

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 23, 1949

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

Prayer by the Rev. Mr. Monteith of Rockland.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act relating to Harness Horse Racing Meets" (S. P. 445) (L. D. 894)

Came from the Senate referred to the Committee on Agriculture.

In the House, referred to the Committee on Agriculture in concurrence.

From the Senate:

Bill "An Act to Provide Financial Assistance to Cities and Towns in the Construction of School Buildings" (S. P. 422) (L. D. 831)

Came from the Senate referred to the Committee on Education.

In the House, referred to the Committee on Education in concurrence.

Bill "An Act relative to Search and Seizure of Game" (S. P. 425) (L. D. 830)

Bill "An Act Regulating Wearing of Hunting and Fishing Licenses in Metal Cases" (S. P. 457) (L. D. 893)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

Senate Reports of Committees

Leave to Withdraw—Recommitted

Report of the Committee on Appropriations and Financial Affairs on Resolve Transferring Moneys from Employees' Retirement Fund to General Fund (S. P. 220) (L. D. 340) reporting leave to withdraw.

Came from the Senate re-committed to the Committee on Appropriations and Financial Affairs.

In the House, re-committed to the Committee on Appropriations and Financial Affairs in concurrence.

Leave to Withdraw

Report of the Committee on Inland Fisheries and Game reporting leave to withdraw on Bill "An Act relating to Free Hunting and Fishing permits for Certain Veterans of World War II" (S. P. 202) (L. D. 265)

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Inheritance Taxes on Life Insurance Policies" (S. P. 102) (L. D. 107)

Report of same Committee reporting same on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-year Terms" (S. P. 84) (L. D. 72)

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 Appropriations and Financial Affairs on Resolve relating to Impounded Bank Accounts of Certain Trust Funds (S. P. 111) (L. D. 136) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, report was read and accepted in concurrence and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to S. P. 111, L. D. 136, "Resolve relating to Impounded Bank Accounts of Certain Trust Funds."

Amend said Resolve by adding at the end thereof, and before the

statement of facts, the following:
'and be it further

Resolved: That the treasurer of state and the state controller charge off the books of the state, the following trust funds:

Augusta State Hospital	
Robie Library Fund	\$2,000
Colonel Black Fund	2,000
Bangor State Hospital	
Robie Library Fund	2,000
	\$6000'

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

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee make a complete study of the advisability of State owned and operated stations for the inspection of motor vehicles, and that said Committee shall report its findings in full to the 95th Legislature (S. P. 475)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

Bills and Resolves Requiring Reference

The following Bills and Resolves, transmitted by Director of Legislative Research, pursuant to Joint Order 452, were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Providing for the Establishment of a State of Maine Information Center" (H. P. 1621) (Presented by Mr. Burgess of Limestone)

(Ordered Printed)

Sent up for concurrence.

Resolve in Favor of Hampden Academy (H. P. 1622) (Presented by Mr. Thomas of Hampden)

Sent up for concurrence.

Claims

Resolve in Favor of the City of Bath for Loss of Taxes (H. P. 1588) (Presented by Mr. Larrabee of Bath)

(Ordered Printed)

Sent up for concurrence.

Resolve in Favor of the Town of Garland (H. P. 1589) (Presented by Mr. Campbell of Garland)

Resolve in Favor of Augusta General Hospital (H. P. 1590) (Presented by Mr. Cole of Liberty)

Resolve in Favor of Sisters' Hospital of Waterville (H. P. 1591) (Presented by same gentleman)

Resolve in Favor of George P. Duffy of Benedicta (H. P. 1592) (Presented by Miss Longstaff of Crystal)

Resolve in Favor of Truman Sleeper of Sherman Mills (H. P. 1593) (Presented by same member)

Resolve in Favor of Milliken Memorial Hospital of Island Falls (H. P. 1594) (Presented by same member)

Resolve in Favor of Pearl Heath of Sherman Mills (H. P. 1595) (Presented by same member)

Resolve to Reimburse Town of Crystal (H. P. 1596) (Presented by same member)

Sent up for concurrence.

Counties

Bill "An Act Relating to Rental for the Bar Harbor Municipal Court" (H. P. 1623) (Presented by Mr. Dufresne of Bar Harbor)

(Ordered Printed)

Bill "An Act Permitting Tax Abatement for Certain Towns by County Commissioners of York County" (H. P. 1624) (Presented by Mr. Taylor of Lyman)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Relating to Elderly Teachers' Pensions" (H. P. 1625) (Presented by Miss Longstaff of Crystal)

(Ordered Printed)

Sent up for concurrence.

Federal Relations

Bill "An Act to Effect a Change in the Experience Rating Record Provisions of the Unemployment Compensation Law" (H. P. 1626) (Presented by Mr. Payson of Union) (Ordered Printed)
 Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act Relative to Hatchery Employees in Classified Service" (H. P. 1627) (Presented by Mr. Jennings of Strong) (Ordered Printed)
 Bill "An Act Relating to Night Hunting of Skunks and Raccoons" (H. P. 1628) (Presented by Mr. Muskie of Waterville by request) (Ordered Printed)
 Sent up for concurrence.

Interior Waters

Bill "An Act to Authorize the Construction of a Wharf in Maranacook Lake at Winthrop" (H. P. 1629) (Presented by Mr. Marsans of Monmouth) (Ordered Printed)
 Sent up for concurrence.

Judiciary

Bill "An Act Relating to Licenses to Sell Real Estate of Surviving Husband or Wife" (H. P. 1630) (Presented by Mr. McClure of Bath) (Ordered Printed)
 Bill "An Act to Amend the Charter of the Portland Water District Relative to Time of Filing Nomination Papers" (H. P. 1631) (Presented by Mr. McGlaulin of Portland) (Ordered Printed)
 Bill "An Act Relating to Temporary Judges for Municipal Courts" (H. P. 1632) (Presented by same gentleman by request) (Ordered Printed)
 Bill "An Act Relating to Notice in the Small Claims Law" (H. P. 1633) (Presented by same gentleman by request) (Ordered Printed)
 Bill "An Act Amending the Uniform Veterans' Guardianship Act" (H. P. 1634) (Presented by Mr. Paine of Portland) (Ordered Printed)

Bill "An Act Amending the Charter of the City of South Portland in Regard to Number of Names on Referendum Petitions" (H. P. 1635) (Presented by Mr. Spear of South Portland) (Ordered Printed)

Bill "An Act to Establish the Brewer Municipal Court" (H. P. 1636) (Presented by Mr. Thompson of Brewer) (Ordered Printed)

Bill "An Act Relating to the Bangor Theological Seminary" (H. P. 1637) (Presented by Mr. Webber of Bangor) (Ordered Printed)
 Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to a Police Commissioner for the City of Waterville" (H. P. 1638) (Presented by Mr. Castonguay of Waterville) (Ordered Printed)

Bill "An Act to Amend the Charter of the City of Waterville to Provide for the Appointment of One Full-time Assessor" (H. P. 1639) (Presented by same gentleman) (Ordered Printed)

Bill "An Act Relating to Board of Police of the City of Waterville" (H. P. 1640) (Presented by same gentleman) (Ordered Printed)

Bill "An Act to Establish an Airport Commission for the City of Waterville" (H. P. 1641) (Presented by same gentleman) (Ordered Printed)

Bill "An Act Amending the Charter of the City of Portland re Election of Members to City Council" (H. P. 1642) (Presented by Mr. Chapman of Portland by request) (Ordered Printed)

Bill "An Act Amending the Charter of the City of Portland re Powers of Assessors" (H. P. 1643) (Presented by same gentleman by request) (Ordered Printed)

Bill "An Act to Provide a Town Manager Form of Government for the Town of Bar Harbor" (H. P.

