

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, March 30, 1943

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

Prayer by the Rev. Mr. Haldane of Madison.

Journal of the previous session read and approved.

**Papers from the Senate
Senate Reports of Committees**

Inexpedient

Report of the Committee on Temperance on Bill "An Act relating to the Regulation of the Sale of Malt Liquors to Minors" (S. P. 62) (L. D. 156) reporting legislation is inexpedient as it is covered by other legislation.

Report of same Committee reporting same on Bill "An Act to Improve the Efficiency of the Administration of the Liquor Laws and to Safeguard State Revenues During the Present Emergency" (S. P. 61) (L. D. 155)

Report of same Committee reporting same on Bill "An Act relative to Ordering of Malt Liquors by Wholesalers" (S. P. 331) (L. D. 504)

Report of same Committee reporting same on Bill "An Act relating to Sale of Liquor to Minors" (S. P. 204) (L. D. 285)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Divided Report

Majority Report of the Committee on Ways and Bridges reporting "Ought to pass" on Resolve proposing an Amendment to Constitution to Limit to Highway Purposes the use of Revenues Derived from the Taxation of Vehicles used on the Public Highways and Fuels used for Propulsion of such Vehicles (S. P. 233) (L. D. 339)

Report was signed by the following members:

Messrs. DORR of Oxford
HALL of Franklin
—of the Senate.
CROSS of Augusta
McINTIRE of Phippsburg
OSGOOD of Bradford
LACKEE of Addison
DEAN of So. Portland
AYER of Cornish
—of the House.

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

Report was signed by the following members:

Messrs. BROWN of Aroostook
—of the Senate.
MacLEOD of Bar Harbor
—of the House.

Came from the Senate, the Majority Report read and accepted and the Resolve passed to be engrossed.

In the House:

The SPEAKER: The gentleman from Bradford, Mr. Osgood, moves acceptance of the Majority Report "Ought to pass." Is this the pleasure of the House?

The motion prevailed, and the Majority Report "Ought to pass" was accepted, and the Resolve was given its first reading and assigned for second reading tomorrow morning.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: I do not know, Mr. Speaker, whether I should ask permission to address the House at this time or not. I have just arrived in my seat, and I was not here when the motion to accept the majority report was made.

I would like to move that we reconsider our action of a moment ago whereby we passed this Resolve. I am sure that this is a matter to which this House should give very serious consideration, and I would like to have an opportunity to be permitted to say a word in connection with it.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that the House reconsider its action whereby it assigned this Resolve for second reading tomorrow morning. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The question before the House is on the assignment of the Resolve for second reading.

The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen of the House: I want to apologize in a way for seeming to be in a sort of a brown study here, but the thing was sort of sprung upon me. I honestly

think this is not a matter we ought to let go by this Legislature by unanimous consent. I have no quarrel with the present law. I do not want to use any gasoline money for any other purposes than highways. But are we setting ourselves up here as supermen and as a group who are going to say: "We will fix this Constitution up so that the next Legislature that is coming after us, and who do not know as much about it as we do, so that they cannot have a word to say in this matter." I tell you that is a very serious consideration, and it is a thing we ought not to let go. It is not right; it is not fair.

This is sponsored in a way by a group of men, the Maine Automobile Association and hundreds of others, contractors, road material men, truckers, oil and gasoline producers, shippers of all sorts, and just plain, ordinary citizens, to be sure. What they are after is an excessive apportionment of the money from the public till and an undue and improper influence in its expenditure. I tell you it is not right. It has got to have a two-thirds vote in here, and I do not believe the members of this Legislature are going to be foolish enough to permit a two-thirds vote on a question of this kind. Why do we not amend the Constitution and say that all revenue from liquor shall be turned over to the Inland Fisheries and Game Department? That would be no more foolish than this is.

Supposing the State of Maine later on should get in a jam, and this money is tied up so that the State can not use it? I do not want to use highway money, but I do not want you to go off half-cocked and pass a bill of this nature when it is absolutely ridiculous that such a thing should be done. It is a strange thing that those who are always asking for more and better roads do not realize that the total expenditures by the State of Maine from funds received from motor vehicle users, including those who operate the business of highway transportation—they seem to forget that the cities, towns and counties as well as the State itself contribute very substantially towards those funds each year. The towns and cities help out on these highways. I say to you that we should not allow any such thing as this to go along.

I asked you if you thought you were supermen, and you said "No." What are you doing here—the ones who are sponsoring this bill are not the only group I mention, but they are a group of paid lobbyists who are hired by the group I am telling you about and who came in here and tried to tie this up indefinitely. I do not want to use highway money, as I have said before, but I think it is a crazy idea to tie this up.

I guess I have said everything that I could think of, Mr. Speaker. I do not know what the motion should be, but I am opposed to the passage of this bill.

The SPEAKER: Does the gentleman wish to move for indefinite postponement?

Mr. MURCHIE: I do, if you please, Mr. Speaker. I wish to move the indefinite postponement of this resolve.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that Legislative Document 339 be indefinitely postponed.

The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker and Members of the House: I, with Mr. Murchie, do feel that this is not a matter to clutter up our Constitution with. I will say to you that anything pertaining to our Constitution should be a matter of principle. I will say to you that spending money is not a matter of principle, but good common sense.

If you will look over the sponsors of this bill, you will find that they are a group of organizations who are only looking for their own selfish interests. Not only that, but the only reason that they are at this time agitating this thing is to justify their existence, and for no other reason.

If you will look back over the history of the State and the highway fund, you will find there has never been any serious diversion of the highway fund. Of course you have been told that a few years ago they spent money for Old Age Assistance, but if you will analyze that you will also find that that money was paid back, and it was only given to the towns and cities for road money if they would con-

tribute towards the old age pension. I say that is not diversion of highway funds. I think I am right in making this statement: that any money that has been borrowed from these highway funds has been repaid.

Now they say there is a need for this thing. These organizations have created the need. What do they do? If you pass this thing by a two-thirds vote, they go home and say to the people, "Representative Doe approves of this thing." Of course you admire him, gentlemen, and not having had a chance to take the cover off the barrel and look in, they naturally are willing to go along. In other words, if anybody comes to you and says, "Do you want highway funds diverted?" you will say, "No." But I cannot conceive of a time under these conditions—and they are extraordinary at this time—when we might not have to use highway funds. I do not think there was anybody two years ago who conceived of Pearl Harbor. We all realize, of course, that we may have a bombing on the eastern seaboard. There may come a time when you and I and our constituents back home might be tickled to death to have this highway money used for other purposes.

As the gentleman from Calais, Mr. Murchie, has said: Are you going to pose as supermen in that you are not willing to say what the people who follow you in this Legislature can do with this money? I hope that the people who follow me are brighter than I am, and I hate to tie their hands in this manner.

Another thing: You have not heard any of these arguments suggest that we relieve real estate of their taxes. In other words, real estate is not going to be relieved in any way if this is so tied up.

Maine has always looked with great jealousy upon this road money, realizing how vital the roads are. We have laws that say we shall not divert that money. Now they say to you: "If you want to borrow that money temporarily you can borrow it." But, if you can, why should you have to have a constitutional amendment?

Now, I say to you that when we step out and are willing to tie the hands of the people following us in

this Legislature I do not think it is smart legislation. I hope the motion of the gentleman from Calais, Mr. Murchie, to indefinitely postpone this Resolve will prevail.

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

Mr. McLEOD: As you might think, Mr. Speaker and Members of this House, I am one of the two on the Minority Report on this bill. What the gentleman from Presque Isle, Mr. Brewer, and the gentleman from Calais, Mr. Murchie, have stated also goes for me.

I resent the implication in this bill that we as legislators and future legislators could not be trusted to administer the affairs of the State so that we have got to have a constitutional amendment to tie this up forever and a day.

Now we speak of a two-thirds majority to pass this constitutional amendment. It will also take a two-thirds majority to remove it if we ever wish to.

Now let us look at it in the reverse. If it takes two-thirds, one-third and one vote of a minority group can keep you from removing this constitutional amendment once you get it. I think there may be a day when we people may wish our legislators to divert this money for some other reason, and, if the people of the State of Maine want that, I do not believe they should have to go to the trouble of getting a two-thirds vote and then have a referendum, which would mean at least two years before they could take any action on this.

Now we have heard quite a lot about flight strips along the highways to be used in time of war. I would not be surprised if in five or six years we may want flight strips along our highways for the convenience of people who are coming into our State, to be used afterwards. If we should wish to take some of this highway money at that time for that purpose, I believe it would be perfectly all right. That is my reason for signing the minority report for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker, since March 12th, I have received letters from half a dozen organizations asking my support in behalf of this

measure which we have under consideration I approached this question with an open mind. I was neither for or against it when I first heard of it. I have tried to answer my correspondence this winter, and I have answered all but one of the letters received.

Now, it will not be necessary for me to read the letters, because other members of the House have received copies. I would like to read a portion of my answers. I do so because it would be a rather mixed-up matter if I tried to remember all at once what I said. When I quote from myself I like to do it with accuracy. So, begging your indulgence, I will read a portion of my correspondence. Under date of March 12 I received a letter from the Camp Owners' Association Inc., and I answered as follows:

"Your letter has been received and will be carefully considered. I trust that post war planning may have a beneficial effect upon the camp industry.

"I am glad to hear from you and should like to talk personally with you."

Under date of March 19th I received a letter from the Secretary of the Maine State Grange. On March 20th I answered as follows:

"Dear Secretary Howes:

"Your communication regarding Senate Paper 233 has been received and will have my careful attention. I am glad to know your personal view and the general attitude of the Grange. I realize, however, that the resolution and the fact that the amendment is being supported by officials of the Grange could easily be the reflection of the sentiment of only a portion of the membership of the organization."

I will say right here that in the past there was a time when we tried to have a sales tax passed, but the Grange opposed it, and it was represented that the Grange as a whole, perhaps, did not feel that way; but the question came up that the Grange as a whole was opposed to it, when, as a matter of fact, thousands of Grangers over the State of Maine were in favor of it, but those who had the position of leadership were able to have a resolution passed favorably. Now, that did not reflect the views of the individual member. I just mean that sometimes resolutions do not reflect the opinion of the entire organiza-

tion. Now, to go on with my letter:

"Farmers need relief from the burden of real estate taxes. It seems to me that the Grange has fallen far short of its opportunity to help lessen this burden. The State Master is doing a wonderful piece of work as Speaker and I believe that the order might be a great factor in influencing beneficial legislation.

"Our roads do need attention and I am confident that they will be kept up in spite of adverse conditions.

"I should be glad to talk with you personally."

I received on March 24th a letter from The Commercial Motor Vehicle Association of Maine. On March 25th, I answered as follows:

"Gentlemen:

Your letter of the 24th has been received. I am giving careful consideration to the matter of Senate Paper 233, Legislative Document 339.

"We all favor good roads and are in sympathy with the desire that they be continued. We do not share, however, your apprehension that the system is in danger of being upset. It seems to me that the statutes on the subject afford protection.

"Have you any reason to believe that future legislatures will be likely to pass measures to undo the work that has been put into the building up of our highways? Would it be becoming for us to show an attitude of distrust toward our successors? Do you fear that those to whom future legislation is entrusted will not have the interests of the State of Maine at heart? I should be sorry to think that the people of our state are not going to continue to send to the legislature those who can be trusted to act intelligently and effectively with problems that are to be presented.

"It is my belief that if the people at home are kept informed concerning conditions, they will be capable of dealing adequately with situations that call for action."

This is the only letter to which I received a second reply. I would like to read a portion of it, because I think it is a very fine letter, and then read my reply thereto. It comes from the Secretary of the Commercial Motor Vehicle Association of Maine.

"Referring to the third paragraph of your letter, I wish to state that

I have every confidence in our state representatives,—”

And he also mentions certain members to which we cannot refer at this time. Then, continuing;

“I hope that I will never entertain the thought that future representatives might be remiss in their duties.”

There are some portions that I do not need to read just now. Then he states:

“It is not always true that the people fully endorse the act of its representative; as in other walks of life it is difficult to obtain a 100 per cent concurrence. When a question is left with the people or voters to decide, the result is of their own making and they have no one to blame.”

The next letter is a letter under date of March 24th from the Maine State Grocers Association. I replied on March 25th as follows:

“Gentlemen:

Yours of March 24 has been received.

“Legislative Document 339, Senate Paper 233 is before our body for consideration.

“Do not the laws of the state amply protect highway money? Why do we need a constitutional amendment? I am confident that our highway systems are secure and that they will continue to be safeguarded. It would not seem to be wise for one Legislature to tie the hands of another.

“Have you any particular reason to give why the proposed amendment should be adopted, other than that it has the support of your organization?

“Thank you for your communication. I assure you the subject matter is being carefully considered.”

I have only one other that I should like to read to you, if I can find it here.

It was a reply to three questions proposed by the Maine Good Roads Association under date of March 24th.

I will read it to you. Under date of March 25th I replied as follows:

“Yours of March 24th is at hand. In reply I will ask three questions covering your three points.

“1st—Is it wise for the present Legislature to prevent future Legislatures from exercising their wills

to act in accordance with what may seem to them to be for the best interests of the State of Maine?”

“2nd—Shall Maine surrender any more of her rights in the hope of receiving additional Federal aid?”

I want to say right here that I think it is a fine thing for the Federal government to aid the states in what they are going to do, but I think that if we are going to sacrifice our independence for the sake of receiving aid I think we had better be careful. We are going a long way from the opinion of the founders of our republic, those who believed the individual had his rights and the State had their rights. I think that we should hesitate before we go too far in surrendering those rights. Continuing with my reply:

“3rd—Do the organizations and service clubs sponsoring Legislative Document 339—Senate Paper 233 have a recorded vote equal to half or more of the voters of the state?”

“I thank you for your letter and assure you that I am giving careful study to the bill.”

Now, Fellow Members of the House, I hope that we shall be very careful before we put anything into the Constitution which we may wish that we had left out; and I believe that if we are ever in doubt as to whether to vote for a measure, I think in the State of Maine it is pretty safe to leave it as it is until we have reason to vote otherwise.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, for indefinite postponement of Legislative Document 339.

The Chair recognizes the gentleman from Durham, Mr. Day.

Mr. DAY: Mr. Speaker and Members of the House: It is very evident from the previous speakers that there is a demand for this Resolve. My attitude on this thing is that while I may have all confidence in future legislatures I also have confidence in the people of the State of Maine, and I believe they have the right to have the privilege of voting on this amendment if they want it, and it is very evident that a large percentage of the people do want it. I do not know whether it is 51 per cent or 66 7-10 per cent, but, anyway, I do not see any harm in us giving them the right to express them-

selves on this amendment. We do not have the final word. The people back home have the final word. They will have to vote on this thing before it becomes part of our Constitution. For that reason, I am going along with this, and I hope that the motion of the gentleman from Calais, Mr. Murchie, does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Augusta, Mr. Cross.

Mr. **CROSS**: Mr. Speaker, this measure before the House at this time I think is one on which we would agree with two of the speakers who have spoken before. I personally agree with the gentleman from Calais, Mr. Murchie, and the gentleman from Presque Isle, Mr. Brewer, in some of their remarks, and one of their remarks is that the group that is pushing this Constitutional amendment is perhaps pushing it for selfish reasons. I do not think that any member of the House who received those letters would be unduly influenced by them. It is naturally a matter of bread and butter with those people. But I think the thing goes much deeper than that. The State of Maine is a state of large territory and small population. The sources of taxation for roads are limited, and the sources of taxation for general funds are quite diverse. Now, apparently we have reached a saturation point on the gas tax. The people of the State of Maine have told us they think it has reached a peak. I think they pointed out in no uncertain terms on that initiated law which is now on the statute books, that they wanted no diversion of road funds.

Now this thing here, regardless of the fact it is sponsored by these minority groups, is nevertheless the will, I would say, of nine-tenths of the people of the State of Maine.

I would like to go back to this diversion that was spoken of for old age purposes. Now I have every confidence in the ability of the men and women in this House here today; I have every confidence in the ability of those who will come afterwards, but I have yet to find a member that was a member of the House which voted the so-called old age diversion who was able to tell just what that bill was made up of. They knew that they diverted highway funds; then it said that the towns would pay it back; but, some-

how, when the thing was all over the highway funds were short \$800,000, and nobody could explain just why it was supposed to be paid back by the towns. However, the road funds have always been short to that extent. We did not have that money for the maintenance of roads, and the people knew it. I do not think any member who has ever been out in any group discussing roads since that time will ever be allowed to forget that \$800,000. They saw it reflected in the maintenance of their roads, the dirt roads, the state roads, and the state aid roads. The money just wasn't there for maintenance and the roads showed it. Consequently, I think that the public demand for this thing, even though you do not get letters from the individual on this thing, is nevertheless there.

They cannot understand why the initiated law does not take care of the situation. They feel they voted on it, and the average person does not know of much difference between an initiated law and a constitutional amendment. They know they voted on it and they cannot understand why they should vote on it again. If it is necessary, I would be willing to gamble any money—and I am not much of a gambling man—that the vote would be at least eight to two in favor of this amendment if it is put to the people.

Now, this thing is going to beat around the halls of the Legislature until we finally do send it to the people. It is not a thing that is going to stop just because we turn it down this year, if we do; it is going to come back year after year sponsored by somebody, because the feeling is there that the State of Maine must have that road money.

There is only one other thing I would bring up, and that is the question of whether this belongs in the Constitution or not.

Now the founding fathers of this state specified in the Constitution that there would be methods available to amend it. The machinery was set up to amend it. They did not state just what would go in the Constitution; they merely set up the machinery and left it to us to say whether in our judgment this thing should be in the Constitution or not. I do not think we should clutter it up with promiscuous amendments. I think we have got too many in it now. But I do

not know of any amendment that is of greater merit than this one here today. I hope the motion of the gentleman from Calais, Mr. Murchie, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I have no desire to speak a second time, but the gentleman from Augusta (Mr. Cross) touched a point I feel I ought to arise again upon in defense of the previous administration. He brought out the point about the \$800,000. Maybe one or two members here will remember those hectic days in the past six or eight years when we were struggling to set up and straighten out our old age assistance, which has been a real problem and a real effort for previous legislatures. And, in defense of the previous administration, which did use that \$800,000 of highway funds, it was done in an effort to meet a situation that had been shot to pieces because the people would not stand behind a one per cent sales tax for old age assistance. There is not anything needed in the way of argument in defense of that other administration, but I just mention this point.

The gentleman from Augusta, Mr. Cross, said something about the saturation point. You know as well as I do that the saturation point in the sale of gasoline and the amount of money to be received from licenses has not been reached. We are coming back in this nation after the war and we are going to build things up, and we are going to have more than the nine million dollars that has been set up in that department before. I think it is a ridiculous idea to think of such a thing as passing an amendment of this kind at this time.

