

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

Wednesday, March 31, 1943.

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

Prayer by the Rev. Dr. Drumm of Augusta.

Journal of the previous session read and approved.

**Papers From the Senate
Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on State Lands and Forest Preservation on Bill "An Act relating to White Mountain National Forest" (S. P. 167) (L. D. 181) reporting leave to withdraw.

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

Ought Not to Pass

Report of the Committee on Pensions reporting "Ought not to pass" on Resolve providing for a State Pension for William A. Kimball of Swanville (S. P. 83)

Report of same Committee reporting same on Resolve Granting State Pension for Charles Knowlton, of Liberty (S. P. 81)

Report of same Committee reporting same on Resolve Granting a Soldier's Pension to Austin W. Blair of Lewiston (S. P. 394)

Report of same Committee reporting same on Resolve providing for a State Pension for Virginia R. Fisher of Augusta (S. P. 423)

Report of same Committee reporting same on Resolve providing for a State Pension for Alga Towle of Augusta (S. P. 425)

Report of same Committee reporting same on Resolve providing for a State Pension for Lena Smith of Skowhegan (S. P. 200)

Report of same Committee reporting same on Resolve providing for a State Pension for Mertie O. Ford of Dixfield (S. P. 260)

Report of same Committee reporting same on Resolve in favor of Minnie Ware of Augusta (S. P. 259)

Came from the Senate, read and approved.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Agriculture on Bill "An Act relating to Buyers and Sellers of Milk and Cream" (S. P. 349) (L. D. 650) reporting same in a new draft (S. P. 476) (L. D. 860) under same title and that it "Ought to pass"

Report of the Committee on Legal Affairs on Bill "An Act Amending 'An Act to Create the Port of Portland Authority' as amended" (S. P. 195) (L. D. 278) reporting same in a new draft (S. P. 477) (L. D. 859) under same title and that it "Ought to pass"

Report of the Committee on Salaries and Fees on Bill "An Act relating to the Salary of Various Officers of Waldo County" (S. P. 201) (L. D. 284) reporting same in a new draft (S. P. 478) (L. D. 861) under same title and that it "Ought to pass"

Report of the Committee on Judiciary on Bill "An Act relating to Attached Mortgaged Property" (S. P. 289) (L. D. 448) reporting same in a new draft (S. P. 479) (L. D. 868) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to Compensation for Personal Injury to Employees" (S. P. 390) (L. D. 682) reporting same in a new draft (S. P. 480) (L. D. 869) under same title and that it "Ought to pass"

Came from the Senate, the 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.

Tabled and Assigned This Afternoon

Report of the Committee on Salaries and Fees on Bill "An Act Granting Increase in Salary to Judge of Probate of Waldo County" (S. P. 267) (L. D. 459) reporting same in a new draft (S. P. 481) (L. D. 867) under title of "An Act Granting Increase in Salary to Judge of Probate of Piscataquis County" and that it "Ought to pass"

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

(On motion by Mr. McKusick of Parkman, tabled pending acceptance

of Report and assigned for this afternoon.)

Final Reports

Final Report of the Committee on Banks and Banking.

Final Report of the Committee on Counties.

Final Report of the Committee on Insane Hospitals.

Final Report of the Committee on Mercantile Affairs and Insurance.

Final Report of the Committee on State School for Boys, State School for Girls and State Reformatories.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass With Committee Amendment

Report of the Committee on Indian Affairs on Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians (S. P. 416) (L. D. 724) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, Report read and accepted in concurrence and the Resolve had its first reading.

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

Committee Amendment "A" to S. P. 416, L. D. 724, "Resolve, Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians."

Amend said resolve by striking out all of the 1st paragraph thereof after the word "of" in the 3rd line and inserting in place thereof the following: 'the present members of the Joint Committee on Indian Affairs'

Committee Amendment "A" was adopted in concurrence and tomorrow was assigned for second reading of the Resolve.

Report of the Committee on Indian Affairs on Bill "An Act relating to Loss of Membership in Indian Tribes by Marriage" (S. P. 89) (L. D. 16) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report read and accepted in concurrence, and the Bill was read twice.

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

Committee Amendment "A" to S. P. 89, L. D. 16, Bill "An Act Relating to Loss of Membership in Indian Tribes by Marriage."

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

'Provided, however, that this paragraph shall not apply to any Indian member of either tribe who serves in the armed forces of the United States or any of its allies in the present war.'

Thereupon, Committee Amendment "A" was adopted in concurrence and the Bill was assigned for third reading tomorrow morning.

On motion by Mrs. Leidy of Fort Kent, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking. (Applause)

Report of the Committee on Judiciary on Bill "An Act relating to Jurisdiction of Municipal Courts in Criminal and Juvenile Cases" (S. P. 431) (L. D. 748) reporting "Ought to pass as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report read and accepted in concurrence, and the Bill had its two several readings.

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

Committee Amendment "A" to S. P. 431, L. D. 748, Bill "An Act Relating to Jurisdiction of Municipal Courts in Criminal and Juvenile Cases."

Amend said bill by striking out in the 3rd and 4th lines of the 3rd paragraph of Section 1 of the bill the underlined words "other than murder, manslaughter, rape, arson, burglary and robbery" and inserting in place thereof the following words: **'except for a capital, or otherwise infamous crime.'**

And further amend said bill by striking out the underlined words **"and denominated"** in the 6th line of the 3rd paragraph of Section 1 of the bill.

Committee Amendment "A" was adopted in concurrence and the Bill was assigned for third reading tomorrow morning.

Report of the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Commissioner of Agriculture" (S. P. 397) (L. D. 675) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and accepted and the Bill had its two several readings.

In the House, Report read and accepted in concurrence and the Bill had its two several readings.

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

Committee Amendment "A" to S. P. 397, L. D. 675, Bill "An Act Relating to the Salary of the Commissioner of Agriculture."

Amend said Bill by deleting from the 2nd paragraph thereof, after the underlined figures **"\$4,500;"** the following:

“; provided however, that the governor and council may increase said salary to amount not in excess of **\$5,500.**”

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

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker, I move that this bill and amendment lie on the table.

The SPEAKER: The Chair will state that this bill has now been definitely assigned for third reading tomorrow morning. Would the gentleman be able to handle the matter at that time?

Mr. DOWNS: Yes, Mr. Speaker.

The SPEAKER: Thank you.

Ought to Pass—Senate Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Medical Examiners" (S. P. 174) (L.

D. 235) which was recommitted, reporting same in a second new draft (S. P. 460) (L. D. 823) under same title and that it "Ought to pass."

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

In the House, Report read and accepted in concurrence, and the Bill was read twice.

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

Senate Amendment "A" to S. P. 460, L. D. 823, Bill "An Act Relating to Medical Examiners."

Amend said Bill by striking out the word "or" in the 11th line of that part designated "Sec. 2." of said Bill and inserting in place thereof a comma.

Further amend said Bill by inserting after the word "sheriff" in said 11th line of that part designated "Sec. 2." of said Bill, the words: 'or a member of the state police'.

Further amend said Bill by striking out the word "or" in the 18th line of that part designated "Sec. 2." of said Bill and inserting in place thereof the words: ', a member of the state police, or the'.

Further amend said Bill by striking out the word "or" in the 22nd line of that part designated "Sec. 2." of said Bill and inserting in place thereof the words: ', a member of the state police, or the'.

Further amend said Bill by inserting after the words "county attorney" in the 25th line of that part designated "Sec. 2." of said Bill, the words: ', the state police,'.

Senate Amendment 'A' was adopted in concurrence, and the Bill was assigned for third reading tomorrow morning.

Ought to Pass with Committee Amendment—Amended

Report of the Committee on Salaries and Fees on Bill "An Act relating to the Salaries of Clerks in the Offices of the Register of Probate and Clerk of Courts in Piscataquis County" (S. P. 305) (L. D. 473) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" as

amended by Senate Amendment "A" thereto.

In the House, Report read and accepted in concurrence and the Bill had its two several readings.

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

Committee Amendment "A" to S. P. 305, L. D. 473, Bill "An Act Relating to the Salaries of Clerks in the Offices of the Register of Probate, and Clerk of Courts in Piscataquis County."

Amend said Bill by striking out the title thereof and substituting in place thereof the following:

"An Act Relating to the Salaries of Clerks in the Offices of Register of Deeds, Register of Probate and Clerk of Courts in Piscataquis County."

Further amend said bill by adding 'Sec. 1.' before the headnote of the 1st paragraph thereof.

Further amend said Bill by striking out the underlined figures "\$1,196" in the 2nd and 5th lines of the 2nd paragraph thereof, and inserting in place thereof the underlined figures "\$1,000".

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.'

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

Senate Amendment "A" to Committee Amendment "A" to S. P. 305, L. D. 473, Bill "An Act Relating to the Salaries of Clerks in the Offices of the Register of Probate, and Clerk of Courts in Piscataquis County."

Amend said amendment by striking out the 3rd paragraph thereof.

Thereupon, Senate Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by Senate Amendment "A" was then adopted, and the Bill as amended was assigned for third reading tomorrow morning.

Non-concurrent Matter

Tabled and Assigned for This Afternoon

From the Senate: Bill "An Act Revising the State Library Laws"

(S. P. 242) (L. D. 362) which was passed to be engrossed as amended by Committee Amendment "A" and as amended by House Amendment "A" in non-concurrence in the House on March 29th.

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

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, in the absence of the gentleman from Orono, Mr. Goldsmith, by request I move that this non-concurrent matter be laid on the table and assigned this afternoon.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that Legislative Document 362 be laid on the table and be assigned for this afternoon. Is this the pleasure of the House?

The motion prevailed, and the matter was tabled pending further consideration and assigned for this afternoon.

Non-Concurrent Matter

From the Senate: Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims" (H. P. 565) (L. D. 314) on which the House substituted the Bill for the "Ought not to pass" Report of the Committee on Legal Affairs on March 26th and passed the Bill to be engrossed as amended by House Amendment "A" on March 29th.

Came from the Senate, with the Report accepted in non-concurrence.

In the House, on motion by Mr. Sleeper of Rockland, the House voted to insist on its former action and ask for a Committee of Conference.

Non-Concurrent Matter

From the Senate: Bill "An Act relating to Sale and Use of Fireworks" (H. P. 802) (L. D. 384) which was passed to be engrossed as amended by House Amendment "A" in the House on March 24th.

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

In the House, on motion by Miss Clough of Bangor, the House voted

to insist on its former action and ask for a Committee of Conference.

as Chaplain of the House on Saturday morning, April 3rd.

The **SPEAKER**: The Chair recognizes the gentleman from Rumford, Mr. Poulin.

Mr. **POULIN**: Mr. Speaker, I move that the House reconsider its action whereby it passed to be engrossed as amended by Committee Amendment "A" Senate Paper 265, Legislative Document 471, Bill "An Act Granting Increase in Salary to County Attorney of Oxford County" and in support of my motion I would like to say that I am carrying out the wishes of the Oxford County Delegation.

The **SPEAKER**: The gentleman from Rumford, Mr. Poulin, moves that the House reconsider its action whereby it passed to be engrossed as amended Legislative Document 471, Bill "An Act Granting Increase in Salary to County Attorney of Oxford County." Is this the pleasure of the House?

The motion prevailed.

On further motion by Mr. Poulin, under suspension of the rules, the House voted to reconsider its action whereby it adopted Committee Amendment "A"; and on further motion by the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

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

House Amendment "A" to S. P. 265, L. D. 471, Bill "An Act Granting Increase in Salary to County Attorney of Oxford County."

Amend said Bill by striking out the underlined figures "\$2,000," in the 4th line thereof, and inserting in place thereof the underlined figures '\$1,800.'

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

Orders

On motion by Mr. Hemphill of Mechanic Falls, it was

ORDERED, that Rev. A. G. Davis of Mechanic Falls, be invited to act

House Reports of Committees

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Audit and Use of Funds of Maine Forestry District" (H. P. 1070) (L. D. 559) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. **VARNEY** of York
—of the Senate.

SEEGER of Kittery
SLEEPER of Rockland
MURCHIE of Calais
PELLETIER of Sanford
BREWER of Presque Isle
JACOBS of Auburn
—of the House.

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

Report was signed by the following members:

Messrs. **EMERY** of Hancock
OWEN of Kennebec
—of the Senate.

DOUGHTY of Gray
—of the House.

The **SPEAKER**: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. **JACOBS**: Mr. Speaker, this matter was brought before the Committee on Appropriations by the gentleman from Bangor, Mr. Hutchins, who belongs to a group of timberland owners embracing this Forestry District. They appropriate about \$250,000 a year to run their own business. It is the thought of the officials of this Forestry District that they want this tied in to State affairs to the extent that their bills be audited by the Department of Audit in Augusta. They are willing to pay all the expenses of this Audit, and it does seem to me, as a member of this committee who signed the majority report, that this should be granted to this Forestry District. It entails no expense whatever to the State of Maine. As I see it, the officials of this Forestry District want their bills audited by the State Auditor or through his office, and all expenses whatsoever

incurred will be paid by the Forestry Department.

I move, Mr. Speaker, that the Majority Report of the Committee be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Jacobs, that the Majority Report "Ought to pass as amended by Committee Amendment 'A'" be accepted.

All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the Majority Report "Ought to pass as amended by Committee Amendment 'A'" was accepted.

Thereupon, under suspension of the rules, the bill having already been printed, was given its two several readings.

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

Committee Amendment "A" to H. P. 1070, L. D. 559, Bill "An Act Relating to Audit and Use of Funds of Maine Forestry District."

Amend said bill by adding after the next to last sentence thereof, a new sentence to read as follows: **"The provisions of said chapter 216 shall, however, not otherwise apply to said forestry district."**

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

Divided Report

Majority Report of the Committee on Ways and Bridges reporting "Ought not to pass" on Bill "An Act relating to Third Class Highways, Designated for Improvement, being Reclassified as State Aid Highways and providing for their Construction and Maintenance" (H. P. 1246) (L. D. 745) which was recommitted.

Report was signed by the following members:

Messrs. DORR of Oxford
HALL of Franklin
—of the Senate.
MacLEOD of Bar Harbor
McINTIRE of Phippsburg
DEAN of So. Portland
LACKEE of Addison
AYER of Cornish
—of the House.

Minority Report of same Committee on same Bill reporting

"Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. BROWN of Aroostook
—of the Senate.
CROSS of Augusta
OSGOOD of Bradford
—of the House.

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

Mr. CROSS: Mr. Speaker and Members of this House: This bill which you have before you is a very broad, far-reaching fundamental change in the highway laws of the State of Maine.

I am going to go back a little ways to the whole set-up of the Highway laws, and, Mr. Speaker, if in the heat of this discussion I should turn my shoulder to you, it means no discourtesy.

The SPEAKER: The gentleman has permission to face the House.

Mr. CROSS: Mr. Speaker, we have, as you know, a system made up of Federal Aid Highways, State Highways, State Aid Highways and Third Class Highways; and then we have the so-called "mud roads" with which you are all familiar.

Now, the State and Federal Aid Highways are entirely under the control of the State. The Towns, as you know, have to pay a portion of the snow removal. The State Aid Highways are also under the general supervision of the State, but the towns contribute toward the construction cost and pay a nominal fee for the patrol work. Now, the Third Class Highways as originally designated, served a very useful purpose. The secondary system of the State Aid and Third Class Highways was made up in this manner. The State Aid highways were supposed to be secondary to the State roads and of primary importance. The Third Class highways were designated as feeder roads to the State Aid system.

Now, it has been the policy on the original designation of these roads for the specifications to differ. The State Highway Commission had a milder set of specifications for the construction of Third Class Roads. This made it entirely, of course, a separate system, but after a few years of operation they

changed these specifications, and for years the construction and maintenance has been under the same specifications as our State Aid Roads.

Consequently, you had a situation of your Third Class Roads being built forward to State Aid, and the State Aid Roads being gradually built back to the Third Class, until, as far as classification goes, they have completely merged and are one system; but you do have this complicated system — at least I feel it is a complicated system—of both allocation and maintenance. The State Aid allocation is set up by the Legislature on a method of population—the mill tax and mileage, and it has been a very fair method and has been used for years, and apparently satisfies everyone.

The towns give in proportion to their size and the State gives a corresponding amount.

Now, the Third Class system is an outright gift to the town by the State, which does not have to be matched, but does have to have certain prerequisites, before the towns could obtain that aid—which if I may digress, I would say is very unjust, and I feel that the Highway Commission and the highway officials feel it is, but at the moment we can do nothing about it. There was a bill in this Legislature to strike this from the law. The thing I mean is that before the towns may obtain third class money they must have cut the bushes on both their Third Class and State Aid Roads as a prerequisite to getting the money. That is rather a club over their heads. It is not easily enforced, and it is a bad law, but because of the financial condition of the State Highway Department at this time we cannot assume that added cost. So that you will notice in this new bill that I have had to keep that language in this bill. However, that of course is beside the point. The thing that I am attempting to do under this bill is to make a more efficient method of both the construction and maintenance, of state money and town money.

The only thing that this bill does is to strike out from our highway laws all Third Class designations and third class laws, and to substitute in our State Aid laws this

clause:—That there shall be a second allotment of State Aid funds which shall be granted to the towns on the same basis as it has been in the past, road mileage, at no cost to the towns; and strikes out the further conditions which towns have now.

As you know, in your town law or in your municipal budget there is an item set up that on the maintenance of the Third Class roads. Towns and cities must raise at the moment this 2 per cent of the total construction costs spent on Third Class roads since 1927.

Now, that is getting to be an almost unworkable law; as you see, the more you spend the more money you have to raise. And it makes a peculiar condition inasmuch as some towns raise more than they expend for maintenance, and have to put it into construction, which is all town money; and the other condition is that it makes a very unworkable condition in the State Highway Department. I mean the town maintains the Third Class roads; the State Supervisors must see that they are properly maintained; but the State Supervisors, being human beings, do not feel too much like fighting it out with the Road Commissioners, and if they do a half way job the State will allow them to get away with it.