1644) (Presented by Mr. Dufresne of Bar Harbor)

(Ordered Printed)

Bill "An Act Relating to Bond Issues of the City of Portland" (H. P. 1645) (Presented by Mrs. Fay of Portland)

(Ordered Printed)

Bill "An Act Relating to Participation of Employees of the City of Lewiston in a Contributory Employees' Retirement System" (H. P. 1646) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Bill "An Act Amending the Charter of the City of Lewiston Relating to Ordinances" (H. P. 1647) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act to Grant a Council-Manager Form of Government to the City of Saco" (H. P. 1648) (Presented by Mr. McEnery of Saco by request)

(Ordered Printed)

Bill "An Act Amending the Charter of the City of Portland re Form of Ballot" (H. P. 1649) (Presented by Mr. Paine of Portland)

(Ordered Printed)

Bill "An Act to Confer the Power to Issue Subpoenas to the City Council, the Municipal Officers and the Civil Service Commission of the City of Portland" (H. P. 1650) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relating to the Granting of Licenses for Certain Businesses and Purposes in the City of Portland" (H. P. 1651) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relating to Itinerant Vendors" (H. P. 1652) (Presented by Mr. Robbins of Houlton)

(Ordered Printed)

Bill "An Act Amending the Charter of the City of Brewer High School District" (H. P. 1653) (Presented by Mr. Thompson of Brewer)

(Ordered Printed)

Bill "An Act Relating to the Inspection of Buildings and the Approval of Certain Articles Containing Natural or Synthetic Compon-

ents" (H. P. 1654) (Presented by Mr. White of Auburn)

(Ordered Printed)

Sent up for concurrence.

Military Affairs

Bill "An Act Relating to Maine Soldiers and Sailors in the War with Spain" (H. P. 1655) (Presented by Mr. Berry of South Portland)

(Ordered Printed)

Sent up for concurrence.

Pensions

Resolve Providing for State Pension for Fred Oliver of Ludlow (H. P. 1597) (Presented by Mr. Benn of Smyrna)

Resolve Providing for Pension for John Dickey of Smyrna (H. P. 1598) (Presented by same gentleman)

Resolve Providing for State Pension for Lelida Wright Lebaron of Rome (H. P. 1599) (Presented by Mr. Brown of Wayne)

Resolve Providing for State Pension for Walter S. Hoyt of Fayette (H. P. 1600) (Presented by same gentleman)

Resolve Providing for State Pension for Cyrias Marquis of Hamlin Plantation (H. P. 1601) (Presented by Mr. Burgess of Limestone)

Resolve Providing for State Pension for Mary Hendrickson of Caswell Plantation (H. P. 1602) (Presented by same gentleman)

Resolve Providing for State Pension for Tom Michaud of Caswell Plantation (H. P. 1603) (Presented by same gentleman)

Resolve Providing for State Pension for Ferdinand Pelkey of Caswell Plantation (H. P. 1604) (Presented by same gentleman)

Resolve Providing for State Pension for Ralph A. Smith of Bath (H. P. 1605) (Presented by Mr. Larrabee of Bath)

Resolve Providing for State Pension for Harold Bragg of Monmouth (H. P. 1606) (Presented by Mr. Marsans of Monmouth)

Resolve Providing for State Pension for William McGowan of Reed Plantation (H. P. 1607) (Presented by Mr. Maxell of Orient)

Resolve Providing for State Pension for Burchard Higgins of Mapleton (H. P. 1608) (Presented

by Mr. Merritt of Mapleton by request)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Charter of the Augusta Water District" (H. P. 1656) (Presented by Mr. Dostie of Winslow)
(Ordered Printed)

Bill "An Act to Amend the Charter of the Clinton Water District" (H. P. 1657) (Presented by Mr. Faas of Benton)
(Ordered Printed)

Bill "An Act to Extend the Territorial Limits of the Dover and Foxcroft Water District" (H. P. 1658) (Presented by Mr. Hayes of Dover-Foxcroft)
(Ordered Printed)

Bill "An Act Creating the South Berwick Sewer District" (H. P. 1659) (Presented by Mr. Hobbs of South Berwick)
(Ordered Printed)

Bill "An Act Relating to Railroad Crossings" (H. P. 1660) (Presented by Mr. Pullen of Oakland by request)
(Ordered Printed)

Bill "An Act to Extend the Rights, Powers and Privileges of the Penobscot Valley Water Commission" (H. P. 1661) (Presented by Mr. Thompson of Brewer)
(Ordered Printed)

Salaries and Fees

Bill "An Act to Increase the Salary of County Commissioners in Penobscot County" (H. P. 1662) (Presented by Mr. Boulrier of Stacyville)
(Ordered Printed)

Bill "An Act Relating to the Salary of the Recorder of the Waterville Municipal Court" (H. P. 1663) (Presented by Mr. Muskie of Waterville)
(Ordered Printed)

Bill "An Act Relating to Salary of Sheriff of Hancock County" (H. P. 1664) (Presented by Mr. Sargent of Bucksport)
(Ordered Printed)

Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act Relating to the Taking of Smelts from Cobscook River, Cobscook Bay, Orange River, Denny's River and Their Tributaries" (H. P. 1665) (Presented by Mr. Bucknam of Whiting)
(Ordered Printed)

Bill "An Act Regulating the Digging of Clams for Commercial Purposes in the Town of Roque Bluffs, Washington County" (H. P. 1666) (Presented by Mr. Hayward of Machias)
(Ordered Printed)

Bill "An Act Relating to the Digging of Clams and Worms in the Town of West Bath" (H. P. 1667) (Presented by Mr. Larrabee of Bath)
(Ordered Printed)
Sent up for concurrence.

Tabled

Bill "An Act Relating to Taking Clams in Town of Cushing" (H. P. 1668) (Presented by Mr. Winchenpaw of Friendship)
(On motion by Mr. Bird of Rockland, tabled pending reference and ordered printed)

Bill "An Act Relating to Taking Clams in Town of Friendship" (H. P. 1669) (Presented by same gentleman)
(Ordered Printed)
Sent up for concurrence.