One more thing, and I promise you I will stop. I suppose every lady and gentleman here knows that by statute today every cent of revenue from the sale of automobile licenses is earmarked for use on highways, and nobody has any desire to use it for anything else. That is the statutory provision, and it is sufficient. We do not want to be selfish enough to say we are going to do anything else.

The SPEAKER: The Chair recognizes the gentleman from Phippsburg, Mr. McIntire.

Mr. McINTIRE: Mr. Speaker and Members of the House: I wonder whether the opponents of this bill were all at the hearing? As I remember, there was one opponent, and we did not know whether he was an opponent or for it — Dr. Plummer. This is a constitutional amendment. All it does is to give the people an enabling act and to allow the citizens of the State of Maine to vote on this bill.

It has been remarked here that it was not the sentiment of the Grange that we should have this constitutional amendment. Let us find out. Let us let the people vote on it and find out whether it is the sentiment or not. If they do not want it, they will surely vote against it. We should let them vote on it; it is their Constitution. I say: Let the people have a chance to vote on it and find out.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, they say "Let the people vote on it." I think that is a fine thing to do, but I think everybody here realizes that they will not know the ins and outs of this particular problem. These organizations will approach these people through advertising or what not and as I say, create a demand. They will say to them: "Are you in favor of the diversion of highway funds?" Every one of them will say, "No."

I have gone to the trouble of explaining it to various people in my locality and to various organizations, and, after I had made my explanation, asked them if they wanted to go on record on this thing, and they said "No." When they see the whole picture they do not want to go on record as favoring it. As I say, these organizations will merely go out and create a demand, and, by misinformation, ninety-nine out of a hundred will vote for the thing because in that case they will not see the true picture.

Mr. Speaker, when the question is put I ask for a division of the House.

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

Mr. RANKIN: Mr. Speaker and Members of the House: Perhaps this is the most important matter that has been before us in this ses-

sion, not merely because it has to do with an amendment to our Constitution but because it is an amendment with a big and absolutely original purpose.

I thank the gentleman from Augusta, Mr. Cross, for one distinction he made, and that is the distinction between a constitutional amendment and statutory law. That tells the whole story. Is there one member of this House who believes this is a constitutional law rather than a statutory law? I have the Constitution of the State of Maine here. I have looked it over carefully. There is nothing in there in any respect like this measure, nothing that looks in that direction at all, absolutely nothing. It seems to me that if the people of this state adopt an amendment of this kind, that if we favor it here we are not really amending the Constitution, we are monkeying with the Constitution. The Constitution of the United States is the fundamental law of the land. It does not tell you how you shall spend money, but what your rights are.

Again I direct myself to the Constitution of our State. It deals entirely with principles and rights and fundamental things. The Constitution is always a matter of fundamental law.

I venture these expressions because they are all familiar to us even though we may not be lawyers.

Now, it has been said by the gentleman from Augusta, Mr. Cross—I could not hear exactly, but I think he said something about some machinery set up by which this amendment can be put across. Well, we have machinery already. It is in Article 10 of the Constitution of this State. There is no question about that.

Now, here is another matter, when we are proposing to amend the Constitution of this State. The Constitution says "two-thirds of the members of both Houses when they deem a necessity arises." Is there one member of this House that believes there is a necessity? You may be for it; you may think it has some merit, but is there anyone who believes it is a necessity that we do this? I do not believe there is a necessity. It seems to me that almost touches upon the oath which we took at the opening of this Legislature. We took an oath to the

effect that we would support and defend the Constitution of the United States and of this State.

Now, anyone who votes for this measure simply because he believes it is good and because some of his people want it and because certain organizations want it—that is not necessity, and it seems to me he is going contrary, if not to the letter at least to the spirit, of the Constitution of our State.

Now, with regard to these organizations, I will say that there were a lot of them. By some inadvertence some organizations were omitted. I didn't hear anything about the Parent-Teachers Association or the Boy Scouts. But I wonder if those organizations have taken official and bona fide action to this effect? I belong to one of these organizations, and I never heard of it in any way. A gentleman the other day said he belonged to three of them and never heard about it from any of the three.

You know it has been pointed out that there are certain states that have amendments of this kind in their Constitution. They are practically all western states. I have no prejudice against the western states—I lived there the most of my life until I came to Maine fifteen years ago—but I think those western states have made a mistake. There is one state, I am told, in the west that added this kind of an amendment to its Constitution. In principle it is just like this, ridiculous as it is. There is one state that has amended its Constitution to the effect that hotels must provide sheets nine feet long for their guests. That is just the same as this is in principle, absolutely. This is not the sort of a thing that should go in the Constitution.

The gentleman from Augusta, Mr. Cross, I think gave an argument against himself when he talked about embarrassment to the members of the Legislature who voted for this \$800,000 diversion in the past. The automobile business is a new thing. These laws that relate to automobiles and gasoline are new. I think the very fact they were embarrassed and perhaps made a mistake will prevent their doing so in the future. I have confidence in this Legislature that it will not divert funds; and I have confidence in future legislatures, that they will not divert them. But after this war

there might arise an economic crisis more severe than anything we can even imagine, when it might be conceivable that it would be necessary to do something with the funds we may have on hand. But I am opposed to this chiefly because it is not a constitutional measure; it is a statutory measure, and to make it part of the Constitution, as I said before, will mean monkeying with the Constitution. It seems perfectly absurd, and certainly no necessity exists for it.

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

Mr. SLEEPER: Mr. Speaker, I want to first have it distinctly understood that I speak only as a personal representative and not as your floor leader. I have great respect for the signers of the "Ought to pass" report—Cross, McIntire, Osgood, Lackee, Dean and Ayer. Everyone of them are sound, sensible men, and for that reason, I sat still when the "Ought to pass" report was accepted. I felt that if these men felt it ought to pass, it should pass, although deep down in my heart I felt that it should not pass. I did not feel I should argue against these men, for all of whom I have the greatest respect.

However, I was very glad when the gentleman from Calais, Mr. Murchie, got up and had the courage to move to reconsider, and said we ought not to pass and should not pass this Constitutional amendment. It is not constitutional from an ethical point of view. The gentleman from Bridgton, Mr. Rankin, brought out very aptly the matter that it was not for the Constitution to say that all money we got from gasoline and automobile registration must go on the road. It is just as logical to say that we should protect the Old Age Pension people by saying that all money that comes from the sale of liquor should go for Old Age pensions. Why wouldn't it be just as well to protect those people? They are just as much entitled to protection as the roads are. It would be rather shameful to put in our Constitution that all of this money from the sale of liquor must go to Old Age pensions.

I was a member of the House in 1937, when this so-called "road steal" took place; when we were

supposed to have stolen \$800,000 from the highway funds to grant Old Age pensions. I want to tell you that things were pretty desperate in 1937. Our Governor and Legislature were all elected on a platform of granting Old Age pensions, and we did not have a single penny to grant these pensions to these people who wanted them, and demanded them—and public opinion was behind them. So then we borrowed the money from the Highway Department, but we did not steal one cent. Every cent that we took was put on the roads. What we did was to say that in return the towns and cities should pay one-quarter of the Old Age pensions—if they kept a record of every dollar that they spent, that we would reimburse them from our Highway funds to that extent.—So that this so-called \$800,000 was not stolen from the Highway. Every penny was put on the roads, but it was put on them in a back-handed way, I will admit. That is the only way that we could do it. The time might come when we would have to do it again, but I doubt it.

It is very, very true that we do not have any right to say to the legislatures in 1945, or 1947, or 1949, how they will run their business. We have no right to do that. Our form of government is the purest form of democracy. We are all elected by the people, every one of us—and liable to them—and legislators in 1945, 1947 and 1949 are going to be just the same. There is no fear of this thing. Certainly they will not divert highway funds. It is almost absurd to say that it should be put in the Constitution. I belong to several of those bodies—the Maine State Grange, the Maine Automobile Association, the Maine Hotel Association; and I do not remember of voting that we should take this action and writing you telling you what you should do. No doubt those letters are the result of a zealous Executive Secretary, and he did it and did it well. But they had no effect on me; I do not imagine they had any effect on any other people. So do not imagine that I am trying to tell you people because I know better than you do.

I am just telling you that I am glad that the gentleman from Calais, Mr. Murchie, had the cour-

age to get up and move reconsideration of this action.

I am just trying to tell you that I do not think that we want to pass this bill amending our Constitution and telling future legislatures what to do.

I certainly hope that the motion of the gentleman from Calais, Mr. Murchie, will prevail and that this bill will be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: The arguments, I think, have pretty well covered the situation. I just want to mention a few points with which I agree. First, I agree that the Constitution should be a framework on which laws are built, not a collection of miscellaneous laws. Second, I agree that the apparent demand from the people for this legislation is not the people's demand but an artificially created demand.

One point has been mentioned, that the people should control the spending of the people's money. I believe that the people now control it, but I do not think they would have so much control if this amendment should be included in the Constitution. It has already been pointed out that if this constitutional amendment were passed and an emergency should arise where we would badly need immediate funds, fifty-one members of this body or twelve members of another body could prevent the removal of that amendment, or, if they did agree, it would take two years. I believe the arguments are very much in favor of the gentleman from Calais, Mr. Murchie.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, for indefinite postponement.

The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker and Members of the House: As a member signing the majority report, I feel I should at least get up here in defense of our action.

I want to say to you that we gave every proponent and opponent a full, fair hearing at our public hearing. We even went further than that—and our Chairman will agree with me—we gave the opposi-

tion, one gentleman, a chance to come into an executive hearing and voice his opposition, although he was not at the public hearing. This bill did have a full and fair hearing, and, other than the one member who appeared against it, it was unanimously supported by the different organizations who have talked this measure over at great length. The agricultural associations, I know, have had different meetings previous to this ever being introduced and they supported it. I also know my constituents favor it one hundred per cent. I would feel it was my duty to get up here and support this measure. I feel they should have a chance to say whether they wish to have this as a constitutional amendment or not.

You say there is no diversion. There is diversion and you know there is. There is diversion going on at the present time from highway money. The money we pay for the support of our State Police has in the past come entirely out of highway funds, one hundred per cent. It is a sizeable figure: \$310,000 two years ago, \$320,000 for the first year of the biennium, \$335,000 for the next. It is being tried in our committee, with the cooperation of others, to get a just division of those costs, but it is being fought and there is a great deal of opposition from some sources that all money for the State Police should come from Highway funds.

Last night we had a member of the Budget Committee who was before us. Mr. Mossman admitted in fact that probably in the past there had been a small amount diverted from highway funds to the tune of \$100,000, in small ways indirectly. That is being corrected, I will admit. But at the same time, in support of that, I might say that one of the sources of direct diversion would be license plates we have been buying from the State Prison and paying for them on a basis that gave the State Prison a \$25,000 profit. That has been corrected, it is true, but that was a diversion as well as the support of the State Police is a diversion, because not all of the State Police fund or the support of it belongs to highway moneys. Now, this only asks for the right to allow the people of the State of Maine to say whether or not they shall make this constitutional amendment. We here

are only giving the people the right to vote, and I for one hope that the motion of the gentleman from Calais, Mr. Murchie, to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, you have heard the arguments for the motion of the gentleman from Calais, Mr. Murchie, so I do not intend to repeat them, but I have felt so strongly on this matter for several years—a couple, at least—that I feel I should go on record as being strongly in favor of the motion of the gentleman from Calais, Mr. Murchie.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Braley.

Mr. BRALEY: Mr. Speaker and Members of the House: I think it is interesting to note, after serving on the Committee on Motor Vehicles myself, that the State of Maine does a four million dollar business in its Motor Vehicle Division of the Secretary of State's Department. Of this money, there are 250,000 automobiles registered in the State of Maine and 500,000 licenses issued as operators' licenses in the State of Maine. I feel sure that these 500,000 people who own operators' licenses do not wish that this money should be diverted to other sources.

The gentleman from Bradford, Mr. Osgood, has stated that the State Police have received this money. That has been diverted to the State Police Department.

Our Floor Leader also mentioned that back in 1937 when the money was diverted that it was because of the desperate demand. I think it is unwise for any Governor or any member to promise something that they could not fulfill, and have no way of knowing how to get the money.

Therefore, I am supporting the Majority Report "Ought to pass."

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie for indefinite postponement of Legislative Document 339.

The gentleman from Presque Isle, Mr. Brewer, asks for a division.

All those in favor of the motion of the gentleman from Calais, Mr.

Murchie, for indefinite postponement of Legislative Document 339, Resolve proposing an Amendment to Constitution to Limit to Highway Purposes the use of Revenues Derived from the Taxation of Vehicles used on the Public Highways and Fuels used for Propulsion of such Vehicles will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Sixty-one having voted in the affirmative and 65 in the negative, the motion failed of passage.

Thereupon the Resolve was assigned for second reading tomorrow morning.

Ought to Pass in New Draft

Report of the Committee on Banks and Banking on Bill "An Act relating to Refunding of Washington County Bonds" (S. P. 415) (L. D. 725), reporting same in a new draft (S. P. 469) (L. D. 850) under same title and that it "Ought to pass"

Report of the Committee on Judiciary on Bill "An Act relating to Conscious Suffering Preceding Death" (S. P. 355) (L. D. 647) reporting same in a new draft (S. P. 473) (L. D. 854) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to the Retirement System for State Police" (S. P. 189) (L. D. 277) reporting same in a new draft (S. P. 474) (L. D. 852) under same title and that it "Ought to pass"

Report of the Committee on Salaries and Fees on Bill "An Act relating to the Salaries of the Members of the State Highway Commission" (S. P. 370) (L. D. 634) reporting same in a new draft (S. P. 470) (L. D. 849) under same title and that it "Ought to pass"

Report of the Committee on Ways and Bridges on Bill "An Act relating to Notices of Changes of Locations of Certain Highways" (S. P. 152) (L. D. 152) reporting same in a new draft (S. P. 472) (L. D. 853) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to Expenses of Maintaining County Roads" (S. P. 400) (L. D. 673) reporting same in a new draft (S. P. 471) (L. D. 851) under same title and that it "Ought to pass"

Came from the Senate, Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports read and accepted in concurrence and the Bills read twice and tomorrow assigned.

Ought Not to Pass—Recommitted

Report of the Committee on Salaries and Fees reporting "Ought not to pass" on Bill "An Act Increasing the Compensation of the County Attorney and Assistant County Attorney for Androscoggin County" (S. P. 369) (L. D. 635)

Came from the Senate, recommitted to the Committee on Salaries and Fees.

In the House, the "Ought not to pass" Report was accepted in non-concurrence.

Thereupon, on motion by Mr. Downs of Rome, the House voted to reconsider its action whereby it accepted the "Ought not to pass" Report; and on further motion by the same gentleman the Bill was recommitted to the Committee on Salaries and Fees in concurrence.

Non-Concurrent Matter

From the Senate: Bill "An Act relating to the Maine Development Commission and the State Geologist" (H. P. 1266) (L. D. 775) which was passed to be engrossed in the House on March 17th.

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

In the House:

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

Mr. LEAVITT: Mr. Speaker, this amendment calls for returning into the bill a clause which the committee struck out after due hearing on the bill. The reason that the bill is in new draft is because this clause, Section 113-C, was felt to be inadvisable, therefore I move that we insist upon our former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Portland, Mr. Leavitt, moves that the House insist upon its former action and ask for a Committee of Conference.

The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I am sorry but I cannot quite see the reason that after that bill had pass-

ed the House in the first place—the original draft of the bill—that this amendment should not be reported out too. Now, this amendment returns it to the form in which it was originally put out. The whole thing behind the bill is the desire of the Maine Development Commission to have more money to spend. We feel they ought to have a little more money. I do not think we should go any further with it. We are agreed that if and when the war should end, if there is one group that ought to have some quick money that they can get their hands on, it is that group, but I do not think there is any doubt they can get the money. We felt that they would not spend the money in the next two years and that they would be building up a surplus which might be left in a reserve, but we did put on a limit of \$50,000. That is the way the bill stands at the present time. We have straightened it out. Now it comes back. I take it that the gentleman from Portland (Mr. Leavitt) wants to throw down that \$50,000, and give them an unlimited amount. I think \$50,000 is enough and that we should go along with it as it is.

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

Mr. LEAVITT: Mr. Speaker, I think Mr. Murchie is in error. When the House passed this bill, it passed it without this clause in it. The House passed the bill as it came back from the Committee, and the Committee Report, when it came to us, did not have this clause in it. It is true, I believe, that when the Maine Development Commission are appropriated certain moneys, and if, because of war contingencies, they feel it is unwise to spend all of it for advertising, that the longer the war goes on and the longer we curtail our advertising, the more advertising we will have to put in after the war is over, therefore if this war goes on for several years and they save money on these funds, it will be necessary than, perhaps, to have perhaps a hundred thousand dollars to advertise, and I say we should let them have the funds for that and spend it when it is most needed, and I am absolutely opposed to the remarks made by my friend, the gentleman from Calais, Mr. Murchie.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr.

Leavitt, that the House insist upon its former action and ask for a Committee of Conference. All those in favor will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

The SPEAKER: The House is voting upon the motion to insist upon its former action and ask for a Committee of Conference.

Thirty having voted in the affirmative and 22 in the negative, the motion prevailed.

On motion by Miss Clough of Bangor, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking. (Applause)

Non-Concurrent Matter

From the Senate: An Act relating to Employees in Military Service (H. P. 1269) (L. D. 780) which was passed to be enacted in the House on March 24th and passed to be engrossed on March 17th.

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

In the House, on motion by Mr. Southard of Bangor, the House voted to reconsider its action whereby it passed this Bill to be enacted; and on further motion by the same gentleman, the House voted to reconsider its action whereby it passed the Bill to be engrossed.

Senate Amendment "A" read by the Clerk as follows:

Senate Amendment "A" to H. P. 1269, L. D. 780, Bill "An Act Relating to Employees in Military Service."

Amend said Bill by adding after the word "considered" in the 11th and 12th lines from the end of that part designated "Sec. 54-A" of section 1 thereof, the underlined words: **'during the period of his federal service'**.

Further amend said Bill by drawing a line through the words "state during the period of his national service" in the 12th line from the end of that part designated "Sec. 54-A" of section 1 thereof, and inserting the underlined words: **'governmental agency by which he was employed at the time of his entry into such federal service'**.

Senate Amendment "A" was adopted.

Senate Amendment "B" was then read by the Clerk as follows:

Senate Amendment "B" to H. P. 1269, L. D. 780, Bill "An Act Relating to Employees in Military Service."

Amend said bill by adding after section 2 thereof the following section to read as follows:

"Sec. 3. R. S., c. 2, sec. 54, amended. Section 54 of Chapter 2 of the revised statutes, as amended by chapter 161 of the public laws of 1937, is hereby further amended by adding at the end thereof the following:

'; provided, however, that for the duration of the war with Germany and Japan, aliens may be employed by the state if it is deemed expedient by the proper department head.'"