Any of you in towns or cities who have to travel on Third Class roads know that the maintenance on Third Class roads is not the type of maintenance we have on our State Aid.

Consequently, from the standpoint of efficiency, with this saving of maintenance to our towns and cities, the grouping of this under one secondary system of State Aid Roads, would be of substantial benefit in the long run to all towns and to the cities and to every citizen of the State of Maine.

It is merely an attempt to simplify the complicated system of both allocation and maintenance, and it is entirely for the benefit of the towns financially, and it is entirely for the benefit of the State from an efficiency angle.

Now, as to the rest of this, the State cannot at this time assume the entire cost of maintaining First Class Roads. As you know, our Highway funds have been curtailed,

and it would seem to me that the towns should be willing to bear a part of the cost of maintaining these roads until our funds shall be built up to a point where we can assume the entire cost.

Of course, that is a fundamental change which eventually I think we will be faced with in this House. There was an attempt two years ago, as you will recall, for the State to absorb a large quantity of the maintenance of State Aid and Third Class roads and snow removal. This was the Holman Bill, which a great many of us voted for and which you felt at the time was a substantial step forward in the Highway laws of our state. That law was a bit too previous, and funds were not available, and they definitely are not available now for such a far-reaching step; but this law here would cost the State only about \$80,000, and even with our curtailed program at the present time, I firmly believe the State could absorb that amount.

Of course, you say if the State has to pay \$80,000 more naturally that the towns will save money. In other words the towns and cities will save \$80,000 and the State will have to pay \$80,000. Now, that is the theoretical amount. I do believe, however—and I have talked with our maintenance men and the Chief Engineer and the man in charge of the Third Class and State Aid roads—that over a period of years this added cost of \$80,000 would be more than offset by the efficiency of the whole set-up.

It is a very confused system under the methods of allocation, the two methods of maintenance and the two separate authorities over the same piece of road.

Now, the very fact that this costs money to the State, was the only reason as far as I know advanced in committee. We went over this very, very thoroughly and carefully, and I appreciate personally the fact that the Committee was very patient with me in bringing out the facts on this bill. They had to suffer through the public hearing, and through the executive session, and now they are listening to the same thing over again. But I think they felt firmly with me that this was a constructive act, and their only criticism was: Was the State able to assume the cost at this time? That was the only basis I know for the

signing of the Majority Report. We argued to some extent what we could do to still pass the act and save the State for the time being, the cost; and someone suggested that we put on the amendment which is before you, that this act should not become effective until six months after the end of the war.

This seemed at the time to be a good amendment; it seemed to fill the purpose that we wanted, but after some thought, some of the signers of the Report that was before you the other day felt that this did not take care of the situation, and that nobody knows what the conditions would be six months after the war.

I agree with them heartily on the fact we do not know, and I did not want to saddle the Highway Department with a situation like that, and I intend to offer—after I have time to consult with the signers of the Majority Report,—I might say that I have talked with several and they feel it is acceptable to them,—an amendment which would read something like this: "This act shall become effective at such time as the Highway Commission shall determine that sufficient funds are available for the purposes of this Act."

Now, this is completely in line with what we will have to attach to our blanket appropriation bill, which will face this House within the next few days.

We must, and in the special session we did attach to that bill a clause which said that the Highway Commission shall have the authority to curtail all expenditures in excess of revenue. In other words, it ties this thing in completely with our appropriation bill and puts it in the hands of the Highway Commission, and when they feel the funds are available the act will go into effect.

Now, ladies and gentlemen of this House, I have put a great deal of time and thought into this bill. I am very much interested in highway affairs, and I firmly believe that this is a constructive step and one which we would take no chances on, if we pass it at this time, but in deference to the signers of the Majority Report and the fact that they have not had time to consider this, amendment which I propose, I would ask your indulgence to have this matter laid upon the table and be specially assigned for tomorrow morning.

The **SPEAKER**: The gentleman from Augusta, Mr. Cross, moves that the two reports and accompanying papers be laid upon the table pending the acceptance of either report and be especially assigned for tomorrow morning. Is this the pleasure of the House?

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

Divided Report

Majority Report of the Committee on Welfare on Bill "An Act relieving Towns from Care of Neglected and Dependent Children" (H. P. 473) (L. D. 254) reporting same in a new draft (H. P. 1342) under title of "An Act relieving Towns from Board and Care of Neglected Children," and that it "Ought to pass".

Report was signed by the following members:

Messrs. **GOOD** of Aroostook
BOUCHER of Androscoggin
—of the Senate.

OSGOOD of Bradford
LEAVITT of Portland
BUZZELL of Fryeburg
HAWES of Vassalboro
SMITH of Thomaston
LACKEE of Addison
—of the House.

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

Report was signed by the following members:

Messrs. **SANBORN** of Cumberland
—of the Senate.

DAVIS of West Buxton
—of the House.

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

Mr. **LEAVITT**: Mr. Speaker, I move acceptance of the Majority Report "Ought to pass". In support of that motion, I wish to say that the committee has gone over the matter carefully and has found that there is the money available for this work, and we believe there is a way to perhaps answer the request of certain members of this House that certain money be passed back to the people of this State, and the mill tax reduced by one-quarter of a cent. We believe this is a better way to do it than that.

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

the gentleman from Portland, Mr. Leavitt, for acceptance of the Majority Report "Ought to pass."

The Chair recognizes the gentleman from Buxton, Mr. Davis.

Mr. **DAVIS**: Mr. Speaker and Members of the House: You have only to glance at that report to find out that I am very much out on the limb in regard to this bill. While figures that mount way up into the millions I will admit are a bit beyond my comprehension, nevertheless I feel I should state my stand on this bill.

To tell you the truth, I cannot just bring myself to the point of tacking \$250,000—that is a quarter of a million dollars, ladies and gentlemen—of additional expense upon the taxpayers of this State without assured revenue to take care of it.

If I have been correctly informed, there is in the State Treasury in the vicinity of \$1,200,000 of available funds. There is also some \$500,000 additional which has accrued from the tax on liquor that was in the treasury in the month of December. We must realize there will be more money before this fiscal year is out, but we are assured that there is available at the present time \$1,700,000. It is estimated by the state officials that we should set aside at least one million dollars as a working capital for the State.

The minute this bill becomes a law the expenses go on and on. I have been assured that this amount never will increase, but if in the future it has been found that this has been the case, certainly you will agree with me that this is an exceptional measure.

It is easy to see that with \$700,000 available now above the one million dollars that should be left in the treasury as working capital that the expenses entailed in this bill could be very easily taken care of this year and possibly the next. But have we any insurance that our revenue is to continue at the present rate?

No liquor has been manufactured for a year. At the rate it is going, I know that you will agree with me that the stocks must be becoming somewhat depleted, and it seems only reasonable to me that if this war continues for some time that our income will be drastically reduced. When this time comes, how are you going to meet the expenses.

such as this bill entails? I just can not see the feasibility of taking on these additional expenses without the assurance of the continuation of the required revenue to meet them.

The SPEAKER: The question before the House is on the acceptance of the "Ought to Pass" report of the Committee. The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Members of the Legislature: I do not suppose that I ever arose on the floor of this House at a time when I felt I was in a tougher spot than I am at the present moment.

It would appear in the first place that I ought to be in sympathy with this bill and I can assure you I am in sympathy with the thoughts that many of the members have, that they should go along with the bill, because, on the face of it, it appears it is going to make considerable saving to their home towns. In my case, this would make a considerable saving to my town. But, as I look at it, it would probably only effect a temporary saving. It could not, as I see the situation, be otherwise, and the reason that I arise here on this bill is on the idea of the unsoundness of such an effort at this time.

Some several weeks ago, having in mind the fact that it would be my duty in all probability to arise and oppose a companion measure that was then before us, I wrote out a few remarks down at my home in Calais, and I will ask your permission that I may read them. I will have to perhaps hesitate a little in trying now to adjust it as I go along to the situation having to do only with the board and care of dependent children.

The desire that the state assume payments for board and care for neglected children, now paid by cities and towns, might, and probably would, lead to a perhaps dangerous and unsound situation in the near future in state financing, and would be just another step toward centralization in state government through the relinquishment by cities and towns of their obligations. Such payments centralized in the state would, as you can see, quickly lead to a corresponding weakening of local control and a breakdown of that democratic morale, of which we in the State of Maine are so proud.

Much help has already been given municipalities from their relief burdens. The old age assistance program has already in recent years taken over a substantial load from cities and towns; and I question if the aid to dependent children effort in the state has not also helped a lot in the relief direction.

In addition to the governmental theory involved in the surrender of rights by the smaller units of government to the larger, the assumption of some such burdens has already imposed a severe strain upon the financial structure of the state. The fiscal year just closed is the first one in which state revenues have been sufficient to properly meet these costs.

The State situation today indicates payments from towns for board and care of neglected children of \$250,000.00 each year—or total payments by cities and towns of half a million dollars in the biennium. Since this half a million dollars would be a recurring demand and one that would have to be met from current funds at a future time, I hope you can see how definitely unsound it would be to meet it from a reserve fund.

The particular point that I feel the sponsors of this effort fail to see is the difference between current funds and a reserve. If we should go off half-cocked, and legislate this half a million dollars from reserve, I promise you that when the next biennium rolls around you will search in vain for this half-million dollars or more in your then current funds, because there will be no such animal, unless you find it by a corresponding and drastic reduction in many of your state services, or by providing new state revenue by taxation.

From the viewpoint of reducing expenditures it would be necessary either to take this amount from present services, which have been carefully reviewed and cared for on a minimum basis, or cut out entirely the amount proposed for increased teachers' salaries—which even then would not be sufficient to take care of these costs as the margin of safety in the budget would be reduced to the vanishing point. Therefore, if this bill is given favorable consideration, new revenue sources, meeting the cost, should be found.

Again I say—and I ask permission to repeat—I fear there is a

lack of understanding on the part of the sponsors of this bill as to the use of a reserve fund.

There are many ways, of course, in which you can properly use up your reserves, if you so desire. That having to do with the teachers' contributory pension fund, which idea is now being considered, would be justified as I see the situation. Here you would place a single set amount of money in a single fund in a single payment to meet the legal or moral obligations of the state, and fix up a situation that ought to have been cared for before.

You would likewise be justified, I feel sure, in using this reserve fund in the case of your need for increased inventory in your liquor business — a single payment — in other words, perhaps you will then be just making a single payment for preferred stock in your own company. This is capital investment; you are justified in using reserve in capital investments, or you can leave same, as has been suggested, in a post-war fund for necessary single capital investment needs that will present themselves.

You can be justified in using it for capital investments such as the building of a building at the Pownal State School, that has been talked of as soon necessary, and the need for a canning plant down at the State Prison.

I could go along on that and quite a lot of other things.

These and many other outlays could be justified, but I tell you, Gentlemen, it would be a real error and might lead to a difficult situation in the future to attempt to meet the needs of the law we here discuss, from a reserve fund. You have the power, to be sure, to legislate anything you like from a reserve fund, but I recommend that you place it singly and by itself, and not in recurring places. When you legislate large recurrent items you are treading on dangerous ground. I still feel there are many sound minds among us.

As I said before, I am in sympathy with the thought behind it, and I think it is worth while, but I think that it is not sound legislation, and I do not think it should be enacted.

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

of the gentleman from Portland, Mr. Leavitt, for the acceptance of the Majority Report "Ought to pass."

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

Mr. OSGOOD: Mr. Speaker and Members of the Legislature: As a member of that Committee, I feel that I should at least say just a few words. This measure before you is one that merits your very careful consideration. It is a measure that is state-wide in its scope and in its benefits, and, as has been pointed out to you, is a recurring measure. As has been admitted by the two opponents who have spoken, the money is available, is there still, leaving a million dollars for a working surplus in the State. Therefore, after very careful consideration and discussion for several evenings, we did get out an 8 to 2 report in favor of this legislation being passed.

It is exactly the same kind of a measure that is asked by our State Tax Assessor to be passed by you members for the benefit of the deorganized towns, which they are trying to get back on their feet. They are helping in this way. It was admitted by direct question to him that there are nearly 100 towns left in the State that are just as worthy as those towns deorganized that he is trying to get back on their feet and that should have some consideration. The only question is the question of finance, and I think it can be pointed out that the money is there and that it should relieve these towns.

I am not going to carry this much farther, but there is one point I would like to bring across to you which has come to my attention after the gentleman from Calais, Mr. Murchie started speaking, and which was brought to my attention by one of my seatmates who sits near me.

There is one town in this State with 900 population that is assessed \$1800 for board and care of neglected children. This is not a deorganized town; it is a town struggling to keep its feet. Its tax rate is over 70 mills. They have about 70 miles of road to keep up in that town. There is no State Highway going through it, and there are only about 20 miles of improved road going through the town. I happen to know the town

well enough to know there are a very few men actually carrying the burden of this town today. How long can they keep it up if we do not give that town some relief?

But this should not enter too much into the consideration of the measure, although it happens to be an outstanding example.

So far as my own town, I do not know truthfully whether it benefits one cent from this or not. I do not care. I think it is a matter that should be considered as a state matter, not as a local town matter. I brought that town to your attention because it happened to be brought to my attention after the debate was started. Therefore, I would ask you to very carefully consider this measure. I hope that the motion of the gentleman from Portland (Mr. Leavitt) will prevail.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker, I hesitate to arise to speak on this question, but it is rather vital to my community. I live in the town that the gentleman from Bradford, Mr. Osgood, just spoke of—that is, I think my town is in as bad a situation as that. We have a tax rate of 80 mills. At the last town meeting we raised \$2500 for aid to dependent children, which is somewhere about seven mills of our valuation, which goes for dependent children.

The gentleman from Calais, Mr. Murchie, tells us it is a step towards centralization. These children are investigated by the Welfare Department, and the Welfare Department came down and took those children, and we taxpayers did not have anything to say about it. They take care of them and send us the bill, and the taxpayers have nothing to say about that. So I cannot see why it would be any more centralization for the State to pay the bills on these children. Therefore, Mr. Speaker, I hope the motion of the gentleman from Portland, Mr. Leavitt, prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, for acceptance of the majority "Ought to pass" report.

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

Mr. ELA: Mr. Speaker and Members of the House: I think it is

agreed by both sides that the question is not a question of whether there is money enough in the treasury now. That should not be considered. The question is whether or not there will be money enough over the next two years and the following years. If there is money enough over the next two years, why should we pass it anyway?

And there is another question of whether or not the passage of this bill might foster an increase in the number of children who will come under this category; and the further consideration would be whether it is wise from the child's standpoint or not.

Now I do not believe, and the Budget Officer of the State does not believe that over the next two years there will be money enough to safely take on an extra quarter of a million to be spent.

There are about 50,000 men already in the armed forces, and we must know that that number will increase and as the population of potential customers for the liquor revenues declines the sales will decline. As men increase their hours of work, as they must under the war effort, there will not be so much time for relaxation and expenditure for liquor.

I think probably the most of you are cognizant of the fact that taxes are going to take part of the excess income of the population soon. They have made quite a dent already and they must increase. If you take it out of the payroll before they get it they won't spend it in the liquor stores.

Now as to the availability of the liquor to sell. In the first place, most of the revenue which we assume is going to pay the bill comes from that source. According to government statistics, six months ago there were five hundred million gallons of hard liquor in stock. The present rate of consumption is about one hundred and eighty-five million gallons a year. We have been consuming that nearly six months. If my arithmetic is right, that is about two and a half years' supply.

Now, ladies and gentlemen of the House, when your tires get about so near worn out you drive less. Along about the middle of the week when you have a quarter of a pound of butter left, you are going

to go easy on it. Some of the distilling companies already are rationing to their customers the supply of hard liquor. Twelve out of seventeen states which own their own liquor stores are enforcing a form of rationing. There is considerable demand both from the government officials who have production in charge and the public at large for some method of cutting the excessive rate of consumption at the present time.

We hear a great deal about absenteeism; we hear a great deal about reduced efficiency. That is offered as a reason, not by me but by others, as to why this excessive rate of consumption should be cut; and if you cut it you won't have the revenue.

Now that refers to hard liquor. Of course we get some revenue from beer. There has been no cut in the production of that, but I submit to you that when the casualty lists begin to come in, when your boy and your neighbor's boy are on the list as missing, and the thought occurs that maybe he did not have enough supplies,—do you not think there will be some agitation to eliminate to some degree something which was interfering with the war effort? I think so. When we tell the milk truck driver that he has got to go every other day and you see the beer truck drive up every day, should there not be something done about it? I think so. So I do not think there will be money enough in the revenue from the liquor stores beginning next July and ending two years later to take on this burden.

Now suppose I am wrong, and we will suppose the budget department of the State is wrong and that there should be money enough, is it wise to do it? I say "No." This is a boom, a flush time. These revenues won't stay up there; they cannot stay up there. The war stops, and the man whose income has increased twice, perhaps three times, is away from home with nothing to do, and he wants relaxation, and he spends his money, and that is one of the things he spends it for; but when this thing is over he just won't have the money, and you will have this bill to pay year after year.

Now it is not a saving of money; it is just a shifting of expense from

one place to another. A cut in the State tax will do the same thing by a fairer method. Now, it will eventually cost more, whoever does it, if this thing is shifted and the entire expense is shifted to the state.

Now let us see how these cases get to the State. As I understand it, people who see any neglected children apply to the Probate Court, and if the Probate Court thinks it wise they commit the children to the State's care. Now I think the Probate Judges have been fair and that they have been just. I have no complaint to make on that score. I think the State has done a good job in the Health and Welfare Department in taking care of them, but if it will not cost a town any money to get some of their aggravated situations out of its hands there are many borderline cases that are going to be offered to the Probate Courts for consideration.

