland

H. P. 369, Resolve in favor of David W. Patterson of Mars Hill

H. P. 982, Resolve Granting a Bonus for Guy F. Merrill of Portland

H. P. 990, Resolve in favor of William B. Chandler of Columbia, Maine

H. P. 991, Resolve in favor of Lewis V. Seavey of Columbia, Maine

H. P. 1546, Resolve Granting a Bonus to Certain Maine Veterans of the World War

reported a Consolidated Resolve under title of "Resolve Granting a Bonus to certain Maine Veterans of the World War" (H. P. 2244) (L. D. 1199) and that it "Ought to pass"

Report was read and accepted, and the Consolidated Resolve, having already been printed, had its first reading under suspension of the rules and was assigned for second reading this afternoon.

First Reading of a Printed Resolve

Resolve for the Purchase of One Hundred Copies of "A History of Education in Maine" (H. P. 511) (L. D. 1200)

Resolve was read once and assigned for second reading this afternoon.

Passed to be Engrossed

Bill "An Act relating to the Making of Certain Reports by State Officers" (S. P. 376) (L. D. 794)

Bill "An Act relating to the Commitment of the Insane; Penalty for False Testimony" (S. P. 667) (L. D. 1173)

Resolve in favor of the Maine Division of the Women's Field Army of the American Society for Control of Cancer (S. P. 665) (L. D. 1171)

Resolve providing Pensions for Certain Soldiers and Sailors and Dependents (S. P. 670) (L. D. 1176)

Sent up for concurrence.

Passed to be Enacted

An Act to Establish an Unpaid Commission to Facilitate the Cooperation of this State with Other States (S. P. 110) (L. D. 78)

An Act relating to State Aid for Academies (S. P. 130) (L. D. 780)

An Act relating to Aid to Libraries, Expenses of State Historian, Topographic Mapping and Abolishment of Grade Crossings (S. P. 131) (L. D. 115)

An Act Amending the Law relating to the Installation of Pick Clocks in Textile Factories (S. P. 151) (L. D. 124)

An Act relating to the Payment of Alimony (S. P. 365) (L. D. 803)

An Act Permitting Blood Group-

ing Tests in Bastardy Proceedings (S. P. 378) (L. D. 811)

An Act relating to Emergency Aid in Certain Organized and Unorganized Territory (S. P. 628) (L. D. 1142)

An Act relating to the Administration of Old Age Assistance Law (S. P. 644) (L. D. 1148)

An Act relating to Jurisdiction Over Lands Ceded to the United States (S. P. 659) (L. D. 1159)

An Act relating to Medical Examiners and Their Duties (H. P. 29) (L. D. 22)

An Act relating to Compensation of the Register of Probate of York County (H. P. 941) (L. D. 369)

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

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

An Act Amending the Law relating to Embalmers and Funeral Directors (H. P. 1666) (L. D. 856)

An Act relating to the Registration and Licensing of Dogs and to the Duties of the Sheep Specialist (H. P. 2054) (L. D. 1090)

An Act Regulating Automobile Finance Business (H. P. 2124) (L. D. 1112)

An Act relative to Exemption from Registration Fees of Certain Vehicles Owned by Non-residents (H. P. 2131) (L. D. 1118)

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

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

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

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

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

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

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

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

Finally Passed

Resolve relative to the Purchase of Land Adjoining Land of the State Military Department at Augusta, known as Camp Keyes (S. P. 539) (L. D. 1105)

Resolve appropriating Money for Study and Control of the Fruit or

Blueberry Fly in Maine (S. P. 642) (L. D. 1157)

Resolve Creating a Recess Committee on Motor Vehicle Legislation (H. P. 1699) (L. D. 928)

Orders Of The Day

The Chair lays before the House the first tabled and today assigned matter, Majority Report "Ought to be adopted in new draft" and Minority Report "Ought not to be adopted" of the Committee on Judiciary on "Memorial to the Honorable Franklin Delano Roosevelt, President of the United States, Requesting Federal Prosecution of Certain Persons" (S. P. 442) New Draft (S. P. 682) (L. D. 1193), which came from the Senate, the Majority Report accepted and the new draft of the Memorial adopted; both reports tabled on April 17th by Mr. McGlaulin of Portland, pending acceptance of either; and the Chair recognizes that gentleman.

Mr. MCGLAULIN: Mr. Speaker, I would like the privilege of facing the House while I address you.

The SPEAKER: The gentleman has permission.

Mr. MCGLAULIN: Mr. Speaker, this matter seems to me to be of much more importance than appears on the face of it. Two years ago there was a committee appointed by this Legislature to investigate the matter to which this Memorial refers. It was thought that some money that had been sent by the Federal Government for expenditure in Maine had been misappropriated. So far as I have been able to learn, that committee found that certain money had been turned over to Governor Brann and that Governor Brann had turned it over to some other individual for distribution.

It seems that somebody was charged with misappropriating some of these funds, and that somebody was indicted in the State of Maine in this county of Kennebec, and the matter went to the Law Court and the Supreme Court held that this State had no jurisdiction. The matter was then called to the attention of the United States District Attorney, Mr. John D. Clifford, and he either could not or would not find any way of proceeding before the United States Court.

Now the fact that there was an indictment in Kennebec County, and in one case I think it said that there was a conviction, does not

mean that a United States statute has been violated. We are called upon to send a Memorial to the President of the United States on a matter that I venture to say we do not know anything about.

Let me ask you, Mr. DeBeck, if you know of any statute of the United States that has been violated? Let me ask you Mr. Ford if you know of any facts at all that would lead to a conviction if they were presented to a grand jury? What do we know about this matter?

You are asked to send a Memorial to the President of the United States charging that our Courts in the United States and our Courts in Maine are not doing their duty; asking the President of the United States to prosecute somebody. Do you know who? I do not. Do you know what law they violated? I do not. Are we going to make such complete fools of ourselves in this Legislature as to send the President of the United States a Memorial on a matter that we do not know anything about? That is the fact.

Those lawyers on that Judiciary Committee who approved this Memorial "Ought to pass"—I ask them to get up after I get through and tell you where they know of any statute that has been violated and, if they do, to point it out so that the President can know himself what law has been violated.

I happen to look at this letter that has been passed around as a possible amendment. I happened to find this on my desk. I want to read from this a word or two. This is from the Honorable John A. Peters, United States District Judge, written to Senator Cony. He says: "In the first place it is an obvious reflection upon the Federal prosecuting officers of this district which, so far as I know, is unwarranted." He also called attention on page two to the fact that there must be a violation of a Federal statute. What is that Federal statute? I am opposed to the passage of this order and I seem to be in the minority as usual, because we do not know what we are doing. It seems to me that it would make this House look exceedingly ridiculous if it should turn out that there is not any statute violated at all and we, in our supreme wisdom sent down to Congress a Memorial on a matter that we do not know anything about. In the second place, let us

assume that somebody did steal that money, which they probably did—do you think that the people who have winked at that theft are now going to clean their dirty linen to please this Legislature?

I am opposed to this Memorial for another reason and that is because it will amount to nothing. It will have the same effect that it would for a hound to bay at the moon. It would have the same effect that it would to throw a pebble in the ocean, expecting the tide to rise. It would have the same effect that it would for a man to stand on earth with a shotgun and try to shoot a crow on the planet of Mars.

There is only one possible excuse that I can see for passing this order. When we go home our people are going to ask us whether we raised any funds for the old age pensions, and we are going to tell them: "No, but we sent a Memorial to President Roosevelt telling him to find the money that was lost, and punish those bad men who stole it."

I move, Mr. Speaker, the indefinite postponement of this Memorial.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the House accept the minority report of the Committee on Judiciary "Ought not to be adopted."

Mr. VARNEY of Berwick: Mr. Speaker, I can almost agree with the gentleman from Portland, Mr. McGlauffin, in the second reason that he assigns for not passing this memorial, because I think myself that it may not have the effect that I believe it should have, namely, the prosecution of these individuals, if there are any, who embezzled and stole Federal funds which are your money and mine. For that reason perhaps, and for the reason that it may not do any good, I do not know as it makes much difference whether we pass the memorial or not. But I would like at least to contribute my share of the postage to send a notice down there that some of us think here in Maine that the men who embezzled that money ought to be prosecuted.

Now the gentleman from Portland, Mr. McGlauffin, says "What statute have they violated?" I am going to be brief, because I do not know as it is particularly important.

As I understand, there were certain individuals in Maine who a few years ago were indicated in the

State courts for embezzlement of funds, relief money. One of these individuals was tried by a jury in the State court and convicted by the jury. The case went to the State Supreme Court on appeal and was thrown out because it was federal funds or from a federal agency that this embezzlement took place, and the State courts had no jurisdiction to prosecute those individuals.

The gentleman from Portland, Mr. McGlauffin, says "What Federal statute did they violate?" In answer to that I will say that I certainly supposed and believe now that it is against the Federal law to embezzle Federal funds, and, if it is not so, it is about time the Federal government made it against the law to embezzle Federal relief funds.

Now the Federal prosecuting department has had it called to their attention and the prosecuting attorney here in Maine knew about it. I noticed, in reading Judge Peters' letter, that there was some talk apparently between the Judge of the Federal court and the State court at the time, so that apparently even the judge of the Federal court knew about it. I know that it was called to the attention of the Attorney-General's department in Washington, because a member of my investigating committee called it to his attention, and his reply to the member of my committee was: "Do you think the people of Maine resent the fact that the Federal government has not prosecuted these men who were charged with embezzling Federal funds?"

Now I say I can see no harm in calling to the attention of the President of the United States, who after all, is charged with enforcing the laws of the United States; I can see no harm in calling to his attention the fact that some of us down here in Maine think there are some individuals who embezzled Federal relief funds and who have never been prosecuted. I would also say that a copy of the memorial is to be sent to the local prosecuting attorney and to the Attorney General in Washington, as I remember it.

Mr. GRUA of Livermore Falls: Mr. Speaker and members of the House: As a member of the Federal relations committee before whom this memorial came in the first instance, I became interested in it. I am entirely in sympathy with any effort to prosecute anybody who ob-

tains funds improperly or who embezzles money.

Now it is a fact that our Supreme Court has decided that the State of Maine has not jurisdiction. That would seem to settle it for all time so far as the prosecuting officers in this State are concerned.

As I see this matter, it is just a question of whether when these funds reached the State of Maine they remained Federal money or became State money. The Federal department in Washington say they became State money, and the State of Maine, as it managed it, claimed they remained Federal money.

Now, as it has been pointed out, in order to prosecute, you have to have some violation of some law. No matter how much we might want to punish these people, unless there has been a violation of some law under which they can be punished, you are not going to prosecute them.

Now I happen to know the man who is our Federal District Attorney, the Hon. John D. Clifford. I happen to have a great deal of confidence in John D. Clifford. I believe that John D. Clifford would prosecute his own brother if he thought he had evidence sufficient to do it. I have that much confidence in his integrity, and I am glad to see by the copy of the letter from Judge Peters on our desks that he evidently feels the same.