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

Petitions, Bills and Resolves Requiring Reference

Petition of Walter P. Conley and 15 others of Rockland, Knox County, in favor of H. P. 1240, L. D. 739, Bill "An Act relating to Hunting and Trapping of Foxes" (H. P. 1326) (Presented by Mr. McFee of Richmond)

Petition of Russell Sprague of Lewiston, Androscoggin County, and 19 others in favor of same (H. P. 1327) (Presented by same gentleman)

Petition of F. Walter Stackpole of Saco, York County, and 83 others in favor of same (H. P. 1328) (Presented by same gentleman)

Petition of Mark H. Burke and 59 others of Lewiston, Androscoggin County, in favor of same (H. P. 1329) (Presented by same gentleman)

Petition of Harry Libby and 20 others of Westbrook, Cumberland County, in favor of same (H. P. 1330) (Presented by same gentleman)

Petition of Lawrence R. Coughlin and 20 others of Richmond, Sagadahoc County, in favor of same (H. P. 1331) (Presented by same gentleman).

On motion by Mr. Sleeper of Rockland, ordered placed on file and sent up for concurrence.

Orders

Order Tabled

Mr. Keller of Hallowell, presented the following Order and moved its passage:

Whereas, His Excellency, the Governor, in his inaugural address called the attention of the Legislature to the very grave need for increasing the salary of state employees by saying "Every possible effort has been made to meet this situation within the present framework of appropriations and law Which would seem sufficient neither to adjust for the rising cost of living nor to meet effectively the attraction of higher pay in private industry. I again would remind the Legislature of the cost to the State of losing trained personnel and of using inexperienced help," and later in the message the following: "As an employer we must be an example in fair and considerate treatment of our own employees," and

Whereas, His Excellency, the Governor, in his budget message indicated that there had been included in the budget estimated funds to provide for increases in the compensation of state employees, and

Whereas, members of the Committee on Appropriations and Financial Affairs have advised this Legislature that there has been included in the appropriation bill now before this Legislature increased appropriations for the various departments to provide increases in compensation of state employees.

Now, therefore, it is

ORDERED, the Senate concurring, that it is the best judgment of this Legislature that the compensation of all state employees whose base pay is thirty (\$30) dollars per week or less, should receive an increase in compensation of not less than \$4.00 per week and that all increases to employees whose base pay is the same shall be equal in amount.

On motion by Mr. Keller, the Order was tabled pending passage, until later in the day.

On motion by Mr. Downs of Rome, it was

ORDERED, that Rev. David S. Eaton of Mount Vernon, be invited to officiate as Chaplain of the House on Thursday, April 1st.

The SPEAKER: At this time the Chair desires to express thanks for the flowers that were presented last night at the hotel, because the Chair knows that many of those who contributed, both for the flowers and the money that accompanied them, were not present last night. Somehow or other, flowers have sort of a friendly feeling, I think, or at least they carry a friendly sentiment, and the same thing applies to our fields and our woods. When we adjourn here at about the time the buds are beginning to make themselves evident, I am satisfied that the cares of this session will begin to fade away; and that we will find ourselves at peace with the world and satisfied with the progress that we have made.

"Oh, you'll not be any poorer

If you smile along your way;

And your luck will not be harder

For the kindly things you say;

Don't imagine you are wasting time

For others that you spend—

You can rise to wealth and glory

And still pause to be a friend."

(Applause, the audience rising).

House Reports of Committees

Leave to Withdraw

Mr. Usher from the Committee on Claims on Resolve in favor of Lawry Brothers Company, Fairfield, Maine, for Burial Expenses of Wilfred Blanchette (H. P. 534) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Tabled and Specially Assigned

Mr. Murchie from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Authorizing a Reissuance of Bonds for the Purpose of Refunding Kennebec Bridge Bonds" (H. P. 1072) (L. D. 561)

(On motion by Mr. McIntire of Phippsburg, tabled pending acceptance of Committee Report and specially assigned for next Friday morning, April 2nd)

Mr. Sleeper from the Committee on Appropriations and Financial

Affairs reported "Ought not to pass" on Bill "An Act relating to Appropriations for Private and Public Hospitals" (H. P. 927) (L. D. 481)

Mr. Cobb from the Committee on Claims reported on Resolve in favor of the town of Dexter (H. P. 213)

Mr. Hamilton from same Committee reported same on Resolve in favor of the city of Eastport (H. P. 625)

Reports were read and accepted and sent up for concurrence.

Tabled and Specially Assigned

Mr. Vickery from the Committee on Mercantile Affairs and Insurance reported "Ought not to pass" on Bill "An Act Creating a State Fire Marshal" (H. P. 1244) (L. D. 744)

(On motion by Mr. Pierce of Bucksport, tabled pending acceptance of Committee Report and specially assigned for next Thursday morning, April 1st.

Mr. Clapp from the Committee on Pensions reported "Ought not to pass" on Resolve providing for a State Pension for Harry E. Libby of Pittsfield (H. P. 414)

Same gentleman from same Committee reported same on Resolve in favor of Mr. Ethelrud Young of Augusta (H. P. 1147)

Same gentleman from same Committee reported same on Resolve providing for a State Pension for Isaiah W. McLeod of Dyer Brook (H. P. 1146)

Same gentleman from same Committee reported same on Resolve providing for a State Pension for Thomas A. Spares, of Waterville (H. P. 1148)

Mr. Davis from same Committee reported same on Resolve providing for a State Pension for Stephen Lucas Fannico of Belfast (H. P. 144)

Same gentleman from same Committee reported same on Resolve providing for a State Pension for Frank D. Ames, of Newcastle (H. P. 228)

Same gentleman from same Committee reported same on Resolve providing for a State Pension for Lavinia Gerald, of Stacyville (H. P. 199)

Same gentleman from same Committee reported same on Resolve

providing for a State Pension for Claude Rogers, of Newburgh (H. P. 229)

Mr. McKusick from same Committee reported same on Resolve providing for a State Pension for Martha O. Jones of Lisbon (H. P. 1152)

Same gentleman from same Committee reported same on Resolve providing for a State Pension for Benjamin Smith of Waterville (H. P. 1149)

Same gentleman from same Committee reported same on Resolve providing for an Increase in State Pension for Harry T. Beane, of Augusta (H. P. 303)

Same gentleman from same Committee reported same on Resolve in favor of Jennie Snell of Madison (H. P. 1212)

Same gentleman from same Committee reported same on Resolve providing for a State Pension for H. J. Tozier of Plymouth (H. P. 407)

Mr. Downs from the Committee on Salaries and Fees reported same on Bill "An Act relating to Fees of the Clerks of the Judicial Courts" (H. P. 263) (L. D. 171)

Mr. Day from the Committee on State Lands and Forest Preservation reported same on Bill "An Act relating to the Aroostook County State Park" (H. P. 153) (L. D. 112)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Denny from the Committee on Agriculture on Bill "An Act relating to the Milk Control Board" (H. P. 762) (L. D. 427) reported same in a new draft (H. P. 1340) under same title and that it "Ought to pass"

Mr. Perkins from the Committee on Judiciary on Bill "An Act relating to Judges of Municipal Courts not to Act as Counsel" (H. P. 948) (L. D. 492) reported same in a new draft (H. P. 1332) under same title and that it "Ought to pass"

Mr. Williams from same Committee on Bill "An Act relating to Suspension of Licenses for Eating Places, etc." (H. P. 1104) (L. D. 570) reported same in a new draft (H. P. 1333) under same title and that it "Ought to pass"

Mr. Morrison from the Committee on Public Utilities on Bill "An

Act to Extend the Charter of the Patten Water Company" (H. P. 466) (L. D. 248) reported same in a new draft (H. P. 1335) under title of "An Act to Incorporate the Patten Water and Power Company" and that it "Ought to pass"

Mr. Benn from the Committee on State Lands and Forest Preservation on Resolve Authorizing the Sale of Stumpage on T. 1, R. 13, W. E. L. S. Piscataquis County (H. P. 969) (L. D. 499) reported same in a new draft (H. P. 1337) under title of "Resolve Authorizing the Sale of T. 1, R. 13, W. E. L. S., Piscataquis County" and that it "Ought to pass"

Mr. Cleaves from same Committee on Resolve Granting Authority to the Forest Commissioner to Convey Certain Lands to Herbert E. Robbins of Township 10, Hancock County (H. P. 582) (L. D. 349) reported same in a new draft (H. P. 1338) under title of "Resolve Granting Authority to the Forest Commissioner to Cancel Deed Erroneously Recorded" and that it "Ought to pass"

Mr. Rollins from same Committee on Bill "An Act relating to Lands Owned by the State" (H. P. 1163) (L. D. 618) reported same in a new draft (H. P. 1336) under same title and that it "Ought to pass"

Mr. Williams from same Committee on Bill "An Act relating to the Policing of State Parks, and Acceptance of Gifts for Improvement of State Parks" (H. P. 209) (L. D. 143) reported same in a new draft (H. P. 1339) under same title and that it "Ought to pass"

Mr. Leavitt from the Committee on Welfare on Bill "An Act Permitting the State to Render Aid in Organized and Unorganized Territory" (H. P. 837) (L. D. 403) reported same in a new draft (H. P. 1334) under same title and that it "Ought to pass"

Reports were read and accepted and the Bills and Resolves ordered printed under the Joint Rules.

Ought To Pass

Mr. Dunn from the Committee on State Lands and Forest Preservation reported "Ought to pass" on Resolve Authorizing the Forest Commissioner to Convey Certain Land to Enos Drumm of Thomaston, Connecticut (H. P. 330) (L. D. 198)

Report was read and accepted and the Resolve, having already been printed, was read once under suspension of the rules and tomorrow assigned.

Ought to Pass With Committee Amendment

Mr. Denny from the Committee on Agriculture on Bill "An Act relating to Permit for Cattle Entering the State" (H. P. 921) (L. D. 475) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 921, L. D. 475, Bill "An Act Relating to Permit for Cattle entering the State."

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

"The Commissioner of agriculture is hereby authorized to enter into agreements in the name of the state of Maine with other states for the purpose of controlling the transportation of cattle into, and out of, the state of Maine in order to effect the eradication of any infectious or communicable disease. The rules and regulations contained in such agreements are to be promulgated by the commissioner of agriculture with the approval of the governor."

Committee Amendment "A" was adopted and tomorrow assigned for third reading of the Bill.

Mr. Downs from the Committee on Salaries and Fees on Bill "An Act Increasing the Compensation of Members of the Board of Registration of Voters" (H. P. 344) (L. D. 201) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 344, L. D. 201, Bill "An Act Increasing the Compensation of Mem-

bers of the Board of Registration of Voters."

Amend said Bill by striking out the underlined figures "\$7.50" in the 4th line of section 1 thereof, and inserting in place thereof the underlined figures "\$6.00", also by striking out the underlined figures "\$6.50" in the 7th line of section 1 thereof and inserting in place thereof the underlined figures "\$5.00".

Thereupon, Committee Amendment "A" was adopted and tomorrow assigned for third reading of the Bill

Mr. Downs from the Committee on Salaries and Fees on Bill "An Act relating to Automobile Travel by State Employees" (H. P. 1186) (L. D. 663) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 1186, L. D. 663, Bill "An Act Relating to Automobile Travel by State Employees."

Amend said Bill by inserting after the enacting clause thereof "Sec. 1."

Further amend said Bill by drawing a line through the figures "5c" in the 4th line of the 2nd paragraph thereof and inserting in place thereof the underlined figures "7c".

Further amend said Bill by striking out the figures "15,000" in the 4th line of the 2nd paragraph thereof and inserting in place thereof the underlined figures "7,000".

Further amend said Bill by striking out the figures "15,000" in the 6th line of the 2nd paragraph thereof and inserting in place thereof the underlined figures "7,000".

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

Sec. 2 Limitation of act. This act shall remain in force for a period of 2 years only. It is the intent of the legislature to change the present statute for a period of 2 years only, after which period the present statute shall return to full force and effect.

Committee Amendment "A" was adopted and tomorrow assigned for third reading of the Bill.

The SPEAKER: At this time the Chair recognizes the gentleman from Auburn, Mr. Jacobs, the oldest member in point of service in this branch and designates him as Speaker pro tem, and requests the Sergeant-at-Arms to conduct him to the rostrum.

Thereupon, the Sergeant-at-Arms conducted Mr. Jacobs to the rostrum, where he assumed the Chair amid the applause of the House, the members rising, and Speaker Richardson retired.

The SPEAKER, pro tem: The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, under suspension of the rules I would move at this time that the House reconsider its previous action of the day whereby we accepted the "Ought not to pass" Report of the Committee on State Lands and Forest Preservation on Bill "An Act relating to the Aroostook County State Park" (H. P. 153) (L. D. 112), and I would like to give a brief explanation for my motion at this time.

At the time this bill was presented the only thing that clung in the Committee's mind was the fact that this road had not been accepted by the city of Presque Isle. This road has recently been accepted, and I would like to lay this matter on the table until tomorrow morning, until I have had time to contact some of the members of this Committee.

The SPEAKER, pro tem: The gentleman from Presque Isle, Mr. Brewer moves that the House reconsider its former action whereby it accepted the "Ought not to pass" Report on Legislative Document 112. Is this the pleasure of the House?

The motion prevailed.

On further motion by Mr. Brewer, the Report, with accompanying papers, was tabled pending acceptance of the "Ought not to pass" Report, and specially assigned for tomorrow morning.

First Reading of Printed Bills

Bill "An Act relating to Membership of Persons Employed in the Federal Employment Service in the Jointly-Contributory Retirement System for State Employees" (H. P. 1321) (L. D. 862)

Bill had its two several readings and tomorrow assigned.

Tabled and Specially Assigned

Bill "An Act to Provide Relief during the Emergency for Businesses in Financial Distress because of Wartime Conditions" (H. P. 1322) (L. D. 863)

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, there seems to be considerable interest in this bill, and because the new draft has only been available since this morning, I move that the bill lie on the table and be specially assigned for Thursday morning.

Thereupon, the Bill had its two several readings, and was tabled pending third reading and specially assigned for Thursday morning, April 1st.

First Reading of Printed Bills

(Continued)

Bill "An Act relating to Claims and Actions against Executors and Administrators" (H. P. 1323) (L. D. 864)

Bill "An Act relating to the Limitations on Sales by Licensees of Liquor, Malt Liquor, Wines and Spirits" (H. P. 1324) (L. D. 865)

Bill "An Act relating to Licenses for Sale of Malt Beverages" (H. P. 1325) (L. D. 866)

Bills were read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act to Authorize the State Highway Commission to Cooperate with the Public Roads Administration of the United States in the Construction and Maintenance of Flight Strips and of Certain Classes of Highways, in order to Facilitate the War Effort" (S. P. 346) (L. D. 520)

Bill "An Act relating to Fingerprinting of Pupils in Public Schools" (S. P. 356) (L. D. 646)

Bill "An Act providing for Experience Rating under Unemployment Compensation Law" (S. P. 459) (L. D. 807)

Bill "An Act relating to Salaries of Androscoggin County Clerks" (H. P. 1318) (L. D. 855)

Were reported by the Committee on Bills in the Third Reading,

read the third time, passed to be engrossed and sent to the Senate.

Tabled and Specially Assigned

Bill "An Act to Increase the Salary of the Recorder of the Waldo County Municipal Court and to provide for Clerk Hire" (H. P. 1319) (L. D. 856)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Coombs of Belfast, tabled pending third reading and specially assigned for Thursday morning, April 1st.)

Bill "An Act providing for the Maintenance of the Road leading to Baxter State Park" (H. P. 1320) (L. D. 857)

Resolve Proposing an Amendment to the Constitution relating to Adoption of Amendments to the Constitution (S. P. 357) (L. D. 644)

Resolve to Reimburse H. W. Brooks of Portland (S. P. 462) (L. D. 829)

Resolve in favor of Northeast Airlines Inc. (S. P. 463) (L. D. 827)

Resolve in favor of the town of Bethel (H. P. 1083) (L. D. 858)

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

Amended Bills

Bill "An Act Granting Increase in Salary to County Attorney of Oxford County" (S. P. 265) (L. D. 471)

Bill "An Act relating to Transfer of Insane Persons having Settlements in this State from out of the State Institutions" (S. P. 213) (L. D. 325)

Bill "An Act relating to Trial Justices and Judges of Municipal Courts" (S. P. 458) (L. D. 806)

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

Tabled and Specially Assigned

Bill "An Act Permitting Bowling on Sunday" (S. P. 464) (L. D. 828)

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

Mr. Rollins of Greenville, offered House Amendment "B" and moved its adoption.

House Amendment "B" read by the Clerk as follows:

House Amendment "B" to S. P. 464, L. D. 828, Bill "An Act Permitting Bowling on Sunday."

Amend said bill by adding at the end thereof the following underlined sentence:

'Sunday is a closed season on which it is not lawful to hunt any wild animal or wild bird of any kind, except in unorganized townships that do not border upon organized territory.'

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. Payson: Mr. Speaker, I intend to raise a point of order as to Rule 36, as to the germaneness of this amendment to the original bill. I therefore move that this bill and amendment lie on the table and be especially assigned for tomorrow morning.

The SPEAKER pro tem: The gentleman from Portland, Mr. Payson, moves that this bill and amendment lie on the table pending adoption of House Amendment "B", and that the matter be specially assigned for tomorrow morning. Is this the pleasure of the House?

The motion prevailed and the amendment, together with the bill, were so tabled and so assigned.

Passed to be Engrossed as Amended (Continued)

Bill "An Act to Clarify and Improve the Administration of the Liquor Laws" (H. P. 585) (L. D. 352)

Bill "An Act relating to Proceedings in the Probate Court—Birth Records of Children Proposed for Adoption" (H. P. 940) (L. D. 542)

Bill "An Act relating to Retirement of Justices of the Supreme Judicial and Superior Courts" (H. P. 947) (L. D. 539)

Bill "An Act relating to the Appointment of Guardians of Persons Resident out of the State" (H. P. 1115) (L. D. 580)

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

At this point Speaker Richardson resumed the Chair, and Mr. Jacobs was conducted by the Sergeant-at-Arms to his seat on the floor amid the applause of the House, the members rising.