I do not mean that the overseers of the poor would be derelict in their duty, but it is human nature—if you have got a tough spot in your town and you can get rid of it and it is not going to cost you anything on those cases and where it will not be criticized too much, you will present them to the courts.

Now many of these cases are temporary; they are not permanent, many of them. A case that looks hopeless today in a couple of weeks or six months, maybe eight months, conditions will change. Perhaps the parent who is the cause of the problem sees some way out; perhaps some relative takes over; perhaps some local agency gives a lift, and that case that was not offered never gets to the State at all. So I say to you that this, under full state costs and the Federal government taking over, is going to cost a lot more money. If you do not believe that local activity makes a difference in the number of cases, all you have got to do is look over this list with which we were supplied. Town after town, some of them pretty big towns, too, have not got a case, not one. Somebody knew about this law and used it.

Now I do not want to be misunderstood. I think there are some cases that should be committed to the State. I want to be very definite in that. But I think there are a lot of border-line cases that will get to the State that should not.

Now, take the child's standpoint. That child, even under very adverse conditions, that can be left with the parents or with a friend—I say under very adverse conditions—in my opinion is better off than that child who is committed to the state under almost perfect conditions. The mother or the father or a relative can give that child something which we as a state can never hope to do.

So, for these reasons: First, that there is not going to be money enough—not in the treasury, I don't mean that, that is not in issue—but I mean in revenue over the next two years; second, even if I am wrong and there should be money, it will foster an increase; third, it is not a saving, it is shifting from one agency to another; fourth, it is going to cost you a lot more money if you pass it eventually; fifth, it is unwise from the standpoint of many of the children—for those reasons I hope that the motion of the gentleman from Portland, Mr. Leavitt, will not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Fort Kent, Mrs. Leidy.

Mrs. LEIDY: Mr. Speaker and Members of the House: I would like to ask you members of the 91st Legislature: If the State is unable to care for neglected children, how are these towns going to do it when they are overburdened now with taxes they are unable to pay? You all know, as I do, that a great many of your young men were turned down because of neglect in their youth, neglect in health, under-nourishment. Are we as the State of Maine today going to refuse help to those children? We want strong men and strong women in the State of Maine, and the time to do it is now, and not to neglect your dependent children. I do hope that the motion of the gentleman from Portland, Mr. Leavitt, will prevail.

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

Mr. GRUA: Mr. Speaker, I think there are some things about this that some of you might like cleared up. There are two classes here—one, aid to dependent children, and the other is aid to children that have been taken in custody and have been taken over by the State. They are very distinct. In the aid to de-

pendent children, that is granted only after the Selectmen have recommended that it be given. It is left in the hands of the towns to say whether or not a mother left with dependent children shall receive aid, part of it paid by the State and part by the town. With that part of the original bill I was not in favor, but I am in favor of this part of the bill that has to do only with those children the custody of whom has been taken over by the state without the consent of the town, and in some cases against the wishes of the town. As a matter of fact the, court—either a municipal Judge or a Probate Judge—must pass upon the wisdom of depriving the parents of the custody of their own children.

Now, I just do not like the aspersions cast on our courts. I do not believe that you are going to find our courts favoring any group of Selectmen, should there be such, that would like to put some of their border-line pauper cases into State custody.

In the first place, I do not believe our town officials would do a thing like that, but if they could, I do not believe the courts would lend their aid.

As a matter of fact, in the court the majority of these cases the Selectmen know little or nothing about it. The State Health & Welfare Department comes over there and makes their investigation. They make their petition before the court. They have a hearing in the court. The parents may be represented or may not. If the Judge thinks this is for the best interests of the child, and that is the only thing he considers practically in the first instance is the interest of the child—he gives it over to the State. After the State has it, what does the town have to say about it? Nothing, absolutely nothing. The State boards that child where it pleases, pays what it pleases, and the town has to pay back two-thirds of whatever that expense is. In other words, the state is expending the town's money without any oversight on the part of our town officials. It seems to me only eminently fair that if the State does it, it should provide the money for it.

There is one other thing that ought to be touched on here. The father of the child taken over is

legally responsible for its board and care. The Health and Welfare Department has ample authority to compel the fathers to contribute, and they alone have the responsibility of seeing that he does contribute. The town has nothing to say about it. Unfortunately, our Health and Welfare Department has done very little about obtaining contributions from fathers of dependent children. But that is not the fault of the town. Why should the towns be penalized for their failure to act? If the children were left as a burden on the town, the town officials, when they begin to pay pauper support, if they do, could turn around and compel the father to support the children.

Now I favor this for the exact reason that the gentleman from Calais, Mr. Murchie, objects. I stand solidly for decentralization. I believe in local self-government, but where in the world do you find any local self-government in this bill in the present situation where children are taken away from their locality by the State, and the local town has nothing to say about it.

If the State wants to take over, let it take the burden. If it wants to leave it to the towns, well and good.

The State has imposed upon our several towns a great many burdens, without our consent at all. This is done, of course, through the Legislature, but the towns, of course, as towns, have had no vote in the matter.

I do not feel that there is very much to be said in favor of keeping the state out of paying for town support. I feel that the shoe is on the other foot. I think we need to look after our towns, and see that these towns are not burdened beyond what they can pay.

This is a matter of state-wide application, wherever there are children who should be taken away from their parents, whether in the city or town or what have you, in most cases the burden is the same. It is not a matter for just the little towns. The cities are large enough so that they can afford it. It does not seem so much, but if you have a town that has a burden of this kind, and a very high tax rate, the burden is heavy. It is in the same proportion as the others but the burden is heavier because there are fewer to bear it.

Now, I disagree that there will be a single case more added to the State, if this law goes through than if it does not. I do not believe that it is going to increase the burden on the State so far as that part is concerned, one particle.

Now, we have talked, and I believe my good friend, the gentleman from Calais, Mr. Murchie, talked of giving back to the state part of this mill tax reducing the mill tax. Here is a method, perhaps, without doing that which will amount to somewhere near the same amount. Why not pass this legislation, and give the towns the benefit of this relief?

The SPEAKER: The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: The State of Maine is sick from over-taxation of property. It is an old statement and one that you have heard many times from the floor of this House and throughout the State of Maine.

We have tried many times to do something about the tax situation within this State and some things have been accomplished. But, in general, very little has taken place that really relieves real estate from the crushing burden upon it.

This measure, in itself, will not go one hundred per cent in doing that particular act but it is a step in the right direction.

This bill simply shifts the burden of paying for the board and care of neglected children, or it shifts the amount of \$250,000 a year from the towns and cities of this State, to the State.

Now, I will ask you today which governing body can best afford to pay that \$250,000? Is not the State in a better position to pay it than is the town, for instance, represented by this gentleman from Chelsea (Mr. Thompson) here or from other towns spoken about, or from towns among those listed upon the list here upon your desks which have not been able to pay their bills. This was under audit on March 4th of this year,—there is a list of towns there, including in some cases the towns of some of the gentlemen who have spoken against this bill today, which are far in arrears. Is it not necessary to help out those towns? I say that it is.

The bill is exactly what the gentleman from Livermore Falls (Mr. Grua) said it is. It is not what the

gentleman from Calais, Mr. Murchie, says it is, or what the gentleman from North Anson, Mr. Ela, says it is. I think they are confused. That first bill we had before this House, the new draft, simply takes over the board and care of neglected children, and in those cases they are committed to the State through the Probate Court. Now, I for one believe that the Probate Courts of the State can be trusted; if not, something should be done about it.

We do not believe that it is our province to say to the Probate Courts of the State of Maine, "Well, take the children away from their parents, they do not deserve to be in their care." If there should be cases where they run over, due to sympathy for the child, I want to say more power to them.

The matter of money has come up here. The gentleman said there was no money.

I want to thank the gentleman from Buxton, Mr. Davis, for the fair way he presented the matter before the House. It is seldom where a man will stand up before the House or anywhere else and express the facts so frankly, as I think they were conveyed to him by the Finance Officer of the State, Mr. Mossman.

The Committee on Welfare gave this bill every consideration. I believe they went to the very base of this matter, because, of course, there is no object in having this bill if there are no funds to carry it through.

The members of the House heard the remarks of the gentleman from Buxton Mr. Davis, explaining that there were funds to carry this bill along, and no one has disproved that statement.

Of course, I cannot stand up before you and say, even if there are funds for the next two years, that there will be funds for the next four years, or six years, or ten years. Neither can the gentlemen of the Appropriations Committee tell me that they will guarantee funds to run the Agricultural Department for the next ten years, or any other department. We have got to meet that problem as it comes along, but the funds are available today, as our budget shows. This is about all a member of this House has to go by,—is the amount of money actually available, and they show there is a balance, a surplus,

after all of the things that His Excellency the Governor, has asked for in his message; I believe they will be granted, and we will take care of the schools and take care of the teachers' retirement fund. After all that there will be a balance of \$927,000.

There is another little balance that has not been mentioned here this morning but which all the members know about, and which the gentleman from Buxton, Mr. Davis, referred to, and that is the balance from the sale of liquor of over \$500,000, from liquor, more than somebody estimated in this book. There is also on the books of the State \$500,000 from liquor revenue which was there on the first day of December, and it has no doubt increased since that time. That \$500,000 alone is sufficient to take care of these next two years without dipping into the surplus.

Now, if there is any argument about lack of working capital in the State of Maine, here is a very interesting statement, and that is the bank balance of the State of Maine, February 27, 1943, showed a balance of \$11,389,917. If that is not sufficient working capital for any state the size of the State of Maine to work on I would like to know what we do need. I will also add that it has been continually going up. True, some of those are funds which are earmarked but there is over nine million dollars of it in the general fund. That is working capital which the State of Maine has, and I am informed by the Commissioner of Finance that any dollar of that can be drawn on. That has been growing up since the last several years. On October 1st, 1940, there was \$4,414,000; on October 1, 1941, \$6,344,000; October 1 1942, \$8,533,000. There was a figure of over eleven million dollars the last of February, which shows that this is not just a fund which we happen to have in the treasury at this time, but is at least a permanent fund of several million dollars at the present time. I cannot see why that is not invested in our callable bonds, but that is beside the point. The fact is, as the gentleman from Buxton, Mr. Davis, presented to you, that money is available. There is no particular reason why towns in the State of Maine—not only the towns but the cities — in this case all of them

will benefit — it is a large part of the towns, not just a few,— here is the list and it shows that most of the towns in Maine will receive a benefit — some of them more than others, but even where there are a great many children that have had to come under the board and care of the State, they come from some of the poorer towns of Maine. There is no need of explaining that. I think we know why it is.

So I believe, members of the House, if you wish to do something to relieve real estate, then vote for this act. If we wish the Tax Commission to go on as it has been going on in the State of Maine, ever pressing more and more of a burden upon the poor taxpayers of this State, who can least afford to pay it, then do not vote for it; but if you wish to relieve this burden as it is at present in the State of Maine, then vote for this act, and vote for the motion of the gentleman from Portland, Mr. Leavitt.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Boyker.

Mr. BOYKER: Mr. Speaker and Members of the House: I wish to call your attention to something which I believe is indirectly concerned with this bill. You have noticed that I have a seat over here, in Section 4, among these gentlemen whom I consider to be a little out of the ordinary in their upstandings and their downittings. They have not always been with me in matters which have concerned this House, but I have tried to lead them in the right path, and my heart goes out to them this morning as they seem to be inclined to favor a bill which I heartily support. I hope the motion of the gentleman from Portland, Mr. Leavitt, that the majority report be accepted, will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, for the acceptance of the Majority Report "Ought to pass."

The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Members of the House. It is not my purpose to inject any more argument into this debate. I believe that the matter has been thorough-

ly covered and fairly explained. I believe that it is a worthy cause and I wish to support the motion of the gentleman from Portland, Mr. Leavitt.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, to accept the Majority Report "Ought to pass."

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

Mr. MURCHIE: Mr. Speaker, the whole question involved here is one of unsound legislation. It is the question of the difference between the reserve and the current funds. The point I wish to make is whether you wish to plan to go into the future basing your calculations upon estimates. I could go on and read you a lot of material having to do with liquor, on which these gentlemen seem to base their thought that the money is coming through. I do not believe that it is necessary to read all of it. I will just read a portion. This is from the Liquor Trade Paper, "Monopoly State Review." "According to an announcement made by the Pennsylvania Liquor Central Board this month, more than half of the liquor agents who held registrations in Pennsylvania for 1942 did not renew their agents' permits for 1943." "Ohio starts rationing to state's permit holders." "Michigan announced that rationing of many types and brands of liquors and wines would be undertaken in the near future."

"Altered Iowa ration plan sets 3-quart-per-week limit. Altering of the commission's restriction on individual purchases was accompanied by other new rules tightening up the so-called ration system which the commission has set up because of a decreased supply of liquor."

"Sales of liquors and wines in Virginia stores were stopped January 21 by the state control board for a 10-day period in which a strictly controlled coupon book rationing system will be installed for customers."

The whole thing is—I do not believe in Michigan they felt their revenue would be decreased a million dollars in the next two years.

I do not believe we could figure on the money that the gentleman from Clifton (Mr. Williams) sees in this thing in the future.

My only reason for opposing this thing, as I stated in the first place,

is that I feel we are in a rather tough spot. I am in sympathy with the ideas of many members here and I feel that perhaps a great number of members will vote for this bill, but the legislation is not sound.

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

Mr. LEAVITT: Mr. Speaker, I agree with the gentleman from Calais, Mr. Murchie, on one point, and that is regarding looking into the future; but I believe that Mr. Murchie is looking toward the future with the eyes of a pessimist and I believe that this House is not a group of pessimists.

Two years ago, we wondered if we were going to get money enough to pay Old Age pensions, and yet, after all of that pessimism, we now turn up with four million and a half dollars more than we thought at that time. Economists are very much at loggerheads at the present time of what will happen after this war, as to whether we will have a great depression or whether we will have a boom. I believe, from reading, as I do, that the consensus of most of them is that we are going to have an era of prosperity after this war. Even our greatest pessimists do not claim that this war is going to last, at least in the intensity we are in at the present time, beyond 1945.

One of our opponents said that we have liquor enough to last at least two years and a half, and I am just pessimistic enough to believe the people of the State of Maine are still going to spend their money for liquor. That is one thing I am pessimistic about, in this whole thing.

But I do believe that we have now in the surplus enough money to carry this bill of the gentleman from Clifton, Mr. Williams, for at least five years, without once going into taxation. I believe that the future can take care of itself. I believe that we are going to see more surpluses in this State instead of deficits; and I believe that this is a good bill and I do not believe that is unsound legislation.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, for acceptance of the Majority Report "Ought to pass."

The Chair recognizes the gentleman from Vassalboro, Mr. Hawes.

Mr. HAWES: Mr. Speaker, I notice by our budget estimate that we will have added approximately \$685,000 to what we may call the State's fixed expenditures.

Now, you may add to that some over \$500,000 more for the general salary increases which are not specified, but which I have been informed in the last fifteen minutes are set up in the budget. So you will have an increased state expenditure of approximately \$1,200,000. I am not discussing the merits of these proposed increases—but at least the persons for whom they were voted are not in dire want. If it has been deemed advisable to increase the State's fixed expenditures—and they are fixed until they are repealed—at \$1,200,000—those figures are approximate but I believe they are practically correct—I suggest for your consideration that the amount asked for in this bill, by people who want a chance to live, and not increase their efforts—it is worthy of your consideration.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. True.

Mr. TRUE: Mr. Speaker and Ladies and Gentlemen: I think I have heard so much about liquor this morning that I just cannot sit down any more. (Laughter) I do not believe they are going to ration liquor in the State of Maine, because this Legislature is going to adjourn next week. (Laughter) I think we will have plenty of liquor. We are going to make our own cider, and sell it, and we are going to have a little revenue. (Laughter)

I just want to go along with the Majority Report "Ought to pass" because if I did not, the people from Franklin County would not let me come back. (Laughter) Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, for acceptance of the Majority Report "Ought to pass."

Mr. WILLIAMS of Clifton: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Clifton, Mr. Williams, asks for a division.

All those in favor of the acceptance of the Majority Report "Ought to pass" 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. One hundred and sixteen having voted in the affirmative and eight in the negative, the Majority Report "Ought to pass" was accepted, and the New Draft ordered printed under the Joint Rules.

Divided Report

Tabled and Specially Assigned

Majority Report of the Committee on Agriculture on Bill "An Act relative to Licensing Dealers in Livestock" (H. P. 1067) (L. D. 554) reporting same in a new draft (H. P. 1347) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BRAGDON of Aroostook
WOODBURY of Waldo
—of the Senate.
BUZZELL of Fryeburg
McFADDEN of Pembroke
PEARSON of No. Kenne-
bunkport
DAY of Durham
ESTABROOK of Stacyville
LIBBY of Caribou
DENNY of Damariscotta
—of the House.

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

Report was signed by the following member:

Mr. BISHOP of Sagadahoc
—of the Senate.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Denny.

Mr. DENNY: Mr. Speaker, I move the acceptance of the Majority Report "Ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker, I move that the two reports, with accompanying papers, lie on the table and be specially assigned for tomorrow morning.

The SPEAKER: The Chair will observe that there has been some criticism that too many matters have been tabled under the gavel,

and from this point on we shall call for a voice vote.

The question before the House is on the motion of the gentleman from Rome, Mr. Downs, that the two reports, with accompanying papers, lie on the table and be specially assigned for tomorrow morning. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the two reports, with accompanying papers, were tabled pending acceptance of either report.

The SPEAKER: Does the gentleman move that the new draft be printed?

Mr. DOWNS: Yes, Mr. Speaker.

The SPEAKER: The Chair thinks it is possible that the new draft may be printed and be available for this afternoon.

The SPEAKER: The Chair will appoint on the Committee of Conference on Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims" (H. P. 565) (L. D. 314) the gentleman from Rockland, Mr. Sleeper, the gentleman from Auburn, Mr. Jacobs, and the gentleman from Skowhegan, Mr. Savage.