Now I am not prepared as a member of this House to vote in condemnation of John D. Clifford or of our Federal Court at Portland. I have on good authority the information that a special committee did come down here from Washington, that they did investigate all the evidence that had been presented before our State court and before the Federal District Attorney, and, after two weeks' investigation, decided that the District Attorney was right, that he had not the authority to proceed, and that there was no basis for prosecution.

I do not believe that this House ought to make an idle gesture of this kind. If there is anyone charged with the prosecution of Federal offenses, it is the Attorney General and not the President of the United States. It has already been called to the Attorney General's attention. He has made his investigation. Now it seems to me that it is hardly in form for this body to adopt a memorial that might indicate to all

the world that we have no confidence in our court at Portland or in our Federal District Attorney or in the Attorney General of the United States.

It seems to me, ladies and gentlemen of this House, that we ought to go very slow in adopting anything of this kind and in condemning before we know whereof we speak. I have listened with interest, trying to have someone tell me just what law was violated, and I as yet have heard of no law being violated under which they could be prosecuted. Why, then, address this memorial to the President of the United States? (Applause)

Mr. FELLOWS of Augusta: Mr. Speaker and members of the House: As you all know, I have been absent for more than a week, because of illness. I noted in the paper that my name was with the majority report "Ought to pass" on this Memorial. I was not present at the executive session when this matter was discussed. I also know that the gentleman from Portland, Mr. McGlaulin, was the only one who signed the minority report. I agree with the gentleman from Berwick, Mr. Varney, that perhaps no harm can be done by memorializing the President, but I also agree with him that absolutely no good can be done. I believe we are debating a post mortem, therefore I would ask leave, in order that the record may be made clear, that my name go on the minority report with that of the gentleman from Portland, Mr. McGlaulin. (Applause)

The SPEAKER: The gentleman from Augusta, Mr. Fellows, asks leave to have the record corrected by having his name transferred from the majority to the minority report. Is this the pleasure of the House?

Permission was granted.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlaulin, that the House accept the minority report of the Committee on Judiciary, reporting "Ought not to be adopted" on this Memorial. All those in favor of the motion for the acceptance of the minority report will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the minority report, "Ought not to be adopted"

was accepted and sent up for concurrence.

The Chair lays before the House the second tabled and today assigned matter, Bill "An Act Relating to Alimony" (S. P. 668) (L. D. 1174), tabled on April 17th by Mr. Cowan of Portland, pending first reading; and the Chair recognizes that gentleman.

Mr. COWAN: Mr. Speaker, if it is in order at this time, I will offer House Amendment "A" and move its adoption.

The SPEAKER: Will the gentleman please defer his motion until after the bill has had its second reading.

Thereupon the bill was given its two several readings.

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

House Amendment "A" to S. P. 668, L. D. 1174, Bill, "An Act Relating to Alimony."

Amend said Bill by striking out the following from the last sentence of Section 1", and may alter such decree from time to time as circumstances may require" and inserting in place thereof "; and may at any time alter, amend or suspend a decree for alimony or specific sum when it appears that justice requires".

Thereupon House Amendment "A" was adopted, and the bill was assigned for third reading this afternoon.

The Chair lays before the House the first tabled and unassigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass in New Draft" of the Committee on Salaries and Fees on Bill "An Act Relating to State Police" (S. P. 437) (L. D. 976) New Draft (S. P. 625) (L. D. 1177), which came from the Senate, the Minority Report accepted and the bill passed to be engrossed; in the House both reports tabled on April 17th by Mr. Douglass of Gorham, pending motion of Mr. Varney of Berwick, that the Minority Report be accepted in concurrence. The Chair recognizes the gentleman from Gorham, Mr. Douglass.

Mr. DOUGLASS: Mr. Speaker and members of the House: This bill came before the Committee on

Salaries and Fees—I do not know how many of you have read the bill—but if you read it carefully it is a continuous increase in salary after the first six months service. That increase continues six years and then after eight years of service there is another increase granted. Then raise them continuously until, in the case of a captain, he gets \$53 a week. This is the only department where, after twenty years of service, a man can retire on half pay.

If you noticed a few days ago, we passed a bill here in this House that increased the number who might retire on half salary after twenty years of service from 5 per cent to 10 per cent of the entire State police force.

The first year of this increase amounts to \$2,500; the second year's increase is \$3,500, and every year there is an increase in the cost of that department.

We never have been able to figure out how much the increase would be at the end of the second period. If a man starts working for the State Police Department at the age of 21 years and serves 20 years, he may retire at the age of 41 years. He would then be able to draw a pension for 30 years if he lived the allotted time. His salary during the thirty years he served the State would amount to \$38,000, but his pension that he would receive for thirty years would amount to \$42,000, therefore he would receive \$80,000 from the State.

Eight of us who were on that committee felt that this was too much of an increase and we signed the majority report "Ought not to pass." There was only one present at that time who signed the minority report "Ought to pass," but one member has been fixed up since that time so that the minority report is signed by two members of the committee.

Mr. Speaker, I move that the majority report "Ought not to pass" be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the minority report be accepted.

Mr. FORD of Saco: Mr. Speaker, I was one of those who signed the majority report, believing that it was well to leave the department intact, but when the new draft was submitted I had had no chance to

study the new draft. After studying it, I found that it was going to cost the State upwards of \$2,500 or better. I therefore went down to the department and talked with Major Healy. We were told in the committee that the department would be able to absorb this amount of money. On going down and talking with Major Healy he tells me that that is true. I asked him how he would be able to absorb it. His reply to me was that it would be through cutting down of mileage and putting in gasoline pumps. There has been no appropriation, as I understand it, from the budget.

At this point a message was received from the Senate, through its Secretary, proposing a Joint Convention of both branches of the Legislature to be held forthwith in the hall of the House of Representatives for the purpose of extending an invitation to the Honorable Stephen F. Chadwick, Commander of the American Legion, to attend the Convention and to make such communication as pleases him.

On motion by Mr. Fellows, of Augusta, it was voted to concur with the Senate in the proposal for a Joint Convention, and the Clerk was charged with and conveyed a message to the Senate informing that body that the House concurred in the above proposition for a Joint Convention.

The SPEAKER: The gentleman from Saco, Mr. Ford, has the floor.

Mr. FORD: Mr. Speaker, having signed the majority report, I now wish to change my vote to the minority report, not wishing to interfere in any way with the workings of any department of the State. We are paying the head of the State Police a goodly salary and if he does not know how to run his department, I do not think it is our job as members of the Committee on Salaries and Fees to tell him how to do it.

The SPEAKER: The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the House accept the minority report "Ought to pass in new draft."

Mr. VARNEY of Berwick: Mr. Speaker, I understand that there will be a little debate on this question, and I therefore move that it lie on the table temporarily.

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

that the two reports lie on the table, pending the motion of the same gentleman that the minority report be accepted, and be specially assigned for immediately after the Joint Convention. Is this the pleasure of the House?

The motion prevailed.

At this point the Senate came in and a Joint Convention was formed.

In Convention

The President of the Senate in the Chair.

On motion by Senator Marden of Kennebec, it was

ORDERED, that a committee be appointed to wait upon Honorable Stephen F. Chadwick, National Commander of the American Legion, and inform him that the two branches of the Legislature are in Convention assembled in the hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make. It was further

ORDERED, that the same committee wait upon His Excellency, Lewis O. Barrows, Governor, and extend to him an invitation to attend the Convention

The Chairman appointed as members of such committee: Senators Marden of Kennebec, Worthen of Penobscot, Dow of Franklin; Representatives Whitney of Bangor, Batchelder of Parsonsfield, Robbins of Harrison, Dow of Elliot, Poulin of Rumford, LaFleur of Portland, Cook of Lewiston

Senator Marden subsequently reported that the committee had discharged the duty assigned it, and that His Excellency, Governor Lewis O. Barrows, and Honorable Stephen F. Chadwick, National Commander of the American Legion, would attend the Convention forthwith.

Thereupon, Governor Barrows and Honorable Stephen F. Chadwick, attended by the Executive Council, Department Commander Lowe, Legionnaires and distinguished guests, entered the hall of the House, the audience rising and applauding.

The CHAIRMAN: I present His Excellency, Governor Barrows.

GOVERNOR BARROWS: Mr. President, and Members of the Eighty-Ninth Legislature: I esteem it a privilege to introduce to you this morning the worthy Com-mem-ber of a worthy organization.

I present National Commander Stephen F. Chadwick of Seattle, Washington. (Applause, the audience rising)

COMMANDER STEPHEN F. CHADWICK: His Excellency, Governor Barrows, Mr. President, Mr. Speaker—I presume this is one of the states where you are referred to as Mr. Speaker—and ladies and gentlemen of the Legislature of the State of Maine: I appreciate it as an honor to the organization which it is my privilege to head, to be privileged to address this joint convocation of your two legislative bodies.

It seems a long ways from Olympia to Augusta, and yet, in the travels of the National Commander of the American Legion, it only bridges a short space of ten days, and, in the intervening time, I have been as far south as Miami, in the state of Florida.

To look at your group of faces, I see no great distinction between the faces that I met in the Convention of the legislative bodies of South Carolina, of Kansas or Oklahoma, or any of the great commonwealths that make up this American Union. I know, of course, as you know, of the pioneer history of this State as it was carved from the great commonwealth built out of the American Revolution, which is the Bay State of Massachusetts. It has been my privilege now to have visited all save two of the states of the American Union during this year. I will visit your neighboring states of New Hampshire and Vermont within a few short months. Everywhere I find something that is not reflected in the daily papers: An industrious, hard-headed, liberty-loving people, beset at times by false philosophies that seem to have the faculty of making the front pages and creating a disturbance far beyond the man-power or the woman-power that is engendered behind their motives.

We men of the American Legion believe we are performing a service in American life. You men and women of this Legislature I know are performing a contemporary service in American life. You are endeavoring not alone to interpret the will of your constituents, but to remain upon the course that was charted for us by our founding fathers, a course which we men who served a nation in arms learned to appreciate in a manner which is not given to every day and generation.

Ours was a nation conceived in liberty and dedicated to the proposition that all men are created equal; ours was a nation in which men were conceived to be created with God-given rights and in which government was established to protect men in those God-given rights. Ours was the only new conception and is the only new conception of government upon the face of the earth today.

The philosophies of government which are brought to the attention of our people from those governments which characterize the old world are but re-expressions of forms of government from which our fathers fled to establish that which was in their hearts and in their minds. Our fathers fled from racial governments as expressed in such systems as the Feudal System; they fled from autocracies and dictators, who, in their conception of God-given right, conceived themselves to be rulers by divine right. Our fathers came here to establish something in a new philosophy where men would have freedom to speak, where men might have freedom to petition, to assemble and to worship as they would; a nation that knew no distinction of class, a nation in which there was no divine right except the divine right of every man to be free, free in his actions and free in his conscience.