Towns

Bill "An Act to Provide for the Surrender by Moro Plantation of Its Organization" (H. P. 1670) (Presented by Mr. Benn of Smyrna)
(Ordered Printed)

Bill "An Act Changing Town of Wellington to a Plantation" (H. P. 1671) (Presented by Mr. Carle of Wellington by request)
(Ordered Printed)
Sent up for concurrence.

Ways and Bridges

Bill "An Act to Authorize the Construction of a Bridge Across the Androscoggin River" (H. P. 1672) (Presented by Mr. Jacobs of Auburn)
(Ordered Printed)

Bill "An Act to Authorize the Construction of a Bridge Across the Penobscot River" (H. P. 1674) (Presented by Mr. Thompson of Brewer) (Ordered Printed)

Bill "An Act to Dissolve Portland Bridge District and Transfer Property to State" (H. P. 1673) (Presented by Mr. McGlauffin of Portland)

(Ordered Printed)
Sent up for concurrence.

Resolve in Favor of the Town of Trenton (H. P. 1609) (Presented by Mr. Dufresne of Bar Harbor)

Resolve in Favor of the Town of Trenton (H. P. 1610) (Presented by same gentleman)

Resolve in Favor of the Town of Hersey (H. P. 1611) (Presented by Miss Longstaff of Crystal)

Resolve in Favor of the Town of Sherman (H. P. 1612) (Presented by same member)

Resolve in Favor of the Town of Crystal (H. P. 1613) (Presented by same member)

Resolve in Favor of the Town of Bancroft (H. P. 1614) Presented by Mr. Maxell of Orient)

Resolve in Favor of the Town of Jay (H. P. 1615) (Presented by Mr. Maxwell of Wilton)

Resolve in Favor of the Town of Newport (H. P. 1616) (Presented by Mr. Merrill of Stetson)

Resolve in Favor of the Town of Southwest Harbor (H. P. 1617) (Presented by Mr. Phillips of Southwest Harbor)

Resolve in Favor of the Town of Lamaine (H. P. 1618) (Presented by same gentleman)

Resolve in Favor of Long Island Plantation (H. P. 1619) (Presented by same gentleman)

Resolve in Favor of the Town of Swans Island (H. P. 1620) (Presented by same gentleman)

Sent up for concurrence.

Orders

On motion by Mr. Fuller of Buckfield, it was

ORDERED, that there be printed 500 additional copies of H. P. 1107, L. D. 533, Bill "An Act Imposing a

Tax on Apples for Promoting the Use of Maine Apples and Apple Products."

House Reports of Committees Leave to Withdraw

Mr. Wight from the Committee on Inland Fisheries and Game on Resolve Opening Horseshoe Pond in West Gardiner to Ice Fishing (H. P. 466) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Campbell from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Closing Messalonskee Lake and Tributaries in Kennebec County to the Taking of Smelts (H. P. 469)

Mr. Carville from same Committee reported same on Bill "An Act relating to Deer Hunting in Stonington and Deer Isle" (H. P. 569) (L. D. 170)

Same gentleman from same Committee reported same on Resolve Closing Little Pond in the town of Rome to Ice Fishing (H. P. 473)

Mr. Hayward from same Committee reported same on Resolve Regulating Ice Fishing in Messalonskee Lake in the towns of Oakland, Belgrade and Sidney, Kennebec County (H. P. 471)

Mr. Hill from same Committee reported same on Resolve Closing Hatchery Brook in the town of Belgrade to All Fishing (H. P. 470)

Mr. Plummer from same Committee reported same on Bill "An Act Relative to Game Preserve on Monroe Island" (H. P. 464) (L. D. 169)

Same gentleman from same Committee reported same on Resolve Regulating Ice Fishing in Salmon and McGraw Ponds in the towns of Oakland and Belgrade (H. P. 472)

Mr. Silsby from the Committee on Judiciary reported same on Bill "An Act to Establish the Vinalhaven Municipal Court" (H. P. 748) (L. D. 290)

Mr. Williams from same Committee reported same on Bill "An Act relating to Curfew" (H. P. 656) (L. D. 210)

Mr. Johnson from the Committee on Motor Vehicles reported same on Bill "An Act relating to Lights on Certain Motor Vehicles" (H. P. 1311) (L. D. 636)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Atherton from the Committee on Legal Affairs on Bill "An Act to Create the Town of Windsor School District" (H. P. 996) (L. D. 427) reported same in a new draft (H. P. 1675) (L. D. 929) under same title and that it "Ought to pass"

Mr. Marble from same Committee on Bill "An Act to Incorporate the Town of Shapleigh School District" (H. P. 923) (L. D. 375) reported same in a new draft (H. P. 1676) (L. D. 930) under same title and that it "Ought to pass"

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

**Ought to Pass
Printed Bills**

Mr. Roundy from the Committee on Banks and Banking reported "Ought to pass" on Bill "An Act relating to Investments of Savings Banks" (H. P. 726) (L. D. 305)

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

On motion by Miss Cormier of Rumford, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

The SPEAKER: The Chair at this time notes the presence in the balcony of the Hall of the House of the Sixth and Seventh Grades of the Burketville School, in charge of Mr. Calhoun; the Third and Fourth Grades of the Frost School of Wales, in charge of Miss Jean Haskell; and the Problems of Democracy Class of the Norway High School, in charge of Mr. John

Roberts, and in behalf of the House, we bid you welcome. (Applause)

**Ought to Pass (continued)
Printed Bills**

Mr. Tyler from the Committee on Banks and Banking reported "Ought to pass" on Bill "An Act relating to Destruction of Old Bank Records" (H. P. 813) (L. D. 310)

Mr. Paine from the Committee on Legal Affairs reported same on Bill "An Act relating to Retirement Pensions for Police and Fire Departments of the city of Portland" (H. P. 999) (L. D. 430)

Mr. Carle from the Committee on Motor Vehicles reported same on Bill "An Act relating to Time of Lighting on Snow Removal or Sanding Equipment" (H. P. 928) (L. D. 378)

Mr. Grant from same Committee reported same on Bill "An Act relating to Use of Identification Number in Motor Vehicle Registration" (H. P. 930) (L. D. 379)

Same gentleman from same Committee reported same on Bill "An Act relating to Motor Vehicle Registration Number Plates" (H. P. 364) (L. D. 127)

Mr. Hobbs from same Committee reported same on Bill "An Act relating to Motor Driven Cycles" (H. P. 931) (L. D. 380)

Mr. Jones from same Committee reported same on Bill "An Act relating to Motor Vehicle Registration for Amputee Veterans" (H. P. 841) (L. D. 336)

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

The SPEAKER: The Chair neglected to recognize a few moments ago among our guests in the balcony the Junior and Senior Classes from the Island Falls High School, in charge of Mrs. Jenny Harding. The Chair is informed that in order to reach here this morning these youngsters had to rise before five o'clock this morning and have been on the road for a long period of

time. In behalf of the House, we bid you welcome. (Prolonged applause)