The SPEAKER: The Chair will appoint on the Committee of Conference on Bill "An Act to Regulate the Sale of Fireworks in the State of Maine" (S. P. 100) (L. D. 36) the gentlewoman from Bangor, Miss Clough, the gentleman from Bucksport, Mr. Pierce, and the gentleman from Portland, Mr. Bartlett.

Leave to Withdraw

Mr. Bowker from the Committee on Public Buildings and Grounds on Bill "An Act relating to the Superintendent of Public Buildings" (H. P. 1223) (L. D. 710) reported leave to withdraw, as it is covered by other legislation.

Mr. Ayer from the Committee on Ways and Bridges reported same on Resolve in favor of the Townships of Township 1, Range 9, Township 2, Range 9, Township 2, Range 10, Township 3, Range 9, and Township 3, Range 10, Piscataquis County (H. P. 301)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Osgood from same Committee reported "Ought not to pass" on Resolve relative to Snow Removal (H. P. 974) (L. D. 502)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Buzzell from the Committee on Agriculture on Bill "An Act relating to Management of Institutional Farms" (H. P. 1068) (L. D. 557) reported same in a new draft (H. P. 1348) under title of "An Act relating to Institutional Farms" and that it "Ought to pass"

Mr. Libby from same Committee on Bill "An Act for the Better Protection of Livestock and Poultry" (H. P. 444) (L. D. 243) reported same in a new draft (H. P. 1349) under same title and that it "Ought to pass"

Mr. Morrison from the Committee on Interior Waters on Bill "An Act relating to Storage in Millinocket Lake" (H. P. 1199) (L. D. 690) reported same in a new draft (H. P. 1343) under same title and that it "Ought to pass"

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

Mr. BREWER: Mr. Speaker, there has been a lot of controversy on this particular bill, and I feel that we may be able to iron out some of our difficulties between now and tomorrow morning, and I ask that this matter be tabled and be specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Presque Isle, Mr. Brewer, moves that Legislative Document 690 be laid on the table pending acceptance of report, and that the new draft be ordered printed, and that it be specially assigned for tomorrow morning. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was so tabled and so assigned.

Ought to Pass in New Draft

(Continued)

Mr. Hutchins from the Committee on Motor Vehicles on Bill "An Act relating to Rebate of Registration Fees on Motor Vehicles Owned by Men in Armed Services, or Confiscated by the Federal Govern-

ment" (H. P. 1182) (L. D. 660) reported same in a new draft (H. P. 1344) under title of "An Act relating to Rebate of Registration Fees on Motor Vehicles taken by Eminent Domain" and that it "Ought to pass"

Mr. Jones from the Committee on Public Utilities on Bill "An Act to Extend the Charter of the Vanceboro Water Company" (H. P. 467) (L. D. 249) reported same in a new draft (H. P. 1345) under title of "An Act to Incorporate the Vanceboro Water Company" and that it "Ought to pass"

Mr. Brown from same Committee on Bill "An Act to Incorporate the Bethel Water District" (H. P. 464) (L. D. 255) reported same in a new draft (H. P. 1346) under same title and that it "Ought to pass"

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

Ought to Pass

Mr. MacLeod from the Committee on Ways and Bridges reported "Ought to pass" on Bill "An Act Authorizing a Reissuance of Bonds for the Purpose of Refunding Waldo-Hancock Bridge Bonds" (H. P. 1208) (L. D. 683)

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

First Reading of Printed Bills and Resolves

Bill "An Act relating to Judges of Municipal Courts not to Act as Counsel" (H. P. 1332) (L. D. 870)

Bill "An Act relating to Suspension of Licenses for Eating Places, etc." (H. P. 1333) (L. D. 871)

Bill "An Act Permitting the State to Render Aid in Organized and Unorganized Territory" (H. P. 1334) (L. D. 872)

Bills were read twice and assigned for third reading this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Clifton, Mr. Williams, and designates him as Speaker pro tem, and will ask the Sergeant-At-Arms to conduct him to the rostrum.

Thereupon, the Sergeant-At-Arms conducted Mr. Williams to

the rostrum, where he assumed the Chair, amid the applause of the House, the members rising, and Speaker Richardson retired.

First Reading of Printed Bills and Resolves (Continued)

Bill "An Act to Incorporate the Patten Water and Power Company" (H. P. 1333) (L. D. 873)

Bill "An Act relating to Lands Owned by the State" (H. P. 1336) (L. D. 874)

Bill "An Act relating to the Policing of State Parks, and Acceptance of Gifts for Improvement of State Parks" (H. P. 1339) (L. D. 875)

Bill "An Act relating to the Milk Control Board" (H. P. 1340) (L. D. 876)

Bills were read twice and assigned for third reading this afternoon.

Tabled and Assigned This Afternoon

Resolve Authorizing the Sale of T. 1, R. 13, W. E. L. S., Piscataquis County (H. P. 1337) (L. D. 877)

(Resolve had its first reading, and on motion by Mr. McKusick of Parkman, tabled pending assignment for second reading, and specially assigned for this afternoon.)

Resolve Granting Authority to the Forest Commissioner to Cancel Deed Erroneously Recorded (H. P. 1338) (L. D. 878)

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

Passed to Be Engrossed

Bill "An Act relating to Refunding of Washington County Bonds" (S. P. 469) (L. D. 850)

Bill "An Act relating to the Salaries of the Members of the State Highway Commission" (S. P. 470) (L. D. 849)

Bill "An Act relating to Expenses of Maintaining County Roads" (S. P. 471) (L. D. 851)

Bill "An Act relating to Notices of Changes of Locations of Certain Highways" (S. P. 472) (L. D. 853)

Bill "An Act relating to Conscientious Suffering Preceding Death" (S. P. 473) (L. D. 854)

Bill "An Act relating to the Retirement System for State Police" (S. P. 474) (L. D. 852)

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 Assigned This Afternoon

Bill "An Act providing for the Licensing and Regulation of the Amusement known as Five-in-a-Row" (H. P. 1303) (L. D. 834)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Davis of Montville, a viva voce vote being taken, tabled pending third reading, and specially assigned for this afternoon)

Passed to Be Engrossed (Continued)

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 "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)

Resolve proposing an Amendment to the 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)

Resolve Authorizing the Forest Commissioner to Convey Certain land to Enos Drumm, of Thomaston, Connecticut (H. P. 330) (L. D. 198)

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 Increasing the Compensation of Members of the Board of Registration of Voters" (H. P. 344) (L. D. 201)

Bill "An Act relating to Permit for Cattle Entering the State" (H. P. 921) (L. D. 475)

Bill "An Act relating to Automobile Travel by State Employees" (H. P. 1186) (L. D. 663)

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.

Without Committee Amendment

Bill "An Act relating to the Salary of the Sheriff of Hancock County" (S. P. 266) (L. D. 472)

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

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

Passed To Be Enacted

Emergency Measure

An Act to Aid the Prosecution of the War by Providing for the Creation of Local Agencies to Cooperate with the Federal Government in Making Housing Available for Persons Engaged in War Industries and Activities and by Granting Certain Powers to Public Bodies (H. P. 25) (L. D. 9)

The SPEAKER: This Bill, having had its three several readings in the House, and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it pass to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this Bill to be enacted 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.

One hundred and one having voted in the affirmative and none in the negative, 101 being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regulating the Sale of Horse Meat (H. P. 1280) (L. D. 793)

The SPEAKER: This Bill, having had its three several readings in the House, and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it pass to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this Bill to be enacted 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.

One hundred and thirteen having voted in the affirmative and none in the negative, 113 being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Amending an Act to Incorporate the Brunswick Village Corporation (H. P. 1307) (L. D. 825)

The SPEAKER: This Bill, having had its three several readings in the House, and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it pass to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this Bill

to be enacted 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.

One hundred and thirteen having voted in the affirmative and none in the negative, 113 being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act relating to Bonds of Probation Officers (S. P. 141) (L. D. 145)

An Act to Make Uniform the Law of Transfer of Shares of Stock in Corporations (S. P. 287) (L. D. 450)

An Act relating to the Signature of the Treasurer of State and Endorsement of Bonds in the State Treasury (S. P. 294) (L. D. 443)

An Act relating to Commitment of Persons of Unsound Mind to the State Hospitals for Observation (S. P. 320) (L. D. 524)

An Act relating to Commitment of the Insane (S. P. 321) (L. D. 525)

An Act relating to Procuring or Attempting to Procure Abortion or a Miscarriage (S. P. 457) (L. D. 805)

An Act Establishing a Game Preserve in the town of Rangeley, county of Franklin and State of Maine (H. P. 243) (L. D. 187)

An Act relating to Compensation of Judge of Probate of Lincoln County (H. P. 264) (L. D. 169)

An Act relating to Powers of Police Commission of the City of Augusta (H. P. 756) (L. D. 405)

An Act Authorizing the Sale of Certain Property by the County Commissioners of Lincoln County (H. P. 757) (L. D. 407)

An Act relating to Inspections and Recounts in Municipal Elections (H. P. 800) (L. D. 382)

An Act relating to Town Reports (H. P. 809) (L. D. 465)

An Act relating to the Disposal of Insane Criminals (H. P. 939) (L. D. 543)

An Act to Provide for Education of Orphans of Veterans (H. P. 1097) (L. D. 551)

An Act relating to Search for Lost Persons (H. P. 1257) (L. D. 759)

An Act to Abolish Old Age Assistance Commission (H. P. 1272) (L. D. 778)

An Act providing for a System of Apprenticeship whereby Voluntarily Made Agreements of Apprenticeship would be Encouraged; Establishing Standards for such Agreements in Conformity with the Minimum Apprenticeship Standards of the Federal Committee on Apprentice Training; Creating an Apprenticeship Council and Defining their Duties (H. P. 1299) (L. D. 821)

An Act relating to Taxation of Telephone and Telegraph Companies (H. P. 1300) (L. D. 822)

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.

Enactor Tabled

An Act relating to Alternative Method of Enforcement of Tax Liens (H. P. 1301) (L. D. 830)

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

Mr. PAYSON: Mr. Speaker, as this is a measure on which the House has asked an advisory opinion from the Supreme Court, and that opinion is not yet available, I therefore move that the bill lie on the table for assignment.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that Legislative Document 830 lie on the table pending passage to be enacted. Is this the pleasure of the House?

The motion prevailed, and the bill was so tabled.

Passed to be Enacted

(Continued)

An Act relating to Conveyances of Municipal Airport Lands to the United States of America. (H. P. 1306) (L. D. 824)

An Act relating to the Election of the School Committee of the town of Brunswick (H. P. 1308) (L. D. 826)

Finally Passed

Resolve relating to Fire Protection for Baxter State Park (S. P. 377) (L. D. 803)

Resolve in favor of a Bridge Across the Allagash River (S. P. 456) (L. D. 804)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be

enacted, Resolves finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, I move that the House recess until two o'clock this afternoon.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that the House recess until two o'clock. Is this the pleasure of the House?

The motion prevailed, and the House recessed until two o'clock this afternoon.

Afternoon Session

2:00 P. M.

The House was called to order by the Speaker.

Orders of the Day

The SPEAKER: The Chair now lays before the House the first matter of unfinished business, Majority Report "Ought not to pass as Legislation Inexpedient" and Minority Report, "Ought to pass" as Amended by Committee Amendment "A" of the Committee on Judiciary on Bill "An Act Penalizing Certain Activities Relating to Rationed Commodities in Time of War." (H. P. 1178) (L. D. 656) tabled by the gentleman from Boothbay Harbor, Mr. Perkins, on March 25th, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker, I would move that this bill and the two reports be tabled and specially assigned for tomorrow morning, my reason being that the gentleman from Houlton, Mr. Barnes, is unable to be present at this time and as he is the signer of the minority report he asked me if I would not do this. I am very glad to accommodate him, and I ask that it be tabled and specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Perkins, moves that the bill and accompanying reports lie on the table pending acceptance of either report and be specially assigned for tomorrow morning. Is this the pleasure of the House?

The motion prevailed and the bill and reports were so tabled and so assigned.

The SPEAKER: The Chair now lays before the House the second matter of unfinished business, Senate Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on "Resolve, Providing for the Publication of Georgetown Vital Records" (S. P. 386) (L. D. 678) tabled by the gentleman from Calais, Mr. Murchie, on March 26th, pending acceptance of report.

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

Mr. SLEEPER: Mr. Speaker, I note the absence of the gentleman from Calais, Mr. Murchie, so in fairness to him I think we ought to table this until later in the day's session.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the "Ought not to pass" report on L. D. 678 be tabled pending acceptance of report and taken up later this afternoon. Is this the pleasure of the House?

The motion prevailed and the report was so tabled.

The SPEAKER: The Chair lays before the House the third matter of unfinished business, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Ways and Bridges on Bill "An Act to Create a Fund Known as 'Town Road Maintenance and Improvement Fund'" (H. P. 1229) (L. D. 715) which was tabled by the gentleman from Augusta, Mr. Cross, on March 26th pending acceptance of either report.

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

Mr. SLEEPER: Mr. Speaker, I also note the absence of the gentleman from Augusta, Mr. Cross, and, although perhaps it might not appear to be ethical, I move we table this matter until later in today's session.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the two reports and accompanying papers be retabled pending acceptance of either report until later this afternoon. Is this the pleasure of the House?

The motion prevailed and the reports were so tabled.

committee was accepted in concurrence.

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

Mr. SLEEPER: Mr. Speaker, I note the presence of the gentleman from Calais, Mr. Murchie. Perhaps he is willing to take up his matter now.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves to take from the table the second matter of unfinished business, Senate Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolution Providing for the Publication of Georgetown Vital Records (S. P. 386) (L. D. 678) which was tabled by the gentleman from Calais, Mr. Murchie, on March 26th pending acceptance of report.

The motion prevailed.

The SPEAKER: The Sergeant-at-Arms, if it is possible, will bring in some of the members who have matters on the table.

Mr. MURCHIE: Mr. Speaker, I apologize for not being on the job. I take it that you refer to the second matter of unfinished business. I now move it be taken from the table.

The SPEAKER: It is now before the House.

Mr. MURCHIE: Mr. Speaker, I move that the report of the committee be accepted and that the bill be given its several readings at this time. I might just state that the thought is that there is sufficient money in the hands of the library already to take care of this idea.

The SPEAKER: The report is "Ought not to pass." Does the gentleman move to substitute the bill for the report?

Mr. MURCHIE: No; I am mistaken on this, Mr. Speaker. I am sorry. I move to accept the "Ought not to pass" report of the committee, and I will take care of it over in the other branch.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves acceptance of the "Ought not to pass" report. Is this the pleasure of the House?

The motion prevailed, and the "Ought not to pass" report of the

The SPEAKER: The Chair lays before the House the fourth matter of unfinished business, Bill "An Act Relating to Sale of Tax Acquired Land." (H. P. 1287) (L. D. 816) which was passed to be engrossed in the House on March 23rd; in the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence, and in the House tabled by the gentleman from Bangor, Miss Clough, on March 29th, pending consideration.

The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Members of the House: It might be wise at this time to review a little of the history of this bill. I have got to admit this was my child, and, up to a certain point in his existence he had a perfectly normal and healthy existence. But there came a time when he had to go before the board for examination, and, after a pretty rigid examination, ten surgeons proceeded to operate. The operation really developed into a dissection. One surgeon very kindly administered a dose of adrenalin. The patient did live through the operation but he has never been the same since, and there is danger that even if he should live at this time he might be an undesirable citizen and possibly might fall upon the care of the State. So, to prevent anything of that nature, Mr. Speaker, I am going to move you that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Rome, Mr. Downs, moves indefinite postponement of Bill "An Act Relating to Sale of Tax Acquired land." (H. P. 1287) (L. D. 816). Is this the pleasure of the House?

The motion prevailed and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair lays before the House the fifth matter of unfinished business, Bill "An Act Appropriating Money for the State Soil Conservation Law." (H. P. 125) (L. D. 105) which was passed to be engrossed in the House on March 12th as amended by Committee Amendment "A". In the Senate

Committee Amendment "A" adopted, subsequently Bill as amended indefinitely postponed in non-concurrence; in the House, tabled by the gentleman from Orono, Mr. Goldsmith, pending consideration.

On motion by Mr. Brewer, of Presque Isle, the House voted to insist and ask for a Committee of Conference.

The SPEAKER: The Chair lays before the House the sixth matter of unfinished business, Majority Report "Ought to pass" as amended by Committee Amendment "A" and Minority Report "Ought not to pass" of the Committee on Counties on Bill "An Act Relating to Farm Bureau Assistance in Oxford County" (H. P. 1094) (L. D. 565) which was tabled by Mr. Nadeau of Biddeford on March 29th, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. NADEAU: Mr. Speaker and Members of the House: As the Oxford County delegation had a meeting this afternoon and voted to go along with the majority report, I move the acceptance of the majority report.

The SPEAKER: The gentleman from Biddeford, Mr. Nadeau, moves acceptance of the majority report, "Ought to pass" as amended by Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed, and the majority report "Ought to pass" as Amended by Committee Amendment "A" was accepted.

Thereupon, the bill, having already been printed, was given its two several readings under suspension of the rules.

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

Committee Amendment "A" to H. P. 1094, L. D. 565, Bill "An Act Relating to Farm Bureau Assistance in Oxford County."

Amend said Bill by striking out the underlined words "an amount of not less than \$3,000" in the last line thereof and inserting in place thereof the underlined words "not less than \$3,500 per year for the calendar years of 1943 and 1944."

Committee Amendment "A" was adopted and the bill was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the seventh matter of unfinished business, House Report "Ought not to pass as Covered by Other Legislation", of the Committee on Judiciary, on Bill "An Act Amending the Workmen's Compensation Act." (H. P. 1123) (L. D. 588) which was tabled on March 29th by Mr. Renouf of Biddeford, pending acceptance of report.