We men of the American Legion who served in a generation in which some men were called upon to make the supreme sacrifice for the principles of our country, had an opportunity to live with people who were living under those other systems of government. We had an opportunity to observe what those systems of government had to give to their people. And, as the war was prosecuted to a successful conclusion, there was but one thought in the minds of any of us who were privileged to have had overseas service, and that was: "When can we go home?" Because we knew that this America of ours, out of the sacrifice of our forefathers, and out of the sacrifice of men of our own day and generation, with whom we had played as boys on the playfield, with whom we had sat in school, that this nation had more to offer to us and to our children than any other nation on the face of the earth.

We have endeavored to be true to

the appreciation of that revelation which came to us. We have endeavored by our every act to direct a course which would interpret the knowledge of our generation to the generations which come after. We have endeavored in our day and generation to take our political philosophies and to take a conception of our advantages to the other peoples of the earth, and we found, in our day and generation, that we could not take our governmental philosophies to other peoples and drive them down their throats by a bayonet. We accordingly have directed a course for this nation out of our knowledge, directing that it, at all times, hold itself prepared to defend in security the liberties which we enjoy.

We have endeavored—where others have endeavored to tell youth that they should not raise their hand to defend this nation—we have endeavored to instill into youth a spirit of appreciation of the fact that the liberties which they enjoy came only through the blood sacrifice of men in arms, and, if necessary, that they should be willing, out of their spirit of appreciation of that which we have, to make the same sacrifice to preserve those principles and those liberties.

We have endeavored, in our day and generation, to encourage a child-welfare program, that every American youth might have a sound body, and in it a sound and reasoning mind. We have been just to that which is a primary obligation of ours, to take care of the dependents of those who died that we might live. The American people, under our direction, have taken a course for the dependents of those who died and for those who, by reason of their war experience, were deprived of equality in the struggle which is life, men who were broken in mind and body, and, as representing the people of a great State, and in my capacity as being the representative of an organization of a million men in the American Legion, I want to express to you and through you to the people of this Commonwealth the appreciation of the men of the American Legion for the magnificent care which has been provided for our disabled comrades.

Beyond that, we have endeavored, by every means to interpret to the American people our appreciation

of America. We have taken youth into summer camps to teach them the practical operation of our form and system of government. We have taken five hundred thousand boys a year into organized baseball, to teach them that life is, after all, a game, a serious game, contemplating an ultimate decision, but a game in which a man may strike out three times and yet opportunity is always before him to step to the plate at the right time and drive out the hit that may bring in a winning run. We have taught boys to take defeat with sportsmanship and with manhood; we have encouraged in every youth the thought that it may be his responsibility in time of emergency to bear arms, and that if he is called upon for that responsibility, we want him better prepared than we were in our day and generation.

There is a responsibility for the defense of the nation which is commensurate with the public education which every citizen enjoys, whether it be in the fostering of the R. O. T. C. in high school or in colleges, or in the encouragement of young men to enter the National Guard or the organized reserve. We feel that we are doing two things: First, we are increasing the spirit of appreciation of that which he has and—secondly—we are giving him the fundamentals of his own self defense if the nation should ever again call in emergency.

There has been a spirit in this nation of ours during the past several years in which they have tried to undermine that spirit of patriotism which has characterized us as a people, telling our sons they should take oaths never to raise their hands in defense, endeavoring to undermine the compulsory character of education in land grant colleges.

The men of the World War have combated all those things, sometimes without too much public appreciation of what we were doing, but recent events in the old world have indicated that the cause which we have been preaching and teaching is a sound one, because it seems that the only thing that will stop the march of modern aggression is that they know they will meet a foe which will mean their destruction if ever they turn their eyes of aggression upon us as a people.

The American Legion today is re-

ferred to generally as the "Men of the Legion." A few short years ago, we were basking in the appellation of "The Boys of the Legion." Twenty years have passed since the American Legion came into being. We are men forty-six years and nine months of age on an average; we are the fathers of boys and of girls; we are interested today primarily in that precept of ours which was written at the time of the adoption of our Constitution that we might safeguard and transmit to posterity the principles of justice and freedom and democracy, and one of the most important means of transmitting those precious values to another generation lies in our respect for our representatives and our representative assemblies. Our representatives, we hope, will always be statesmen, with the approach of statesmen to the common problems of the people.

Too often men come to public life without an adequate background for the public service. Too many men have been listened to in this country who have no conception of the knowledge that was available to and of the philosophies that were discarded by these men who sat up and established this government of the United States of America. The reading of the Federal papers should be an essential, I think, to every high school graduate in the United States of America. If they would read and know what our fathers had read and had discarded and considered, they would re-appreciate the system and form of government which was set up for us, and they would realize that there are great merits in the representative form of democracy which was established for us.

Montesque, in his *Spirit of Laws*, said that a democracy could not be taken beyond the borders of a small city, but our fathers injected for the first time the element of representative democracy with periodic elections to the end that the will of the people might, through reasonable debate, be expressed through representatives of their own choosing.

Some of our representatives have been inclined, out of a desire to pass the buck of the responsibilities of their office, to go into such facts as the initiative and referendum, and pass the responsibility of the law-making power to the mael-

strom of democracy as expressed in the Debating Society or the Church Guild or the Town Meeting. We have an aggravated instance of that which is now presented to us by twelve Senators supporting, as they are, what was heretofore known as the Ludlow Amendment to the Constitution of the United States. The ex-service men of the World War have given it to me as one of their mandates to oppose the Ludlow Amendment. It is an amendment which would take from our Representatives in Congress the power to declare a war which might take any of our young men onto foreign soil or out beyond the three-mile limit where they might be in other than American territory. It is a very intriguing appeal to the mothers of men, the same appeal that was contained for our own mothers in those days when we sang "I Didn't Raise My Boy to be a Soldier," and then in a short time found that whether or not we were raised for that purpose, we were soldiers. It is offered by men, apparently, who do not feel themselves equal to the responsibility of representing their constituents.

The power to declare war is not in the President of the United States; it is in the Congress of the United States, and once it is expressed by them, as it was in the World War, although there was a dissenting group, we were one people, united in the prosecution of that war to a successful conclusion. If that matter had gone to the people upon a direct vote as to whether or not we would throw the weight of our influence with the allied powers or with the entente powers, or whether we would throw it with neither one, the American people would have been disorganized, disunited for the effort which was required to bring that war to a successful conclusion. And that, in the opinion of the ex-service men of the World War, would be the result of this amendment if it ever was adopted. And, more than that, we would be subject, as we never have been subject, to the propaganda of every alien force, seeking to try out here in America the internal problems of every small nation over the face of the earth, seeking in every alignment of nations, by the use of money on the North American Continent, to put the North against the South, and the East against the West, or tear whole communities in twain.

There is a merit in putting the responsibility for the defense of our liberties in representative assemblies, because out of that and the normal acceptance of the will of the majority of our representatives we can move forth as one people united and express ourselves, as we are continually trying to do it, for the peace of this world. We men of the World War do not want to see America again enter a World War in our day and generation. The greatest lesson that came to us out of the World War was that we were one great people united, regardless of racial strain, regardless of circumstances of birth, regardless of religious conviction—we were united to defend those things which gave us our individual freedom, our freedom of conscience and our freedom of opinion. We believe that America in its system of government offers, through process of education, and through ultimate respect for our example, the hope and the means of the peoples of the earth living together some day in peace. But if we let America get into the maelstrom of conflict, which, as many reasoning men declare, will mean the end and destruction of civilization, then we will be losing the values that we have and setting the world far back in the progress that has been made. So the advice of the ex-service men of the World War has been: "Walk softly, love thy neighbor, carry a big stick, keep your powder dry, and be prepared at all times to defend America and its liberties if they ever be placed in jeopardy."

As I say, our thoughts are not of ourselves today—our thoughts are of the future, and, born of that expression, this group of men of the World War enjoys today the largest membership as of this time of year in its history. Moving along daily, seventy-five thousand stronger than it was at the same time last year, this year it will be the expression of more than a million men, organized, an expression that goes not only to those larger affairs that I have been discussing, but an expression that goes into community service in eleven thousand, five hundred and sixty-eight communities.

We of the Legion want to be understood. We are a trifle different than any other Veterans' Organization that has ever existed in the history of this nation of ours. We men who twenty years ago elected to serve in peace as we have served

in war, we elected to transmit the realization of the revelation of America which had come to us to generations yet unborn. You will have us with you as a force for possibly another twenty years, and we trust that we will have, as I know we have had from this representative assembly here, the encouragement and support that we have asked, in order that we may effectively transmit the spirit of our great organization, a spirit that survives from the America that took itself unselfishly into European conflict only to realize, when we were through, that the one, and possibly the only great value that we had gained out of the war was that we did know and understand ourselves and appreciated that which we had, and were, from thenceforward, one people united to preserve that which we had.

It has been a great pleasure to address this fine and so attentive assembly, Your Excellency. (Prolonged applause, the members rising.)

At the conclusion of the address, the Governor and Council, National Commander Chadwick, and other distinguished guests, withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved and the Senate retired to its chamber, amid the applause of the House, the members rising.

In the House

The Speaker in the Chair.

The SPEAKER: The House is proceeding under Orders of the Day.

The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the House accept the minority report "Ought to pass in new draft" on Bill "An Act Relating to State Police," the New Draft being L. D. 1177, tabled by the same gentleman earlier this morning, and specially assigned for this time.

Mr. VARNEY: Mr. Speaker and members of the House: When this bill, which is a Senate paper, came up for hearing down before the Salaries and Fees Committee, I appeared there in favor of some bill of this kind, and when it came out in the new draft I was given to understand by one of the members who was very much interested in

the passage of this bill that, upon reflection, it was now satisfactory to the members of the Salaries and Fees Committee. With that in view, I made the motion yesterday for the acceptance of the minority report. I now find that apparently I was under a mistaken impression. So far as necessary, I want to apologize to the members of the Salaries and Fees Committee who are not satisfied with the bill in the new draft. I do not want you to think I was attempting to put anything by without you having an opportunity to state your views.

There is one feature of this bill which I want to explain to you and which I am mostly interested in. As the State Police Department is now set up, they are enlisted men, that is, when they join the State Police force they enlist similar to the method you use when you enlist in the army for a certain period. I do not know just what that period is, but what they are to receive for compensation is fixed by the Governor and Council. I think that system is wrong, because it gives the Governor and Council an opportunity to fix the salary of one patrolman at \$30 a week or \$29 a week and another patrolman who perhaps has had a longer term of service will continue on at only \$28 a week. To speak real frankly, it is an opportunity for politics to enter into the State Police Department to the extent of fixing the salaries of the men.