Mr. Jones from the Committee on Motor Vehicles reported "Ought to pass" on Bill "An Act relating to Insurance for Motor Vehicles Carrying Passengers for Hire" (H. P. 1001) (L. D. 432)

Mr. Plummer from same Committee reported same on Bill "An Act relating to Sirens on Automobiles Operated by Fire Inspectors" (H. P. 1310) (L. D. 657)

Same gentleman from same Committee reported same on Bill "An Act relating to Motor Vehicle Licenses for Amputee Veterans" (H. P. 929) (L. D. 402)

Mr. Thomas from same Committee reported same on Bill "An Act relating to Equipment in Official Inspection Garages" (H. P. 932) (L. D. 381)

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

First Reading of Printed Resolves

Resolve Extending the Open Season on Gull Pond (H. P. 572) (L. D. 927)

Resolve Regulating Fishing in Gay Brook in the County of Cumberland (H. P. 653) (L. D. 928)

Were read once and tomorrow assigned.

Passed to be Engrossed

Bill "An Act relating to a State Police Barrack in the county of Penobscot" (S. P. 65) (L. D. 48)

Bill "An Act relating to Territory Included in the Maine Forestry District" (S. P. 89) (L. D. 75)

Bill "An Act to Provide for a Reserve for Operating Capital for the General Fund of the State" (S. P. 96) (L. D. 102)

Bill "An Act relating to State Prison Sentences" (S. P. 101) (L. D. 106)

Bill "An Act relating to the Payment of the Cost of the Kennebec or Carlton Bridge" (S. P. 255) (L. D. 389)

Bill "An Act relating to Uniform Act on Interstate Arbitration of Death Taxes" (H. P. 358) (L. D. 121)

Bill "An Act relating to Uniform Act on Interstate Compromise of Death Taxes" (H. P. 359) (L. D. 122)

Bill "An Act Granting Certain Powers to the Hancock County Trustees of Public Reservations" (H. P. 655) (L. D. 209)

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

The SPEAKER: The Chair at this time notes the presence in the balcony of the Hall of the House of the Eighth Grade of the Old Orchard Beach School, in charge of Mr. Batchelder, Miss Neilon, Miss O'Connor and Miss Margone. In behalf of the House, we bid you welcome. (Applause)

House at Ease

The SPEAKER: At this time, the Chair notes the presence in the balcony of the Hall of the House of the members of the Methodist Youth Fellowship of Wilton. In behalf of the House, we bid you welcome. (Applause)

Passed to be Engrossed (cont'd)

Bill "An Act Changing Name of Retirement System to 'Maine State Retirement System'" (H. P. 704) (L. D. 250)

Resolve Authorizing the State Forest Commissioner to Convey Certain Interest of the State in Lands in Somerset County to Denistown Plantation (S. P. 61) (L. D. 37)

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Oxford County to Emile Pellerin of Rumford (S. P. 278) (L. D. 451)

Resolve Transferring Supervision and Control of Certain Interest of the State in Lands in the Unorgan-

ized Territory from the State Tax Assessor to the Forest Commissioner (S. P. 279) (L. D. 452)

Resolve, Relating to Transfer of Certain Records of State Employees' Retirement System (H. P. 706) (L. D. 252)

Resolve Closing Kennebago Stream to All Fishing (H. P. 746) (L. D. 288)

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 relating to State Owned Delinquent Tax Lands Account" (S. P. 110) (L. D. 137)

Bill "An Act relating to Permanent State Trust Funds" (S. P. 221) (L. D. 341)

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.

**Passed to be Enacted
Emergency Measure**

An Act Relating to Suspension of Public Utility Rates (S. P. 177) (L. D. 233)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 134 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled and Assigned**

An Act to Incorporate the Town of South Thomaston School District (H. P. 486) (L. D. 161)

(On motion by Mr. Bird of Rockland, tabled and specially assigned for tomorrow morning.)

Emergency Measure

An Act to Incorporate the Town of Bingham School District (H. P. 657) (L. D. 211)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 138 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Town of North Yarmouth School District (H. P. 1254) (L. D. 556)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 129 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Provide for Authorization of Issues of Stocks, Bonds or Notes by Public Utilities and Railroads (S. P. 59) (L. D. 35)

An Act Relating to Fares Between the Westerly End of Peaks Island and Portland (S. P. 119) (L. D. 140)

An Act Excluding Television for Use in Motor Vehicles (S. P. 173) (L. D. 231)

An Act Relating to Chief Inspector of Utilities (S. P. 176) (L. D. 234)

An Act Relating to Caboose-cars Used by Railroads (S. P. 192) (L. D. 245)

An Act to Provide the Time for Filing Monthly Reports Relating to the Use Fuel Tax (S. P. 280) (L. D. 455)

An Act to Incorporate the Town of Exeter School District (H. P. 363) (L. D. 126)

An Act Relating to Financing Community School Districts (H. P. 482) (L. D. 157)

An Act Relating to Liens for Architects and Engineers (H. P. 579) (L. D. 177)

An Act Relating to Fees of Secretary of State (H. P. 601) (L. D. 184)

An Act Relating to the Water Supply of Boothbay Harbor (H. P. 659) (L. D. 213)

An Act Relating to the Rockland School District (H. P. 709) (L. D. 255)

An Act Relating to the Issuance of Dealer's Registration (H. P. 1252) (L. D. 655)

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

Orders of the Day

On motion by Mr. Paine of Portland, the House voted to reconsider its action taken earlier in today's session whereby it assigned Bill "An Act relating to Motor Vehicle Registration for Amputee Veterans" H. P. 841, L. D. 336, for third reading tomorrow morning; and on further motion by the same gentleman, under suspension of the rules, the bill was given its third reading and was passed to be engrossed.

On further motion by the same gentleman, the bill was ordered sent forthwith to the Senate.

On motion by Mr. Paine of Portland, the House voted to reconsider its action taken earlier in today's session whereby Bill "An Act relating to Motor Vehicle Licenses for Amputee Veterans" H. P. 929, L. D. 402, was assigned for third reading tomorrow morning; and on further motion by the same gentleman, under suspension of the rules, the bill was given its third reading and passed to be engrossed.

On further motion by the same gentleman, the bill was ordered sent forthwith to the Senate.

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, Senate Report

on Bill "An Act Relieving Towns of Expense of Maintaining State Aid Highways" (S. P. 109) (L. D. 113) reporting a New Draft (S. P. 454) (L. D. 770) under title "An Act to Relieve Towns of Maintenance of State and State Aid Highways and to Provide for Construction of State Aid Highways" tabled on February 22nd by the gentleman from Limestone, Mr. Burgess, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. BURGESS: Mr. Speaker and Members of the House: Yesterday you kindly granted me the privilege of tabling this measure for the purpose of clarifying an issue which arose during the session. I have contacted the office of the Attorney General, and I would like to read his letter, and I also move that this letter be incorporated in the records of today. The letter is addressed to me.