Passed to be Enacted

An Act relating to the Salary of the Judge of Probate for Androscoggin County (S. P. 166) (L. D. 767)

An Act to Amend the Charter of the Town of Old Orchard Beach (S. P. 222) (L. D. 333)

An Act relating to Salary of Clerk in Office of Clerk of Courts of Franklin County (S. P. 263) (L. D. 469)

An Act relating to the Office of State Auditor (S. P. 411) (L. D. 700)

An Act relating to the Penalty for Interfering with any Contrivance used in the Lobster Industry (S. P. 445) (L. D. 786)

An Act relating to Civil Actions for Death (S. P. 446) (L. D. 788)

An Act relating to Savings Deposits in Trust Companies (S. P. 451) (L. D. 800)

An Act relating to Reports, Publications, Etc. of Departments (H. P. 162) (L. D. 104)

An Act relating to the Salary of the Judge of the Lincoln Municipal Court (H. P. 206) (L. D. 141)

An Act relating to the Bath Municipal Court (H. P. 249) (L. D. 165)

An Act Increasing the Salary of Clerks in the Office of Register of Probate of Lincoln County (H. P. 470) (L. D. 251)

An Act Creating a Civil Service Commission for the City of Old Town (H. P. 559) (L. D. 298)

An Act relating to Clerk Hire in Office of Clerk of Courts of Lincoln County (H. P. 825) (L. D. 393)

An Act relating to Compensation of County Commissioners of Lincoln County (H. P. 826) (L. D. 394)

An Act relating to Salary of the County Treasurer of Lincoln County (H. P. 827) (L. D. 395)

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

Amended

An Act relating to Compensation of Fire Wardens (H. P. 829) (L. D. 396)

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

Mr. HUTCHINS: Mr. Speaker, at the request of the Department, and for the purpose of offering an amendment, I move now that the rules be suspended and that the House reconsider its action whereby it passed this bill to be engrossed.

The SPEAKER: The gentleman from Bangor, Mr. Hutchins, moves that the rules be suspended in order that he may make a motion for reconsideration. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman from Bangor, Mr. Hutchins, now moves that the House reconsider its action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

The motion prevailed.

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

Mr. HUTCHINS: Mr. Speaker, in explanation of the amendment I am about to offer it is the emergency preamble and emergency clause. I would say that this bill "An Act relating to Compensation of Fire Wardens" removes the statutory limit which now is \$4.00 and \$5.00 per day, and puts it in the hands of the Governor and Council to set it as they see fit for the next two years.

The Forestry Department now has to engage wardens for the rest of the season, and it will hamper the work of the Department if they have to wait the usual 90 days.

I now offer House Amendment "A" and move its adoption.

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

House Amendment "A" to H. P. 829, L. D. 396, Bill "An Act Relating to Compensation of Fire Wardens".

Amend said bill by adding before the enacting clause thereof, the following:

'Emergency preamble. Whereas, a state of war exists between the United States and Germany and Japan; and

Whereas, it is essential for the fire warden service to be maintained at its best during this war emergency; 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 of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

House Amendment "A" was then adopted and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Passed to be Enacted (Continued)

An Act relating to Vaccination of Animals to Prevent Tuberculosis (H. P. 922) (L. D. 476)

An Act relating to Certificate of Health upon Sale of Pure-blooded Cattle (H. P. 923) (L. D. 477)

An Act relating to Authority of Clerks of Municipal Courts" (H. P. 941) (L. D. 541)

An Act relating to the Protection of Cattle from "Bang's Disease" (H. P. 1066) (L. D. 556)

An Act relating to Qualification and Registration of Voters (H. P. 1116) (L. D. 581)

An Act Further Amending the Financial Responsibility Law (H. P. 1122) (L. D. 587)

An Act Enacting the Consumer's Cooperative Act (H. P. 1126) (L. D. 591)

An Act Amending the Unemployment Compensation Law (H. P. 1131) (L. D. 596)

An Act relating to Compensation of County Commissioners of Aroostook County (H. P. 1156) (L. D. 611)

An Act relating to Compensation of Register of Deeds of the Northern District of Aroostook County (H. P. 1157) (L. D. 612)

An Act relating to Clerk Hire in the Office of Clerk of Courts for Oxford County (H. P. 1159) (L. D. 614)

An Act to Amend the Charter of the City of Rockland by Providing for the Appointment of a Board of Commissioners of Police and Firemen (H. P. 1222) (L. D. 709)

An Act relating to Sale of Liquor by Summer Hotels (H. P. 1260) (L. D. 757)

An Act relating to Payment of Special Legislative Pensions from Appropriations for Same (H. P. 1283) (L. D. 798)

An Act relating to Records of Oaths in the Office of Town Clerks (H. P. 1285) (L. D. 801)

An Act relating to Membership in the Jointly-Contributory Retirement System for State Employees, Except Teachers (H. P. 1286) (L. D. 809)

An Act relating to Stolen Property (H. P. 1288) (L. D. 811)

An Act relating to the Reciprocal Enforcement of Violations of Fishing Laws in Boundary Waters Between Maine and New Hampshire (H. P. 1289) (L. D. 812)

An Act relating to Taxation of Motor Vehicles (H. P. 1290) (L. D. 813)

An Act Authorizing the Withholding of the Federal Victory Tax (H. P. 1292) (L. D. 816)

An Act relating to Ordinances Covering Public Assemblages, Etc. (H. P. 1293) (L. D. 815)

An Act relating to Records of De-organized Towns (H. P. 1294) (L. D. 817)

An Act relating to the Salaries of Clerks in County Offices in Oxford and Penobscot Counties (H. P. 1295) (L. D. 818)

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

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first matter of unfinished business House Amendment "A" to Bill "An Act Relating to Certain Carriers under the Financial Responsibility Act." (S. P. 366) (L. D. 638), pending adoption.

The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I yield to the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I have offered House Amendment "A" to this bill. The bill as it now stands is as follows, after the adoption of Committee Amendment "A". It is very short and I will read it. This relates to the Financial Responsibility Act. "The provisions of Sec-

tions 91 to 98 inclusive shall not apply to any person while operating a motor vehicle by authority of the Public Utilities Commission of the State."

There was passed two years ago what is now known as the Financial Responsibility Act. There was also, as I understand it, in the last session, a bill for compulsory insurance, and I wish to say, Mr. Speaker and Members of the House, that I believe in compulsory insurance. I believe that every man who goes on the road with an automobile should have his car insured, in order he may respond in damages to anyone he may injure.

It appears, however, as it does sometimes in the passage of a law, that there are certain inequities in it. It appeared in another matter before the Judiciary Committee, of which I am a member, that drivers of trucks, although the company was insured if they had an accident, the driver of the truck would be unable to drive a truck after the accident if he had an accident involving more than \$50.00, unless he himself obtained a special bond at a premium of \$40.00 or \$50.00 or \$60.00. Furthermore, he had to furnish that bond so long as he might live. To remedy that, I take it, the Committee on Public Utilities reported this bill. I am entirely in sympathy with the bill, although as it now stands without any amendment I think it is class legislation, because the real basis for any statutes should be those who have complied with the Financial Responsibility Act.

I assume that the driver of a trucking concern has to apply, and must furnish bonds, but, to make this bill right, my amendment simply states in substance, that the act shall not apply to those who have complied or furnished a bond under the Financial Responsibility Act.

Now, my proposition is this. I say that any man who has a car has it properly insured upon the road, and has an accident, that the driver of that car should not be penalized because the damages are taken care of and covered by the bond of the owner of the car. Let me give you this illustration: If you ask your neighbor's boy to drive your car and the members of your family to the County Fair, or what not, and he happens to have an ac-

cident involving more than \$50.00, that boy forever—I say “forever” under that act—must before he can drive an automobile, unless he owns his own car—must go out and obtain a bond by paying this large premium. In other words, he is penalized. He may be innocent, but simply because he was involved in an accident involving more than \$50.00 damage he is compelled to furnish individual responsibility so long as he may live, under the Act.

The point I make, in addition, is this, that I do not believe in that sort of thing. I believe that the law, as I understand it, is to insure automobiles. Now, you have an accident and they start in insuring the individual. Here come some more inequities. If the young man was a member of your own household and not a neighbor's child, he would not be compelled to give this personal responsibility.

We have fellows driving automobiles on the road arrested for drunken driving and all kinds of things. They get their license back in a couple of years—whatever the statutory period is.

It will be argued—now I do not want to take up any more of your time and will make my argument all in one—it will be argued that the amendment that I propose weakens the law. I want to say, Mr. Speaker and Members of the House, that you do not weaken any law by creating an injustice, because I think I can say to you in all fairness that if this is not changed that as soon as we get enough of these various instances throughout the State, the people will be in here and repeal this Financial Responsibility Law and we will have compulsory insurance.

I hope, Mr. Speaker, in order to correct these inequities that have arisen under the present law, this amendment which I have offered will be adopted.

The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the 91st Legislature: I am opposed to the adoption of this amendment. I am going to try to be as brief as I can and still point out to you why I am so opposed. Our right to operate an automobile on the highway,—we think of it as an absolute right, but it is not such. It is a privilege that must be controlled in such a manner that it

will protect the rights of others on the highway, whether they are there operating an automobile or whether they are pedestrians or children sliding upon the highway. Now, if property is damaged and the party that does the damage is at fault, the individual should be allowed to recover. If it was your child or my child that was injured, I feel that anything we could do to help indemnify these particular individuals who are injured is a step forward. The 90th Legislature in its wisdom passed this financial responsibility law. Now, it is not my understanding that this was intended as a penalty nor is it a penalty. It is merely to increase the number of automobiles that are insured and thus afford greater protection. Now, as the gentleman from Boothbay Harbor (Mr. Perkins) has well said, this could be done by compulsory insurance if you wanted to do that. I question whether or not you do.

In our sister State of Massachusetts, after they adopted the financial responsibility law, the rates went up one hundred per cent. Now, that would be a pretty heavy tax upon the operators of motor vehicles.

After the passage of this particular act in the State of Maine in 1939 39.4 per cent of the motor vehicles in the State of Maine were insured. It went up in 1941 to 55.5 per cent. In other words, we had one-third more vehicles insured under this particular act.

Now, so far as this particular amendment is concerned, it provides that if the vehicle is insured either the owner or the operator must file. Now, along that line I might say this: If I operate my vehicle and have insurance upon it and the next fellow on the road has no insurance and we are involved in an accident, I merely have my insurance company notify the Secretary of State, which covers any damage that may have been done in that particular accident. The other party must file a bond, pay the damage, or prove that he was not at fault before he can operate.

Now, there is no intention on the part of anyone, and this amendment would not change that part back so that each fellow must take care of the past accident. It seems to me that at this point the driver of the insured vehicle and the driv-

er of the uninsured vehicle are on an equal basis.

Now, if you are not insured, this bill as it is now provides that you must obtain insurance in the future. The amendment provides that if you are now insured either the owner or the operator would have to take out insurance or would have to maintain proof of financial responsibility.

Now bearing in mind this is not a penalty, but merely to protect parties who might be injured. Should we give to this man who is insured a privilege that we do not give to the other fellow, even though he has taken care of the prior accident? As I see it, it would work this way: No matter who drives an insured vehicle even though they own a vehicle of their own, if they happen to be driving an insured vehicle at the time of the accident they would not have to file proof of financial responsibility. You might have a young fellow from the city or a small town driving a car out to work for a farmer. Now, if this boy has a bad accident while operating the farmer's car he is excused from filing but he can keep on driving his car without filing any proof of financial responsibility. Now, I ask you: Is it fair to the people upon our highways to excuse those individuals in these cases from filing?

Now, there is one further point that I wish to mention. We have considered several matters of a similar nature. Like the gentleman from Boothbay Harbor, (Mr. Perkins) I too am on the Judiciary Committee. Legislative Document 49 was a proposed amendment to this financial responsibility law, which would have done the same thing that the amendment proposed today will do. That was reported out of the Committee "Ought not to pass" and the report was accepted. Legislative Document 587 was reported out with committee amendment and had the same provision in it, and that was stricken out. So we have already turned down this same amendment twice. It is now before you for a third time. I believe that it would weaken the financial responsibility law to such an extent that it would bring about a compulsory automobile insurance. In that point I differ from the gentleman from Boothbay Harbor, Mr. Perkins, in his expression that we will have

compulsory insurance if we do not pass it. I believe we will have it if we do pass it. I hope the amendment is not adopted.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I want to say now that I think a financial responsibility law that only causes 65 per cent of the automobiles to be insured has not accomplished its purposes. That is not the question before the House at this time. The question is on the adoption of this amendment which I have proposed. The same argument that the gentleman from Auburn, Mr. Williams, has made applies with equal force to the bill as it comes from the committee. That does relieve the driver of a truck placed on the road by authority of the Public Utilities Commission from filing anything. I think it ought to.

I want to say just a word on what happened before the Judiciary Committee. As you know, I am a member of that committee. I put in the bill to which the gentleman referred, and it appeared that relatives of mine might be perhaps personally interested in the question, and I told members of that committee that if there was any member of the committee who did not feel my suggestion was a just one—any member of that committee—that I would move to strike out the suggestion or move that it ought not to pass. There being some opposition, I made that motion myself, and I would not be here at this moment had not a member of the Judiciary Committee presented the same bill that has been before our committee, to the Committee on Public Utilities and got an "Ought to Pass" report from them. So I am here to present my amendment to this bill and leave it to your own consideration. I hope that my motion will prevail. I wish to say, Mr. Speaker and Members of the House, that for personal reasons I would like to be excused from voting myself.

The SPEAKER: The question before the House is on the adoption of House Amendment "A".

The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I sincerely believe that this amendment, if adopted, will seriously affect this financial responsibility

law and mean that many more vehicles will operate without insurance. I trust the members will consider that very carefully, and also consider the fact that it will probably mean a compulsory automobile insurance law. I would ask that when the vote is taken that there be a division of the House.

The SPEAKER: The question before the House is on the adoption of House Amendment "A". All those in favor of the adoption of House Amendment "A" will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

None having voted in the affirmative and three in the negative, the amendment failed of adoption.

Thereupon the bill was given its third reading and was passed to be engrossed as amended by Committee Amendment "A" in concurrence.

The SPEAKER: The Chair now lays before the House the second matter of unfinished business, House Amendment "A" to Bill "An Act Relating to the Salary of the Sheriff of Hancock County" (S. P. 266) (L. D. 472) tabled March 24th, by Mr. MacLeod of Bar Harbor, for reproduction under House Rule 36.

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

Mr. MacLEOD: I now move that House Amendment "A" be adopted.

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod, now moves the adoption of House Amendment "A".

The Chair recognizes the gentleman from Ellsworth, Mr. Willey.

Mr. WILLEY: Mr. Speaker, I am opposed to House Amendment "A", which has been offered by the gentleman from Bar Harbor, Mr. MacLeod. My reason for being so is that this bill was introduced by a member of the Hancock County delegation after it was agreed upon by the members of the delegation that the bill was fair and reasonable. The Committee on Salaries and Fees gave this a public hearing, at which time the proponents of the bill appeared and gave their viewpoints on the merits of the bill.

At that time not a single person appeared in opposition. Your committee reported this with a unanimous "Ought to pass" report with Committee Amendment "A". This amendment sets a time limit of two years on the increase asked for. I have talked with the proponents of this, and they have agreed that this amendment was just and satisfactory. I think the committee has given this proper consideration, and has acted in good faith, so I am going to ask this House to accept the committee report with the original amendment.

The SPEAKER: The question before the House is on the adoption of House Amendment "A".

The Chair recognizes the gentleman from Winter Harbor, Mr. Morrison.

Mr. MORRISON: Mr. Speaker, as a member of the county delegation, I would like to state that I am opposed to the proposed amendment.

The SPEAKER: The Chair recognizes the gentleman from Brooklin, Mr. Clapp.

Mr. CLAPP: Mr. Speaker and Members of the House: As a member of the Hancock County delegation I oppose the proposed amendment offered by the gentleman from Bar Harbor, Mr. MacLeod.

The SPEAKER: The question before the House is on the adoption of House Amendment "A".

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

Mr. PIERCE: Mr. Speaker, being a member of the Hancock delegation, I am opposed to the amendment offered by Mr. MacLeod.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I regret exceedingly to have to take up any more of your valuable time in talking on my amendment. I think I covered it pretty well in my remarks on last Tuesday. I will say this bill has been pretty well lobbied in an effort to defeat this amendment, but I do not wish to air our county quarrels before this House.

On Tuesday I made reference to an editorial in the Ellsworth American, and, with your permission, I will read that editorial.

"A bill has been introduced in the legislature to increase the salary of the Hancock county sheriff by \$900. The sheriff now gets \$1,600, with house, light, heat, etc., furnished by the county. In addition, he received last year over \$1,000 for incidental expenses, largely represented by 10 cents a mile mileage allowance for use of his car in investigations. He is also expected to make a profit on board of prisoners. He also receives civil fees, of which he is not required to make accounting with the county. Many qualified potential and well qualified sheriffs would jump at the job, even now considered the highest paying in the county. There has never been any lack of candidates for it.

The board of county commissioners has gone on record as voting against the increase, by a vote of two to one. But the legislators may put it over if the Hancock county delegation approves, hoping the taxpayers of the county, who foot the bills, will forget these things the next time they ask for votes.

This is written in no criticism of the present sheriff or his administration, but only in the interest of the taxpayers of Hancock county. The proposed boost in salary is not for the present sheriff alone, but for all future sheriffs. It would be strange, indeed, to hear of the salary of a public official being reduced. The trend is up and up; and the taxpayer pays and pays."

A few years ago when I first considered offering myself as a candidate for representative to the Legislature, I was approached by a gentleman who had served, I think, about twenty years as a County Commissioner, and he suggested to me that I run for Sheriff of Hancock County, as he knew from experience that the position paid over \$5000. Now, I wonder if you members of the 91st Legislature would not like to have your salary increased by twenty-five per cent—and that is what this amendment proposes, an increase from \$1600 to \$2000. I know I could use it to pretty good advantage. However, I have not seen any bills introduced to take care of us. I have yet to hear from anyone in my town who approves of this \$900 increase. Gentlemen, I am going to leave this with you. This amendment

calls for a 25 per cent raise from \$1600 to \$2000, or a \$400 raise. I ask for a division of the House.

The SPEAKER: The question before the House is on the adoption of House Amendment "A". The Chair recognizes the gentleman from Ellsworth, Mr. Willey.

Mr. WILLEY: Mr. Speaker and Members of the House: In 1905 when this salary was set and the salaries of the other county officers it was set at \$1600. The salary of the Judge of Probate at that time was \$1100. He has been raised to \$2000. The County Attorney at that time was \$750 and he was raised to \$1200. The Register of Probate was raised from \$900 to \$1200. The County Treasurer was raised from \$450 to \$1000. Three of those are a higher percentage than the one we are asking for for our own sheriff.

Now in regard to the question of the board of prisoners, this is a liability now rather than any asset to the Sheriff. Our county commissioners pay the Sheriff less than anyone in the State for boarding prisoners, and while we used to have anywhere from fifteen to thirty prisoners, we now have only three or four, and he must maintain a kitchen and a cook to take care of those. I think the committee took this into consideration on the increase, therefore that is the reason we have the Committee Amendment "A" limiting it to two years. If this thing goes back after the war is over it will do away with any increase whatsoever after they go back to normal business. Now, I talked with some of the lawyers around Ellsworth and they tell me that civil work is at the lowest ebb, therefore it is cutting down on any money he might receive from that.