Now this bill would do two things: It would write into the law how much a State Police officer was to be paid and take it away from the Governor and Council; and second, I understand that it would result in a slight net salary increase at the present time. Why? Because it sets up a period of time under which they would receive an increase. That is, it provides that a man who enlists in the State Police force shall start at \$20 a week, which I believe is \$5 a week less than we start a man for now. Then it provides that at the end of six months, or some period, his salary shall be increased to \$25 a week. At the end of another period, it is again increased. When you put this into effect of course you cannot very well cut down a patrolman who is receiving \$28 to \$25. Therefore the bill says that the members shall not be cut down. In view of this, men who have had longer service will receive a slight

increase. That will not entail any additional appropriation for the State Police Department.

May I say that if this bill does not pass, those who are in charge of the State Police Department, and I refer now to the Chief, have no way of knowing that the Governor and Council will put over onto him an increase in pay for every single man that is working in his department. And what would the Chief of the State Police do if that happened? Of course he would have to cut down on some other service that the State Police are performing. In other words, I want to point out that if you do pass this bill you will probably be increasing the expenses, the salaries of the State Police temporarily, but you will be fixing it where the Chief will know what he has got to pay for salaries and you will not be placing him in the position of having the salaries all down the line increased for political reasons, may I suggest, rather than on the merit basis. While it will increase some salaries somewhat, should we take on additional men—and without knowing, I assume the State Police force is subject to normal expansion, and possibly some additional men will be taken on in the course of the next two years—in taking on the additional men it would be at a lower figure than we have now, and to that extent there will be a saving in salaries. I say very frankly that there will be a slight increase in salaries, but I think it is one case where it is well worth the increase. I believe the bill will, to some extent, result in taking politics out of the State Police Department. I still hope the minority report "Ought to pass" will prevail.

Mr. COWAN of Portland: Mr. Speaker, may I ask the gentleman, through the Chair, if this meets with the approval of the Chief of Police?

The SPEAKER: The gentleman from Portland, Mr. Cowan, asks the gentleman from Berwick, Mr. Varney, a question through the Chair. The gentleman may answer if he wishes.

Mr. VARNEY: Mr. Speaker, I am sorry, I did not quite understand the question.

Mr. COWAN: Mr. Speaker, the question was this: Does this rigid system of salaries meet with the approval of the Chief of Police?

Mr. VARNEY: Mr. Speaker, in answer to that question, I would say that I never personally talked

with Major Healy about it. I understand, and I think I am quite safe in saying—and I hope someone will correct me if I am wrong—but I think I am safe in saying that it does meet with the approval of Major Healy. He believes that he can well absorb the increases by other savings in his department.

Mr. FORD of Saco: Mr. Speaker, I believe I can answer that question. I talked with Major Healy this morning and he thoroughly approves of the new draft and he is in accord with it. He believes that his department can be very efficiently run under this new draft.

The SPEAKER: The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the House accept the minority report of the Committee on Salaries and Fees, reporting "Ought to pass in new draft" on Bill "An Act Relating to the State Police. All those in favor of the acceptance of the minority report will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, the minority "Ought to pass in new draft" report was accepted in concurrence, the bill was given its two several readings, and assigned for third reading this afternoon.

The SPEAKER: The House is proceeding under Orders of the Day. Is there any further business to come before the House?

Is it the pleasure of the House that all matters acted upon this morning in concurrence or sent up for concurrence be sent to the Senate forthwith?

The House so voted.

The SPEAKER: Is it the pleasure of the House that all bills which received their two several readings this morning and all resolves which received their first reading this morning, receive their second and third readings, respectively, this afternoon?

The House so voted.

On motion by Mr. Varney of Berwick, the House recessed until four o'clock this afternoon.

Afternoon Session—4:00 P. M.

The House was called to order by the Speaker.

Mr. Peakes of Milo, presented the following resolution and moved its adoption:

WHEREAS, it has been learned with profound sorrow of the passing of Calvin S. Davis, prominent farmer and dairyman and father of our fellow-member, Honorable Joseph W. Davis;

NOW THEREFORE BE IT RESOLVED, that in the passing of Mr. Davis, Maine has lost a citizen of high standing and sterling worth.

AND BE IT FURTHER RESOLVED, that the sympathy of the members of the House be extended to Honorable Joseph W. Davis and a copy of these Resolutions be sent to the family of the late Calvin S. Davis.

Thereupon, the Resolution was adopted.

Papers From the Senate

(Out of order and under suspension of the rules)

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1940 and June 30, 1941" (S. P. 122); in new draft (S. P. 679) (L. D. 1190) under same title.

Bill "An Act relating to Fines Paid to Municipal Courts" (S. P. 475) (L. D. 1008); in a new draft (S. P. 678) (L. D. 1184) under same title.

Bill "An Act relating to Lighting the Mount Desert Bridge" (S. P. 199); in a new draft (S. P. 674) (L. D. 1186) under same title.

Bill "An Act relating to Erection and Equipment of a State Police Barrack in Thomaston" (S. P. 233) (L. D. 273); in new draft (S. P. 681) (L. D. 1192) under same title.

Bill "An Act Concerning Certain Trunk Line Highways" (S. P. 478) (L. D. 1016); in new draft (S. P. 673) (L. D. 1185) under same title.

Bills were read twice and tomorrow assigned.

Final Reports

From the Senate:

Final Report of the Committee on Banks and Banking

Final Report of the Committee on Motor Vehicles.

Come from the Senate, read and accepted

In the House, read and accepted in concurrence.

From the Senate: Bill "An Act relating to Penalty for Operating Motor Vehicle While under the Influence of Intoxicating Liquor or Drug" (H. P. 2224) (L. D. 1166) which was passed to be engrossed in the House on April 13th.

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

In the House: Senate Amendment "A" read by the Clerk.

On motion by Mr. Weatherbee of Lincoln, the House voted to recede from its former action whereby it passed this bill to be engrossed.

Senate Amendment "A" was adopted, and the bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

From the Senate: Bill "An Act relating to School Busses" (H. P. 1440) (L. D. 620) on which the House indefinitely postponed the report and bill on April 4th.

Comes from the Senate with the report of the Committee on Motor Vehicles reporting a new draft (H. P. 2059) (L. D. 1095) accepted in non-concurrence and the bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House, on motion by Mr. Paul of Portland, the House voted to adhere to its former action whereby it indefinitely postponed this bill.

Passed To Be Engrossed Out of Order)

Bill "An Act relating to the State Police" (S. P. 625) (L. D. 1177)

Resolve for the Purchase of One Hundred Copies of "A History of Education in Maine" (H. P. 511) (L. D. 1200)

Resolve in favor of H. L. Bruen of Readfield (H. P. 2240) (L. D. 1197)

Resolve in favor of Joseph Michaud of Berwick (H. P. 2241) (L. D. 1195)

Resolve in favor of Edith Given of Windsor (H. P. 2242) (L. D. 1196)

Resolve in favor of Elvin Silsby of Aurora (H. P. 2243) (L. D. 1198)

Resolve Granting a Bonus to Certain Maine Veterans of the World War (H. P. 2244) (L. D. 1199)

Sent up for concurrence.

Amended Bills

Bill "An Act relating to the Port of Northeast Harbor Authority" (S. P. 261) (L. D. 445)

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 Alimony" (S. P. 668) (L. D. 1174)

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

Additional papers from the Senate, out of order and under suspension of the rules:

ORDERED, the House concurring, that H. P. 1729, L. D. 837, "An Act relating to Exemptions from Taxation" shall be returned from the files to the Senate for further action thereon. (S. P. 688)

Comes from the Senate, read and passed.

In the House, a viva voce vote being taken, the order received passage in concurrence.

From the Senate: Bill "An Act providing for Joint Financial Participation between the State and its Municipalities" (S. P. 687) (L. D. 1202)

Comes from the Senate, received from the Committee on Ways and Bridges pursuant to the Joint Order, given its several readings and passed to be engrossed without reference to a committee.

In the House:

Mr. McGLAUFILIN of Portland: Mr. Speaker, I would like the privilege of addressing you facing the House.

The SPEAKER: The gentleman has permission.

Mr. McGLAUFILIN: Mr. Speaker and members of the House: As we are drawing near the close of the session, at least we hope, I wish to thank the members of this Legislature for so many times patiently listening to what I have had to say. I want to ask your indulgence once more this afternoon while I discuss with you a matter that seems to me to be of great importance. I want to talk on this subject, but I would like to give a title to the remarks that I am about to make to you, and the title would be this: "Our Problem, the Present Emergency, and the Chains about our Necks."

The problem that we were sent here to solve was to take care of not only the people that had already received old age assistance but also to take care of the other deserving old people of this State who were entitled to some consideration.

As I see it, that problem calls for us to provide for at least 16,000 to 18,000 people in all.

In the city of Portland there is a white-haired old lady approaching eighty, who has had a hard struggle all her life. She has lost her husband, she has lost one of her two daughters, the other daughter has a large family of her own and is unable to assist her. She had a little property, but it has all been used up, and now she is struggling along in her old age, trying to earn a living by doing a little housework from time to time, and she is looking forward with great hope that this Legislature will provide funds so that her application, which has already been passed upon, may be made available to her.

There is another white-haired old lady in Portland who some years ago had to give up her steady employment to help take care of an infirm sister, and now, in her later age in life, she is from time to time stringing a few beads where she gets a few cents a day, and, with the help of the Portland Benevolent Society, of which I happen to be a member, that woman has managed to eke out an existence. She does not go to any Sunday movies, she does not go to any movies at all, because she has to count every penny to keep her from starvation.

There is a white-haired old man in Portland who has struggled along for many years and who now is unable to get any employment, and he does not want to go onto the town. He is a man who has pride, and he is around selling neck-ties, which nobody wants, but he manages to just get by. And week after week, as I go back to Portland, this man asks me what we are doing to help the old people, as that seems to him the only way out.

There was another man whom I knew from boyhood days who had a hard struggle all his life, and, a short time ago, he had sickness in his family, and he lost his wife and he lost what property he had, and he lost his courage. He came to me and wanted to get out papers for old age assistance. His case was

pending in this State House, but before we got round to produce any funds that man died. And I want to tell you men and women that while we are debating as to whether there is an emergency existing at this time men and women all over this State are dying one by one. And through that cloud of despair, where they fear disgrace, where they are afraid that they cannot get enough to eat, at this time I say that through that rift of despair there comes a ray of hope that in some way this Legislature will provide funds to take care of these old people. These are but a few of the many illustrations that I could give you. And here, through the mercy of Almighty God, this Legislature here and now is given the opportunity, an opportunity such as you never will have in your life again to do good.