February 22, 1949

Honorable S. Waldo Burgess
House of Representatives
State House
Augusta, Maine

Re: L. D. No. 770, S. P. 454

An Act to Relieve Towns of Maintenance of State and State Aid Highways, and to Provide for Construction of State Aid Highways

Dear Mr. Burgess:

At your request I am answering your question relating to the provisions of Section 5 of L. D. No. 770, "An Act to Relieve Towns of Maintenance of State and State Aid Highways, and to Provide for Construction of State Aid Highways," which provisions repeal Section 7 of Chapter 349 of the Public Laws of 1947, entitled "An Act Providing Revenue for the Highway Fund." The effect of the repeal in Section 5 of L. D. No. 770 is to extend the six cents per gallon gasoline tax beyond September 1, 1950.

You ask if under Section 9 of Article IV, Part Third, of the Constitution of Maine, this amendment is a bill for raising a revenue and

should originate in the House of Representatives.

In reply I will say that it is my opinion that the amendment contained in Section 5 of L. D. No. 770, which repeals the limitation on the gasoline tax, is not a bill for raising a revenue under the language of the Constitution, which provides, "All bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases."

The bill for raising a revenue was passed in 1947 and became effective May 8, 1947, and the repeal of the limitation of the effect of the revenue measure does not constitute a bill for raising a revenue, but is in fact a Senate amendment of a revenue act which is on the statute books. Incidentally it extends the period of the revenue beyond the date in the original act.

The only case where the Maine Supreme Court has passed on this provision of the Constitution is to be found in 133 Maine page 537 in the Opinions of the Justices, which related to an act relating to resident fishing and hunting licenses. The Court held: That an act raising revenue by increasing the fishing licenses was regulatory and not within the meaning of the Constitution as one for revenue which should have originated in the House of Representatives. The last paragraph of this Opinion by the Justices reads as follows:

"A 'Bill for raising revenue' is one for levying taxes in the strict sense of the word, and not a regulatory measure which incidentally creates revenue."

The Senate amendment in this bill, in my opinion, is not one levying taxes in the strict sense of the word, but incidentally extends the revenue already levied beyond the period set in the original revenue bill; and it is not necessary for such a bill to originate in the House of Representatives. It is simply a Senate amendment to a revenue measure already on the statute books.

The United States Supreme Court has ruled on this matter as follows:

"'Bills for raising revenue', within the meaning of the constitutional requirement that such bills shall originate in the House of Representatives, are bills that levy taxes, in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. *Twin City National Bank v. Nebecker*, 167 U.S. 196, 42 L.ed 134, 17 Sup. Ct. Rep. 766; *Millard v. Rogers*, 202 U.S. 489, 50 L.ed 1090, 26 Sup. Ct. Rep. 674; *Perry Co. v. Selma*, 58 Ala. 546; *Lang v. Com.*, 190 Ky. 28, 226 S.W. 379; *Northern Counties Invest. Trust v. Sears*, 30 Oreg. 388, 41 Pac. 931, 35 L.R.A. 188."

In my opinion the repeal of the limitation clause in the revenue bill of 1947 is incidental and does not levy a new tax within the meaning of the constitutional requirement in Section 9 of Article IV, Part Third of the Constitution of Maine.

Very truly yours,
Ralph W. Farris
Attorney General

Members of the House: If you will be patient with me, I would like at this time to explain the bill. Now I have no doubt but what every one of you may be entirely familiar with what this particular bill proposes, but, with your permission, I would like briefly to review it.

Under the existing laws which are in operation at this time each town throughout the State, or city, pays into the State Highway Department in cash annually forty dollars per mile for each and every mile of State Aid designated road in their respective towns. They also pay into the State Highway Department \$110 per mile for each mile of designated State Highway within the limits of their town.

This bill proposes to completely eliminate the necessity of towns appropriating the forty dollars or paying into the State Highway Department on the State Aid designated roads. It proposes to reduce from

\$110 per mile to \$40 a mile the cost to the towns for summer and winter maintenance of State Highways.

This bill further proposes to increase by one-half unit the State Aid construction fund. At the present time, towns throughout the State are permitted to appropriate one and one-half units, and, as you are all aware, the amount of a unit is based upon a valuation formula graduated down as the valuation of your respective towns goes up. I will cite only one instance. When the valuation of towns reaches \$1,600,000, then the State matches dollar for dollar. But, briefly, if you wish to calculate the amount of money that would be available for State Aid construction funds if this bill becomes law, you simply divide your present fund by three and add a third to that fund.

The bill carries an emergency clause. It is my understanding that the emergency clause would be necessary if the towns and cities throughout the State were to have the benefit of this fund or a change in their funds for the next fiscal year.

Up until the present time, I feel very certain that the members of this House have been very cooperative with me, and I want to thank them for it, and I ask them this morning only this: That you give this bill all the time that you wish and debate it to your hearts' content, but decide it, in order that our towns throughout the State may know the answer as soon as possible.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Jennings.

Mr. JENNINGS: Mr. Speaker and Members of the House: First, I wish to state that I have sincere faith in the decision of our Attorney General. I feel that this is a good bill and will be a great help to all our smaller towns. In my case, I represent several small towns and plantations. They will receive something that they have been looking for and something that will be a

great asset to them. I am going to vote for this bill, and I trust that other members of this House can see it the way I do. I thank you.

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

Mr. MCGLAUFLIN: Mr. Speaker, I too am in favor of this bill, and I am perfectly willing that you shall follow the decision of the Attorney General, but I am a lawyer and I have a right to my own opinion, and I must say that I do not agree with the Attorney General in this matter. There has been one decision and one only in the State of Maine under that clause of the Constitution, and in that decision it says that a bill for raising revenue is one for levying taxes in the strict sense of the word.

When you make a proposition that you are going to extend a law passed in 1947 so that it runs into an indefinite period, according to my judgment you are putting on taxes that were there before, and I call that new taxes.

Now I do not want to hurt this bill, and if you think that is incidental, as the Attorney General says, vote for it, and I do not ask anybody to agree with me. I want to see the bill go through, but I cannot sit here and let that bill go through when I believe it is unconstitutional.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I deemed it to be my duty yesterday to call attention to what I thought was a defect in a bill which I like and which I want to pass and which I want to stick.

You have the opinion of the Attorney General, and, as the gentleman from Portland (Mr. McGlaufflin) says, I believe you are justified in relying upon it, if you wish to do so, and take whatever risk there may be.