The SPEAKER: The question before the House is on the adoption of House Amendment "A" to Bill "An Act Relating to the Salary of the Sheriff of Hancock County" (S. P. 266) (L. D. 472) The gentleman from Bar Harbor, Mr. MacLeod, asks for a division. All those in favor of the adoption of House Amendment "A" will rise and stand until counted and the monitors have made and returned the count.

A division of the House was had. Sixteen having voted in the affirmative and 26 in the negative, House Amendment "A" failed of adoption.

The Bill was thereupon assigned for third reading on the next legislative day.

The SPEAKER: The Chair lays before the House the third matter of unfinished business Bill "An Act to Provide for Post War Planning" (S. P. 178) (L. D. 242) tabled March 25 by the gentleman from Bradford, Mr. Osgood, pending third reading; and the Chair recognizes that gentleman.

Mr. OSGOOD: Mr. Speaker, I wish to yield to the gentleman from Augusta, Mr. Cross.

Mr. CROSS: Mr. Speaker and Members of the House: The hour is getting late and I do not want to take up much of your time on this bill. I do not propose to go at any great length into the merits of this bill, but I think we might review it for a moment, as it is a very important piece of legislation to all of the members here and to all of the people of the State of Maine. It is a very broad, far-reaching bill and one which I believe in, in principle. I feel that we should pass some form of Post War Planning in this State. We all know the conditions after the last war, and we understand that it has been said that things will be different after this war. Whether they are or not, depends possibly upon our actions on this bill today.

I feel that this bill is sound but I do differ somewhat with the sponsors of the bill as to some of the paragraphs of the bill. Now, essentially, this appropriation of one million dollars is set aside from the accumulated surplus, and placed in a special fund for Post War Planning, none of which may be spent until after the war, with the exception of \$50,000 for plans and surveys.

Now, this amount of money we have in the accrued surplus. It is nothing out of income that we will have to appropriate. It would be possibly in the same way as putting money in the bank for a rainy day. I think it is a sound proposition from that standpoint.

However, as legislators, we usually appropriate funds for two specific reasons. One is to cover appropriations for running the departments of the State, which appropriations are offered to us on a definite bud-

get, and which we may amend or otherwise pass as we see fit, but we have definite facts and figures before us.

The other method of appropriation is such as we have had to do in an emergency. We have appropriated money before now, and passed it to the Executive Department to use in its best judgment for such emergency, and several of these appropriations have been in its hands and have been well spent. I can point out to you in one instance,—the funds of the Military Defense Commission,—on which, as you know, the Governor and Council, I think, should be complimented on their horse-trading in regard to airports; they got a lot of money in there, which might be, in some instances, almost 100 to 1. Therefore, I feel that the confidence we have placed in them in the past will be merited on this bill.

But I do feel that where this Legislature cannot conceive what the problems are at the moment, that it should have some representation upon the policy-making board.

Now, this policy-making board, which is set up under the original bill, which is Legislative Document 242, and which I think we should refer to, is the Maine Development Commission, which is made up of seven members and three ex-officio. Now, I have every confidence in this Commission. They are very able men. They have done very splendid work in the past, but, I think with the exception of one member, they are not, and have not been—I am not sure on this point,—but I do not think they have been legislators. I am wondering if they would be as sympathetic to the essential good of the people as we who have a more direct contact to them.

I wonder if it would not be better for this Legislature to pass an amendment, which I will offer in a few moments, and which is now upon your desks, to strike out section 2, which constitutes the policy-making board, and to substitute therefor the following: "Post War planning commission created." Now, in a few words, that Post War Planning Commission, under this amendment, instead of being wholly members of the Maine Development Commission, would be the members of the Maine Development

Commission, with the addition of three members of this House, including its Speaker, and two members of the Senate, including its President,—five members from these two legislative groups who would sit in with the Maine Development Commission in the planning of the policy which the Governor and Council would have a check upon. The group will formulate the policy—whether it is the Maine Development Commission or this joint board—and the Governor and Council will only enter into it as they veto or approve the policies submitted to them.

I presume that the Commission, either one, which you may elect to set up, if you pass the bill, will be open to any advice from the legislators or citizens alike,—whether it be the Governor or whether it be one of us—but, nevertheless, I feel that if we have a definite representation on that policy-making committee, and have a vote in that policy making, we will be better represented in the spending of that million dollars. I do not feel that this is asking too much of the sponsor of this bill that we should be represented on this board, and with this thought I present House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Augusta, Mr. Cross, presents House Amendment "A" and moves its adoption.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Sayward.

Mr. SAYWARD: Mr. Speaker and Members of the House: I just jotted down a few little items here from the talk of the gentleman from Augusta, Mr. Cross. I have great respect for Mr. Cross and great respect for the interest he has taken in this bill. I cannot agree with him that the sponsors of the bill have not drawn it properly. To me, it is an exceptionally fine bill and one in which we ought to be personally interested, because I believe each member of this Legislature should be interested from the fact it vitally concerns our Maine boys who are now serving our country away from home. I just had the figures this morning of the approximate number of our boys who are in the service. It surprised me, and I am quite sure it will surprise you.

I cannot give you exact figures because I am not allowed to, but, approximately, there are 50,000 of them from your home and mine.

Now, I think we have got something to consider here that is quite personal, quite different from other bills that have been before us. In addition to the number of boys I have just spoken of, we have uncounted thousands of men and women who are in war industries and who are employed in and out of the state. At the end of this World War they, like our boys, are coming back looking for employment. This bill now before us provides for Post War Planning by the State of Maine for these citizens of Maine who are now at war or in war work. I am looking at it from just a little different angle than most of our bills here on account of the personal reasons. I know how interested I feel, and I am quite sure that many of you men here have members of your own family, probably your own sons, who are in the service. It is a fact that we all stand to benefit from post war planning, which we recognize as a necessity to take care of a condition which will come upon us at the end of this World War.

All states of the Union, and, in fact, all countries of the world, will be faced with a tremendous problem, perhaps one of the greatest we have ever had to contend with. We here may well ponder our part and what we may well do in planning projects which will help to cushion the force of the thousands of Maine citizens released from military duty and from war industries seeking a chance to make a living for themselves and their families.

This bill, Legislative Document No. 242, aims to do just this thing, to plan and prepare to meet the problem so far as possible. This Legislature, to my mind, is the agency to decide how to meet conditions which will concern us. It seems to me inconceivable that our boys should come home as they did from the last war, with little or no provisions made to place them immediately in positions where their ability and skill could be used to advantage.

In talking with many of you members here, I know mighty well what a tough job you found it to

be at the end of the last World War. It was a bitter experience—bitter economically and socially. A repetition of this condition must be avoided if possible. All trades and professions, all lines of business are involved so far as the State is concerned. Men and women in all types of work, thirty millions of them throughout this country, all now at war or in war work, are looking to the governing agencies of the states as well as the Federal Government to plan far enough ahead so the great task of finding work for all can be accomplished without delay. This bill offers the legal set-up to allow state planning to be done, and is designed to provide for the welfare of our citizens who are in no position at the present time to plan for themselves. I think it should be recognized by the members of this Legislature that it is a privilege for us to be assembled at this critical time and in position to legally set aside the funds required to guarantee that those who return home when the war ends will find jobs waiting for them.

Now as to the Maine Development Commission, the managing body, as I see it in this bill: The Maine Development Commission is, as you know, a state agency, created by the Legislature, and is composed of men of ability, integrity and business experience, well qualified in every way to handle these problems involved. They have access to data and material gathered from all parts of the state, and the organization is equipped to deal with the subject of planning in all its phases.

The gentleman from Augusta, Mr. Cross, alluded to Section 2 of the bill. I am going to take the liberty of reading that, if you will bear with me for a moment. It says:

“Duties of the Maine Development Commission. The Maine Development Commission, in addition to its duties and powers as already provided by law, is hereby further authorized and directed to cooperate with the various departments of the state, the federal government.”—and that to me is very important, and I will explain why in a moment—“or any of its agencies, the municipalities of this state, or private agencies within this state in developing and coordinating long-range plans for post war activities, and shall report to the governor

and council on its activities under this section as occasion demands or as the governor and council may request.”

I refer to the Federal government for the very simple reason that as a legalized agency the Maine Development Commission, legalized by this Legislature, is in a position to accept Federal aid, Federal funds, if they are offered.

I doubt very much if an agency under another name under the amendment which has been offered, copy of which I have here, would be in a position to receive Federal funds. I say that with a knowledge of a similar subject that has been discussed quite a bit recently.

Section 5 provides: **“Governor and council to approve plans.** The Governor and council shall consider the reports of the Maine Development Commission, submitted in accordance with the provisions of section 2 hereof, and shall determine which project or projects are approved.”

Now it seems to me that here is a mighty fine planning and business set-up of which we may well be proud. The machinery is here. It is entirely up to us as a Legislature to consider it very, very carefully. I certainly hope that this bill as reported out by the committee will pass as reported, unanimously.

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

Mr. HUTCHINS: Mr. Speaker, I should like to speak very briefly in opposition to the amendment proposed by the gentleman from Augusta (Mr. Cross).

It seems to me that this bill divides itself into three parts: first, whether or not we accept the broad basis of the bill, that we want to plan and lay aside money now for something we know is going to happen to us in the future; secondly, if we agree on that, as to how much money we want to set aside for it; and, thirdly, the mechanics through which we want to handle this matter and these plans. It is in connection with these mechanics that this amendment applies.

I will admit a certain amount of confusion when I first heard about the bill which went along something like this: A post war planning fund of one million dollars. I said to myself, “Gee, a million dollars is a

lot of money to spend for planning." But, as has been pointed out, the bill does not provide for that. It provides \$50,000 annually for the plans, and provides that the balance of \$950,000 be spent in making jobs out of these plans at such time after the war as we need the jobs. It is on how we are going to spend this \$50,000 that I disagree with the gentleman from Augusta, Mr. Cross. As has been pointed out, the bill provides that the Maine Development Commission spend \$50,000 and that it make the plans. Mr. Cross proposes that a legislative committee be added to the Development Commission, to be called a Post-War Planning Commission. I hesitate to oppose anything in which the Legislature wants to participate, but I do think it is bad legislation on two particular points. First, I think it tends to create inefficiency on the basis, first, that any good smaller body can give a matter better consideration than can any given bigger body. Of course that cannot be reduced to an absurdity, and one man cannot do as good a job as five, six or ten, but assuming any particular commission with broad enough powers, I think the smaller commission can do a better job.

Now the Maine Development Commission is composed of ten men, of which only two come from the same county. It seems to me that gives a sufficient range of responsibility I may say that they all come from separate professions; almost every industry and profession and livelihood in the State is represented in some form on the Commission. It seems to me they can do a much better job than a bigger one. Secondly, we will create inefficiency by creating another committee. I think we have all tended to deplore the number of commissions there are in our Federal government. Every time a new situation comes along we add on a new commission. I do not think, unless it is absolutely necessary, that we should do it in this State. The Maine Development Commission, in spending \$50,000 for plans and machinery and office workers and data, is all ready to go. They automatically meet once a month. It seems to me it would be nothing but confusing to add more people to the Commission and give it another name. Secondly, I think it is un-

necessary, because, after all, this amendment applies only to the spending of \$50,000; it does not apply to the spending of the \$950,000 which is to be spent by the Governor and Council on the basis of plans submitted to them by the Maine Development Commission.

The Maine Development Commission budget calls for the spending of \$175,000, and it has had about the same amount of money for a period of years. It seems to me we can trust them with the proper spending of \$50,000. If they can not, I say we had better get another Development Commission.

It can be argued that the Legislature or the people need protection in the spending of this \$50,000, but I think we have adequate protection under this set-up provided by the bill.

The Development Commission, as I say, is scattered pretty well over the State geographically and as far as occupation is concerned. The money, in the last analysis, is going to be spent by the Governor and Council. The Council represents every county in the State and it represents us. It seems to me that we can rely upon it. I do not think any protection is added, relatively speaking, by adding the members of the Legislature to the Maine Development Commission, which will only make the plans. In short, I think the job does not warrant having a legislative commission. I think we are treading on dangerous ground, theoretically, in having the Legislature inject itself into purely an administrative situation. I urge that the amendment offered by the gentleman from Augusta, Mr. Cross, be not adopted.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I wish to heartily endorse everything that has been said by the gentleman from Bangor, Mr. Hutchins. I had intended, and had felt that if that had not been brought in I would tell the House about it myself. I am very glad he did it, because I am quite sure he did it in a manner superior to mine.

As your floor leader and as a representative to this Legislature, I have been worried about this post-war planning bill, because I knew,

as the gentleman from Kennebunk, Mr. Sayward, has said, that the bill has considerable merit and certainly should pass; but I have heard rumblings the last two or three weeks about the advisability of a legislative committee, and I felt if we adopted this procedure and forced this legislative committee into the thing, that would almost say plainly that we do not trust the Governor and Council. Of course that is absurd, because our Governor is perhaps one of the best governors we have had in recent years, as his triumphant return to a second term has shown, and our council is certainly well above the average. As the gentleman from Bangor, Mr. Hutchins, put it, the Council is your representative. The set-up now is geared to go. The Development Commission is all established, and it is a well-regulated body covering every industry all over the State. The Council is already elected, representing each councillor district. If you will look up the qualifications necessary for a councillor, you will find that he is supposed to be a man representing industry and politics and the citizens in general from each of the several districts. It is absurd to say we are not well protected in this bill. I was a member of the Special Session in which we gave the Governor and Council, the same Governor, two million dollars on sort of a War Planning Board, and he, in his keen manner, juggled that around and obtained \$19,000,000 of Federal money to be expended all over the State. I certainly hope that we will pass this measure and I hope that we won't encumber the Governor and Council and the Development Commission by a legislative committee. That part is all right, but here are five men that are not in the set-up. Everything is geared to go along as it did two years ago. I hope this bill is passed and that we will not adopt the amendment putting the Legislature into it. The history of legislative committees has not been any too good. I certainly hope that the amendment will not be adopted.

The SPEAKER: If the Chair can check the eloquence for just a moment, we will ask the Clerk to read the amendment.

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

House Amendment "A" to S. P. 178, L. D. 242, Bill "An Act to Provide for Post War Planning."

Amend said bill by striking out section 2 thereof and inserting in place thereof the following:

'Sec. 2. Post War planning commission created. There is hereby created a "Maine Post War planning commission" to be composed of the members for the time being of the Maine development commission and 5 members of the legislature for the time being. The members from the legislature shall include the speaker of the house and 2 other members of the house appointed by him and the president of the senate and 1 other member of the senate appointed by the president thereof. The legislative members shall serve on this commission as long as they continue to be members of the legislative bodies to which they belong. Any vacancies shall be filled by the presiding officer of the proper branch of the legislature. All members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in performance of their duties. The commission shall organize by election of a chairman and such other officers as are deemed necessary and is hereby authorized and directed to cooperate with the various departments of the state, the federal government or any of its agencies, the municipalities of this state, or private agencies within this state in developing and coordinating long-range plans for post war activities, and shall report to the governor and council on its activities under this section as occasion demands or as the governor and council may request.'

Further amend said bill by striking out in section 5 thereof the words "Maine development" and substituting in place thereof the words 'Maine post war planning'.

The SPEAKER: The question before the House is on the adoption of House Amendment "A".

The Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: This particular Legislature came down here charged with duties. Our duty is chiefly concerned, I think, with the war effort. This bill came to my attention very early in the session. It seemed to me a very important

bill and I was amazed when it was tabled by the gentleman from Augusta, Mr. Cross. I have not had an opportunity to talk with him concerning his reasons, but I have heard rumors at various times about a legislative committee to assist the set-up in this bill.

Now, it does not seem to me that we ought to adopt an amendment unless it is helpful to the bill in its main purposes.

It would seem to me that this Legislature is already represented on the administrative board which is going to administer this act,—and I refer to the Governor's Council, the members of which we, the members of the Legislature, have elected. It would, therefore, seem to me that it would be a duplication to now set up a committee to consist of other members, of members of this Legislature.

I have no doubt in my own mind, because I have a great deal of respect for the gentleman from Augusta, (Mr. Cross) that on so important a measure as this we do not want to make it a political football.

I agree with our able floor leader that our Governor is to be trusted, and I believe that we are fully protected by the members of the Governor's Council. It would, perhaps, be only human nature, if we have the duplication here of another committee set up by this Legislature. It would be only human nature, in fact, that in the course of its deliberations and decisions some sectionalism would creep into the administration of that act. If that did happen, it would be a political football, but this is too important a measure for that. I, therefore, sincerely hope that the motion to adopt this amendment will not prevail.

The SPEAKER: The question before the House is on the adoption of House Amendment "A".

The Chair recognizes the gentleman from Augusta, Mr. Cross.

Mr. CROSS: Mr. Speaker, I was waiting. I had hoped all the opponents had spoken. I was amazed at the beautiful choice of the language which was used by some of the opponents in describing this amendment. I was also amazed at the lack of understanding as to the objective of the amendment. I thought that I made it clear in my original talk that I am absolutely in favor of this bill. The gentleman from Houlton

(Mr. Barnes) says that no amendment should be put on a bill unless it is helpful. Now, most of these speakers have spoken in this vein. They say that this amendment is absurd; that it is unnecessary; and that such a commission would be cumbersome.

Now, I do not think that any of them have clearly read this amendment. This does not set up a new Commission, in the sense of a new commission. There already is in the bill a Post War Commission; they merely call it the Maine Development Commission. This takes into this Post War Planning Commission the whole Maine Development Commission. There is nothing in this amendment that is not already in the bill, except the five legislative members.

Now, what possible objection have the opponents of this amendment to the five legislative members being a part of this policy-making board? I stress the policy-making, because the question of trust in our Governor, and the question of check through our Council on expenditures, has absolutely nothing to do with this amendment. That does not enter into the picture whatsoever. The Maine Development Commission, or, if you will, the Post War Planning Commission, will have absolutely nothing to do with the expenditure of the money. That is clearly under this amendment exactly where it is—in the present time under this bill—in the hands of the Governor and Council. I have told you, and I repeat, that I have no reason to distrust the Governor or the Council, but I do feel—and I will go into this briefly, that there is no board made up of more than one man, if you wish efficiency. One man is efficient. You will see that every day. One man can snap his fingers and make decisions; two men will probably argue; and three men will probably argue more, and the more you get on any commission the more arguments you will have. Just as the Speaker here could decide a bill and his decision would be final, if he voted alone; but we stand here as legislators, and argue and debate, and sometimes talk too much, but, nevertheless, the final result is usually benefited by the debate.

I have been on committees, and you know we have ten members on our legislative committees, and I know that you can have some ter-

rible bull sessions in those committees, but I do feel that when you finally finish your session that the points that have been brought up were beneficial to the final results obtained.

My only thought in it is that we should assist the Maine Development Commission in the formulation of policy, which would be finally submitted to the Governor and Council.