I told you a moment ago that I was one of the trustees of the Portland Benevolent Society. It so happens that I am the oldest member of that board, and in the years that have passed it has been my privilege many times not to use my own money but to use the money that belonged to that fund to help somebody that was in distress. I want to tell you men and women that there is no greater satisfaction under God's earth than to be able to help someone who is in despair and see the sunshine in their faces when they see there is a possible way out. And here we have got the opportunity to raise funds to take care of these old people more than we will ever have the opportunity in our whole lifetime again, and we are falling down on the job, and I am going to tell you why.

It is because we have got shackles about our necks. And I am going to tell you what they are.

In the first place, we are slaves to a political platform. Our parties, both parties, were asinine enough, foolish enough, shortsighted enough to say that there should be no new taxes. I say that at that convention the matter was not discussed at all on the floor of the Convention. It was brought in at the closing hours of the session—I am speaking of the Republican Convention—it was brought in at the closing hours of that Convention and was passed without any discussion. Nobody knows to this day how the people felt at that convention even. But I

care not if every man there felt that it should be part of the platform, so far as I have been able to learn by talking with men and women everywhere, it meets with no approval particularly.

Now this talk that we have heard over and over again that we cannot have any more taxes comes from this Legislature, not from the people of the State of Maine. And we are inconsistent as anything can be. We say we can have no more new taxes, and yet we are passing four new taxes in this House to my knowledge. We have got a new tax on radios, we have got a new tax on licenses for automobiles, you passed a new tax on Sunday movies—I am talking about this House; although you did back down afterwards, you passed it, you made the gesture—and you passed a tax on chain stores, all new taxes—and the chain store tax was a material one.

And yet there are men who will get up here probably this afternoon again, following me, and tell you that we cannot have any new taxes. Did you ever hear anything more absurd and ridiculous?

But we have got another chain around our necks, and that is a chain of prejudice, the popular vote. Two years ago we passed a sales tax, and, as I said in this House over and over again, due to ignorance and prejudice and misunderstanding, about one-third of the people of the State voted against the sales tax. There is considerable change of sentiment throughout the State on that very feature. A woman at the Eastland Hotel came to me a short time ago and said: "I wish you would tell me about the sales tax." I told her something about it, and she said: "I never understood it before. I voted against it. How shortsighted I was. If I could vote today I would vote for it." There was a man who was working in Chipman's in Portland two years ago who was very much against me because I voted for a sales tax. I met him in Shaw's the other day and he informed me that the sales tax was the only way out. And to show you that people do change their opinion, I want to call your attention to the fact that just a week or two ago, one day we voted on a salary bill 54 to 50 and the next day, as I recall the figures, we voted 83 to 9, exactly the opposite way—and you think that people do not change their minds.

But that is another shackle, another chain about our necks. You cannot pass a sales tax? Again I say, "Oh, consistency, thou art a jewel." Right in this House you passed a sales tax. When you passed the Sunday movie tax you never bated an eyelash.

The third chain that hangs about our neck is that we must not do anything to offend the people at home. After I spoke on the Sunday movie question, one of my friends in this House told me that he agreed with everything I had to say, but he said: "The people in my community want the Sunday movies", and he voted for the Sunday movies. I say it is because we have got collars around our necks.

And the fourth collar that we have got around our necks that chains us down from doing what we ought to do is our own personal political ambition. I want you to analyze that statement and see if it is not absolutely true. Oh men and women, if we could throw off these damn shackles and get down to brass tacks and look at this matter on its merits and use our own judgment, we could solve this problem here and now. It is because we are scared to death to say that our souls are our own, and it looks now as though we were going home without half doing this job when we might just as well do it and do a good job and go home feeling that for once in our lives we had done something worth while. I, for one, had rather be up here in this Legislature and take care of the old people of this State this one time than to be up here ten times and do nothing. God help us to see that here is an opportunity that we ought not to miss!

I read in the Sunday paper last Sunday an editorial, and I just want to quote a word. This is in the Sunday Telegram of last Sunday:

"It is too early yet to review the work of this session (talking about this Legislature) but it is not too early to say that the Legislature has been one of the best ever to have served Maine. It has contained no stars of outstanding brilliancy, but it is composed of men and women who have been earnest, conscientious, probably above the average in ability for performing the duty they were chosen to perform."

Gentlemen, that is what the people of the State of Maine think

about this Legislature today. What are they going to think about this Legislature tomorrow when we go home only half doing this job? Are we going back to our constituents and say: "You chose us as the elite to solve a problem, but we were too little to do the job, we just were not big enough." Or are we going to stand up on our hind legs and do this job?

Now I am not talking here for the purpose of opposing this measure, but I do want to point out to you that there are four ways in which we can solve this problem and solve it well and go home feeling that we have done the greatest job that any Legislature in the State of Maine ever did. You could take the bill presented by the gentleman from Berwick, Mr. Varney, and that would provide sufficient funds to take care of this problem; you could take the cigarette bill presented by the gentleman from Monticello, Mr. Good, and pass that, and that would care for the problem; or, lastly, you could take this bill, pass this bill, if you think it is a good bill, and then, in addition to that, raise some more money. But this bill only half takes care of the job.

Ladies and gentlemen, I ask for your attention. To me this means a lot. I came up here to help do a big job. I cannot do it alone. I want you men and women to help me do this job, so that we may go home not feeling ashamed of ourselves but feeling that for once in our lives we have done something worth while by the help of Almighty God! (Applause)

The SPEAKER: This bill is received in accordance with joint order from the Committee on Ways and Bridges and is in order for its first reading if there is no motion or debate to be had. The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker, if we will refer to the Inaugural Address of our Governor in 1937, we find the following statement:

"I feel that it is my first duty to report to you the cash position of the State. Never before in the history of Maine have an incoming executive and legislature been faced with such serious problems. In my opinion we face a financial situation which can only be described as

desperate. Conditions, policies, and practices which have been followed have created problems which make your position unenviable and without parallel in this state."

On the bottom of Page 5 we find the statement:

"Members of the Eighty-eighth Legislature, again I say we are confronted with an extremely serious situation."

If you will refer to the Budget Message of 1937, you will find this statement:

"The problem of constant and pyramiding overdrafts in departmental operations without authorization by the legislature is a policy that this administration does not desire to pursue.

"In the Welfare Department such a course has been followed to the extent that at the present time there is an actual cash overdraft of \$997,655.16. Of this amount the sum of \$842,992.41 represents an overdraft for the last fiscal year ending June 30, 1936. This amount was actually charged against the sinking fund reserve and should be replaced. In this respect the State is exactly like an individual. With the borrowing capacity of the State exhausted by those who preceded you, we are now actually in the position where we must have revenue to pay our bills.

"With a knowledge of this fact, the Governor and Council are instructing the Commissioner of Health and Welfare to notify all cities and towns that on and after February 20, 1937, there will be no funds to reimburse municipalities for any kind of pauper support unless in the meantime funds and appropriations are provided. To meet this situation the sum of \$700,000 appears to be necessary. Included in this figure would be such an amount as you determine to be necessary for continuation of so-called "Emergency Aid."

And, in the same Budget Message, referring to what has been called the deficiency of 1935-1936, we find this statement:

"The amortization of this obligation over a period of years would cause serious cash embarrassment to the treasury. This obligation should be met in the shortest possible time, as the limited temporary borrowing capacity of the State only cares for necessary tax anticipation borrowings and should not

be obligated for past expenditures and deficits."

Pursuant to that Budget Message, on February 25th, by emergency legislation, the Legislature of 1937 passed a law which is Chapter 15 of the Public Laws of 1937, placing a tax on beer and alcoholic beverages, and providing that the funds therefor over a period of two years, which would amount to \$2,000,000, would take care of what was termed that deficiency.

We then came into a special session, and what happened? At that time you were told that a half loaf was better than none, and that although there were 25,000 deserving cases that only 11,500 could be taken care of. And how was it taken care of? It was taken care of by taking part of the money which the taxpayers of the State of Maine had to pay for the purchase of malt beverages and liquor to pay for that deficiency, so that the amended act of 1937 provided that all funds found in the treasury coming from this tax of July 1, 1938 above \$497,000 should be used for the payment of old age pensions.

At that time there was also advanced a plan cutting down the State departmental expenses, in some departments five per cent and in some more, so that under that plan the State of Maine operated and is continuing to operate so that at the present time they take care of 11,500 cases. During this session of Legislature we have passed through this House a bill affecting Chapter 15 of the Laws of 1937. And what does that bill do? It provides that at the end of each year the sum of \$100,000 only shall be set aside and be placed in the surplus account to meet the 1935-1936 deficiency.

We hear nothing at this session about any cutting of department expenses, of any reduction of five per cent in this departmental expenditures for the purpose of meeting old age assistance. No indeed. We have a plan not to take care of 25,000 but trying to take care of 15,000, the State to pay one-half and the municipalities to contribute one-half; and they say that the State will return the municipalities' half back from highway funds.

In regard to the return from the highway funds, I wish to call your attention to an article in this morn-

ing's paper where the counsel for the Maine A. A. A. declares that that part of this plan which purports to return to the municipalities any part of the highway fund violates not only Federal law but our State law.

And there is another thing in that bill which is to be considered: When does the State of Maine intend to return to the municipalities these highway funds? I find absolutely nothing as to when they will be returned, but the bill is very specific as to when the cities and towns, on the first day of each month, shall pay the money into the treasury of the State of Maine for old age assistance.

I can agree with my Brother from Portland (Mr. McGlaufflin) when he says that it is our duty as it was our duty at the special session in 1937, to provide not for 15,000 but to provide for 25,000. I therefore move that the report and bill be indefinitely postponed, and, when the vote is taken that it be taken by the yeas and nays.

Mr. HINMAN of Skowhegan: Mr. Speaker and members of the House: If there be in this Legislature any man who has a right to object to this method of financing our obligations, I think perhaps I am that man. And in the face of that I say that, under the existing conditions, this bill that is offered to this Legislature is perfectly sound. I want to refer just a few moments to some of the things that our good member Judge McGlaufflin—one of the dearest men in this world—has said. It would appear that he is perfectly contented to take care of sixteen to eighteen thousand. We all know that in the two questions that we have to settle, first, the number that we are going to take care of, and second, the means that we are going to use in taking care of them, that we cannot very well please every individual. But we can follow the procedure that seems reasonably sound, and I submit to you that when anybody insinuates that this program is not going to that extent that makes it reasonable and at least as far as we could go and be sound, they are not considering what we are doing.

I want to just examine the figures for a minute and see what we are doing. I do not think there is any question about the fact that we have on our rolls at the present time 11,394 people. Neither is there

any question about the fact that we have on our application list at the present time 24,420, leaving a balance of 13,026. We will take away from that list by the elimination of aliens who are on that list at the present time, receiving and on the waiting list, 1,332. That leaves us 11,694. We have on the unapproved list 500 aliens—that is estimated only—leaving 11,194. We have on that list 1,545 denials, leaving 10,549. We have 586 doubtful cases. That leaves 9,963. This bill proposes to take on 3,000, bringing us down to 6,963. It is agreed after a very conservative and fair estimate by those who are familiar with State finances and Old Age Assistance procedure that we may and should rightfully gain 10 per cent by reinvestigations and eliminations. By the same token, it is agreed that we should gain 10 per cent in the amount by a reduction in the amount that is received. This would give us another 2,500, which would bring the list down to 4,463.