The Attorney General, however, is not the official who would finally determine the constitutionality of the act. I cannot tell you and neither can the Attorney General tell you what the Supreme Court

may say next, but this is what the Supreme Court said last:

In 1935, on a question submitted in regard to a licensing fee on an act relative to resident fishing and hunting licenses, the Court, as nearly as I can read the language, says: "There can be no serious doubt about the point of constitutionality involved. There have been numerous decisions." And the sense of those decisions, as I understand it, seems to be that if the raising of the revenue is purely incidental the bill can originate in either body, but a bill for revenue which should have originated in the House of Representatives, the Supreme Court of Maine defines and makes the distinction in this language in 133 Maine 539: "A bill for raising revenue is one for levying taxes in the strict sense of the word and not a regulatory measure which incidentally creates revenue."

Now this bill carries a tax measure which runs, as I understand it, around four million dollars a year, and that revenue measure is the heart and guts of the bill, and it is what justifies the remainder of it; and in view of what I judge to be the clear language of the Supreme Court, I am still in doubt about it.

I would like to fix this bill, which can be fixed in a day's time if we want to fix it, so that doubt can be entirely removed and so I can be confident that the bill will stick.

Now in view of these facts, first, that the printed copy of the bill, which is all the public has to go by, contains two errors and one error is in the vital clause which does not make clear the chapter which is being repealed—that can no doubt be corrected and perhaps has already been corrected, but the bills circulated had the mistake in them—and the second fact is that the procedure has been irregular; a bill which contained nothing about a tax was referred to a committee, the Committee on Ways and Bridges, which brought it out in a new draft with a four million dollars a year revenue bill hitched on the end of it—and, as I understand it, and as

was said yesterday, when that bill was heard the people had no notice that there was a tax question involved. They were in a hearing before the Committee on Taxation, which does have in its possession two House bills on this particular gas tax provision. And the further fact is that, in view of what seems to me to be the clear definition of a revenue bill and the decision of the Supreme Court, I still think the bill should be recommitted to the Committee on Ways and Bridges or to the Committee on Taxation, but I shall not myself so move.

The SPEAKER: The question before the House is on the acceptance of the "Ought to pass in New Draft" report of the committee.

The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker and Members of the House: I would like, first of all, to support the remarks of the gentleman from Portland, Mr. McGlauffin, and the gentleman from Cape Elizabeth, Mr. Chase. There is not too much I can add to what has already been said. However, I would like to point out just a few things to the House as they occur to me.

We have heard something of the merits of the first part of this bill. As to that part of the bill, I am not going to make any comment at this time except to say that if those merits are valid, if there is really a sentiment in support of that part of the bill claimed by its proponents, there was no need to resort to subterfuge to get that bill enacted.

You remember the discussion yesterday by the proponent of the bill who attempted to explain the bill to us and did very well as far as he went. He did not mention, however, the tax bill which we now know was appended to the bill by the committee.

This House has certain procedure for the consideration of legislation which is intended to protect the people of Maine and intended to protect us. A bill is dropped in the hopper down here

and it is referred by us to a committee. It is our choice as to which committee shall hear the merits or demerits of the bill. A bill to extend the gasoline tax was dropped in the hopper of this House, and we chose to refer it to the Committee on Taxation. The bill was referred to the Committee on Taxation and it was given public hearing by the Committee on Taxation. Now I, for one, as a member of this House, object to any committee taking that choice out of our hands and to report to us a bill which we did not refer to them.

We have heard some discussion of the constitutionality of this bill on the ground that it originates in the Senate and that there is some question as to whether or not it is a revenue-producing measure. I say that regardless of the opinion of the Attorney General, it is up to us to decide in this House that we will originate any revenue-producing measure. The lawyers may disagree as to whether or not this bill raises revenue; the Attorney General may have an opinion on it; but we should guard our prerogative whenever there is any doubt. We are the money-raising body of this Legislature. Let us assert our right to raise any money that is to be raised.

The proponents of this bill have talked to me in the corridors about the merits of the assistance which will be given to the towns. I know they are sincere when they make those arguments, but I say this: That they should not, in their zeal-ousness to put across a program of this sort, overlook those safeguards which have been set up over the years by this Legislature to protect our interests and the interests of the public.

We of the Committee on Judiciary consider in the course of this Legislature many measures which call for appropriations and money. What is to prevent us from saying at the close of executive session: "Now this bill calls for some money. The Governor has told us that we cannot have things of this sort unless we raise more money,

so why don't we in the Judiciary Committee attach a revenue provision to the bill and send it to the House." What is to prevent any committee from adopting that kind of procedure? If we set a precedent for that kind of thing, we open the door to these revenue bills pouring in here from every committee set up in the House without any advance warning to us that we can look for such things coming out of such committees.

We have a taxation committee set up for the consideration of revenue-producing measures and we keep our eye on that committee to see how our legislation is proceeding, how public interest is developing in regard to taxation measures. I say it is not right for anyone to slip something like that through the back door when we are not looking.

There is one other point I would like to make, and that is on the question of emergency. I was a little concerned this morning when I picked up my calendar and saw we had sixteen emergencies existing in various parts of the State. I think that we have tended to overwork the use of the emergency power which is given to us, but I think that here the abuse of that power is so obvious that we must desist from its use.

The proponents of this bill want to give certain aid to the towns. They say, "In order to give that assistance so that the towns can take advantage of it at town meetings next month we must use the emergency power."

Members, if we enact the first part of this bill the gas tax which they want to extend will be on the books for the next year and a half. These towns will already have the money from the very source of revenue they propose to pass for the next fiscal year. Are we to say here today it is an emergency when the gas tax will expire a year and a half from today? Is that the kind of emergency that is envisaged in that section of the Constitution? There is no emergency tied up with that gas tax. It seems

foolish to belabor the point. It is obvious there can be no emergency. An emergency is something that is immediate, pending, a disaster that is liable to befall the State immediately. This gas tax is on the books for a year and a half.

I have already spoken more than I intended. I merely want to say this: I hope that in view of the considerations which you gentlemen who have preceded me today have made, that you will oppose the acceptance of the report of this committee as it now stands.

The SPEAKER: The Chair recognizes the gentleman from Aurora, Mr. Silsby.

Mr. SILSBY: Mr. Speaker and Members of the House: I hesitate to rise and take issue on this particular subject matter with my good friends and colleagues, the gentleman from Portland, Mr. McGlauffin and the gentleman from Waterville, Mr. Muskie, but, nevertheless, I feel duty bound to support the person whom we, when we convened on the first day of January last, elected as Attorney General of this State. That was by a majority vote of a joint convention of this House and the Senate, and, by electing him, we accepted his opinions.

Now, when we are in trouble on legal matters, to whom do we go for advice? We go to the Attorney General of the State of Maine, and it is his duty to study our problems and to report accordingly his opinion, unbiased, unprejudiced, without any hope of reward from anyone.

Now I have not had the opportunity to study this particular issue—and bear in mind there are two issues here—one, whether we will extend or pass the gas tax, as the bill purports to be, for an indefinite time—that is one issue—and the next issue is the constitutionality, which in my opinion is a subterfuge and nothing more.