Am I supposed to assume, from the remarks of my esteemed colleagues, that they did not feel that the Speaker of this House or the President of the Senate or the two other members of this House, who would be chosen by the Speaker, would not have some thought, something in their minds, that would be of benefit and that would be of value in this Post War Plan? I do not feel you will think that way. I feel that you will think, as I do, that this will give a definite lift to this whole bill; that our policies which we will attempt to bring forth will be constructive, and accomplish the things that we want to accomplish.

Now, just one more thing, and that rather disturbs me, and also amuses me, and that is the argument that if we, as legislators, create this committee, we will step over into the administrative end, and create with the one hand and administer with the other.

There are just two ways there. I have absolutely no quarrel with the sponsor of this bill. I admire him. I do not know whether he is here now or not, but he has been for the past several years a member of the Maine Development Commission. He is now the Chairman of the Maine Development Commission. He is also a legislator in the other branch. He introduced this bill. He is working hard to get it through. I want to help him get it through but I do not feel that he, as Chairman of that Commission, and as the sole representative of this Legislature, should be allowed to carry the ball for this Legislature.

If he stands alone on any matter of policy he represents the Legislature; he already is in the administrative branch; he has been there for several years. Members of this House, are we so afraid of injecting ourselves into the administrative, when we have seen examples

from the other side of the fence? Dozens of times we have seen here in the Legislature both the executive and the administrative branch step into the Legislature.

I leave this completely in your hands, and I have no personal feeling whatsoever on the bill.

The SPEAKER: The question before the House is on the adoption of House Amendment "A".

The Chair recognizes the gentleman from Kennebunk, Mr. Sayward.

Mr. SAYWARD: Mr. Speaker, I do not like to take issue with the gentleman from Augusta, Mr. Cross, as I understand him generally pretty well on most matters, but, for the life of me, I cannot see any necessity for this amendment.

For instance, this amendment says: 'The Maine Post War planning commission to be composed of the members, for the time being, of the Maine Development Commission and 5 members of the legislature for the time being. The members from the legislature shall include the speaker of the house and 2 other members of the house appointed by him and the president of the senate and one other member of the senate appointed by the president thereof.'

Perhaps I might say this. I doubt very much if there are three men here who would accept the position if it were offered to them. I know that you are quite a busy man, Mr. Speaker, and I doubt if you could afford to put the time in to do it. I doubt if any of the rest of the members of the House could afford the time, if we had the ability.

As the gentleman from Augusta, Mr. Cross, said, the more members we get, the more argument we have. Then if we have seven competent men, the original Commission, why add to it and have more arguing. As I said before, I believe that it is best to leave this matter as the bill calls for, in the hands of the members of the Maine Development Commission.

The SPEAKER: The question before the House is on the adoption of House Amendment "A". All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion for the adoption of House Amendment "A" is lost.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I hate to inject myself into this bill, but it was first before this House on February 18th. Today is March 30th. In the closing, rushing days of the Legislature we are pushing it through and trying to get through on Saturday.

Now, I speak as one who came back from the First World War, and there were no plums on the tree.

There is no man who can stand on the floor of this House, and honestly say that he would like to do something for the 50,000 boys any more than I,—but, ladies and gentlemen of this House, I think there are a lot of inconsistencies. I think you are jumping wild here.

As I stated on the floor of this House a few days ago, and I say it again, there is not a chance of this war being over and these boys being back here before another Legislature is in session.

They claim to hand this over to the Maine Development Commission. I have no objection to the Maine Development Commission. They are doing a good job, but I claim, ladies and gentlemen of this House, that our job is to win this war. The Maine Development Commission is doing a great deal in aiding the government in getting different articles manufactured in this state for the war effort. This thing will just slow up its gears and give it something else to shoot at, and take its attention off the main issue—winning the war.

The gentleman from Rockland (Mr. Sleeper) says we are all geared to go. There is no question about it. It looks as though we were all geared to go with the million dollars,—when the bill laid here from February 18th to March 30th. Now, ladies and gentlemen, a million dollars to the State of Maine probably does not mean anything, because we have got in the habit of hearing billions, and we are going to follow right along as fast as possible. Here this morning, on the floor of the House, some of the gentlemen who are supporting this bill were very adverse about tying up the money for the Highway. They said "We may need it for some matter of emergency."

Now, I say to you, let's go back to the foundation of the State of Maine, of our forefathers. We—myself included, and many others—have deviated from the teachings of

the founders of this State. It was always their belief to have something in the sock for a rainy day.

Now, I can agree with the gentleman who did not want to tie the hands of the highway money so that it could not be used for an emergency. I say here and now that many things could happen. The City of Portland could be blown off the map; that is not impossible, and we might need the money available. Why tie it up any more than you do the highway money? The issue seems to be on who is going to handle the money. That does not enter into it with me at all. I claim that we are running away from ourselves in this war emergency. I want you all to believe that there is no one here but who believes that something should be done eventually for these boys when they come home, but this is not the time.

Mr. Speaker, I move the indefinite postponement of the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, for the indefinite postponement of Bill "An Act to Provide for Post War Planning."

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

Mr. HUTCHINS: Mr. Speaker, we all of course must agree with the gentleman from Greenville, Mr. Rollins, that our first job is to win the war. There is no argument about that. I think we can all sympathize with the state of affairs when men came back from the last war, and jobs were hard to get. It seems to me that the question of the bill devolves about the point of whether or not we wish to plan now for something that we know is going to confront us. Thousands of people are going to come back home from overseas and are going to want to take up their normal duties again; and many more thousands of people are going to be transferred from their work in war factories and in war industries, and are going to go back to their normal activities again. It seems to me that we should do what we can now to alleviate that situation which is going to confront us.

It seems to me that it is only commonsense to plan what we will do, in so far as we can now.

Now, \$950,000 may not seem to you to be able to provide many

jobs. It will not, so far as that amount is concerned. However, this is a plan for a pump primer, and I think that if this House ever primes the pump that it will make a lot more jobs than the \$950,000 can provide. We are going to need jobs eventually, and if we approach that time with our plans all made, we can go to Washington with our plans in hand, and make that \$950,000 go four or five or six or eight times.

Another good point, it seems to me, is this,—that we will have chosen the projects ourselves, and we will not find ourselves in a state of panic, wanting to spend money to make jobs, and hoping that someone will give us some money, and let them choose how we are going to spend it. We will be making plans ourselves, and putting people where we want them and where they will do the most good. I do not feel that we are being carried away by the war emergency. It is true that we are placing in someone else's hands the spending of \$950,000, but it seems to me that we must do that. Now, we do not know where we do want to spend it, but I think we can all agree that we will want to spend it some day. I think that it is an emergency in the sense that it should be provided for.

As the gentleman from Rockland, Mr. Sleeper, pointed out, we have a precedent for it in the defense fund. I have heard people out of the State wonder how the State of Maine obtained so many airports and obtained them so quickly. I understand that was because we allocated the money to the Governor and Council, so that they could go to Washington. We can get the money for this and that, and get it quickly, rather than have them send us back home and say, "You get such and such plans and we will take it up at some other time."

I hope that the motion of the gentleman from Greenville does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, for indefinite postponement.

The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I will attempt—the hour is late, but

I cannot resist the temptation to tell a little story that comes to my mind that might have to do,—and would only take about two minutes of your time—with my association to this idea. It seems that there was a little boy named Johnnie who had failed in his lessons in school, to the extent that he had been punished, and he was in a crying condition. It happened that his father came along about that time that school was being dismissed and found Johnnie in a crying condition. He said, "Well, son, what seems to be the matter?" And Johnnie said, "Dad, I failed in my lessons in school and it was all your fault. When I asked you how much a million dollars was, you said it was one h--l of a lot of money—and that was not the right answer." (Laughter)

The bill establishing a reserve of one million dollars for post-war use is for the purpose of earmarking a portion of the surplus funds accumulated during the current biennium which has been a period of high revenues and low relief expenditures. Because of the war many capital expenditures and many repairs to state-owned property have necessarily been postponed. This reserve will provide at least a portion of the funds necessary to perform this delayed maintenance and construction work.

I have in mind the very great need of the building down at Pownal State School. That money could easily be used, under the recommendation of this group, for such a purpose.

The establishment of such a reserve is in accordance with the wartime fiscal policy recommended by the Municipal Finance Officers' Association and other organizations interested in governmental finance. It is the same policy followed by any soundly operated business, which in periods of favorable operations provides reserves for less favorable periods. Now, the Association of Highway Officials of the North Atlantic States in convention assembled not long ago passed a lot of resolves and resolutions. I am not going to burden you with all of them but I want to quote one part which has to do with the situation bearing on the State. It says: "Be it further resolved, that the Governor and the legislative

body of each state represented in this Association through its appropriate committees, be appraised by the Secretary of our recognition of the importance of this problem and of the need of provision of adequate personnel and funds both for the advance planning of post-war projects, and for their execution either with state funds or through the joint use of state and federal funds as may be possible and expedient."

On the first day of March, in a newspaper article that came out of Washington—and this is only an idea of what such funds might be used for—it says: "Plans for post-war highway construction to cost \$500,000,000 are developing rapidly, Commissioner Thomas H. MacDonald of the Public Roads Administration said Sunday.

"The purpose of this advance engineering is to provide fully planned road-building projects ready for immediate construction after the war," he said in a statement. "A considerable number of these projects will be located in and around cities to provide employment for men demobilized from the armed forces and the war industries, and to relieve America's No. 1 traffic problem, which is in the cities."

A little further in the article it states: "The preliminary engineering is being financed by a \$10,000,000 fund authorized in the 1941 Defense Highway Act. It is now under way in 22 states." Many projects are mentioned and I will call to your attention those relating to construction in the State of Maine: Augusta, Freeport Village, Pembroke Village, West Pembroke and Winslow; and various other towns in the State of Maine are mentioned where such money might be used.

Then, quoting further, "The principal thought, of course, is what the State of Maine can do to alleviate unemployment at the end of the war, when as we all know, war-contracts must be reduced or cancelled. We ought certainly to anticipate the problems of that transitional period. We were unprepared for the war; we ought not to be unprepared for the peace. What we do in this looking forward will benefit not simply individuals, but the State as a whole. The procession is heading towards these post-war plans; and Maine should not simply

be in the procession, it should lead it. Certainly we are not alone in our thoughts of post-war planning. Twenty or 30 other states are busy making these plans now."

The whole thing, as far as the bill goes, is a matter of confidence, and I feel that it is really and sincerely necessary that such a matter be enacted.

I am opposed to the motion of the gentleman from Greenville, Mr. Rollins.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, for indefinite postponement.

The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House; I just want to register my approval of post-war planning. I think we would make a serious mistake if we did not provide for what we know is so surely coming.

I did have grievous doubt about the wisdom of setting up such a very large sum, because the temptation is great to spend more, if you have a large amount to spend from. However, I think we are entirely justified in trusting our Governor and Council, and that they will spend this money in their good wisdom. I think they have amply demonstrated to us that we have a very efficient Executive Department in our Governor, and I, for one, am perfectly willing to leave it to their judgment as to how this money should be spent. I hope very much that this motion for indefinite postponement will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Stephenson.

Mr. STEPHENSON: Mr. Speaker, I ask for a division on the motion of the gentleman from Greenville, Mr. Rollins, for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker, in view of the importance of this bill,—I do not intend at this time to ask for the previous question—but in view of the important matters on the floor which should be attended to, I do move a recess at this time.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the House do now recess until 4:00 o'clock this afternoon. Is this the pleasure of the House? All those in favor will say aye; those opposed no.

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

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker, under our Constitution we have three branches of the government—the legislative, the judicial, and the administrative.

Right now the administration would like about \$50,000 to do some planning for post-war purposes. It is not a large amount of money. Two years ago the Legislature set up what has been called perhaps the largest set-up for road building and bridge building ever known in the history of Maine; but the war came on and we were short of labor and short of material; and we could not go on with that plan. In that plan, amounts of money were appropriated at the time by the Legislature. A great deal of money would be involved in the planning and the expenditure of that amount of money. Now, we will assume that we are about to adjourn, and I do not think we have accomplished anything of great importance thus far. To me, the post war planning bill is the most important bill laid before us. I believe that if we fail to enact this measure that the newspapers of our State will be justified in criticising us sharply for having failed to take advantage of this particular measure.

I hope, therefore, Mr. Speaker and Members of the House, that the motion of the gentleman from Greenville, Mr. Rollins, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, for indefinite postponement.

The gentleman from Union, Mr. Stephenson, asks for a division.

The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I am just trying to show the members of this House whether this is necessary at this time, or not. I stand here, as I said before, without a question that there is no man who had rather do more for the returning boys than I,

but we have had experiences. They speak of the wonderful airports that we have in the State of Maine. That is very true; but you did not hear anyone say anything about the wonderful armories that we have in the State of Maine? There is a lot of money that went into the armories, and any man who has any military experience or knows anything about the future, knows that those armories will never be used again. They are just a benefit to the community where they were put in. It is just a question of whether this is the time to know what to plan.

The SPEAKER: The Chair recognizes the gentleman from Gray, Mr. Doughty.

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

The SPEAKER: The gentleman from Gray, Mr. Doughty, moves the previous question.

In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

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

The question before the House now is: Shall the main question be put now? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The Chair recognizes the gentleman from Gray, Mr. Doughty.

Mr. DOUGHTY: Mr. Speaker, I move that the House do now recess until 4:00 o'clock.

(Cries of "No," "No")

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, for indefinite postponement.

The gentleman from Union, Mr. Stephenson, asks for a division.

All those in favor of the motion of the gentleman from Greenville, Mr. Rollins, for indefinite postponement of Bill "An Act to Provide for Post War Planning" will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had. None having voted in the affirmative, and 109 in the negative, the motion to indefinitely postpone failed of passage.

Thereupon, the bill was given its third reading, and was passed to be engrossed in concurrence.

The SPEAKER: The Clerk will read the notices.

The SPEAKER: If the various committees can possibly report some of their matters back out of executive session to the Clerk of the House, it will help materially in arranging for the First Readers tomorrow.

The Chair wishes to congratulate the members of the House for remaining in their seats during this rather long session.

The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker, I now move that the House recess until four o'clock this afternoon.

Thereupon, the motion prevailed and the House so recessed.

After Recess

4:00 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair now lays before the House the fourth matter of unfinished business, Bill "An Act Exempting Certain Properties of Agricultural Societies, and Farmers from the Regulations in re Motor Vehicles Used in Intrastate Traffic" (H. P. 108) (L. D. 68) tabled on March 22nd, by the gentleman from Durham, Mr. Day, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Day, the bill was given its third reading and passed to be engrossed as amended and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fifth matter of unfinished business, Bill "An Act Relating to the Excise Tax on Motor Vehicles." (H. P. 584) (L. D. 350) tabled on March 22nd by the gentleman from Bradford, Mr. Os-

good, pending third reading; and the Chair recognizes that gentleman.

Mr. Bradford offered House Amendment "B" and moved its adoption.

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

House Amendment "B" to H. P. 584, L. D. 350, Bill "An Act Relating to the Excise Tax on Motor Vehicles."

Amend said Bill by drawing a line through the words "upon the public ways" in the 3rd line of the 2nd paragraph of section 1 of said Bill.

Further amend said Bill by removing from the 2nd paragraph of section 1 thereof the underlined word "except" and substituting in place thereof the underlined word "including".

Further amend said Bill by drawing a line through the words "to be so operated" in the 4th line of the 2nd paragraph of said section 1.

Further amend said Bill by removing from the 2nd paragraph of section 2 of said Bill the underlined word "except" and substituting in place thereof the word "including".

Further amend said Bill by adding after the words "No motor vehicle" in the 1st line of the 2nd paragraph of section 3 thereof the underlined words "including tractors".

Further amend said Bill by removing from the 2nd paragraph of section 3 thereof the underlined words "and except tractors".

House Amendment "B" was adopted.

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

Mr. PAYSON: Mr. Speaker, I understand that House Amendment "B" makes a substantial change in the bill. I therefore move that the bill and the amendment lie on the table and be specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the bill and accompanying papers be laid on the table pending third reading and specially assigned for tomorrow morning. Is this the pleasure of the House?

The motion prevailed, and the bill was so tabled and so assigned.

The SPEAKER: The Chair now lays before the House the sixth matter of unfinished business, Sen-

ate Amendment "A" to Bill "An Act relating to the Report of the State Auditor" (S. P. 184) (L. D. 270) tabled on March 25th by the gentleman from Boothbay Harbor, Mr. Perkins, pending motion of the gentleman from Rockland, Mr. Sleeper, to adopt Senate Amendment "A." The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: May we not have the amendment read, please?

The SPEAKER: The Clerk will read Senate Amendment "A".

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

Senate Amendment "A" to S. P. 184, L. D. 270, Bill, "An Act Relating to the Report of the State Auditor."

Amend said Bill by adding "Sec. 1." before the headnote of the 1st paragraph thereof.

Further amend said Bill by adding thereto the following:

"Sec. 2. P. L., 1931, c. 216, Art. VI, sec. 3, amended. Section 3 of Article VI of chapter 216 of the public laws of 1931, as amended by chapter 27 of the public laws of 1941, is hereby further amended by adding at the end thereof a new paragraph to be numbered 7, and to read as follows:

'7. To have access to whatever records or other data it shall deem pertinent or necessary for the proper examination of any of the matters set forth in the preceding paragraphs.' "

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I tabled this bill for the reason that I intended to move that the amendment be indefinitely postponed. My reason for so doing was that the same thing, the same subject matter substantially, was before the Judiciary Committee, and, after a very careful hearing and consideration of the matter our committee reported unanimously that it ought not to pass because the law is unconstitutional in giving the Auditor rights which he ought not to have,—the right to go into the private records of an individual, which of course cannot be done. With that explanation, Mr. Speaker, I move that the matter be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Boothbay Harbor (Mr. Perkins) for indefinite postponement of Senate Amendment "A."

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

Mr. MAXWELL: Mr. Speaker, I would like to go on record as supporting the gentleman from Boothbay Harbor, Mr. Perkins.

This bill was given great consideration by the members of the Judiciary Committee, and after we had considered it for a considerable time we sent for the State Auditor, who appeared before the Committee and explained what he wanted under that bill. After hearing his explanation in executive session, we then voted "Ought not to pass" and that report was accepted by the House and the Senate.