Now we entered a business a very short time ago. It may seem to some of you members as a small business, but to me it is a great big undertaking. We have progressed from the start of one to a point where we would apparently be in position, under this program, to take care of all but 4,463 out of 24,420.

Now if we have laid down on this job, if we have been remiss in our duty, if we have not proceeded as far as anybody could expect us to proceed, I would like to get the viewpoint that would prove to me that their viewpoint is sound.

The gentleman from Portland, Mr. McGlaufflin, has asked what the newspapers are going to think by such action as we now are considering. I do not believe there is any chance of their thinking that we have not gone far enough, and in saying that please do not confuse the willingness of the cause with that fundamental principle that, above everything else, we must proceed reasonably soundly, I would venture to say that those newspapers which Judge McGlaufflin has mentioned would proclaim this as a very forward program.

The gentleman from Biddeford, Mr. Donahue, has questioned the means of handling the finances. To me there is not any mystery to it. It is my understanding that the cities and towns in the State of

Maine are raising \$426,000 for State Aid construction. I am repeating these figures from memory and I may not be right to the cent, but they are practically right. The same cities and towns are raising \$288,000 for maintenance of State Highways. The same towns are raising \$102,000 for removal of snow from State Highways, and that makes a total of \$816,000. It does not seem to me that there is any mystery in that. That money having been raised, it may be paid to the State of Maine and a like amount may be returned to the towns from the State of Maine from the highway funds, releasing that amount of money by the towns for Old Age Assistance.

I have told you members repeatedly that I thought five minutes was long enough to talk upon any question and I hope you will pardon me for transgressing in this particular instance.

I too want to do my job in this Legislature. I am not worried about the folks back home, and I am not worried about any individual, but I am concerned with my own conscience, and my conscience tells me that under the conditions which face us at this moment, that the proposed plan is sound, and that the proposed plan, under the present conditions, is the one that this Legislature should accept, and I hope that the motion of the gentleman from Biddeford, Mr. Donahue, may not prevail.

Mr. VARNEY of Berwick: Mr. Speaker, because I believe that if all the members of this House who are really interested in Old Age Assistance understood what this bill really does they could not help but vote for it, I want to take just a moment to talk on what the bill really does.

I think that since last night many of you have studied the bill and most of the members of the House probably now understand it. I believe, however, that you may receive some calls from back home from people who do not understand what the bill really does, and perhaps that is some reason why I want to speak for a moment on that phase of this question.

Some time ago — I do not recall just when — the people of the State of Maine in referendum said that all gasoline tax money and money received from registration of auto-

mobiles should be spent upon the highways. I believed in that and voted for it at the time. I have always said that I did not believe in the principle of the State of Maine collecting from gasoline tax money a gasoline tax dollar, if I may call it that, and then holding that dollar up to the towns around the State and saying "You may have that dollar to put on the highways in your towns if you will raise another dollar from real estate tax in that particular town and match that gasoline tax dollar."

Now the gentleman from Skowhegan, Mr. Hinman, has just told you that the towns in the State of Maine as an aggregate now are raising on a real estate tax eight hundred thousand and some dollars which are being used to match State gasoline tax money.

Now this bill, if it becomes effective, will, in the simplest terms I can state, say to the towns as an aggregate that you no longer need to raise real estate tax money to match gasoline funds. That same \$800,000 we now ask you to put into Old Age Assistance and we are going to give you back exactly that \$800,000 out of gasoline tax funds from the general highway funds to spend on the highways in your town.

Now I want to make this clear: That every town receives exactly what it contributes and there is on the desk here a list of how much each town in the State of Maine will contribute and how much it will receive. That amount does not depend on the number of Old Age Assistance cases that there are in your town—that factor has nothing to do with it at all—and as I look through the list I notice the town of Durham. The town of Durham will contribute \$703, if I understand this bill, to Old Age Assistance, and the town of Durham will receive from the State \$703 which the town of Durham may use first, if they see fit, for State Aid highway matching—that is, they may take part of that \$703 that the State is going to send them out of gasoline tax money and say "We will take \$500 of it (perhaps I have not got the exact unit) and use that to match State-Aid money as we do now and thereby get some more money from the State."

Now they use \$500 that way. They may take another hundred dollars

for State Aid maintenance they have to raise now, and this bill provides that if there is anything left over, that will be used in the town of Durham for construction of roads in the town of Durham under the supervision of the State Highway Department. I want to make that point clear, namely, that if you want to find out how much your town is going to contribute to Old Age Assistance, just look at that list and it will tell you how much you are going to get back and the amount that you will contribute. I think there was considerable misunderstanding on that point.

The bill takes a step in what I consider to be the right direction in that it gets away from that old practice that the State of Maine has had of holding up a gasoline tax dollar and saying to the town of Berwick, "You cannot have that until you raise a real estate tax dollar to match it." I repeat again, that this does not cost the towns one cent, because it is a matter of swapping the tax. You say, "Where is the \$800,000 coming from in the final analysis?" I will tell you where it is coming from in the final analysis. In the final analysis the general fund for highway purposes is going to be reduced by \$800,000, but I want to point out to you that, offset against that, there is going to be the normal increase in general highway funds—I mean receipts from the gasoline tax and automobile registration which have been increasing year after year and which we have every reason to believe in all probability will increase. I think the figures show it has increased, and perhaps somebody more familiar than I am with the matter can tell you something about that increase.

I came down here too, believing that I wanted to do everything that I could for old age assistance. I want to call your attention to this fact: When we came here, we had over 12,000 cases on the Old Age Assistance list. That number has now dropped, while this Legislature has been in session, to 11,500, approximately. I understand that drop has been due to death, largely, at least. I think there has also been a corresponding drop—and I say I think that, because I have no basis to back it up—but I think there has also been a corresponding falling off in the four thousand who were on

the waiting list and who were not being paid Old Age Assistance.

I also believe, from a study which I have tried to make, that those who are receiving Old Age Assistance, that a re-investigation of these cases will result in striking off or a reduction in the amount that is being paid to many Old Age Assistance cases.—I am going to say perhaps ten per cent, but that is just my personal opinion. I believe that that same re-investigation will result in striking off some from the 4,000 waiting list that we had at the first of the year, in addition to those who died who were on the 4,000 waiting list. I believe that from the list of applicants who have not been investigated, that a larger proportion of those applicants are underserving than the applicants who put in their applications, because I think it is true that, generally speaking, the most deserving cases were first noticed by people in the towns and first got their application in, and now there are others who are applying because they think most everybody is going to be paid. Therefore, I say I think, so far as the application list is concerned, not only will a greater proportion of that list be turned down, but also more of these people or a larger proportion of that list will need less assistance than the twenty dollars that is being paid now by the State. I do not know just what the figure is that we carry on now—I do not know whether it is 15,000 or 16,000 or 17,000 or possibly 20,000.

I want to call your attention too to the fact that the Federal government has gone into this Old Age Assistance business and is setting up a department which will eventually, we hope, take care of some of the Old Age Assistance. For that reason, I think that the State of Maine is justified in going a little bit slow now, because some of this slack may, in a short time, be taken up by the Federal government.

Now when I came down here I introduced a measure which, as the gentleman from Portland, Mr. McGlaufflin, says, would have taken care of Old Age Assistance. I found that I was unable to sell it to the majority of this Legislature, and I think it is conceded by many of you, at least, that you have come to the conclusion that we cannot pass a gasoline tax which would take care of a large majority of the

people, and I am convinced that we cannot pass a tobacco tax which I concede would take care of a large majority of the Old Age Assistance. I wonder whether we can pass even a chain store tax which would take care of some of this Old Age Assistance and perhaps quite a few cases. I wonder if there are any other taxes that we can pass which will take care of any Old Age Assistance. I say to you, in the final analysis, that whether we can pass any taxes or not, that this tax—it is not a tax, it is a readjustment—this readjustment will at least take care of 7,000 more Old Age Assistance cases.

Now I say that a vote against this bill is a vote against taking care of 7,000 more, which, while I am not sure is absolutely adequate, I think goes a long way towards taking care of Old Age Assistance in Maine. I agree with my Brother Donahue in one thing—when he says he wants a roll call, because I want a roll call, and I want to find out who is down here and who is willing to vote for this measure because it is going to take care of 7,000 additional cases or a total of 14,000 over and above what the general funds will take care of; and then if we can take care of 2,000 more by a chain store tax or by any other form of tax that you can pass in this Legislature, I will go along with them.

But why turn down 7,000 because you do not think it is taking care of the whole problem? Do you want to let those 7,000 starve? I am sure I do not. I am for taking care of those along with the 7,000 that the general funds will take care of, and then we will see, after we have a re-investigation, if we find some more who need to be taken care of, if that list has gone up two or three thousand, whatever it is, perhaps we can find some way to take care of the additional cases. I certainly hope that the motion of the gentleman from Biddeford, Mr. Donahue, that this bill be indefinitely postponed, will not prevail. (Applause)

Mr. MERRIFIELD of Lebanon: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lebanon, Mr. Merrifield, moves the previous question. In order for the Chair to entertain the motion, it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the previous question 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.

The SPEAKER: Twenty-two having voted in the affirmative, 22 being less than one-third of the members present, the motion does not prevail. The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD of Monticello: Mr. Speaker and members of the House: I shall not talk long. I promise you I will take just a few moments.

When I came down here I heard it said in the hall of this House that we had one job to do and one job only, and that was to take care of the aged. I never did realize that the Old Age problem was so great until I got down here and commenced to see some figures.

Now I have enjoyed my stay down here, being the first time in Augusta—I have enjoyed every minute of it, and I have a lot of friends here. I consider every member of this House my friend, but I realize that we have a problem on our hands.

I heard it said here this afternoon that we will not let 7,000 starve anyhow. If 7,000 are not going to starve, what about the rest?

I hold in my hand here a list that I got from the Controller's office. There are 11,726 that are now getting pensions, 4,373 cases waiting, 5,512 cases pending, 1,312 denied.

Now I realize that this is a great problem; I realize it is a serious problem. You remember that a while ago we took off 800 aliens, and we are going to put back on 800 American citizens. I have no fault to find. That is all right. But, supposing that 400 we take off from the list can take care of themselves and the other 400 have to be taken care of by the municipalities, then we are not saving anything, because the towns have got to pay for 100 per cent of those taken off. We have not saved a cent there.

Now I introduced a bill a while ago that would give us pretty near a million and a half dollars in money. The members of this House said, "We won't vote for that tax because we do not know that we have got to have any money yet." The bill of the gentleman from Berwick, Mr. Varney, and the bill of the gentleman from Portland, Mr. McGlauffin, have gone down to defeat, and so has my bill.