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

Mr. DONAHUE: Mr. Speaker, in the absence of Mr. Renouf, I move that this matter lie on the table until later in today's session.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that this report be laid on the table pending acceptance of report, and taken up later this afternoon. Is this the pleasure of the House?

The motion prevailed and the report was so tabled.

The SPEAKER: The Chair lays before the House the eighth matter of unfinished business, Bill "An Act Relating to the Choice of Assessors and Compensation of Town Officers." (H. P. 1312) (L. D. 841) which was tabled by the gentleman from Otisfield, Mr. Pottle, on March 29th, pending third reading; and the Chair recognizes that gentleman.

Mr. Pottle thereupon offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1312, L. D. 841 Bill "An Act Relating to the choice of Assessors and Compensation of Town Officers."

Amend said bill by striking out in that part designated "Sec. 12-B", in the 8th line, the underlined words: "in towns having less than 3,000 inhabitants,"

Further amend said bill by striking out in the 9th line of that part designated "Sec. 12-B" the underlined figures "\$2.50" and inserting in place thereof the underlined figures "\$5 .

Further amend said bill by striking out in that part designated "Sec. 12-B" all after the word "town" in the 10th line thereof.

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

The SPEAKER: The Chair lays before the House the ninth matter of unfinished business, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Clarifying the Apportionment of Representatives to the Legislature." (H. P. 186) (L. D. 136) which was tabled by Mr. Doughty of Gray on March 29th pending acceptance of majority report; and the Chair recognizes that gentleman.

Mr. DOUGHTY: Mr. Speaker and Members of the 91st Legislature: I am reluctant to arise and oppose a bill introduced by my good friend from Portland, Mr. Leavitt, as he and I come from the same county; but I have opposed him before, and will try to this time.

Every ten years the legislature reapportions the state, one hundred and fifty-one representatives among the several counties, cities and towns, plantations and classes in the State of Maine.

Two years ago a committee was appointed from both branches of the legislature to do this job—one from each councilor district and one from each county, making a committee of twenty-three—and my good friend, Mr. Leavitt, was a member of that committee from Cumberland County.

The committee met several times and went over the population as regards increase and decrease in population in the sixteen counties. A careful check was made, and the following four counties had an increase in population the last ten years, and would gain representation as follows: Aroostook, 1; Cumberland, 2; Kennebec, 1; and York, 1. Keeping our representation in the House at 151 members, the following five counties would lose: Franklin, 1; Knox, 1; Piscataquis, 1; Sagadahoc, 1; and Washington, 1.

I quote the chairman of the apportionment committee of the 90th legislature: "A good deal of what has been said here this morning has

already been said before that committee and has been deliberated on by that committee. We had a number of meetings; we discussed those matters quite thoroughly. I want to say that Mr. X was more than fair when he said in his talk that in his opinion it was contrary to some provision of the constitution of the State of Maine. I think he was fair enough in making that statement to admit that some of the rest of us feel that on that we disagree with him on his interpretation of that particular part of the constitution which says 'as near as may be'.

"Just what do these words mean?—And it is acting on those words that a committee of twenty-three, the vote was twenty-one to two to have the apportionment among the several towns, cities and plantations just the way it is now. There seems to be a matter of difference of opinion as to the wording of the constitution. Twenty-one of the twenty-three are satisfied that it is not flying in the face of the constitution of the State of Maine to leave it as it is."

Just think! Lawyers on the Reapportionment Committee could not agree on the interpretation of the constitution.

Then my friend from Portland, Mr. Leavitt, was not quite satisfied, and he reapportioned Cumberland County, unbeknown to a majority of the members of the Cumberland County delegation. Of course this caused some members to become a little disgruntled, and they called a meeting of that delegation and they voted to leave the representation in Cumberland County the same as the last ten years.

I fail to see why it is necessary for a constitutional amendment at this time—let the legislature of 1949 or 1951 take care of that.

We have a floating population in and around Portland of about twenty-five thousand people today, and after this war is over they will be glad to come back to the smaller counties to live.

I hope you members of this legislature who represent the smaller towns and communities will vote against the "Ought to pass" report of this committee. If you do not there won't be enough members left to act as pall-bearers for the members you might lose.

Our Committee on Judiciary of ten members made a divided report on this bill—six, "Ought to pass" and four, "Ought not to pass".

A constitutional amendment at this time requires some thought at least. When three or four members of that committee do not understand the bill, how do you expect the rest of us to understand it?

Just look at the bill: "1/3 %, 1%, 2%, 3¼ %, 5%, 7%, 8½ %". He skips from 5 to 7%, leaving out 6. I don't believe there are lawyers enough in the state house to figure out such a bill.

The legislature is the sole judge of its membership. If it should vote to take members from the smaller counties and give them to the larger counties, it has a right to every ten years.

Back in 1909 they came within one or two votes of moving the capitol to Portland, just before those two wings were added to this building. Certainly it would be much nearer for me to attend the legislature if the capitol were in Portland; also the other members from Cumberland and York Counties.

It seems to me this constitution has stood for a number of years, and I think it will stand for some years to come. We hope the war will be over by 1944; if it lasts until 1951 we won't need any amendment by that time.

I say again, you who represent the rural section of this state: There is a nigger in the wood pile. Vote against this bill. I make the suggestion that this bill be referred to the committee on bills to be indefinitely postponed.

Mr. Speaker, I move the bill be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Gray, Mr. Doughty, that Legislative Document 136 be indefinitely postponed.

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

Mr. LEAVITT: Mr. Speaker and Members of the House: I admit the fairness and sincerity of my friend from Cumberland County, Mr. Doughty. I believe that he believes as a majority of the people of this House believe at this time. Every person in this Legislature, when they come here, has at least

one lost cause which they are willing to fight for. There is no nigger in the wood-pile. This is an plain as the nose on your face if you are willing to look at it. It does mean, however, that if you want to look at it and look at it straight in the face you have got to admit you cannot be small; it means that you cannot think of your own little town, your own big city or your own county. You have got to think in the terms of democracy; you have got to think in terms of representation of all people.

The Press Herald yesterday, without any coaching from me, published an article which comes from Washington, in Elisabeth May Craig's column. It is a very interesting article. Many of my colleagues here have read correspondence and papers, and I am going to read to you a small part of this article.

"Last Fall, Senator White of Maine discovered an old Atlas filled with autographs of people great in the middle of the last century, and including a letter from Thomas Jefferson to William King, Maine's first governor, in which Jefferson says that the copy of the proposed Constitution for Maine (not yet a State) is all right except that it doesn't provide proper representation in the Legislature. In the letter Jefferson said that equal representation is so fundamental a principle in a true republic that no prejudices can justify its violation, because the prejudices themselves cannot be justified."

Jefferson goes on to say that he thinks Maine will remedy the defect in its Constitution in time.

That is what I am trying to say to you, that regardless of your prejudices there is no prejudice in this State that should be so great that you would disregard equal representation.

Two years ago, when that committee met, as the gentleman from Gray, Mr. Doughty, will tell you, there would have been a change in the representation if the people had been fair; there would have been four counties that would have gained representation; there would have been five that would have lost it. This would not have been a bad thing to happen to the State. But we had on that committee some very fine lawyers, and the Consti-

tution of the State is so flexible that clever lawyers can find loopholes in that section of the Constitution which does not make it necessary to reapportion unless we wish to.

In 1841 we had 200 members in this House. They decided to change the Constitution to only allow 151 members, but they did not take out the clause further down in the Constitution which said that the House can still have 200—and any layman reading that Constitution—and I hope you members here have availed yourself of the privilege of reading that Constitution of the State of Maine—you will find on Page 9 of that Constitution in this small yellow book, of which you can get a copy down in the State Library—you can get a dozen of them or you can have one—as you read that through I will defy anybody here who is not a lawyer and wants to look at it abstractly—I say there is not a person here who would know what that section means.

Of course it was very simple when we met together two years ago. We found we were to have 151 members. That is easy. Then we come down and find out that every town of 1500 shall have representation. That is easy. But if you give every town in this State that has 1500, representation, we will have a body nearly as large if not as large as that of New Hampshire, and it says we shall have 151.

It goes on under a progression which follows exactly the percentage progression which Mr. Doughty speaks of, until we get to this clause: "and, when on this apportionment the number of representatives shall be two hundred, a different apportionment shall take place upon the above principle."

I think any good lawyer will know, that coming under the first sentence which says there shall be 151, he knows that is inoperative. But the lawyers in our committee last year kept bringing that up. They said, "Oh no, we will go to 200; we won't take anybody off."

And so, ladies and gentlemen, I suggest in this constitutional amendment that phrase or that small paragraph "and, when on this apportionment the number of representatives shall be two hundred, a different apportionment shall take place upon the above princi-

ple" be stricken from the Constitution.

Now that is the only change in the Constitution. There are two other adjustments which I do not consider changes. One clarifies this statement made by my friend, Mr. Doughty. What does "as near as may be" mean? It says here: "The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties as near as may be, according to the number of inhabitants." Now if that does not mean by mathematical computation, I do not know what English stands for. But note, they stopped at "as near as may be." They would not go beyond that, "in accordance with the number of inhabitants" but they say "as near as may be."

And so I have suggested, principally because of the fact I believe any fair-minded persons knows what it does mean, that they add the words in there "by mathematical computation" and keep out any argument that some person trying to be clever might try to put into it.

The only other change in the Constitution is because of the fact we find the average representation in this House at this time is 5611—in other words, every 5611 people in this State are entitled to representation. So it means the towns in most instances which are smaller than that are not allowed representation. And yet it says here that a town of 1500 shall have representation. So I feel that where the State of Maine may some day—yes, as I said this morning, I am still an optimist—and where the State of Maine may some day reach a population of a million or a million and a half or two million people, what is the sense of keeping in a law the figure of 1500 as the basis of representation when it is now entirely outmoded and has been outmoded for at least seventy-five years? Instead of saying "1500 people" we will say that we will take the average of the towns at the present time which do have representation.

There are towns here which have as low as one-third of one per cent of the population and they have representation because of the way that the county wishes to apportion in that county. We have other towns that are up to almost one per cent.

There are no towns under 88,400 which have two representatives; so I say that towns over one per cent and not up to two per cent shall have two representatives. It makes no difference then whether all of our friends and relatives decide to leave the State and the population drops down to 400,000 or whether we have the optimistic viewpoint I have—it may go to a million or a million and a half or two million in the next fifty or sixty years—and you have there a flexible provision for the representation to stay the same. 151 on an equal percentage basis.

I realize, and I hope you members realize, that I am talking more or less to people who do not agree with what I am talking about. Several of you may think I have an axe to grind, that I have this "nigger in the wood-pile" which my friend, Mr. Doughty referred to, and therefore I am not going to ask this House to pass this bill or try to pass it. I do hope, however, that you will vote against Mr. Doughty's motion for indefinite postponement, because as soon as you do that I shall ask this House to refer it to the Legislative Research Committee for further study. I feel that the fundamental issue behind this—that of equal representation, the fundamental issue of democracy in this State—can be best served by having this matter considered two years from now with a better understanding of this group. With one short illustration, I will sit down.

When your well-run fire department goes out to a fire and comes back into the barn, the first tenet they have is that they will put their equipment in good shape in order that it may be ready to go out to the next fire. Only people who are slovenly or a department which is not run well will let that equipment lay with a flat tire or wet hose around the barn, hoping there will be no other fire until they have a good night's sleep. In other words, they put their equipment into first-class shape, so that five minutes after they leave it they can go right back to it and go to another fire.

Eight years from now we will have to reapportion again. I believe, after seeing the workings of that reapportionment section of our Constitution two years ago, that this needs to be repaired, and the time to repair it is now, not in 1949 or

in 1951. The time to do it is as soon as we possibly can do it. Now, if this Legislature is not ready for it at the present time, if you feel that something more is wanted on this bill, I would like to have you at least give the courtesy to me of allowing the Research Committee to study it. If that Research Committee in studying it in the coming two years between now and 1945 feel that there is nothing to this and wants to leave things as they are, I am willing to do it. But I do ask you to allow that committee to study this bill. I have great respect for your Judiciary Committee, both those who voted for and those who voted against it, and I believe you will concede that when six of these members of this committee have studied this and believe there is something wrong with our Constitution, that at least I am not talking about pipe dreams. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, I have listened with some interest to the remarks of the last speaker in regard to this reapportionment proposition. I too have the highest respect for all the committees of this House and this Legislature. I also have the highest respect for the committee of twenty-three members of this Legislature two years ago who studied this proposition—one member from each county and one member from each councillor district. Those twenty-three men discussed this proposition very thoroughly, and arrived at the conclusion that the apportionment was as near as may be unless we robbed a few small counties of their representation and gave it to a larger county which did not need it.

A man has to have courage, I believe, Mr. Speaker and Members of the House to come into this House when he is the representative of twenty-four members of Cumberland County and ask us to rob two small counties to give him two more. I do not think it is fair.

I think this question was in the minds of every member here who was on that Committee on Apportionment four years ago, and there were fourteen. We did study this proposition. Mr. Leavitt says we were not fair. Do you think, ladies and gentlemen, it is fair to take from Sagadahoc County, which has only four representatives, de-

prive them of one and give them only three? Do you think it is fair to take from Franklin County, which has only three—take away one? Do you think it is fair to take representation away from other counties in the State? I do not think that is fair.

No doubt the population of Cumberland County has increased during the past two years. The bill itself says "inhabitants", not "voters". There are several thousand men in Cumberland County working today in the shipyards who do not live there and yet they are inhabitants while they are there.

This committee has been fair, I believe, and when we apportion or reapportion, as the case may be, we do it for ten years, and we decided that it should be "as near as may be" and let it go until the next ten years, and then if there is a necessity for reapportionment let the committee which is chosen at the time of twenty-three members settle this question.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: It was also my privilege to serve on that committee of twenty-three at the last session of the Legislature, and, coming from one of the smaller counties, Knox County, which stood to lose a representative, I kept rather quiet at the beginning of the discussion because I did not want to be selfish about it. We really studied the proposition. As the gentleman from Auburn said, we had sixteen House members representing each County and a Senator representing each councillor district. It was very significant—I hate to bring sectional prejudice into this discussion—but it finally went, if we split hairs, the small counties, Franklin, Sagadahoc and Knox stood to lose one representative, and the large counties gained—Cumberland 2, York 1, Aroostook 1, and Kennebec 1. Naturally the counties that stood to lose were a little bit worried, and we were willing to be fair about it. It was very significant that the other three counties that stood to gain, York, Kennebec and Aroostook, said they did not care to gain at the expense of the smaller counties. I hate to bring these sectional things into it because it was not really meant. I am sure that the gentleman from

Portland, Mr. Leavitt, is very sincere that this should be ironed out according to the letter of the law. But the only two members who did not agree were the two members from Cumberland County. I am just stating the facts as they are. We voted 21 to 2 to carry that as we did. The population change is so small that even if we do omit that change there would not be a large difference; and the committee felt if we carried it over the next ten years on that same basis of representation that we had in the past ten years that we would be pretty well represented. I do not see anyone in that committee of twenty-three crying that he was not represented here. With one possible exception, everything was harmonious.

We also took into consideration the fact that every state has the same problem about its representation. New York State, for instance—if it went on this basis, three-quarters of the members of the Assembly in Albany would come from New York City. If Massachusetts had this same system, twenty-five per cent of the members would come from greater Boston. And the same is true of all the others. None of them have adopted it to the letter of the law. They realize enough is enough. The larger centers of population are not given that real representation, that is true. I will say right here now, I bet you that Portland with its eighty or ninety thousand people is just as well represented here by seven representatives as Gray is by one man. I do not think the people of Portland are suffering because they only have seven representatives—and the same applies to Bangor, with four, and to Lewiston with five.

We felt in all fairness to the small towns, although we did not follow perhaps the letter of the law, we felt we should be fair to the smaller counties and allow them the same representation; and so the committee, with one possible sectional disagreement, voted to continue the thing as it was for the next ten years. The thing will come up in eight or more years, and by that time the war will be over and our population will be stabilized. I should not worry about Mr. Leavitt's amendment, because Knox County is also in the war industry so I imagine it will keep its

six representatives, and if eight years from now the population has gone down we can reapportion this. But I certainly hope we will not encumber a recess committee of this House by any more discussion on this thing. We thought we settled it two years ago. The thing was fought out hardly and fairly on the floor of the House, and the House voted to sustain this Committee by an almost unanimous support. So I now hope that the motion of the gentleman from Gray (Mr. Doughty) will be sustained and that this bill will be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Gray, Mr. Doughty, for indefinite postponement of the bill.

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

Mr. LEAVITT: Mr. Speaker, I feel hurt to a certain extent by being called unfair in this matter. I feel that the Constitution of the State of Maine and the Constitution of the United States are sacred documents. When we came here to this Legislature we stood up and held up our hands and said, "We will uphold the Constitution of the State of Maine and the Constitution of the United States."

Now if it is fair to that oath to disregard it regarding apportionment—I am a stickler for the law—I will accept the verdict of this House that I am unfair. I am simply saying that under the Constitution people should have equal representation, regardless of whether they come from Bangor or come from Portland or come from Milo; each person in this House is entitled to equal representation. If that is being unfair, I stand convicted.

The SPEAKER: The Chair recognizes the gentleman from Parkman, Mr. McKusick.

Mr. MCKUSICK: Mr. Speaker, I was not a member of the Apportionment Committee two years ago, and I am not prepared to debate the inconsistencies that exist, but I am a member who comes from a small town and I am very much interested in the effect this representation will have on the representation from the small towns. I put in a little time in the library the other afternoon, and I have a few figures I would like to give you.