Now it seems to me they are attempting to go through the back door and obtain the same thing that they tried to get in the truck law by tacking it on a bill which has already been accepted by the Senate, by way of amendment. I hope that the motion of the gentleman from Boothbay Harbor, Mr. Perkins, will prevail and that Senate Amendment "A" will be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Livermors Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: In considering this particular amendment, if you will notice, it gives very broad powers to the Auditor, "to have access to whatever records or other data which shall be deemed pertinent or necessary for the proper examination of any of the matters set forth in the preceding paragraph." It seemed to your Committee on Judiciary that this would open up all the private records of any public officer who was being investigated by the Auditor's department. In other words, it looked to us as if he could compel him to produce his private checkbook, produce his private accounts, and go into any matters that he saw fit. It did not seem to us that that was necessary or that it was good legislation. I therefore hope that you will go along with the motion of the gentleman from Boothbay Harbor, Mr. Perkins, that this amend-

ment ought to be indefinitely postponed. We have already passed upon it once in this House and accepted the Judiciary Committee's report on it. I think we ought to kill this amendment.

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

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

The bill was thereupon passed to be engrossed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the seventh matter of unfinished business, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act relating to Taxation of Shore Fronts on Lakes" (H. P. 331) (L. D. 197) which was tabled on March 25th by the gentleman from Greenville, Mr. Rollins, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker, I now move you that we substitute the bill for the report. In support of my motion, and for the information of many of those new members who did not hear the debate two years ago, I will call your attention to the State Valuation Book for the year 1942. I will not prolong this thing, but I will just give you a couple of instances of injustice in taxation as it there appears.

On Page 162, you will find that in the Township of Day's Academy there are 14,751 acres taxed at \$44,761, or at \$3.30 an acre. The next item in that same township is a lot of fifty acres valued at \$1000, or \$200 per acre. There were no buildings on either parcel. In the townships having buildings on the lots the State Tax Assessor has not assessed the value of the buildings and the land separately, and it is impossible to ascertain the price of the land.

On Page 165 we have the island of Sugar Island of 5003 acres. Do you members realize there is a shore all around this island? And

that value on that parcel is \$3.40 an acre. The next parcel there with buildings, on the same island, is taxed three acres \$300, or \$100 per acre.

The point that I brought out two years ago is the unfairness of the valuation. I will quote from the law. Section 37 of Chapter 13 provides: "Lands not exempt, and not liable to be assessed in any town, may be taxed by the legislature for a just proportion of all state, county and forestry district taxes upon property liable to be assessed in towns. The board of state assessors shall make lists thereof, with as many divisions as will secure equitable taxation, conforming as near as convenient to known divisions and separate ownership, and report the same to each successive legislature."

This matter was referred to the Research Committee, which pondered it very gravely, and I now quote from its report which each member received back around the first of last December. I am quoting from the report.

"It is uncontradicted that certain large owners of timberland tracts which, in part, abut on lakes are unwilling to sell any of the shore front property. Whether the underlying reason is a fear of increasing the fire hazard or whether it is their desire to retain the growing timber is immaterial. The Committee cannot approve of any measure, direct or indirect, which is designed to use the taxing power to compel the sale of lands which the owners for their own reasons desire to retain."

Gentlemen, that is not the purpose of the bill. The purpose of the bill is not to make anybody sell land. We all realize property rights are the oldest things we have to cling to. But why should one man owning exactly the same type of land be assessed from twice to twenty times to a hundred times as much per acre?

The committee's report goes on further and says: "As to shore lands in particular, it appears to have been the policy of the Department to increase the assessed value of a lot primarily when it was sold for a cottage or recreational lot. There is no apparent indication that any enhanced value has been put on where there was no sale, even though there might be quite obviously a demand for the property. As a result, there

have been manifest inequities, which are frankly admitted by the Department, and instances where adjoining lots with the same conditions, the same terrain, the same availability to highway, etc., have been given very different valuation."

They continue in their report and say:

"The committee recognizes that as a necessary part of fair and equal taxation the taxing department should, as a matter of policy, give full weight to the potential value of lands abutting shore front where those lands are suitable for development as recreational or camp site property whether the property has been sold or is on the market for sale or not, but, as previously stated, the committee does not feel that any new legislation or any enlarging of the authority of the Taxing Department is necessary to accomplish this result."

Gentlemen, this finding of the Research Committee was signed by seven members, six of whom are now present in this Legislature. The Chairman of this Research Committee is also the Chairman of the Taxation Committee who passed this out unanimously "Ought not to Pass." This investigation has cost the State of Maine some \$8000. It really seems as though we should salvage something out of that expenditure. This is not a revenue measure; it is just a case of equalizing values as the Constitution calls for.

The opposition at the hearing was of course, as you all know, the representatives of the big timber owners who control those lots. In referring to that, I might say that the Furbush Company upon Kennebec Lake within a few years, within fifteen miles of another village, has sold ten acres for the small sum of \$10,000, but that land had been valued previously to that at approximately three or four dollars an acre for taxation.

The Brown Company owns land which is still valued at six to seven dollars an acre and in one instance was collecting rentals on less than ten acres of \$1500 a year.

Members, this bill just defines it as the law says, that it should be subdivided—"The Board of State Assessors shall make a list thereof with as many divisions as will secure an equitable taxation."

We had a hearing a while ago on a mining bill, and I clipped this little clipping out of the paper. It shows the inconsistency of some men when it suits their purposes. I quote from the clipping from the paper:

"Carroll N. Perkins, Waterville, representing the Hollingsworth-Whitney Co., said prospectors' use of explosives in vast areas of timberlands would be a 'tremendous menace.' Committee members and opponents said the term 'unfenced and unimproved land' was too broad and should be clearly defined."

That, ladies and gentleman, is what I am endeavoring to do with this bill which is practically the wording of the findings of the Research Committee.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker and Ladies and Gentlemen: As a member of the Taxation Committee and one who signed the report "Ought not to pass", I can truthfully say that I hate to speak against this bill. Its proponent Harry Rollins, is a friend of mine, and I know him as a good fellow and a sincere representative, working for the best interests of the State. I can truthfully say, moreover, that the committee agreed with Mr. Rollins in his feeling that conditions were not perfect in the problem of the wild lands; but it did unanimously feel that attacking the problem by way of taxation was not the proper method.

This bill seemed to the committee to aim at two objectives. The first one was to increase the income of the State by finding greater value in shore front properties in wild land. The difficulty the committee found in voting for this bill in order to accomplish this desirable objective was that the bill was not needed. It is the duty of the tax assessor by the law on the statutes, to take into consideration every item of value that accrues to the particular wild land taxed. If he does not do so he is not doing his full duty. If it is felt that the wild lands are not being taxed fairly, it is not only the privilege of any citizen or group of citizens to bring it to the attention of the commissioner, but also their duty. And they would receive the thanks of the State for so doing.

Secondly, it was brought out that the owners of these wild lands refused to sell their shore front prop-

erty at any price, and it was felt that if taxes were raised to a rate comparable to residential property, these owners would be forced to sell. Now, the committee does not deny that these conditions exist, or claim that there are not cases of injustice; but it holds that a taxation system should merely be a method of collecting revenue from proven value, and should not be used as a method of compelling action by the tax payer, however desirable that action may be—.

Now, to show you that the committee gave due consideration to this bill. I should like to recall to your minds a short history of this measure. It was introduced in practically the same form in 1941, and the committee of taxation reported it out unanimously "Ought not to pass" for the same reason I have given you. Because of conditions which that House considered worth correcting, the measure went to a committee of conference, and that committee decided that the law was already on the statutes. By order this bill was then sent to the research committee, and that committee gave that same opinion as to this bill; so there have been four committees which have reported this "Ought not to pass" report.

It seems to the committee that if a law or the statutes is not being lived up to, then it should be subject to investigation. If a law in the statutes cannot function, then there should be introduced a new law which will work; but the committee feels that it is a waste of legislative time to write into the statutes the same bill twice.

For that reason, I hope that the motion of the gentleman from Greenville, Mr. Rollins, will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the Committee.

The Chair recognizes the gentleman from North Anson, Mr. Ela.

Mr. ELA: Mr. Speaker and Members of the House: This bill is unsound and it is unworkable; it is unfair, it is unconstitutional and it is unnecessary. The bill, if it accomplished the purposes of the sponsor, would do one of two things: It would either force the sale of shore front property or it would enforce

a tax upon timberland, land which is used for the growing of forest products to a point where that land could not stand when used for that purpose.

Now when you force the sale of that land, and it is actually sold, the owner won't care whose hands it goes into as long as he gets it off of his hands, and while at first there will probably be many camp owners who acquire this land, eventually it will fall into the hands of many citizens and when they own it there will be a tendency to live on it, and when they live on it in these remote areas you will have to provide at state expense schooling; you will have to provide for, probably, paupers; you will have to take care of the greater fire hazard. For that reason, it is unsound, it is unworkable, because to properly assess this land you have got to cruise it, you have got to survey it. Some of the lots are suitable for development and some are not. Some of them are swampy; some have rough cliffs. You have actually got to survey the land to find out which lots to assess. There are not surveyors enough in New England to survey all of this shore front property. There are hundreds of thousands of lots in the back woods of the State of Maine. I say that it is unfair.

Now I think the owners of lands in remote areas have thought in times past that they were doing the State a service in not selling these remote lots. They thought that it would unduly burden the State to provide schools, pauper supplies, and other services which citizens have a right to expect. And I believe it is unconstitutional, because you are proposing to assess a value which does not actually exist.

Now it is true that on some lots of land some particular one person will give a large sum of money, possibly, for one site, but it is ridiculous to assume you could sell all the short frontage all over the lake for like sums. As I understand the tax law, the only way that is workable is to assess a value which actually is there. Something which might occur in the future is not constitutional. You might just as well say of some farm out ten miles from a town: We will assess that as houselots because there might be a city there sometime.

So it is unconstitutional, and it is unnecessary, because there is sufficient law on the books now to do everything which my brother from Greenville (Mr. Rollins) complains about. If it is not being enforced, it is not the fault of the law.

So, for those reasons, namely, that it is unsound, it is unworkable, it is unfair, it is unconstitutional, and it is unnecessary, I hope the motion of the gentleman from Greenville, Mr. Rollins, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, my colleague, Mr. Ela, bore down pretty hard on the constitutionality of this bill, but he even admitted himself there was plenty of law to do what we are endeavoring to do; so it would appear that perhaps the laws on the books are unconstitutional now and had better be looked over.

As far as the fire hazard of which he speaks it is a known fact that if a man owns a piece of land and has an interest in it he is much less of a hazard to the adjoining land than some drifter who comes along and utilizes that piece of land and does not own it. As far as the idea of the law, it is nothing but a zoning law, and it is an established fact in all our several cities and towns that the law that is on the statute books as far as the zoning law is concerned is constitutional. We do the same thing in the cities; we lay off certain areas; and the same thing would apply on the shores of the lakes.

The gentleman says it is unworkable. He probably forgets Legislative Document 85 which we in this Legislature passed and which has been enacted into law. I will read it in part:

"All owners of wild lands or rights of timber and grass on public lots shall, on or before the 1st day of August of each year preceding the regular legislative session of this state, render to the state tax assessor a signed list of all wild lands thus owned, either in common or severally giving the township, num-

ber, range and county where located; and upon notice in writing any such owner shall either in person or by authorized agent appear before said assessor at such reasonable time and place as he may designate and answer such questions or interrogatories as said assessor may deem necessary in order to obtain a full knowledge of the just value, ownership and description of said lands."

That, Mr. Speaker, I claim would make the law workable. When called in, they can very easily ascertain what lands border on the shore.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the Committee.

The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker and Members of the House: I dislike to oppose this measure, but I did oppose it two years ago, and perhaps if I sat here my good friend, Mr. Rollins, would think I had changed my attitude towards this measure.

It seems to me the proposed legislation is totally unnecessary. In arriving at the valuation of any property all elements of value should be taken into consideration. This is the tax assessor's duty. At the present time the singling out of any particular element of value, which is already the duty of the tax assessor to consider, accomplishes no useful purpose and might result in other elements of value being disregarded.

If, with respect to any particular piece of land, it is discovered that the tax assessor has not taken into consideration all elements of value, this fact should be called to his attention that it may be investigated and corrected. It seems to me it is an administrative problem, and no change in the law is necessary to deal with it. I therefore hope that the motion of the gentleman from Greenville, Mr. Rollins, will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the Committee. All those in favor will say aye; those opposed no.

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

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

The Chair now lays before the House the eighth matter of unfinished business, Bill "An Act authorizing the Department of Health and Welfare to Regulate Public and Private Institutions." (H. P. 823) (L. D. 377) tabled on March 25th by Mr. Williams of Auburn, pending third reading, and the Chair recognizes that gentleman.

On motion by Mr. Williams, the bill was retabled pending third reading and specially assigned for tomorrow morning.

The SPEAKER: The Chair now lays before the House the ninth matter of unfinished business, "An Act relating to Membership in Farm Lands Loan Commission and Emergency Municipal Finance Board." (S. P. 197) (L. D. 280) tabled on March 25th by the gentleman from Portland, Mr. Bartlett, pending passage to be enacted, and the Chair recognizes that gentleman.

Mr. BARTLETT: Mr. Speaker and Members of the House: I wish to make a motion with respect to this bill, but before doing so I think some words of explanation are due the members of this House.

If you will look at this bill, you will see it is obviously a departmental bill, and it was inspired by the fact that the State Auditor wished to be removed from the Farm Lands Loan Commission and the Emergency Municipal Finance Board. Now, it seems that he discussed this with Governor Sewall, and perhaps, without thinking the matter through too carefully, the Governor said that it was all right with him; the bill was prepared and drawn up, and presented to the Legal Affairs Committee.

At the time of the hearing, no one appeared in opposition to this bill. The State Auditor appeared and he told us the story, and why he wished to have his name removed from these two commissions. A few days later, in executive session, the Commissioner of Agriculture asked permission to come in

and speak to us briefly on this subject, and at that time he stated, in effect, that he thought the State Auditor should stay on both commissions. I think that he impressed the members of the Committee—I know that he impressed me—with the fact that perhaps he was making a friendly gesture. He wanted it to appear that he, as a member of the Farm Loans Commission, was perfectly satisfied with the way the State Auditor had conducted himself, but he did not get across to us that he, and the other members of the Board, felt that the State Auditor was vital to that commission.

So we reported the bill out "Ought to pass" and it was progressing through the two branches. Suddenly, the members of the Farm Lands Loan Commission got upset about the whole thing. They came to members of the Legal Affairs Committee and told them the situation they were in. An amendment was offered, which put the State Auditor, after consultation with him, back on the board, and substituted another man to take the place of the Governor, making it again a five man commission.

But in the course of that, when the department heads considered this bill, they forgot to notice there was something on the back page. After the bill, as amended, started once more traveling through the various channels, someone got excited all over again, and said "A bad mistake has been made on the Emergency Municipal Finance Board." And again the bill was tabled, and again another amendment was introduced, and this time they substituted for the State Auditor,—as the bill now stands—the Commissioner of Health and Welfare. And again the bill started through its regular channels, and someone suddenly discovered that the Commissioner of Health and Welfare could not possibly serve on that board, because his interests as Commissioner of Health and Welfare were definitely in opposition to his interests on this board. As a member of this board, he would, of necessity, try to get funds from another board, of which, as a member, he must prevent himself from getting. So, after further conference, the Governor called me in the other day, and he said: "You

can use my name in any way you want to; you can apologize to the members of the House in my name, if you wish:

As a matter of fact, you may all think that we are a bunch of school boys, but we have got to have the State Auditor back on the Board. We need him there. We have talked it all over. The State Auditor is willing to serve on that board for the next two years; and all of the department heads have assured me that they have at last decided what they want, and that there will be no further amendments offered to this bill.

Now, Mr. Speaker, I move that under suspension of the rules we reconsider our action whereby we passed this matter to be enacted.

The SPEAKER: The gentleman from Portland, Mr. Bartlett, moves that the rules be suspended, in order that the House may reconsider its action whereby this bill was passed to be enacted. Is this the pleasure of the House?

The motion prevailed.

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

Mr. BARTLETT: Mr. Speaker, I now move that we reconsider our action whereby we passed this matter to be engrossed.

The SPEAKER: The gentleman from Portland, Mr. Bartlett, now moves that the House reconsider its action whereby this bill was passed to be engrossed on March 22nd. Is this the pleasure of the House?

The motion prevailed.

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

Mr. BARTLETT: Mr. Speaker, I now offer House Amendment "B" and move its adoption.

The SPEAKER: The Clerk will read House Amendment "B".

House Amendment "B" to S. P. 197, L. D. 280, Bill "An Act Relating to Membership in Farm Lands Loan Commission and Emergency Municipal Finance Board".

Amend said bill by striking out all of section 2 thereof.

Further amend said bill by striking off from the title "and Emergency Municipal Finance Board."

Thereupon, House Amendment "B" was adopted; and the bill was

passed to be engrossed as amended by House Amendment "A", as amended by Senate Amendment "A" thereto, and by House Amendment "B" in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the tenth matter of unfinished business, Bill "An Act Relating to the Salary of the Recorder of the Bath Municipal Court" (H. P. 342) (L. D. 202) which was tabled on March 26th by the gentlewoman from Bath, Miss Deering, pending first reading; and the Chair now recognizes that gentlewoman.

Miss DEERING: Mr. Speaker and Members of the House: I thought at this time I would be able to take some action pertaining to this bill, but things have changed and I would like a little more time in order to give you a few more facts and a little more information pertaining to this bill. Therefore I move at this time that it may lay upon the table a few days longer.

The SPEAKER: Did the gentlewoman assign a time?

Miss DEERING: I think it will be ready Friday.

The SPEAKER: The gentlewoman from Bath, Miss Deering, moves that the 10th matter of unfinished business, Bill "An Act Relating to the Salary of the Recorder of the Bath Municipal Court" (H. P. 342) (L. D. 202) be laid on the table pending first reading and specially assigned for next Friday morning. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, Majority Report "Ought to pass in New Draft" under a New Title of "An Act Providing for the Licensing and Regulation of the Amusement known as Five-in-a-row." (H. P. 1303) (L. D. 834) and Minority Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Relating to the Game of 'Five-in-a-row' otherwise known as 'Skill Ball Beano.'" (H. P. 951) (L. D. 537) which was tabled by the gentleman from Millinocket, Mr.

Ward, on March 24th, pending acceptance of either report; and the Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker, I move acceptance of the Majority Report "Ought to pass in New Draft" under a New Title of "An Act Providing for the Licensing and Regulation of the Amusement known as Five-in-a-row."

The SPEAKER: The question before the House is on the motion of the gentleman from Millinocket, Mr. Ward, that the "Ought to pass in New Draft" report of the Committee be accepted.

The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker and Members of the House: When we attend a baseball game, we stand up and stretch in the seventh inning. We are now in about the ninth inning of this session, and this is the first occasion when I have availed myself of that privilege. I am happy to do so at this time, however, on a matter which I believe meets with the approval of the majority of the people of this State, as well as the majority of the committee.

It is entirely unnecessary to enter upon a lengthy discussion of what the game of Five-in-a-row consists of—or how it is played. I doubt that there is a member of this House who has not at least watched the game being played, if he has not actually participated.