I never talked with any young man or any young woman who smoked cigarettes but what they said that they were only too glad to contribute their part to help take care of the aged. If they cannot directly, they are willing indirectly to pay something toward doing that. Then I have heard people say it is such an awful expense, the tax is so high. I just walked down the corridor today and walked back, and this is what I picked up. Here is one cigarette that has been smoked and thrown away, and here is another that I picked off a man's desk that was half smoked and thrown away. Here is another one. There is your tax right there. It is not the cost, ladies and gentleman.

If this body of men and women did as they wanted to do, and was not influenced by the tobacco interests or the tobacco lobbyists, we could have passed this tax and had a million and a half dollars, and, with another million and a half dollars from the Federal government, there are three million dollars to take care of our aged people without any great cost to anyone. It is not a compulsory tax; it is voluntary. I said that I would not vote for any tax which would compel a man to pay the tax.

The gentleman from Portland, Mr. Paul, put a bill through last night to add a dollar to the automobile registration. That would produce about \$250,000. I voted for that, and I voted for some other bills that would have provided revenue.

Now here is an honest, legitimate bill that twenty-one other states have got and which would solve our problem. In these states which have adopted this tax today, they are getting fifteen cents a package for cigarettes and we are getting fifteen cents a package with no State tax. I want to go on record as doing what I can for the people as a whole. I am not concerned with what they are going to say. I am not so concerned whether I am going to come back here or not. That does not enter into it at all. The thing that enters into it is this: We have got that job to do, and they are going to look us in the face and ask us why we did not do it. I say to the hundred and fifty members of this House, good, sound, sense thinking men and women as you are, I know in your own hearts you would like to do it, but, because there is plank in the party platform which said "No new taxes," we have evaded the

issue and we are going home and partly do the job.

Eight hundred thousand dollars is coming out of the highway money. You cannot take \$800,000 out of that and pay any bills with it. I have no objection to this program—not a particle. It is a sound, sane proposition, and I am going to go along with it, but I have talked with two-thirds of the members and they have told me this: "I do not like it, but I think I will go along with it." That is all right; I am perfectly willing that the majority shall rule and I am going to say here that it makes no difference whether the tobacco tax goes along or does not go along—if you vote it down, I am going to think just as much of you people, because the majority rules. I must be wrong, that is all.

So I want to go on record, members of this House, in saying that we came here to do a job, and we can do it today. This tobacco tax, if passed, would provide the money because there is an emergency clause on it. I say to you that there is an emergency existing when there are nearly eight thousand people waiting for Old Age Assistance. I know it is an emergency.

I have heard it said that many people are abusing the law. There may be some abuses, but when they look me in the face and with tears streaming down their cheeks, saying "I haven't got a dollar"—I have received letters since I have been down here saying "I haven't had anything to eat; I have no way to turn"—they are begging for our help—I say to you that our young men are saying "We will help you pay for it—all you will have to do is just put the tax on and we will pay."

Members, if a motion would be in order, I would ask to bring back Legislative Document 696 to take care of the Old Age Assistance.

Mr. BUZZELL of Belfast: Mr. Speaker, I should feel that I was remiss in my duty if I did not say just a few words on this bill. I have listened to party platforms referred to by some, and I have heard on quite a good many occasions that we came down here to do a job. We have done something of a job. We have economized when we wanted to and notwithstanding the fact that our platform and our other major party platform said no new taxes, we passed new taxes when we wanted to. I do not know just how we

justify our actions but we have. And lest some of us have not read recently the party platform, I wish to make just a reference or two.

In the Republican party platform for 1938, Article 11, it says; "We subscribe to Old Age Assistance as now lawfully established under the leadership of Governor Barrows and pledge its further development as rapidly as circumstances warrant."

Then after that, over in Section 14—three sections later—it occurs to someone, whoever the scrivener was of the 14th Article—"We further pledge (one subscribes and the other pledges) to the taxpayers of Maine just distribution of the tax burden without the levying of new taxes."

How faithful we have been! How faithful we have been about that just distribution of the tax burden for the State of Maine, when we know, every one of us, that between six and seven million dollars of intangible property is escaping taxation in this State. There is no getting away from it. What a just distribution we have made! How we grieve for these old people, when back here three paragraphs before we say; "We subscribe to Old Age Assistance as now lawfully established under the leadership of our Governor."

Now what do our friends the Democrats say? They say over in their platform: "We believe that the distribution of the tax burden is inequitable and accordingly our tax system should be revised without levying of new taxes or any new forms of taxation except such legislation as may be initiated by the people of the state."

There are the two platforms, and what the two platforms say in Convention assembled.

Now what have we for a bill here? It is a different one in this printed form L. D. 1202 than was distributed on our desks last night. That one had a preamble, an emergency preamble. This one has not, at least I have not been able to find it. This one is different in some respects than the one last night. This one says; "All applications for Old Age Assistance under the provisions of section so and so shall be made to the municipal officers." That is better. That is better than it would have been to have had these old people who are in want making ap-

plication to the overseers of the poor. I, for one, never would have subscribed to that bill last night because I have said once before, and I want to say it again, that I do not believe the State of Maine in its Legislature ever did a finer thing than to take care of the worthy aged of this State.

Now today after we took those platforms — the Democrats their platform to their breasts, and we Republicans our platform to our breasts and masqueraded the length and breadth of the State of Maine and told the old people — looked into their eyes and told them how much we loved them — told them how much we grieved for them — and now we get up on the floor of the House and talk about cutting down the average tax for the old people, which is now, as I understand it, twenty dollars and seventy some odd cents. Oh, we are more economical today than we were just before the September election. That redistribution of the tax burden of the State of Maine does not bother us as much today as it did then. We also talk about a 10 per cent reduction in applications from what they are now getting, and perhaps you can glean and comb with a fine-tooth comb about 10 per cent more. We also have forgotten the times that the gentleman who spoke here as the National Commander of the American Legion told us about — brought back to our minds — we have so far forgotten the fathers and mothers of any sons, alien's children, that marched with our children — we did not find any fault when they died in the trenches or died on the field of battle, but we have — oh, yes — lest we forget—we say to their fathers and mothers — we say to their fathers and mothers now — in case you will not believe it — you said it — lest we forget — there are 780 of those who are to be dropped from the rolls. And now today, after some fourteen or fifteen weeks of shadow-boxing here — that is what we have been doing here, shadow-boxing — until the time came, until the dying hours of this legislature — we try to crowd some of this to the people.

Now that \$800,000 as I understand it, will take care of about 14,000 aged people. We have about eleven thousand, eleven thousand and some odd on the pension roll now. We had 12,736 as I recall it,

but since that time the Creator has been thinning the ranks so we have eleven thousand and something today — eleven thousand and something today. As I understand it, there are some 4,500 or 5,000 more to get the pension, providing we can provide funds to take care of that expense. Four thousand and something and eleven thousand and something makes about 16,000.

This is something I would like to know. I am serious about it. I would like to have an answer, Mr. Speaker, through the Chair or through any other medium this House could permit, as to just what I am going to say. There are about 16,000 old age people that are entitled to Old Age Assistance and if we are to provide for 14,000, what are we going to say to the 2,000 when we go home? With the radios and newspapers they know these figures. What are we going to say to them? Are they going to say to us, what are you going to do with us, shoot us off? What are you going to do with us? That is what I would like to know. If you can give me the answer so when I go home I can square myself I would really like to know what it is.

Now somebody has told us about the Federal Government, just as if the Federal Government was going to provide funds. Now I understand that the Federal Government is hauling in its horns, and I do not see how we can expect to get much money from that sources. So much for the platform.

I want to say this: I do not consider that I am bound to any great extent by that platform. You have heard me tell about platforms before. We have a lot of different kinds of platforms—milk platforms, cream platforms, platform scales, and political platforms. All I ever heard about a platform was to get into office on. It is what you do, whether it be Democrats or Republicans, 365 days in the year that really counts. So the oft repeated slogan of no new taxes does not sink into me so far but what I can shake it off awfully quickly.

I would be for this program if it went far enough so that it would do the job that my Brother McGlauffin has spoken about. I have heard him say it several times that we were sent down here to do a job. I do not believe that a job half done is the kind of job we want to do. This does part of the

job. There are measures that we can pass that will most do the job. Oh, I would be willing to lop away some if we could most do the job. If we could do it so that we could go home and give a reason for our actions.

Our Governor said here just the other day: "Notwithstanding our work thus far, we recognize our job is not yet done." That is what I say. I say that 14,000 does not do it. I want to call your attention to what I believe is nothing more or less than just a finicky condition. When we gave the people of this State, whom I believe wanted moving pictures, when we gave them those pictures just because we could not pass a tax, even when the independent theaters of this State were for it, I say that would have provided for 1,000 and some odd more old age recipients. Our chain store tax that we passed over in this House would have provided for about 2,000 more. But, for certain reasons best known to others we could not pass that. There was some 3,000 of the aged people that might have been taken care of. There are other laws that have been proposed whereby we might have taken care of this proposition.

In closing, I simply want to say this: If this bill is voted for, what shall we tell the people at home? I am going to vote with the gentleman from Biddeford (Mr. Donahue) on this bill until they tell me where they are going to take care of about 3,000 more. That will not do the whole job but we can give them some kind of an answer.

Mr. WEED of Manchester: Mr. Speaker and members of the House: We have heard this afternoon a lot of figures and a lot of conjectures as to how many can be taken care of and how many will not be taken care of.

I introduced in this House as you all know, a lottery bill. I still believe in it. It is not a tax, but it will produce a revenue that will help maintain the aged.

In my boyhood days I read in my history about compromises, the Missouri Compromise and other compromises. We have here this proposition which must be disposed of. Now let us compromise and let us consider the Lottery Bill and let us consider the Gasoline Tax and the Cigarette Tax, and I will go along with you.

Mr. RICHARDSON of Strong: Mr.

Speaker and members of the House: In view of the fact that I intend to vote against this bill, I think it is only fair that I should answer the suggestion of our esteemed floor leader, the gentleman from Berwick, Mr. Varney, when he suggests that any Representative who votes against this measure is not interested in Old Age Assistance, because I maintain that I can vote against this proposition and still be just as much concerned with Old Age Assistance as any member of this House voting in favor of this particular proposition. As a matter of fact, I believe in Old Age Assistance to such an extent that if my father and mother, in their declining years, need assistance, I am ready to give it myself and not ask the State of Maine to make any contribution.

I am going to vote against this bill for the simple reason that I do not believe that it helps the financial problems of this State. I believe that the most that we can say about it is that it simply postpones the day of reckoning, and, before long, the people of this State are going to reach the point, I believe, where they will recognize that we have got to meet this question with a far greater show of sportsmanship than we have thus far exhibited. I would like to inquire whether or not this program is the program of the people of Maine. If it is their program, if it really did come from the people of this State, then I submit that the people of this State would submit to a fair and just tax, even though it might violate that sacred provision in our political platforms whereby we said "No new taxes."