I find the population of the State as given in the 1940 census to be 847,226. I also went over the population of some of the towns and cities. You will notice there is a clause in Section 2 that says that a town which has more than one-third of one per cent of the total population of the State may elect a representative, and up to one per cent. One-third of one per cent is 2824 people. One per cent is 8472 people. Well, that would mean that any town whose population is between 2800 and 8472 would be entitled to one representative. With some of the other members' help, I found there were forty-six towns. We also counted the cities. As near as we could tell, those entitled to more than one representative, were forty-three. That would mean, as near as we could tell, there would be 89 of the 151 representatives that would go to towns and cities with a population of more than 2824. That would leave 62 small towns. I could not find the figures of the population of the towns up to 2824, but the census report did divide the population of the State into urban population and rural population. Urban population, as it was given I understand it took in those towns that had more than 2500 people and did not go up to 2800. The urban population as given was 343,057 and the rural population 504,169. Would it be fair representation? That was the argument of my friend, Mr. Leavitt, to give 89 representatives to 343,000 of our people and let the other 504,000 only have 62. I cannot see it.

I just want to call your attention to the situation in Piscataquis County, my home county. We have at present four representatives, even if reapportionment took away one from us. We have two towns over 2800. Those are the towns of Milo and Dover-Foxcroft. According to the terms of this amendment, those towns would each be entitled to elect one representative. That would mean two representatives to be divided among all the rest of Piscataquis County. I will call your attention to the size of Piscataquis County. It is a pretty big place in terms of space although it is small in population. This would mean that the town of Sangerville, which is now classed with Dover-Foxcroft, would be cut out of representation; it would mean that

towns of Orneville and Atkinson and Sebec, now classed with Milo, would be crowded out. I cannot see how any member from a town of less than 2800 people would support such an amendment as this. If we are going to amend the Constitution to get fair representation, let us amend it and not put through such a bill as this.

The SPEAKER: The question before the House is on the motion of the gentleman from Gray, Mr. Doughty, for indefinite postponement. All those in favor will say aye; those opposed no.

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

The SPEAKER: The Chair now lays before the House the tenth matter of unfinished business, "An Act to Provide for the Issuance of Refunding Bonds of the State" (H. P. 1069) (L. D. 558) tabled by the gentleman from Houlton, Mr. Barnes, on March 24th, pending passage to be enacted.

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

Mr. BARNES: Mr. Speaker, unless the opinion has come in, I would like to have this matter retabled until such time as it does come in.

The SPEAKER: The gentleman from Houlton, Mr. Barnes, moves that L. D. 558 be retabled. Is this the pleasure of the House?

The motion prevailed and the bill was retabled pending passage to be enacted.

The SPEAKER: The Chair lays before the House the eleventh matter of unfinished business, "An Act Relating to the Salary of the Judge of the Municipal Court of Portland," (H. P. 120) (L. D. 74) tabled by the gentleman from Portland, Mr. Leavitt, on March 24th, pending passage to be enacted, and the Chair recognizes that gentleman.

On motion by Mr. Leavitt, the bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

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

Mr. SLEEPER: Mr. Speaker, I note the presence in the House of the gentleman from Augusta, Mr. Cross, and, with his permission and yours, I would like to take from the table the third matter of unfinished business, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Ways and Bridges on Bill "An Act to Create a Fund Known as 'Town Road Maintenance and Improvement Fund'" (H. P. 1229) (L. D. 715) which was tabled by me earlier in today's session.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves to take from the table the fifth afternoon-assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Ways and Bridges on Bill "An Act to Create a Fund Known as 'Town Road Maintenance and Improvement Fund'" (H. P. 1229) (L. D. 715) which was tabled pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed.

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

Mr. CROSS: Mr. Speaker and Members of the House: I wish to thank our Floor Leader and thank the Members of the House for their indulgence in allowing me to have a chance to speak for—well, I will not call it a lost cause quite yet, although it may turn out to be so.

In the first instance, Mr. Speaker and Members of the House, I would like to bring out one fact which I hope you will understand, and that is that I do not wish any one to think that in my one lone opinion on this bill, that I have the opinion on this matter that my own intelligence is superior to the other nine members of the committee, because I assure you that I have no such thought in mind. I do, however, feel that I have given this matter much more attention and much more consideration, and have delved deeper into this problem than these other nine members. I venture to say that if they had gone as deeply as I have into this matter that I would have had a unanimous report. I wish that I had the eloquence of our worthy Floor Leader, who encouraged me the other day by upsetting a unanimous report "Ought not to pass."

It may be that, although I lack the eloquence, I may be able to convince you through logic that my stand is essentially as good as his.

Now, this bill is something like a bill which I talked on earlier in today's session. It is a bill which I feel goes deeply into a problem in which all you members are interested today, and that is our road system. The State of Maine depends more than any other state upon its roads, and this bill is fundamentally sound, inasmuch as it appropriates some money from the gas tax and sets it back to the town for unimproved roads, something which we now do under the special resolve system. The Committee and I have no quarrel on that fundamental proposition—that some portion of the gas tax should be returned to the towns of the State. Our only difference of opinion is merely in the method.

I feel that this method here is essentially sound and better business for the State than this specific blanket road resolve which we pass out every two years. I will not embarrass the committee or the members by delving into the methods which we use in apportioning funds through special resolves. I would merely point out to you, in passing, the very interesting situation which usually evolves on special resolves. This is the printed blanket resolve which was put out by the last Legislature. Most of you members have resolves in there. Most of you have seen it come in in the closing days of the session, the closing hours as a rule, in a much heavier form than this,—it is all of these resolves tied together in a beautiful roll, and this printed report is hardly ever available to but a very, very few members of the Legislature.

But that is entirely beside the point. I am merely trying to show that the method involved, as we use it now, is cumbersome, unfair, and in most cases unjust to the towns. In that blanket resolve there are towns with twice the road mileage of other towns getting half as much, or even less.

Ladies and gentlemen of this House, even with the best intention by the Ways and Bridges Committee, this system is bound to be unfair to some towns. However, I want you to understand that I

have no reason, no will, on my part to take away from any towns the principle and the privilege of introducing road resolves, if they see fit. The road resolve, after all, is only a resolve which every member here has a right to introduce. The fact that we call it a road resolve is merely to specify that the resolve is for a road; it might be for a pension, or any other purpose. We have a right to introduce it and the Legislature has a right to enact it, but it is not fair under the present system. This bill starts with the premise that the towns are entitled to a rebate on the gas tax for unimproved roads—and with that assumption I have borrowed from past years, when I believe there was another bill in the Legislature called the five per cent bill; and I think their theory was sound at the time—that five per cent of the income from the gas tax and registration should be given back to the town for unimproved roads. I think that is a fair figure to start with at this time. It could be changed up or down by any Legislature, but it seems to me that it is fair at the start, and that would be essentially \$500,000. That is more than we appropriate at the present time under the special resolve,—and when I say \$500,000 it is not an arbitrary figure. It is merely a ceiling and they may appropriate up to that amount. It is entirely in the hands of the Legislature whether it be a thousand dollars or five hundred thousand dollars.

Now, this fund would be allocated by the Highway Department on the designation of the Selectmen of the town. In other words, it is completely in the hands of the town officials what roads they should specify the money should go on, but it would be allocated finally on the basis of mileage of unimproved roads. If, ladies and gentlemen, you know of any other fairer basis, I am perfectly willing to change it on any basis you see fit to do.

If you wish to put in State Aid and Third Class roads with the unimproved, and use that for a base, it is still fair. I would not think it would be if you put in State roads. But you could use the same mileage base and that will not change with the years after the roads are built.

Now, the specifications which they may be built under are exact-

ly the same as they are in this blanket resolve. It may be that you never have read the specifications. The Committee said they never knew that they were in the blanket resolves; but those specifications are printed here exactly as they are in this bill.

Now, the only thing that I would bring forth further on this printed bill is this one paragraph, which I think explains my motives entirely. "The intent and purpose of this act shall be to replace the blanket road resolve so-called by a more equitable method of distributing funds for unimproved roads." I leave it in fairness to you ladies and gentlemen of the House: Is there any more fair method than that method? If you have the roads you get the money; if you do not have the roads you do not get the money. For instance, the city of Portland returns to the Highway Commission no mileage of unimproved roads. It does not admit that it has any unimproved roads, but I think most of you members from the smaller towns will freely admit that you have plenty of unimproved roads. If you have a large mileage, you will get an equitable distribution; if you have a small mileage you won't get as much.

I do not think that it is necessary to go into this dollar for dollar basis, because I am not sure there is sufficient interest in the bill, but I have here a setup by counties, each town in the county, and the amount they would get under that setup, if the bill should pass.

I tell you, ladies and gentlemen, there is a tremendous difference between the amount some of the towns would get and the amount they are getting under the special resolve. There is a tremendous difference by counties and there is a tremendous difference by towns.

Now, I have tried to put this bill forward purely on its merits. I have made absolutely no effort to lobby in the corridors. If anybody has asked me about the bill, I have been very glad to explain it. As I told you this morning, I am deeply interested in highway matters and I have no personal interest in this bill. Augusta would get only what it is entitled to. Some ask if cities would benefit under this fund. Yes,

they would benefit if they had the roads. If there were a sufficient amount involved, I would say strike the cities from this in deference to the towns feelings on this. If you do, that would be class legislation. Because the amount involved is so small I have left it to read "State-wide". The amount that the twenty odd cities in this state would receive, if the maximum amount of half a million dollars were appropriated, is the very small sum of \$13,854.50. So, ladies and gentlemen of the Legislature—I am always including the gentlemen before the ladies—there is no question that this bill is entirely in favor of the small towns of the State. It does not benefit the cities sufficiently to make it even an argument.

Mr. Speaker, I move the acceptance of the Minority Report "Ought to pass."

The SPEAKER: The question before this House is on the motion of the gentleman from Augusta, Mr. Cross, for the acceptance of the Minority Report "Ought to pass."

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I am not going to tire you any with what I have to say on this bill. As the gentleman from Augusta, Mr. Cross, has told you, it is a nine to one vote that it "Ought not to pass" and, really, I think that is the sum of the whole thing. I do not think I will bother talking any further about it.

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

Mr. McINTIRE: Mr. Speaker and Members of the House: As you read this bill you will see that it says for maintenance, for improvements. Now, your resolves—of course this is going to do away with the resolve. If you get a resolve, it would come out of the funds that you would receive under this Act, and it is only for maintaining. Now, I contend that more or less of the money that has been spent on maintenance is just temporary work, where you can write a resolve for improvement or for rebuilding of a road, and when you rebuild a road, why you have got a permanent job. For that reason I signed

the Majority Report. I believe if we put in our resolves we can repeal them. Most of these jobs are built to State Aid specifications. If this act went through we would not have a resolve to use on road work.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Cross, for the acceptance of the Minority Report "Ought to pass."

The Chair recognizes the gentleman from Addison, Mr. Lackee.

Mr. LACKEE: Mr. Speaker, without going into the process of analyzing this bill section by section, I wish to point out the fact that this is designed, according to the sponsor, to eliminate the introduction of special resolves and to provide a more equal method of distribution of unimproved road money.

In the second line, second section, of the bill, the word "blanket" is used, and I am glad to hear the sponsor state that it refers to the methods used by the Ways and Bridges Committee in submitting its report to the Legislature.

In the very next sentence it reads: "Any town that receives a resolve under this bill shall have that amount deducted from their allocation of money for unimproved roads unless the Legislature deems it an emergency."

Now, if there is not a blanket mixed up in that sentence I do not know the meaning of the word. It would allow the majority of the members to go home without a resolve, and it would mean that it would allow a selected few to carry home a beautiful resolve under the blanket of an emergency.

It seems to me that that is not equal distribution or the elimination of resolves.

Speaking of elimination of resolves, or the introduction of resolves, I am informed by the best legal talent that I know of in this Legislature that it is unconstitutional to pass an Act that will deprive any member of his or her constitutional right to introduce a resolve into the Legislature. I believe that is conceded; but what is the attitude of the members of the Legislature relative to special resolves? They will cooperate in the passage of any law that they deem wise legislation or that they

think is beneficial to the State or nation, but their one desire is to carry home something of consequence to their towns and to their constituents.

Now, I believe the fact is firmly established that there will in the future, as there has been in the past, be introduced into the Legislature a number of special resolves; and if that is the case we surely do not want this bill.

I would like to call your attention to the fact that under this bill no town, unless it be an emergency, could receive a resolve that would assist it in the construction of a bridge under the Bridge Act. We already have one unimproved fund which consists of approximately \$200,000 and is known as the R. F. D. fund. If there is any class of people that know the country roads it is the R. F. D. carrier, because he travels those roads approximately 350 days a year, and it may be appropriate for me to say at this time to you that the strongest opposition to this bill presented to the Ways and Bridges Committee at the hearing came from the R. F. D. Association, and that fact alone should be sufficient evidence to convince us that this is not a good bill.

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

Mr. CROSS: Mr. Speaker and Members of the House: I am sorry I did not cover the ground completely. I thought I had made it perfectly clear that I am absolutely in favor of the principle of returning money to the towns for unimproved roads. That is supposed to be the principle of special resolves. That has been the only excuse for bringing them in for this town and that town. As we sat there at the public hearing on road resolves, the evidence was always the same: "Gentlemen, we have a large road mileage and a heavy tax rate and we feel we should have some relief."

Now I do not disagree with that at all; I think they need help from the State. This is a specific tax, and should not some of it be returned to the towns? I make this point because the original argument always has been: "We need this money for our mud roads; we do not have the money to maintain them." They do not say that

when they bring in a resolve for help on a State Aid Road or a Third Class Road or a bridge, where the State is already paying a large share of the cost. For instance, in the Bridge Act — I won't name the bridge — but we had a resolve in this year. The Committee always asks this: "Is the County ready to assume their share under the Bridge Act?" They said they were. "Is the town ready to assume their share under the Bridge Act?" "Yes, sir, that town is very prosperous; we are doing a fine job up there. This is small and we can take care of our share, but, anyway, gentlemen, that is all fixed up because we put in a special resolve to take care of that township."

Now you have the interesting situation of the State paying its share under the Bridge Act and the County paying its share, but the town coming in for a special resolve; so the town pays nothing and the county and the state build the bridge.

Now, ladies and gentlemen, if there is this fault in our bridge act — and I am not questioning the situation — the special resolve is no place to correct that fault. The structural defect should be taken care of in the Bridge Act itself. The same thing applies to resolves on State Aid and Third Class Roads. We appropriate about \$1,700,000 for those two classes in normal times, and if that is not sufficient we should take that appropriation and raise it to whatever in our judgment is sufficient, but not come in with a pyramiding by special resolve for towns in those two classes. The only legitimate reason in my mind for a special resolve is on unimproved road. If the Legislature in its judgment feels that I am wrong on that, it may change the structural set-up of the highway laws to correct the inefficiency.

Now just one other point, because I know this is boring you all. I think I did accomplish one beautiful fact in introducing this bill if for nothing else than getting the gentleman from Madison (Mr. Lackee) to get up and make a speech on the floor of this House. I never had the privilege of hearing him before, and he was very good.

I have every respect for every member of this committee. I have

worked with them for two years and I know them and I like them, and I hope that liking is mutual, but I do feel that there is this point that we should consider, and it is the final point that I will make. You gentlemen who represent a class town in this State, you know how the set-up is; you are here this year and gone the next year and you may not be back for two or three years before your town will have a chance to have representation. Do you feel you would go home this year feeling safer than the next Legislature, when it did pass money for unimproved roads, would put it upon a mileage basis, or would you prefer that the representative from the next town would have the privilege of introducing the resolve? I really think that on a fair and square basis this bill is constructive. No personal matter is involved on my part, and I leave it entirely in your hands.

Mr. Speaker, I would ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Cross, for the acceptance of the Minority Report "Ought to pass." The gentleman from Augusta, Mr. Cross, asks for a division. All those in favor of the acceptance of the Minority Report "Ought to pass" 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.

Twelve having voted in the affirmative and 63 in the negative, the motion did not prevail.

On motion by Mr. MacLeod of Bar Harbor, the Majority Report "Ought not to pass" was accepted and sent up for concurrence.

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

Mr. BUBAR: Mr. Speaker, out of order, I present an Order and move its passage.

The SPEAKER: The gentleman from Weston, Mr. Bubar, asks that the rules be suspended in order that he may introduce an Order out of order. Is this the pleasure of the House?

The motion prevailed.

The Order was read by the Clerk as follows:

ORDERED, the Senate concurring, that the Committee on Ways and Bridges be required to file their completed list of bills and resolves at least 3 days before the adjournment of the present legislature. and be it further

ORDERED, that the Committee on Appropriations and Financial Affairs be required to file their "Appropriation Bill" with the legislature at least 3 days before adjournment.

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

Mr. BUBAR: Mr. Speaker and Members of the House: This order is to prevent any pig-in-the-poke legislation that we may have, either intentionally or unintentionally. I had the privilege of being here on two previous sessions, and I recognize what we may be passing in the next few days. We are coming to the closing days of this session and we are getting uneasy and in a hurry to get home, and we want to get these matters out of the way as soon as possible; and this order is to prevent the biennial jam session we usually have. As near as I can find out, it has been the custom for the ordinary session of this Legislature to have this jam session, and always in the closing hours there are two reports which come in before our body. They are reports in which we are vitally interested, but we do not have time to consider them. They are passed and they are given very little thought. After we get home and the strain of these last few days begins to wear off we come to the fact of what we have passed, and when somebody finally asks us what happened we stop and scratch our heads and that is the first that we realize what has happened.

Now this resolve allows for due consideration of two of the most important reports on measures that will come before this present session. Mr. Speaker, I move the passage of this order.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, in order that we may consider the contents of this order, I move that it lie on the table and be specially assigned for tomorrow morning.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that the order be tabled pending passage and be specially assigned for tomorrow morning. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the twelfth matter of unfinished business, the Final Report of the Committee on Manufactures, tabled by the gentleman from Rockland, Mr. Sleeper, on March 24th, pending acceptance of the report.

Is it now the pleasure of the House to accept the Final Report of the Committee?