The floor leader of this assembly has read the opinion from the Attorney General, and I assume that the Attorney General has made a study of this matter, and I believe that we should support the At-

torney General, and if he is incorrect the record has his letter on file, but I doubt very much if he is incorrect, for this reason: This bill that we now have before us originated, in the first instance, in this House in the 93rd Legislature and was passed by a two-thirds vote. The Senate amended the bill by a two-year limitation; and, if you please, the Senate in this present assemblage has just simply eliminated that particular amendment, and that, in my opinion, is wholly and totally regulatory and not revenue-raising. We already have the bill; we just simply have taken off the limitation. I feel very seriously the Attorney General's opinion is correct, and I hope that the motion of the floor leader, the gentleman from Limestone, Mr. Burgess, prevails.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Hill.

Mr. HILL: Mr. Speaker and Members of the House: I am not a legally-trained man, and therefore it is impossible for me to argue the legal points regarding the constitutionality of this bill. However, I do feel that we have a gentleman down the hall, elected by this body a short time ago, and he has given us his opinion. I believe that this body should go along with that opinion.

I also come from a small town and I believe that this bill is a good one. I urge the House very strongly to support it. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker and Members of the House: At the opening of this session I opposed the remarks of the minority leader when I thought they were not in the best interests of the people of Maine. Today I am wholeheartedly in accord with his remarks.

Furthermore, I represent not only a city but the people of that city, and I do not feel that we should saddle them with a permanent gasoline tax. We will have

in the future other Legislatures that will be in this House. Perhaps they will be capable of taking care of this situation as it arises. When I vote I shall vote against this measure. I thank you.

The **SPEAKER**: The Chair recognizes the gentleman from Orient, Mr. Maxell.

Mr. **MAXELL**: Mr. Speaker, I am not familiar with the constitutionality of this bill, but I first believe that we should stand by our Attorney General in his decision. I come from a small district of ten towns, and every one of those towns are having a hard time in raising sufficient money by taxation to maintain their schools and to do a small amount of road work each year and to carry on. I thoroughly believe that if we as members of the Legislature can do anything to assist these small country towns it is our duty and obligation to do so. I hope that this bill passes.

The **SPEAKER**: The question before the House is on the acceptance of the "Ought to pass in New Draft" report of the Committee.

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. **WOODWORTH**: Mr. Speaker, I rise to support the motion to accept the report of the committee in concurrence.

This bill, as I understand it, is composed of three separate bills which were put together by the committee. In substance, it is a committee bill. The only error seems to be that the name of the sponsor was a Senator and not a member of the House, which seems to me to be a very scant basis for claiming that it is not a House-sponsored bill. The opinion of the Attorney General was that the revenue-raising measure was incidental to the main purpose of the bill.

Now our Constitution provides, in substance, that all revenue-raising measures must originate in the House. That does not mean that every bill that provides in some de-

gree for the raising of revenue must originate in the House. It does mean that if the principal purpose of the bill is to raise revenue it must come into the House. We may have, for example, a bill, the only purpose of which is to raise revenue. That must originate in the House. We may have another bill which has nothing to do with raising revenue. That may originate in either branch. We may have a bill of a third class which does raise some revenue but also contains a number of other provisions. In such a case it must be determined whether or not the raising of revenue is the principal purpose of the bill or whether it is incidental to the main purpose of the bill. That is the distinction made by the Attorney General. The Attorney General has said that in this bill the raising of revenue is incidental. I believe that he was correct.

In the first place, I have already called your attention to the fact that this was, in substance, a committee bill signed by a Senator. If the name of one of the members of this House had been put in place of the name of that Senator, there would be no objection to this bill.

My second reason for saying that the Attorney General was correct is the fact that we have on this bill an emergency preamble. That emergency preamble does not relate at all to Section 5 of the bill; it relates only to the first four sections. Now if the raising of revenue was the principal part of the bill, it seems logical to suppose that the emergency preamble would have included the fifth section as well as the first four. I do not have any doubt that the first four sections do require the emergency preamble.

Under the general statutes, towns are required to have their town meetings on one of the four Mondays in March, and, if we can get this bill out, the town fathers may insert in their warrants articles providing for the raising of specific sums for State Aid roads as provided in the bill. If we do not get

it out several days before the first Monday in March, this bill will be no good to the Town Fathers.

I have said that they have put together three separate bills. I do not recommend that; I do not think it is the best way to prepare a bill, but it has been done in this case and it has been done very many times in the past, and I have no doubt that it will continue to be done in the future.

As to who decides what the purpose of a bill is, whether it is primarily a bill for raising money or whether that purpose is really incidental, the answer is the Legislature decides. And we are here, and we can decide that matter today.

So far as the legal consequences go, there are no decisions in the State of Maine, so far as I know; but there is a similar provision in the Constitution of the United States, and at times the question has been raised in the Supreme Court of the United States as to whether a bill is valid or invalid because it was a revenue bill which originated in the wrong branch. And in such cases the United States Supreme Court has unanimously and uniformly held that the Legislature decided that matter when they passed the bill, or Congress decided it and the President decided whether it was proper when he signed the bill, and that it was not the business of the Court to inquire into the mechanical processes of the Legislature.

In other words, we of the Legislature are supposed to follow the Constitution, and if we have considered this and passed it we have necessarily decided that the purpose of raising revenue was incidental only.

It may be pointed out that Section 5 may be taken out of this bill without injuring the emergency purpose of this bill. Now we have had quite a lot of talk about constitutionality. The only constitutionality question relates to Section 5. If those who believe that there is some constitutional doubt as to

Section 5 would follow the usual parliamentary course, they would offer an amendment in some way relating to Section 5; but I am very sorry that while they say they are in favor of the bill they take no positive action; they just attack the bill. I think if they are to reject the bill because one section is bad, they might at least go to the extent of attacking that section by an amendment. As the bill comes before us as the representation of the conscientious efforts of this committee, unless there is some divergent course offered, I believe that the bill should be considered squarely on its merits as a whole and continuing the bill on its merits as a whole. I believe the report "Ought to pass" should be accepted in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Honorable Speaker and Members of the House: I do not want to argue upon the law of the bill because it seems to be a divided opinion. Since coming here, I have tried to play on a cooperative basis. You may recollect that two years back there was a great difference between the gas tax of the two parties. In cooperation with the gentleman who was a proponent of the two-cent tax plus two years more of it. I teamed along with him. I listened to the only hearings I knew of on the Burgess bill and the Lackee bill. That afternoon we had the proponents. The outstanding remark that was made by the proponents was by the gentleman representing the Maine State Grange: "Two years more plus the two cents." The opposition to the tax had no chance to pull their punches. The argument seemed to be, as I understand it, the Highway Department was not here with a plan so they could battle with it and battle, and battle it above-board. I left with the impression that there was to be another hearing.