I wonder if, instead of being a program coming from the people of this State and expressing their wishes, if this may not perhaps reflect to a greater degree the political wishes and ambitions of some of us. At any rate, I am going to vote against this measure, but I still insist, as a member of this Legislature and as a citizen of Maine, that I am interested in this matter of Old Age Assistance.

I did not come here bound by any platform calling for no new taxes, and, as a matter of fact, every voter in my district recognized that I did come here pledged to support one tax, the revenue from which should go back to the towns and cities of this State based on their valuation. I believe if that tax had been en-

acted—and it is not going to be—it would have provided the necessary revenue by which the towns and cities of the State might have absorbed this additional charge.

So far as the statement of our esteemed floor leader that this is not a tax measure is concerned, I may perhaps agree to a certain extent with that statement. I think he states that it is merely a transfer of funds. But I am going to suggest to you that the State of Maine will not be able to transfer \$800,000 of public funds unless they first get that money from somebody, and I think it is coming from the pockets of the taxpayers of Maine. (Applause)

Mr. FARRINGTON of Augusta: Mr. Speaker and members of the House: I submit that the question before us is not a lottery or a tobacco tax or a movie tax or any of those things; it is Legislative Document 1202, and I believe that we should consider Legislative Document 1202 on its merits and forget all these other taxes for the time being.

Since this measure has been proposed, I have talked with various members of the House and I have met with very few objections to the proposal. I have met with a few, and I think these three would be the principal objections that I bumped into: First, people seem to be afraid that in some way the towns may be getting fooled on this thing and will have to pay some money to get it back again. I think, if you will read the bill carefully, you will find that the method by which the towns are assessed for Old Age Assistance is identical with the method used for determining what amount a town shall receive in return for that. That to my mind, does away with that objection.

The second objection is that possibly it will result in too little money being spent on the roads. Today I have done a little digging around in the different departments, and I have satisfied myself, at least, that this argument against the bill is not particularly strong. We have passed legislation here this winter which it is estimated will save in the neighborhood of \$26,000 in the Highway Department under the changed mileage provisions.

By repealing the law requiring the State to report back to the towns the amount paid in excise taxes, we

have saved another \$15,000. We have repealed this five per cent reduction motor vehicle registration, and that is estimated to return to the coffers of the State \$154,000. I have studied the gasoline tax revenue figures back over a period of years, and the same thing is true with the automobile registration—as a very conservative figure I would say that there has been an increase of \$100,000 a year on an average, some years more than that and some years less, but the gasoline tax, over a period of about ten years, has averaged an increase of about \$200,000. As of the first of April, the automobile registration shows an increase over 1938, from January 1 of this year to April 1st, as compared with the same period in 1938, it shows that we have approximately \$128,000 more revenue this year than we had last year.

The gasoline tax for the first two months of this year, which is the only figure available, shows approximately \$57,000 increase over last year, and I think, on the basis of this two months, it would be very conservative to say that the gasoline tax for 1939 over 1938 will increase somewhere in the neighborhood of \$150,000.

I have tried to be very conservative on those figures, and I think it quite likely it might be possible to realize anywhere from \$100,000 to \$200,000 beside that. So, when you analyze the thing, you would find the amount of money which would be available even if this \$800,000 is returned to the cities and towns, would be a very small amount, comparatively speaking, and it is very doubtful if it would be noticed by anyone in any particular section of the State so far as the upkeep of the roads is concerned.

The further objection that I bumped into is the feeling on the part of some of the members that this bill is an entering wedge whereby the towns and cities may later be forced to contribute money for Old Age without getting something back for it. I disagree with this feeling. I do not believe there is any such ulterior motive behind the bill. I believe it is honest and sincere and means just what it says. I do not see any way that it could be accomplished or how it could be brought about that the towns and cities would have to contribute money without getting it back. If it is possible, under our representa-

tive system of government, for this sort of thing to be done, it certainly has not proved out this winter. We have all seen what happened to the proposed increase in hunting and fishing licenses, for instance. If this fear on the part of some of the members has any basis, I believe there is no longer any need for this Legislature here. I think perhaps it would be just as well to cut this room up into offices and relieve some of the congestion around the State House, so far as office space is concerned.

I believe this proposal is sound, and I hope that the motion of the gentleman from Biddeford (Mr. Donahue) will not prevail.

Mr. GOSS of Poland: Mr. Speaker and members of the House: I feel that there are many here who have not had the legislative experience that many of us have had and who are under the impression that this is a last resort—that this is our last opportunity to provide for Old Age Pensions, and I wish to make it clear now that this is not our last opportunity.

These other measures which have been presented to us—and which we perhaps temporarily set down—could be recalled, and the measure which we now have, Legislative Document 1202, is simply one of several methods of providing for Old Age Assistance.

Probably most of you remember a hearing some time ago relative to the levying of twenty-five per cent of the cost of Old Age Assistance on the towns of the State. You remember the crowd that gathered here in opposition to that. I do not need to tell you that the towns of Maine are opposed to carrying twenty-five per cent of the Old Age Assistance program—and I refer you now to the bill before us—Page 2, Section 2, Line 7, in which it says that "For the fiscal years ending June 30, 1940, and June 30, 1941, the various cities, towns and plantations in the state shall pay to the state 25% of the total cost of old age assistance." That is in the bill, fellow members. Don't think that this money is a gift from the State to the towns. Where did the State get it? Don't be fooled—it is our own money, fellow members—it is our own money that we, altogether, have paid into the State.

If this bill passes, it means the curtailment of highway activity to

the extent of \$800,000 per year, or \$1,600,000 in two years, or it means an increase in our State bonded indebtedness. There is no other way out. And also if this bill passes, men that would have earned \$800,000 per year on highways will certainly lose their jobs. It simmers down to just simply this: That we cannot have the cake and eat it too. (Applause)

Mr. BATES of Patten: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Patten, Mr. Bates, moves the previous question. In order for the Chair to entertain this motion it requires the affirmative vote of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question is ordered. The question now before the House is, shall the main question be put now? Is it the pleasure of the House that the main question be put now?

The motion prevailed and the main question was ordered.

The SPEAKER: The question now before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that Bill "An Act providing for Joint Financial Participation between the State and its Municipalities" (S. P. 687) (L. D. 1202) be indefinitely postponed. The gentleman from Biddeford, Mr. Donahue, has asked that the vote be taken by the yeas and nays. In accordance with the Constitution, the yeas and nays will be ordered at the request of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays 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.

The SPEAKER: Obviously more than one-fifth of the members having arisen, the yeas and nays are ordered. The Chair will remind the members of the rule forbidding any member leaving his seat until the vote is taken and declared. The Clerk will call the roll.

The question before the House is

on the motion of the gentleman from Biddeford, Mr. Donahue, that Bill "An Act providing for Joint Financial Participation between the State and its Municipalities" be indefinitely postponed. All those in favor of the indefinite postponement of the bill will answer yes; those opposed to the indefinite postponement of the bill will answer no.

YEA — Ayotte, Belanger, Bolduc; Brown, Eagle Lake; Bubar, Butler, Buzzell, DeBeck, Dennison, Donahue, Eddy, Erswell, Fernald, Goss, Hawes, Labbee, Lambert, Latno, Lord, Mac-Nichol, Mills, Pelletier; Poulin, Waterville; Richardson; Smith, Westbrook; Stacy, Tardif, Thompson, Townsend, Violette, Wallace, Worth.

NAY — Arzonico, Babin, Bacon, Batchelder, Bates, Bird, Bowers; Bragdon; Brown, Corinna; Burbank; Burgess, Rumford; Burgess, Lime-stone; Chandler, Churchill, Cleaves, Clough, Colby, Cowan, Crockett, Cushing, Dean, Dorrance, Dorsey, Douglass Dow, Eliot, Dow, Kenne-bunkport; Dow, Norway; Downs, Dwnal, Emery, Everett, Farrington, Farwell, Fellows, Fogg, Ford, Fowles, Good, Grua, Gyger, Hall, Hanold, Haskell, Hinckley, Hinman, Hodgkins, Holden, Holman, Howes, Hussey, Jewett, Jordan, Keene, Larrabee, Mahon, Maxim, McGillicuddy, McGlaufflin, McNamara, Melanson, Merrifield, Meserve, Miller, Murchie, Norwood, Noyes, Otto, Palmeter, Paul, Payson, Peakes; Pike, Bridgton; Pike, Lubeck; Plummer, Pratt, Preble, Race, Ramsdell, Robbins, Robie; Robinson, Peru; Robinson, S. Portland; Shesong, Sleeper, Slosberg; Smith, Thomaston; Snow, Dover-Foxcroft; Snow, Hermon; Starrett, Stilphen, Thorne, Varney, Walker, Weed, Weatherbee, Welch, Whitney, Williams, Winslow, Winter, Young, Acton; Young, Old Orchard Beach; Philbrick.

ABSENT—Barter; Brown, Caribou; Cook, Davis, Ellis, Hamel, LaFleur, Leveque, Luro, Marshall, Porell; Poulin, Rumford; Robinson, Bingham; Stevens, Sylvia.

Yes—32.

No—103.

Absent—15.

The SPEAKER: Thirty-two having voted in the affirmative and 103 in the negative, 15 being absent, the motion does not prevail.

Thereupon, the bill was given its two several readings.

Mr. Varney of Berwick, offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 687, L. D. 1202, Bill "An Act Providing for Joint Financial Participation Between the State and Its Municipalities."

Amend said Bill by inserting before the enacting clause thereof the following:

'Emergency Preamble. Whereas, the provisions of this act directly affect the joint participation of the various municipalities of the state in carrying on the construction, repair and maintenance of highways in cooperation with the state highway commission; and

Whereas, a large part of this work must be undertaken prior to 90 days from the date of the final adjournment of this legislature; and

Whereas, the delay in this work would create a material loss and hardship to a large portion of the people of the state and a delay of this much needed highway work; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend said Bill by adding at the end thereof the following:

'Emergency Clause. In view of

the emergency recited in the preamble, this act shall take effect when approved by the governor.'

Thereupon, House Amendment "A" was adopted, and on motion by Mr. Varney, under suspension of the rules, the bill was given its third reading and passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Mr. Jewett of Ripley, presented the following Order, out of order, and moved its passage:

ORDERED, the Senate concurring, that H. P. 1449, L. D. 626, Bill "An Act Amending the Old Age Assistance Law Relating to Funeral Expenses" be recalled to the House from the Governor.

The Order received passage and was sent up for concurrence.

The SPEAKER: Is there any further business to come before the House under Orders of the Day? If not, the Clerk will read the notices.

On motion by Mr. Fellows of Augusta,

Adjourned until ten o'clock tomorrow morning.