It also seems almost unnecessary to point out that this game is now being operated in the State, in various localities, under absolutely no supervision or control—often times in poorly ventilated and unsafe buildings—and that the only reason it is not being played on a state-wide basis is due to a difference of opinion among law enforcement officials of our several counties as to whether it is actually a game of skill or a game of chance. This bill, if enacted, will definitely eliminate discussion on that point by making it unlawful to play the game without a license.

Upon the point that this game is now being played, I call your attention to a reproduction of an article which appeared in the Biddeford Daily Journal, on Tuesday, March 16, 1943. I am informed that we are indebted to one of the opponents of this bill for these reproductions

which were placed on the desks of all House members on Wednesday, March 24. The article, after two paragraphs of quoting rumors which apparently are in circulation around Biddeford, using such phrases as "it is understood" and "it is reported" to describe them, gets down to the actual facts, and I quote from that reproduction: "Many lovers of the game can see no reason why their favorite type of pastime is not legalized to be openly played during the summer months, as well as it is allowed to be operated during the fall and winter regularly, weekly, at different fraternal, social and patriotic organization's headquarters in different parts of York County."

I believe that whoever wrote that hit the nail squarely on the head. The newspaper, serving York County, naturally confines its remarks to that county. It could have very well and accurately stated that a great many lovers of the game all over the State—and I say to you that there are a great many—feel the same way as do those respectable people down in York County who patronize the games, and those good citizens who comprise the membership of the various fraternal, social and patriotic organizations in that county who operate them.

I will add that the newspaper article has the headline "Betting That Beano will be Legalized". I can go a step farther. House members have told me that if this bill were submitted to the people on a referendum, it would be adopted better than two to one.

It is safe to say that when a majority of you filed into this House today you knew definitely at that time whether you were for or against this measure. If you are opposed to it, I respect your opinion. However, there are some among you, who, due to other legislative duties and bills in which you are interested, have not had the time or opportunity to give this particular measure a great deal of attention. For that reason, for your benefit, I shall attempt to outline briefly what the measure proposes to do and accomplish.

First, let me call your attention to the length of the bill. It is contained in just a little over two pages. No attempt has been made to write a long, cumbersome and confusing bill. I also call your attention to the language employed.

You find no long, unpronounceable words or phrases; you find simple, every day language, easy to understand by anyone who reads it.

The first section has to do with the steps necessary if a person wishes to apply for a license, and that section contains a very important provision, that the municipal officers of the city or town where it is proposed to operate this amusement must consent to the application.

Pardon me—I have mixed that up. That is Section 2 which has that provision. Section 1 makes it unlawful to operate the game without the license, and Section 2 provides for the application itself.

Section 3 regulates the issuance of licenses, and I call your attention in particular to the first sentence in that section. It reads, "The chief of the state police may, at his discretion, issue licenses to operate such amusement." "At his discretion"—that means, ladies and gentlemen, only one thing. The proponents sincerely desire strict regulation of the amusement; and the full and complete control of the issuance of licenses, even after the municipal officers have consented, rests solely with the chief of the state police. He may refuse anyone whom he sees fit, and there is no appeal.

This section also provides for the fees, and that they shall go into the general funds. I shall not debate the propriety of the fees set forth in the bill, nor shall I attempt to estimate what they will total. I will point out that no license can be issued for a period longer than sixteen weeks; that it costs an individual \$500 for 100 seats, and \$10 for each additional seat; that it costs charitable, educational, fraternal, patriotic, religious or veterans' organizations \$50, plus \$3 for each seat in excess of 100. These organizations may operate for one day only for \$5. No admission can be charged, and tally cards cannot sell for more than 10 cents for the first card and 5 cents for each additional card.

Section 4 gives absolute supervision to the chief of the state police, and he is empowered to make such rules and regulations as he deems advisable, for the operation and conduct of the amusement. This section contains another all important provision; it gives the chief

of the state police the right to suspend or revoke any license for nuisances, improper conduct, abuse of privilege, or for other cause shown upon reasonable notice or hearing.

Please bear in mind that Section 2 makes it necessary for the municipal officers to consent to the application; that even after this consent is obtained, Section 3 makes it discretionary with the chief of the state police whether a license be granted; and finally, under Section 4, the chief of the state police has the right to suspend or revoke the license after he does issue it.

Proponents told us they want strict regulation—could it be made any stricter? Section 7 provides the additional teeth—\$1,000 fines for violation of any of the provisions of the Act or any rule or regulation prescribed by the chief of the state police under the Act.

At the public hearing, opponents said there must be something terribly wrong if the amusement requires such regulations, so I now ask them—"Is there something terribly wrong with all our municipal officers?" Let me read you Legislative Document 810 — it is very short. "No municipal officer shall be interested, directly or indirectly, in any contract entered into by such municipality while he is an officer thereof; and contracts made in violation hereof are void." A unanimous report "Ought to pass" by the Committee on Judiciary was accepted in this House within the past two weeks without a murmur, and it was passed to be engrossed by this House on March 23. What does that mean? Does it mean that our municipal officers are such that they require this strict and drastic regulation? I do not believe so. I think it simply means that this legislative body deems it advisable to throw up a safeguard, to prevent some unscrupulous gentleman from getting himself elected to a municipal office and taking advantage of it. It means the same thing, ladies and gentlemen, in this bill.

Section 5 provides that expenses of administration shall be paid from the fees received, and Section 6 protects the state fairs in their share of the state stipend.

At this point, I would like to state that the public hearing on this measure required the use of this hall, because of the wide-

spread interest. Many proponents attended the hearing, and chief and foremost among them were representatives of state fair associations from all over this state. At that public hearing the word "Racketeer" was brought in by the opponents. In my opinion that is always one of the best words to use when you want to drive home fear. When I hear it I immediately picture Chicago—Al Capone—tommy guns—and the St. Valentine's Day Massacre. But I was rather surprised that the opponents interjected the word. According to them, without being subject to any regulation whatsoever, "racketeers" operated a form of "Five-in-a-Row" at a beach resort in this state; and that, ladies and gentlemen, is exactly what this bill intends to eliminate.

I would like to point out that in the Commonwealth of Massachusetts an act was passed some time ago legalizing Beano. That act contained no such provisions as are in this bill, and it does not have the teeth which are contained in this bill, and, as a result of that, the Committee on Legal Affairs in that State on March 10, 1943, recommended that a special commission be appointed to study the conduct of Beano games in that State. There was a study of the faults of this bill in Massachusetts by the proponents of the measure that caused them to put into this bill the strict provisions that are in it. I would like to challenge any opponent of this bill to point out to the members of this House how any racket can creep into the operation of these games under this bill when the amusement is under the entire control of the Chief of our State Police. In my town for some time people have asked the question: "Why can't we play Five-in-a-row?" They recognize it as an entertaining amusement in which there is a fair profit for the operator, and I believe that organizations all over this State are hoping this Legislature will enact this particular measure. I believe that the enacting clause on this bill, if it means anything—"Be it Enacted by the People of the State of Maine"—that we are really representing the people of the State of Maine here today and that we will enact this bill. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Mableton, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Members of the House: It is my hope that in the discussion of this measure I shall use no more offensive word than gambling. I would like to put in words an explanation here that as we are nearing the end of the session that we may be able to keep the spirit of harmony that has prevailed usually through our session.

At the hearing I opposed this measure on the ground that it was not a productive measure. I do not think it is a good idea for us to teach children and others to be all the time looking for something for nothing. I know there is a zest in looking for something, thinking you are going to get something. That is natural for children, and we are told that men are but children of a larger growth.

Now, we have no objection to good wholesome games, whether they are games of skill or ones which do not require so much skill. I think if you divorce the matter of money from this you will not have any difficulty whatever. If it is a game of skill and a favorite form of amusement, why should we have it licensed and under such strict regulations? Why not let the people have it? I do not think it is wise to put up a whole lot of money and let certain people get it all. I think it is productive only to those who promote it. The State gets their money, and the people who put their money in get a little amusement. I think in these times we should consider more serious things. We ought to teach our boys and girls and all of us, in these times when the country is in such a condition, that we ought to engage in honest occupations and make use of our money in such a way that it will be for the best interests of all concerned.

In closing, I wish to quote just three or four lines. I will read them. They come from the Lewiston Journal. I think they are worthy of consideration.

"Certainly this is no time to legalize additional forms of gambling. Money today should go into living expenses, war stamps, and bonds and not into 'Five-in-a-row,' or into other types of gambling."

The SPEAKER: The question before the House is on the motion of

the gentleman from Millinocket, Mr. Ward, that the Majority Report "Ought to pass in New Draft" be accepted.

The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and Members of the 91st Legislature: As one of the signers of the Minority Report "Ought not to pass," permit me to take a few minutes of your time to explain my position in this matter.

I cannot agree with my brother from Millinocket (Mr. Ward) that there is any legal question whether or not Beano is gambling. That question was decided by a Justice of the York County Superior Court two years ago. At that time all of the men connected with it pleaded guilty to gambling in violation of our state law. Nor do I agree with the proponents at the hearing that our State Police are afraid to enforce the gambling laws of this State because they are afraid of stepping on somebody's toes. It was the State Police who arrested those men two years ago, and there has not been any Beano in that locality since that time.

Section 1 of this bill adds nothing to the present law. As I have just stated, the law is very definite that Beano is gambling under our present gambling statutes.

The bill in its original form provided for supervision by the Secretary of State. The bill in its present form provides for the issuance of licenses by the head of the State Police.

While it may be true that somewhere within our legislative enactment we have previously given to the head of the State Police a right to issue licenses, I confess very frankly that to my mind this is a new precedent. I think it might be seriously questioned whether or not it is a precedent that any Legislature desires to establish.

The bill further authorizes the head of the State Police to issue rules and regulations—rules and regulations, if you please, which he must enforce. I say that is not good legislation, because a man should not be both the legislator and the enforcer of that legislation.

I am unable to understand what is meant by Section 5, providing that the necessary expenses of administering the provisions of this

act shall be paid out of receipts under the provisions of this act.

Going back to Section 3, we have a fee provided depending upon whether or not the game is to be operated by an agricultural fair or to be operated by a single individual. Four years ago we were told that in order to save our state fairs it was necessary that we pass the pari-mutuel bill. That was done. We were practically told in the hearing on this bill that our state fairs needed the additional revenue of Beano in order to assist them in maintaining their budget. I think it is needless for me to say that under our present war conditions it might be seriously questioned whether or not there will be any state fairs this year.

Referring back to your pari-mutuel law, the first summer after the pari-mutuel law was enacted upon our statute books pari-mutuel was rampant at the Kite Track at Old Orchard and the agricultural exhibit at that time consisted of half a dozen pumpkins and four or five heads of corn, and that was the total compliance which they made with the law at that time.

Since that time we have seen that law changed, so that this present session of the Legislature has permitted operators of the Kite Track at Old Orchard Beach to operate for a period of eighteen days, and under this law it is not tied to your agricultural fairs. They come out and say to you openly, frankly and sincerely — and they are to be commended for that — they are not going through the back door as they did on the pari-mutuel law — "We want to open up gambling in the form of Beano under the laws of the State of Maine."

I say that the general provision for issuing a license to a private individual is an open invitation to the like of Dr. Sagansky and cohorts of his in Massachusetts whom the Federal government is attempting to put behind the bars, inviting them to come into the State of Maine and take from our citizens their hard-earned money. Do we want to do that? I say now is not the time to pass this legislation.

In closing, I merely want to say this: "That if Beano is as harmless as what the proponents of this bill say it is, then why is a legislative committee of Massachusetts investigating conditions? What conditions?"

There must be something wrong with conditions to demand an investigation, because we do not investigate when everything is all right.

The SPEAKER: The Chair recognizes the gentleman from Weston, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: This bill as we find it before us, although innocent looking, is nothing more than a gangster bill prompted by out-of-the-state racketeers, and the only question we have to settle this afternoon is: Are we going to set the State of Maine up in the gambling business?

The editorial referred to by my friend from Millinocket (Mr. Ward),—he referred to a portion of it. I would like to read to you the other portion to show you what I am trying to bring out.

"It is understood that wagers are already being made at Old Orchard Beach and in various sporting circles in this part of the state, that a bill legalizing the playing of 'five-in-a-row,' more familiarly known as 'Beano,' now pending for action in the Maine legislature will be passed before the close of the present session.

"It is reported that several Massachusetts and other out-of-state professional promoters of such a contest of skill as the game is oftentimes referred to by the proponents are already making regular trips in various parts of the state at this time, securing options on various parcels of property and stores for operating such places of business in case the bill should be favorably acted upon by the Maine solons."

My friends, they are betting on your head and my head, whether we are going to pass this measure. No matter what sort of a sugar-coating we put on it, it is going to have the same effect in the State of Maine.

Many of you have noticed in the past few days articles in the newspapers. Although this may be called an amusement, these articles show that in the State of Pennsylvania the police officials have had to take drastic steps against the mothers of the State of Pennsylvania and their so-called "Beano orphans," because the mothers are running off in the afternoon and evening and leaving their small children unattended;

and the condition has gotten to be so bad that the State Police have had to interfere in that State. I wonder, could that condition happen here in the State of Maine? Are we so much different than they are in Pennsylvania? It would seem to me that the police of the State of Maine have plenty to do without putting this added burden on them of watching out for the vice and the racketeering that is sure to come upon us.

If this measure were as innocent and harmless and as good a bill as they say they are going to make it, there would be no need for police regulation. It has a black mark against it before it gets started. We find, as one former speaker has said, it is only opening the gate a little further. Last session they put in the opening wedge, and this is only opening the gate a little further to permit state-wide gambling. Friends, are we going to go along with them? I hope the motion of the gentleman from Millinocket, Mr. Ward, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Millinocket, Mr. Ward, that the Majority Report "Ought to pass in New Draft" be accepted.

The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker, the gentleman from Biddeford (Mr. Donahue) pointed out that this matter has been definitely settled as a gambling game by the York County Superior Court. He knows better than to tell us that a Superior Court can finally settle any question of law. That is a matter for the Supreme Judicial Court. He speaks of the question of the right in this bill to authorize the Chief of the State Police to make rules and regulations. So far as I know, our State Liquor Commission makes all the rules and regulations that it wishes to make. As far as I know, the Commissioner of Inland Fisheries and Game is authorized to make all the rules and regulations that he wishes in order to conduct his department.

Now the gentleman from Weston, Mr. Bubar, has quoted to you the balance of the article which appeared in the Biddeford Daily Journal. In reply to him, I am just

going to take the time to read two letters, neither one of which are very long.

The first one reads as follows:

"Old Orchard Beach, Maine,
March 20, 1943.

"To Whom it May Concern:

"It was with much surprise that I read the article in the Biddeford Journal on March 16th stating that certain individuals from out of the State are planning to come to Old Orchard Beach to take advantage of the 'Five-in-a-Row' bill should it be passed.

"To my knowledge as a large property owner and interested in the civic welfare of this town, I am certain that there is no truth in such a statement as made by the Biddeford Journal, for had there been such individuals coming to this section of Maine for such a purpose I certainly would have known about it.

"I am very certain that our town officials would take the necessary measures to prevent, in any event, such individuals referred to by the Journal from obtaining a license in the event such legislation became law."

And this is signed by Edwin H. Smith.

People who are acquainted with the property owners in Old Orchard Beach are no doubt familiar with that gentleman.

The second letter is from the Old Orchard Ocean Pier Company. It is dated March 20, 1943, and reads as follows:

"To Whom it May Concern:

"It has been called to our attention that an article was printed in the Biddeford Daily Journal on Tuesday evening, March 16th, of this year, as follows:

"It is reported that several Massachusetts and other out-of-state professional promoters of such a contest of skill as the game is oftentimes referred to by the proponents are already making regular trips in various parts of the state at this time securing options on various parcels of property and stores for operating such places of business in case the bill should be favorable acted upon by the Maine solons."

"As we are one of the largest real estate and amusement proprietors at Old Orchard Beach, it would seem to me that if there were any out-of-state professional promoters, we would have been approached regarding a possible location, for this amusement called 'Five-in-A-Row'. To date we have not been approached—directly or indirectly—nor have we heard of any action on the part of any out-of-state professional promoters to obtain locations at Old Orchard Beach.

"From my years of experiences as a real estate owner and amusement director at Old Orchard Beach, I believe that as the amusement is regulated under the provisions of the bill, there is no inducement for such parties as are referred to in the article to operate the amusement, even if it were possible for them to obtain a license.

Very truly yours,

(Signed)

Old Orchard Ocean Pier Co., by
Howard A. Duffy."

Those two gentlemen are certainly connected with all the amusement enterprises in Old Orchard, and if the statement in the Biddeford Journal were true they would know about it.

The main object of the bill, as has been stressed before, is to permit the operation of this game and to permit it under such strict rules and regulations that the gentlemen referred to by Mr. Donahue could not come into this state. But the chief proponents of this measure are your various lodges and veterans' organizations and associations of that sort throughout the State who would like to have the opportunity to make a little money and at the same time amuse the public.

Mr. Speaker, I would like to request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Millinocket, Mr. Ward, that the Majority Report "Ought to pass in New Draft" be accepted.

The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker, I want to say to this House that there was no question in the minds

of the operators of the Beano game at Old Orchard Beach two years ago when the State Police took out thousands and thousands of dollars worth of prizes,—when they appeared before the Judge of the Superior Court there was no question in their minds that they had violated the gambling laws of the State of Maine. Had there been any question in their mind as to the constitutionality of this act, they would have taken the case to the Law Court and had it decided, because it is a fundamental principle of constitutional law that every act is presumed to be constitutional until it is declared otherwise by our full bench.

The gentleman from Millinocket (Mr. Ward) spoke on the question of the constitutional right of the Chief of the State Police to lay down rules and regulations, and he cited instances referring to the Liquor Commission and the Commissioner of Inland Fisheries and Game. I do not question his constitutional right, but I do question the expediency of such a procedure.

The SPEAKER: The question before the House is on the motion of the gentleman from Millinocket, Mr. Ward, that the Majority Report, "Ought to pass in New Draft" be accepted. A division is requested. All those in favor of the acceptance of the Majority Report "Ought to pass in New Draft" will rise and

stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Sixty-three having voted in the affirmative and 49 in the negative, the motion prevailed and the Majority Report "Ought to pass in New Draft" was accepted.

Thereupon, this being a printed bill, under suspension of the rules the bill was given its two several readings and assigned for third reading tomorrow morning.

The SPEAKER: The Chair appoints on the Committee of Conference on Bill "An Act relating to the Maine Development Commission and the State Geologist" (H. P. No. 1266) (L. D. 775)

Messrs: Leavitt of Portland
Sayward of Kennebunk
Marsans of Monmouth

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

Mr. SLEEPER: Mr. Speaker, I now move that the House adjourn until 9:30 o'clock tomorrow morning.

The motion prevailed and the House adjourned until 9:30 o'clock tomorrow morning.