On motion by Mr. Sleeper, the report was accepted and placed on file.

The SPEAKER: The Chair now lays before the House the thirteenth matter of unfinished business, Final Report of the Committee on Sea and Shore Fisheries, tabled by Mr. Sleeper of Rockland, pending acceptance of the Report.

On motion of Mr. Sleeper, the report was accepted and placed on file.

The SPEAKER: The Chair lays before the House the fourteenth matter of unfinished business, House Amendment "A" to Bill "An Act Providing for Emblems Designating the Members of the Legislature" (H. P. 1267) (L. D. 774), tabled on March 24th for reproduction under House Rule 36.

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

Mr. PAYSON: Mr. Speaker, a careful study of this amendment shows me that there has been a grievous error committed in punctuation. There is no comma after the word "Bill An Act." (Laughter)

I therefore move the indefinite postponement of House Amendment "A" (Laughter)

The SPEAKER: All those in favor of the indefinite postponement of House amendment "A" will say aye; those opposed no. (Laughter)

The motion prevailed, and House Amendment "A" was indefinitely postponed.

Thereupon, the Bill was passed to be engrossed, and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fifteenth matter of unfinished business, House Amendment "A" to Resolve Closing Cobbossee Stream and Tributaries to Muskrat Trapping, (H. P. 321) tabled March 25th, for Reproduction under House Rule 36.

The amendment has been reproduced and distributed, under filing Number 167, and the amendment has been read.

Is it the pleasure of the House to adopt House Amendment "A"?

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

The SPEAKER: Is it now the pleasure of the House that this resolve, which has had its two several readings, pass to be engrossed as amended?

The motion prevailed, and the resolve was passed to be engrossed as amended and sent up for concurrence.

The SPEAKER: The Chair lays before the House the sixteenth matter of unfinished business, House Amendment "C" to Bill "An Act Relating to Mutual Fire Insurance Companies" (H. P. 1273) (L. D. 779) tabled for reproduction under House Rule 36 on March 25th.

House Amendment "C" was thereupon adopted.

House Amendments "A" and "B" were indefinitely postponed, and the Bill as amended by House Amendment "C" was passed to be engrossed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair lays before the House the seventeenth matter of unfinished business, Bill "An Act Relating to Bonds to be Furnished by State Officials and Employees" (H. P. 1304) (L. D. 832) tabled on March 26th by Mr. Bowker of Portland, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Bowker, the Bill had its third reading, was passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the eighteenth

matter of unfinished business, House Order Relative to Increasing the Salaries of State Employees, tabled on March 30th by Mr. Keller of Hallowell, pending passage.

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

Mr. SLEEPER: Mr. Speaker, I note the absence of the gentleman from Hallowell, Mr. Keller, so I am going to make a motion, and I hope it will not surprise any of the members. I move that this bill be laid on the table and specially assigned for Monday, April 5th.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that this order lie on the table pending passage and be specially assigned for next Monday. Is this the pleasure of the House?

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

Mr. BRALEY: Mr. Speaker, may I question the time of assignment?

The SPEAKER: The matter of time is debatable.

Mr. BRALEY: I move the order be laid on the table and be specially assigned for tomorrow.

Mr. SLEEPER: Mr. Speaker, I appreciate the interest of the gentleman from Augusta, Mr. Braley, but I may say that I am doing this at Mr. Keller's request. He wants to assign it for Monday, April 5th. In the event we are able to adjourn sooner, we will take it up that much sooner.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that House Order Relative to Increasing the Salaries of State Employees be tabled and specially assigned for next Monday. Is that the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Taxation of Intangible Property" (H. P. 1227) (L. D. 713) tabled on March 25th by Mr. Rollins of Greenville, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker and Members of the House: This bill is

to correct a constitutional amendment which was passed some thirty years ago, but since I had all the rehearsing necessary yesterday for the Mock Session, I will not attempt to pass it, and I move you, Sir, that we accept the "Ought not to pass" report of the Committee.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves the acceptance of the "Ought not to pass" report. Is this the pleasure of the House?

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

On motion by Mr. Rollins of Greenville, out of order and under suspension of the rules, it was

ORDERED, That the State Tax Assessor be instructed to notify the assessors of the several municipalities of the state that intangible personal property should be assessed and so returned as provided by chapter 13 of the revised statutes.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, Bill "An Act Relating to the Terms of County Commissioners" (S. P. 391) (L. D. 681) tabled on March 29th by Mr. Rankin of Bridgton, pending third reading; and the Chair recognizes that gentleman.

Mr. RANKIN: Mr. Speaker, I tabled this matter simply upon the request of the Revisor of Statutes. I have no special knowledge of this bill. I think the gentleman from Auburn, Mr. Williams, will carry on from this point.

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

Mr. WILLIAMS: Mr. Speaker, this Legislative Document 681 was introduced to provide that when more than one County Commissioner was to be elected, it should be designated upon the ballot so that the voters would know whether he was running for the unexpired term or the full term of six years.

In making this amendment to the section in regard to filling vacancies, the length of term of the office, six years, was eliminated. It was later discovered that the preceding section in regard to the election of the

County Commissioners makes no provision for the length of term; therefore for the purpose of presenting House Amendment "A", Filing No. 201, I move that our action in adopting Committee Amendment "A" to Legislative Document 861, be reconsidered.

The SPEAKER: The gentleman from Auburn, Mr. Williams, 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 Auburn, Mr. Williams, now moves that the House reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed.

Mr. WILLIAMS: Mr. Speaker, I now move the indefinite postponement of Committee Amendment "A".

The SPEAKER: The gentleman from Auburn, Mr. Williams, now moves the indefinite postponement of Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed.

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

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

House Amendment "A" to S. P. 391, L. D. 681, Bill, "An Act Relating to the Terms of County Commissioners."

Amend said Bill by adding after the word "year" in the 4th line of the 2nd paragraph thereof, the following:

"The terms of office for a county commissioner shall be 6 years except when one is elected to fill out an unexpired term when it shall be for the remainder of the unexpired term. Where but one county commissioner is so to be elected, the nomination papers and official ballot shall specify simply the office of county commissioner. When, however, 2 or more county commissioners are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated or elected."

Further amend said Bill by drawing a line through the words "If but one is elected, he shall hold the

office for 6 years", in the 4th line of the 2nd paragraph.

Further amend said Bill by striking out the last 2 underlined sentences of said 2nd paragraph thereof.

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

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Report "Ought not to pass" 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) tabled on March 30th by the gentleman from Presque Isle, Mr. Brewer, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. BREWER: Mr. Speaker, this bill carries an appropriation of \$800 for the purpose of putting a road into the Aroostook State Park, approximately 500 acres of land, which the citizens of Presque Isle bought with money of their own and presented to the State. The day that I appeared before the Committee on State Lands and Forest Preservation, asking for this money, they felt that this request was just, but, due to the fact that Presque Isle had not accepted the road, they did not feel they could recommend the amount of money. Since then I have had a telegram which Senator Brown now has in his possession, that the town has now actually accepted the road. I have talked with all the members of this Committee, and, under this set-up, they are willing that this should go through with the understanding that the money will come out of any special resolves which have been given to me at this time, and, under that set-up, I would like to move to substitute the bill for the report.

The SPEAKER: The gentleman from Presque Isle, Mr. Brewer, moves to substitute the bill for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed, and the bill was substituted for the "Ought not to pass" report of the committee. This being a printed bill, the rules

were suspended, and the bill had its two several readings and was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, House Amendment "B" to Bill "An Act Permitting Bowling on Sunday" (S. P. 464) (L. D. 828) tabled on March 30th by the gentleman from Portland, Mr. Payson, pending adoption; and the Chair recognizes that gentleman.

Mr. PAYSON: Mr. Speaker, I rise to a point of order—whether or not the amendment offered is in violation of House Rule 36 and if this is in agreement to the subject matter of the bill.

The SPEAKER: The gentleman from Portland, Mr. Payson, rises to a question of order in that he questions the germaneness of this amendment to the subject matter of the bill. The Clerk will read the amendment.

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: Rule 36 reads: "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." The Chair rules that the amendment is not germane.

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

The SPEAKER: The Chair now lays before the House the fifth tabled and today assigned matter, Bill "An Act Relating to the Excise Tax on Motor Vehicles" (H. P. 584) (L. D. 350) tabled on March 30th by the gentleman from Portland, Mr. Payson, pending third reading; and the Chair recognizes that gentleman.

Mr. PAYSON: Mr. Speaker, this bill has to do with the subject matter of farm tractors, which is none

of my business. Yesterday, when House Amendment "B" was adopted, the gentleman asked me to table this bill because of some of the features of House Amendment "B". Since I have studied that, I call your attention to the fact that the excise tax which every city and town collects on automobiles all over the State, runs into millions of dollars, and it is endangered by the amendment which strikes out the words "on public ways."

It happens that fifteen years ago I drafted this automobile excise tax law, and the only basis on which I could rest an excise tax of this type was upon the privilege of using the public highways. If farm tractors are to be protected by striking out these words, I feel that it would invalidate the whole excise tax, which I think is too expensive. I do not think the sponsor of the bill would seriously object if I now move the indefinite postponement of the bill as amended.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves the indefinite postponement of the bill as amended. Is this the pleasure of the House?

Thereupon, the motion prevailed and the bill as amended was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the sixth tabled and today assigned matter, 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 30th by the gentleman from Auburn, Mr. Williams, pending third reading; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker, my purpose in tabling this matter was to study the bill and see if any amendment might be proposed that would help in handling situations such as that which arose recently and resulted in the death of a small child in a boarding home in Auburn.

I find that our Department has broad powers under the present act for making rules and regulations and that they now have new rules and regulations which are to be presented to the Advisory Board, I believe, this week, for adoption, and that they are working out a pro-

gram for exchanging reports with local health authorities. I therefore move that this bill be given its third reading.

The motion prevailed, and the bill had its third reading, was passed to be engrossed and sent up for concurrence.

First Reading of Printed Bills

(Out of Order)

On motion by Mr. Leavitt, out of order and under suspension of the rules, that gentleman was permitted to take up Bill "An Act Relieving Towns from Board and Care of Neglected Children" (H. P. 1342) (L. D. 881)

The bill had its two several readings, and on further motion by Mr. Leavitt, under suspension of the rules, the bill was given its third reading, passed to be engrossed and sent up for concurrence.

Bill "An Act Relating to Rebate of Registration Fees on Motor Vehicles Taken by Eminent Domain" (H. P. 1344) (L. D. 883)

Bill had its three several readings under suspension of the rules, was passed to be engrossed and sent up for concurrence.

Passed to be Engrossed

Bill "An Act Authorizing a Re-issuance of Bonds for the Purpose of Refunding Waldo-Hancock Bridge Bonds" (H. P. 1208) (L. D. 683)

Bill "An Act relating to Judges of Municipal Courts not to Act as Counsel" (H. P. 1332) (L. D. 870)

Bill "An Act relating to Suspension of Licenses for Eating Places, etc." (H. P. 1333) (L. D. 871)

Bill "An Act Permitting the State to Render Aid in Organized and Unorganized Territory" (H. P. 1334) (L. D. 872)

Bill "An Act to Incorporate the Patten Water and Power Company" (H. P. 1335) (L. D. 873)

Bill "An Act relating to Lands Owned by the State" (H. P. 1336) (L. D. 874)

Bill "An Act relating to the Policing of State Parks, and Acceptance of Gifts for Improvement of State Parks" (H. P. 1339) (L. D. 875)

Bill "An Act relating to the Milk Control Board" (H. P. 1340) (L. D. 876)

Resolve Granting Authority to Cancel Deed Erroneously Recorded (H. P. 1338) (L. D. 878)

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

The SPEAKER: The Chair lays before the House the first matter assigned for this afternoon, Senate Report "Ought to pass in a new draft" under title of 'An Act Granting Increase in Salary to Judge of Probate of Piscataquis County' (S. P. 481) (L. D. 867) of the Committee on Salaries and Fees on Bill "An Act Granting Increase in Salary to Judge of Probate of Waldo County" (S. P. 267) (L. D. 459), tabled on March 31st by Mr. McKusick of Parkman, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. McKusick, the "Ought to pass in new draft" report of the committee was accepted, and the bill, having already been printed, was given its two several readings and was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the second matter assigned for this afternoon, Bill "An Act Revising the State Library Laws" (S. P. 242) (L. D. 362) which, in the House, on March 29th, was passed to be engrossed as amended by Committee Amendment "A" and as amended by House Amendment "A" in non-concurrence.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" and as amended by House Amendment "A" and by Senate Amendment "A" in non-concurrence, which was tabled earlier in today's session by the gentlewoman from Bangor, Miss Clough, pending consideration; and the Chair recognizes that gentlewoman.

Miss CLOUGH: Mr. Speaker, when I tabled this matter this morning, it was because of the absence of the gentleman from Orono, Mr. Goldsmith. He is still absent, and

in the absence of two members of the Library Committee, and not knowing when they are going to return, I think it would be safer to retable this matter until tomorrow morning.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that this matter be retabled and specially assigned for tomorrow morning. Is this the pleasure of the House?

The motion prevailed, and the matter was retabled pending consideration and specially assigned for tomorrow morning.

The Chair lays before the House the third matter assigned for this afternoon, Resolve Authorizing the Sale of T. 1, R. 13, W. E. L. S., Piscataquis County, (H. P. 1337) (L. D. 877), tabled earlier today by the gentleman from Rome, Mr. Downs, pending assignment for second reading.

The Chair recognizes the gentleman from Parkman, Mr. McKusick.

Mr. McKUSICK: Mr. Speaker, the original bill as introduced by me provided that the Forest Commissioner be authorized to sell certain stumpage on this tract of land. The bill as reported by the committee authorizes the Forest Commissioner to transfer the title back to the original owner.

I wish to simply say that I have no further interest in the bill, and do not sponsor the bill. It is simply a committee measure.

On motion by the gentleman from Greenville, Mr. Rollins, under suspension of the rules, the Resolve was given its second reading, passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the fourth matter assigned for this afternoon, Bill "An Act Providing for the Licensing and Regulation of the Amusement Known as Five-in-a-Row." (H. P. 1303) (L. D. 834) which was tabled on March 31st, by Mr. Davis of Montville pending third reading.

The Chair recognizes the gentleman from Montville, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: This is a far-reaching subject. Our motto is "Dirigo." Now, ladies and gentlemen, I do not want to believe that

the State of Maine wants to go on record as leading in the direction of legalizing any kind of a gambling game.

People may enjoy this game, perhaps they may play it in their homes, and there may not be very much harm to that. But when it comes to the State of Maine legalizing a gambling game I believe it is time to call a halt, otherwise, members of the Legislature, we will be advancing backwards, the way Hitler is today.

I believe in the Bible and I am not ashamed of it; and I believe that this is a fair-minded body of people. I believe that there is not a member of this Legislature but who has respect for the person who respects the Sabbath and all principles of righteousness. And I want to say right here that I know that the wages of sin is death, but, on the other hand, the promises are steadfast and sure to the person who follows out the precepts and commandments that are laid down in the old chart and compass. A thousand-fold is promised in this life and life eternal in the world to come. That is good enough for me. The same book says that the wicked and the nations that forget God shall be turned into hell, but, on the other hand, it says that righteousness exalteth a nation.

Now, what little righteousness this nation has had and practiced is the very thing that has exalted it and brought it up to be the greatest, most powerful and wealthy nation in the world today. On the other hand, swift retribution comes to the nation or to the individual that forgets God, whether we believe it or not. Now it is an absurd thing, I think, for us to implore divine aid and blessing and guidance on our deliberations here and then enact these questionable laws—I do not need to mention them or call them by name any further.

This Legislature has done some fine things in the indefinite postponement of some measures that have been before us that were contradictory to the laws of God. I commend the church and the individual who stands for these things.

Now, fellow legislators, we are the builders. You remember that immortal poem. We are the builders today. How are we building today? On what kind of a foundation are we building? Are we going to build

upon the eternal solid rock of God's word, or are we going to build upon the sinking sand? If we fail to do this, the old Ship of State will be at sea without chart and without compass. There is plenty of air in wind, but I am not going to harness very much of it and I am going to move the indefinite postponement of this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Montville, Mr. Davis, for indefinite postponement of L. D. 834, Bill "An Act Providing for the Licensing and Regulation of the Amusement Known as Five-in-a-Row."

The Chair recognizes the gentleman from Cornish, Mr. Ayer.

Mr. AYER: Mr. Speaker and Members of the House: I suppose that I am the father of this bill. This bill is something that the majority of the people of the State of Maine have been wanting for a long time. Now, if I thought for one minute that the racketeers would come into the State of Maine and make a racket out of this bill, I would be the first one to tear it to pieces and scatter it to the four winds of heaven.

I hope the motion to indefinitely postpone will not prevail.

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

Mr. DAY: Mr. Speaker, as has been said we have a pastor come in here every morning and invoke divine blessing. There is not a man in this Legislature but who respects their profession and calling, and every time we pass a law like this we make their work harder. They are working for the upbuilding of our communities. I believe every member here should go on record on anything that aids them, but that we should not go on record as passing legislation that makes their work harder. For that reason, I hope that the motion of the gentleman from Montville, Mr. Davis, for indefinite postponement prevails.

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

Mr. BUBAR: My friend, the gentleman from Cornish (Mr. Ayer) has stated that if he thought this bill was a bad bill and a gambling bill he would be the first one who would tear it up. I hope from what

the courts have told us that he will begin tearing. We know it is a fact that this bill is a gambling bill. We cannot get around it; the courts have declared it so. Wherever gambling is taken over the gates have been open to racketeering and crime. Now this may not be a gambling bill, but, my friends, it is an opening wedge inviting those fellows into our State. I do not believe we want it, and I do not believe for a minute the majority of the people of the State of Maine want any such thing.