Now, I am a small business man; I have trucks; I realize that we need roads. I am willing to go

along with a program such as the member of the State Grange saw fit to announce, which would be two years, a permanent tax issue. I think I have been double-crossed on that myself and I think that the gentleman whom I cooperated with has been double-crossed because I have not seen him since yesterday morning when I talked with him. There seems to be no reason why the gas tax should not go through the regular channels. I don't think that a permanent tax is the right thing to put on a gas tax. For that reason, I vote against it.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Hayward.

Mr. HAYWARD: Mr. Speaker and Members of the House: I agree with the opinion of the Attorney General. I think this is a very important bill and I am going along with it.

Two years ago I was House Chairman of the Committee on Ways and Bridges. The gentleman from Aurora (Mr. Silsby) has pointed out to you the only thing the other body is doing now is repealing an amendment they put on at that time, and I wish to state that the gentleman from Aurora is very correct.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I rise this morning to support Legislative Document 770. Members of the House, you and I and all of us were sent down here as representatives of the people and I think that I am safe in saying that as representatives of the people, each and every one of us have been charged to do all in our power to relieve the tax burden upon the towns which we represent.

Now, here is an issue before us where, in a small measure, we can relieve that burden. The maintenance of our State Aid and State highways, today, is being run by the State. The only part that the towns play in this program is by

voting as a body for a part of that maintenance.

There has been a great deal of discussion this morning on the constitutionality of a certain section. We have the opinion of the Attorney General. The reason we have an Attorney General is to rule on questions of legality and I am confident that he has given us a good opinion and I say to you now that if we are going to give relief to the towns which we represent, it is about time that we have some legislation that will give them some relief. And if we dilly-dally around and argue points of law, the time will come when we shall adjourn and go home without giving them the relief that we promised to help do and to which they are entitled. I hope that the motion of the gentleman from Limestone, Mr. Burgess, prevails.

The SPEAKER: The question before the House is upon the "Ought to pass in New Draft" report of the committee.

The Chair recognizes the gentleman from Randolph, Mr. Kent.

Mr. KENT: Mr. Speaker and Members of the House: I represent small towns and I have not had a chance to do a great deal for them. I represent three towns that have from forty to sixty miles of road. One town has nothing in it for taxable property except just farm property. It is some job for a town like that to maintain a sound financial program to carry on its school facilities, its road program and snow removal. A bill like this will give a great deal of aid to towns like that, and, further, will put them in sound financial standing which it is hard for them to maintain today. I think that it is just a matter of good common sense and not a legal matter. It seems to me it is only good, sound reasoning to help out towns that need some sort of aid at this time, and if we wait too long these towns are going to be more or less abandoned. I think the time has come, too, when we should do something very definite to relieve those towns and get them

on a basis where they can take care of themselves. They do all these things today in the direction of State Aid, the Highway Department and the School Department, and the towns have very little to say about what they do with their funds because they are directed for them. If they are going to take care of these roads and we tell them how we want them taken care of, I see no reason why the State should not stand the expense of maintenance of this improved road and relieve the towns from snow removal.

I hope this morning when we vote on this question we will vote to support it.

The SPEAKER: The Chair recognizes the gentleman from Stratton, Mr. Carville.

Mr. CARVILLE: Mr. Speaker and Members of the House: I have not had a chance to look into this bill a great deal, but I have every confidence in the world in our Attorney General and the Members that made up the committee that framed this bill.

I, too, come from a small town, and I think this bill is the first thing I have ever had that I can bring home to my town. I certainly hope we forget the legality of this bill. I do not believe anyone is ever going to question a measure that is bringing the bacon home to the towns.

I begin to believe that some of our city representatives here are making an issue of the fact they are perhaps not getting their proportionate part. That may be true, but we have never had a great deal in our small towns. They will shortly be here looking for eight million dollar bridges, and we probably will go along and help them out. Why can't they go along and help us out a little on a matter of some \$400,000 to be spread out over the whole State of Maine?

I know the members of this committee have worked very diligently. I happen to room with one of them and I know he has spent a lot of his time on it.

They say these bills did not have a hearing. Of course they had a hearing; both of these bills had a hearing; and the third bill has had a hearing, I understand, in Taxation. They simply did what we all do in every committee: They took the meat out of these bills and put it into one. If we want to get out of here before July, in my way of looking at it we have to go along with this bill. I, for one, do not want to be here in July; I want to get out in June. I thank you.

The SPEAKER: The question before the House is on the acceptance of the "Ought to pass in New Draft" report of the committee. The Chair recognizes the gentleman from Unity, Mr. Brown.

Mr. BROWN: Mr. Speaker, I rise to support the acceptance of the committee report.

The SPEAKER: Is the House ready for the question? As many as are in favor of the acceptance of the "Ought to pass in New Draft" report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the House voted to accept the "Ought to pass in New Draft" report of the committee.

The new draft having already been printed, under suspension of the rules the bill was given its two several readings and tomorrow assigned for third reading.

On motion by Mr. Burgess of Limestone, the House voted to reconsider its action just taken whereby Bill "An Act Relieving Towns of Expense of Maintaining State Aid Highways" (S. P. 109) (L. D. 113) New Draft (S. P. 454) (L. D. 770) "An Act to Relieve Towns of Maintenance of State and State Aid Highways and to Provide for Construction of State Aid Highways" was assigned for third reading tomorrow.

Mr. BURGESS: Mr. Speaker and Members of the House: It is very apparent to me from the vote that was just taken the outcome of the bill, and, purely from the standpoint of speeding things up, I would

now like to move that the rules be suspended and the bill be given its third reading and be passed to be engrossed.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves, under suspension of the rules, that the bill be given its third reading and be passed to be engrossed at this time. Is this the pleasure of the House?

The motion prevailed and the bill was given its third reading and was passed to be engrossed in concurrence.

On motion by Mr. Bird of Rockland, the House voted to reconsider its action taken earlier in this morning's session whereby Bill "An Act Relating to Taking Clams in Town of Friendship" (H. P. 1669) was referred to the Committee on Sea and Shore Fisheries; and on further motion by the same gentleman, the bill was tabled pending reference to a committee.

On motion by Mr. Bird of Rockland, the House voted to take from the table Bill "An Act Relating to

Taking Clams in Town of Cushing" (H. P. 1668), tabled by him earlier in today's session; and on further motion by the same gentleman, the bill was referred to the Committee on Sea and Shore Fisheries, ordered printed and sent up for concurrence.

On motion by Mr. Payson of Union, the House voted to take from the table the sixth tabled and unassigned matter Bill "An Act relating to North Knox Agricultural and Horticultural Society" (H. P. 576) (L. D. 174), tabled on February 15th by that gentleman, pending passage to be engrossed; and on further motion by the same gentleman, the bill was passed to be engrossed and sent up for concurrence.

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

If there be no further items of business to come before the House, the Clerk will read the notices.

On motion by Mr. Jamieson of Presque Isle,

Adjourned until ten o'clock tomorrow morning.