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

Mr. BRALEY: Mr. Speaker and Members of the House: Yesterday I voted for this bill. Today I will vote with the gentleman from Montville, Mr. Davis. I have great confidence in my wife; and I went home last night and told her I had voted for this bill. (Laughter) If I had not had confidence in my wife I never would have married her. It is true enough that I did support the bill of the gentleman from Hallowell, Mr. Keller, for Sunday hunting. I thought it was good sportsmanship and recreation and those were the arguments I gave.

However, after considering a matter of this nature with my wife, I will say that I firmly believe in the idea that the gentleman from Montville, Mr. Davis, has brought up.

I hope that the motion of the gentleman from Montville, Mr. Davis, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Buzzell.

Mr. BUZZELL: Mr. Speaker, I cannot quite agree with some of the members on the dangers of this bill. It looks to me as though this matter was pretty well under State control. I do not see much difference in legalizing it so that they can keep playing right on. If the Legion or anybody else wants a Beano game they call the Sheriff up and tell him not to bother them, that they are going to have a game that night, and they do. I do not think that you can change the gambling instincts of the people of Maine a mite. I know that we are all gamblers at heart. I know that farmers are, and I am a farmer myself.

I hope the motion of the gentleman from Montville, Mr. Davis, will not prevail.

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

Mr. SLEEPER: Mr. Speaker, I hesitate to rise on this measure because perhaps I have a few friends here and perhaps I have some people who do not like it; but, as a representative of the City of Rockland, I will have to admit that personally I do not know very much about the game of Five-in-a-Row, but I do know and like the game of Beano.

I have been informed by the gentleman from Cornish, Mr. Ayer, a man for whom I have the greatest respect, that he is trying to legalize the game known as Beano. I will have to admit that all the comment that I have heard in the town I represent has been favorable to the legalizing of the game known as Five-in-a-Row or Beano. The Townsend Clubs — there are two that operate Beano games, I think every Friday night, and they are in favor of this bill. The Daughters of Union Veterans operate a game every week and are in favor of this bill. Several of the churches operate a Beano game at their suppers, and they have not told me they are against the bill. Now I am a church member. I go to church not too regularly, but I try to have my children there every Sunday. (Laughter) I don't consider myself better than the average moral citizen, but I hope you will not think I am in the pay of out-of-the-state racketeers and gamblers when I say to you I am certainly going to oppose the indefinite postponement of this bill.

I find that the average citizen all over the state enjoys playing Beano, and I cannot for the life of me see why it is real gambling to pay ten cents for a card or fifteen cents for two cards and play Beano with the prospect of winning a prize, not in money but in some product. If you call this gambling, certainly horse racing by the pari mutuel system is gambling. I will admit right here, and you can look at the record and see I did vote against pari mutuel racing in 1935. I voted against a lot of things. I voted against Sunday movies because I do not think that Sunday is just another day. But I want to be tolerant on these questions, and

before I go further I want to say that if anyone's conscience is against the legalizing of Beano, I say vote by your conscience and vote against this bill. However, if you are on the line, the same as I am and really do not care, I would say to you that a bill proposed and backed up by a man such as the gentleman from Cornish, Mr. Ayer, must have some justice to it. I do not know whether Beano games are run by racketeers or not, but I know they are not patronized by racketeers. I have watched them playing it at the fairs, and it seemed to me that 90 per cent of the players were very respectable looking women. (Laughter) They are not racketeers.

I think this whole matter is just a case of plain commonsense, and that people want to play Beano. I could read an editorial from the Portland Press Herald at the time Beano was banished by the State Police, saying how foolish it was. Ninety-five per cent of the people of the State of Maine were perfectly willing for those people who wanted to risk ten or fifteen cents or even half a dollar to do so. I hope this law will not result in some of these out-of-the-state racketeers opening some of these Beano halls.

When I say I endorse the stand of the gentleman from Cornish, Mr. Ayer, I want to say I only endorse it regarding American Legion halls, Townsend Clubs, Beano at fairs and Beano amusement at concessions. I hope this will not result in seven-days-a-week Beano places or commercial Beano. But I think when people are out for a little fun at fairs and parks they certainly should be entitled to play Beano. I think it is much more honest and uplifting to play Beano at ten cents with the prospect of winning a doll or a dish than to pay two dollars for a pari mutuel ticket in order to win a cash prize. There is no question that horse racing under the pari mutuel system is gambling. I do not think the State should crack down on one and let the other continue unrestricted. I think it is only commonsense to allow the continuance and licensing and regulation of the amusement known as Five-in-a-Row, and I hope when they do enact it they will call it Beano.

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

of the gentleman from Montville, Mr. Davis, for indefinite postponement of the bill.

The Chair recognizes the gentleman from Bethel, Mr. Boyker.

Mr. BOYKER: Mr. Speaker and Members of the House: Sometime on that road which each one of us has trodden there was engraved in our minds these words: "I say unto you, be ye faithful over a few things and I will make you ruler over many things."

Into our hands was placed the interest and the welfare of the State of Maine when we were sent here to this House of Representatives; the interest and the welfare not of an individual, not of a group, not of ourselves, but the interest and the welfare of the State of Maine as a whole. Somewhere at this time under the Stars and Stripes some hand is being raised with the exhortation: "America, my country, the State of Maine my home." A politician will tell you: "Give my opponent plenty of rope and he will hang himself."

The State of Maine has pari mutuel betting; it has a law permitting the sale of intoxicating liquors; it has Sunday bowling and horse racing in certain sections, and the State of Maine is saying to us today: "We have all the rope we need." From outside of our State we are being urged to go a little further out on the thin ice, but at home it is believed that we will hold fast to those things only which we already have. Let us keep the faith; let us not disappoint the citizens of the State of Maine by the passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker and Members of the House: I am sorry that I am here today without an editorial or a piece of paper as so many of the members have had. An article appeared in our local newspaper last week which has a quite direct bearing upon this type of legislation. I would like to quote it to you briefly. A case was brought up in court where a man working in the Bath Iron Works, making at least \$120 a week for an average forty hour week, was hauled into court for neglect of his children, assault and battery, and

the rest of it. He had given his wife \$30.00 a week to run the house and feed and clothe the children. The rest of the money he had taken to use in games.

Perhaps many of us are acquainted with one of our leading attorneys in Bath—the members of the Salaries and Fees Committee will remember him anyway—Mr. Bridg-ham. After the case was handled, he asked to address the court. He said: "It is about time something is done. This man is an example of hundreds in the Iron Works there. They are making more money than they ever did before, and they do not know what to do with it, and so they are so busy finding ways to spend it that they are leaving their families at home without money." That is not an isolated case.

Now, these games come under two headings. This one is called skill, and they have others.—I call this one one of those on averages,—Those that come under the heading of skill in my mind, are those games that are run by the operators, and the skill comes on the part of the operators, not the players. This five-in-a-row comes under the law of averages. I have been to fairs. You will hear them saying: "One more card over here." "One more card over here." And they do not play that game until they have a certain number playing, so that, in the end, the person who is running the game will get the high average.

Under this heading of sponsors I know that you will bring out that it will help a lot of organizations. Here, again, one of our patriotic organizations sponsored a carnival in our town last year. I went to the Fair, and being Scotch, I did not take much money with me. My friend who went with me took some, and we started to play a game of skill. We played once and the girl had won. Then they started their regular game of paying off and paying off. My money was soon gone. She went out and borrowed money twice. They could not get money over the top of the counter fast enough. So, the first thing I knew, the woman beside me had her hand in my pocket, but it was all gone; it was all on the board at that time. To end it up, four policemen came to help us out in

the end. I was a little bit disgruntled to say the least. I did not mind my own, but I watched some of the other people just wasting their money. There is one word in our dictionary that will make the most staid person do the most absurd things. That is, if you want them to do something ridiculous, you say, "Oh, be a sport." That is the magic word they use on those people.

Well, we were maneuvering around to get assistance from the people there to see this girl, who was working hard for her money, get it back. She did not get all of it. I think perhaps it was just as well for her to have a little lesson. There was a young boy there, about thirteen years of age, and he said, "I wish I had had your help last night. They took \$40.00 from me." Before we got through, several people around us told how much money had gone.

Now, my trip to the fair, I feel, worked out in this way. Certain steps were taken to cover up what had taken place, and I could not understand, at first, why things were being done as they were, until I looked over at the table where we had been playing. I saw the tattooed woman who had been left off from a carnival about three years ago. She and a group of them are in Bath now running all kinds of games of chance. This will be another one of their little systems.

Now, I will admit that in our group we will have people who will have those games of chance. In fact, in our club we wanted to burn up our mortgage. In order to do it we had to have some money, and I helped them. We ran a Beano game for a short time, until someone complained, and they were going to have the one running it arrested; and I did not care much for that. But the difference is that you know in your community who is running it and you can control it much better. Now, if your wife takes money out of your pocket, you do not mind so much, because you know, in one way or another, you can get back at her. You can poke fun at the hat she buys or do something to make her uncomfortable. But if somebody comes in from outside and takes it out of your pocket; then you do not like it nearly as much.

In this line of sport they are certainly clever in the way they are able to get people to do these things.

I was in a place where they had a slot machine. To my mind they are all in the same category. They looked out of the window and saw someone coming, so they put the slot machine under the counter. Someone came in collecting money for some benefit at the church. The man very kindly donated. As soon as that person had gone out, they brought back the slot machine and they started to play. A man had put in quite a few nickles, and all of a sudden up came three plums and money started coming out and it came and it came. The man who was running it said "Oh, my goodness, something is wrong with the machine. It has gone flooey again. You would not be mean enough to take all that money? I have overhead and expense." And he proceeded to try to talk the man out of the money, the money that he was supposed to get in that game of chance. The man said, "No, I guess if the machine is broken that I will not take the money." Then the man went out, and he had been gone just a few minutes when the man who was running the machine went in back of it, and said "That regulator thing in there is all funny. It is one of those things that you turn so much. When the sheriff wants to see how it works, you make it work 50-50, but it is supposed to be on an average of 85 to 15 or 85 to nine."

That is not exactly a religious heading, but all the things you hear about now are post war planning. We are trying to build up reserves for after the war. I think another remark that I heard an older man make the other day more or less sums this up. He was standing around some young boys who had not been at work very long, who were matching pennies. The man looked at them a while and said, looking at the young fellows, "Wouldn't you know they never had money before? They don't know what to do with it." And that is just what the people who are backing this type of machine are waiting for. It is not in my town alone, but all up and down the State. You have these congested areas. You have your groups who come in from the outside.

I feel rather certain that if we could take some of the people we have in our town, who are so good, and put them on one of our ships that we build there and send them

across, they could talk Hitler out of this war in five minutes. They are not doing anything else; they are not working in defense areas; they are living on what they call their wits; and it goes on in Kittery, Portland, Brunswick, Bath, Rockland, all of your seaboard, all of those places.

I do not feel that I am exactly the guardian of my brother but I do think that in a time like this, when you do have so many people who want to get a living easy, and are just making a prey of these people who have so much more money than they have ever had before, it is time for us to put a stop on them.

In my mind, it is quite a challenge, because you are going to hear very soon that they need recreation. I will agree with you that they do need recreation. I have been working in the U.S.O. hall at home, and I can say as each week goes by and they are putting in more of the simpler games there, that the boys and the girls are going in to play the games that they used to play years ago. They want a good, clean, healthy atmosphere, and we can give it to them, without having to resort to this type of thing.

In closing, there is just one thing. You say here that your State Police will take care of this thing. It is no military secret that we need every one of our State Policemen around at night to guard—not from five-in-a-row and things like that but from things that are much more dangerous. When you have to take your State Policemen and your F.B.I. men to guard things like this, it does seem as though it is detracting from something very, very important, and I do hope that this will be indefinitely postponed.

THE SPEAKER: The question before the House is on the motion of the gentleman from Montville, Mr. Davis, for indefinite postponement. The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

MR. RANKIN: Mr. Speaker, unfortunately I cannot speak with the expert knowledge on these matters that the gentlewoman from Bath (Miss Deering) displays, but I am on her side just the same. (Laughter)

I think some of the features of this matter have been pretty well covered. As Harold Smith would say, "I am going to look at the

record." I am going to look at the bill itself. What concerns me specially is the regulation of this law, the licensing of it.

This bill in effect sets up a Kene-saw Landis Czar. There may be a good reason for a czar in baseball, but I do not think we need one in Maine. It does not seem so to me.

I just want to refer to some matters here. I am wondering why it has been placed in the hands of the Chief of the State Police. I do not know of anything else like that. Perhaps somebody does. But that seemed to me rather new and quite unique. I really suspect it was done in order to gain added votes in the Legislature. I do not see any other merit in it.

The gentleman from Biddeford, Mr. Donahue, pointed out a fact which seems to me to be a very pertinent and strong one; and that is that in this bill you give to the person who makes the law and the regulations the right to enforce them. That seems to me to be absurd. That is not in accordance with our system of law.

I find in the first part of this bill what seems to be a direct contradiction. In Section 2 we are told that the Chief of the State Police may issue a license, and then it says that the application for it shall bear the consent of the municipal officers of the town or city in which it is proposed to operate such amusement; and in the very next sentence it says that the Chief of the State Police may at his discretion issue licenses to operate such an amusement. There is no limitation whatever. He can use his entire discretion. I think that operates rather widely. In other words, if the people of a certain town or city are pretty strict about Sunday and the hours in which such a place shall be open, the Chief of Police can override them. On the other hand, if there is a city or town where the people are not strict—they want it wide open—the Chief of the State Police has the right under this provision to override their wishes. In other words, I think it will be apparent, if you will study the bill, that there is absolutely no limitation upon the power of the Chief of the State Police.

I direct, first, your attention to the fact of this direct contradiction. I have shown it to several people,

including lawyers, and they have all agreed there is a direct contradiction.

In Section 3 we find something that seems to me to be of interest, and that is it says that organizations that are fraternal, charitable, educational, patriotic, or veterans' organizations, can get a license for a lower sum than those who are running a Beano game or Five-in-a-Row for profit. Perhaps that is just. I think perhaps provision should be made, it seems to me there is no provision here which would prevent people from setting up a false front. It seems to me it would be quite easy to do it. We are told sometimes that one of the chief objects of this game is to help charitable, religious and fraternal organizations. Well, if it brought forth a flood of organizations run for profit it would defeat the very purpose for which they claim they are setting this up.

Now I said a while ago there seemed to be no limit upon the powers of this autocrat, this czar. I will read Section 4. It is very brief:

"The chief of the state police shall make such rules and regulations for the holding, conducting and operating of such amusements as he may deem advisable for the purpose of this act; and shall have the power and authority to regulate, supervise and exercise general control over the operation of such amusements; and to investigate as to the direct or indirect ownership and control of any licensee; and to revoke or suspend any license because of licensee permitting nuisances, improper conduct, abuse of privileges, or for other cause shown upon reasonable notice or hearing."

I direct attention to those last few words — "or for other cause shown upon reasonable notice or hearing." It seems to me simply to verify the claim I have made that there are no restrictions upon the Chief of the State Police. In other words, he could go into a town or a city and what the municipal officers want would not figure at all; he is supreme over them in all these matters.

Those are about all the points I care to make. It seems to me that the bill is absurd. I do not believe that the State of Maine wants the Chief of the State Police to have

any such powers as that. I wonder if the Chief of the State Police wants it himself. We are having enough trouble nowadays in some places between the State Police and local authorities and sheriffs and so forth, and here you have it again with the lid absolutely off.

As to whether this is gambling or not, I do not know; but I have asked several lawyers and they have all agreed it is gambling.

I spent a very interesting day some years ago in Monte Carlo. I came away from there no richer but a little poorer by the price of three meals. I watched that game for several hours. It was very interesting. And I have watched Beano to a very slight extent. It seems to me that the paraphernalia is different, but the principle, it seems to me, is the same, although I am very unsophisticated in these matters. I do not think it is as bad as Monte Carlo, but it seems to me it is a form of gambling. However, my chief objection is to the powers that are given to the Chief of the State Police.

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

Mr. DOW: Mr. Speaker and Members of the House: Not so very long ago many of us here, I might say most of us, were asked to chip in a dollar apiece for war bonds with the understanding that someone was going to draw a bond. We had some little entertainment for our dollar anyway, and, as I remember it there were some bonds drawn and I didn't get one, therefore I say that was gambling. I wonder if any of the opponents of this measure chipped in his dollar also? (Laughter)

Mr. SPEAKER, I move the previous question.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves the previous question.

Mr. WARD of Millinocket: Mr. Speaker when the vote is taken, I request a division.

The SPEAKER: 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 gentleman from Millinocket, Mr. Ward, asks for a division on the main question.

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 question before the House is on the motion of the gentleman from Montville, Mr. Davis, for indefinite postponement. All those in favor of the motion to indefinitely postpone will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-seven having voted in the affirmative and 69 in the negative, the motion for indefinite postponement did not prevail.

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

The SPEAKER: The Chair lays before the House the sixth matter tabled earlier in today's session and specially assigned for this afternoon, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Amending the Workmen's Compensation Act" (H. P. 1123) (L. D. 588) which was tabled on March 31st by the gentleman from Biddeford, Mr. Donahue, pending acceptance of the report.

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

Mr. RENOUF: Mr. Speaker and Members of the House: In moving acceptance of the "Ought not to pass" report of the committee, I would like to say that I have spoken to the members interested in this bill and the Peters bill, and though the Judiciary Committee has granted increased benefits to injured workmen, we feel that they are not consistent with the economic condition that prevails today. However, due to the lateness of the session, the proponents feel that this report of the committee should be accepted.

The SPEAKER: The gentleman from Biddeford, Mr. Renouf, moves

acceptance of the "Ought not to pass" report. Is this the pleasure of the House?

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

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

If there is no further business at this time the Clerk will read the notices

On motion by Mr. Sleeper, of Rockland,

Adjourned until ten o'clock tomorrow morning.