

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

Thursday, February 24, 1949

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

Prayer by the Rev. Mr. Miller of Newport.

The journal of the previous session was read and approved.

Papers from the Senate:

From the Senate:

Resolve in Favor of Independent Lithograph Co., of New York City, New York (S. P. 479)

Came from the Senate referred to the Committee on Claims.

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

From the Senate:

Bill "An Act Relating to Pollution of Waters of Sebago Lake Used by the Portland Water District" (S. P. 458) (L. D. 910)

Came from the Senate referred to the Committee on Interior Waters.

In the House, referred to the Committee on Interior Waters in concurrence.

From the Senate:

Bill "An Act Extending the Period for which the Board of Finance in the City of Waterville is established" (S. P. 459) (L. D. 911)

Bill "An Act to Amend the Westport-Wiscasset Bridge District" (S. P. 460) (L. D. 912)

Bill "An Act Authorizing the City of Presque Isle to Provide for the Collection and Disposal of Garbage, Refuse and Rubbish and to Assess a Charge Therefor" (S. P. 461) (L. D. 913)

Bill "An Act Relating to the Superintendent of the Public Works Department of the City of Lewiston" (S. P. 471) (L. D. 924)

Bill "An Act Relating to a Planning Board for the City of Lewiston" (S. P. 472) (L. D. 923)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Relating to Process Against Unauthorized Insurers" (S. P. 432) (L. D. 925)

Came from the Senate referred to the Committee on Mercantile Affairs and Insurance.

In the House, referred to the Committee on Mercantile Affairs and Insurance in concurrence.

From the Senate:

Resolve Providing for State Pension for Clarence S. Galleys of Ashland (S. P. 486)

Resolve Providing for State Pension for Gertrude Lamont, of Bath (S. P. 487)

Resolve Providing for State Pension for William Fraser of Bath (S. P. 488)

Came from the Senate referred to the Committee on Pensions.

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

From the Senate:

Bill "An Act Relating to Zoning Near State Capitol" (S. P. 462) (L. D. 914)

Came from the Senate referred to the Committee on Public Buildings and Grounds.

In the House, referred to the Committee on Public Buildings and Grounds in concurrence.

From the Senate:

Bill "An Act Relating to Compensation of Trustees of the Gray Water District" (S. P. 463) (L. D. 915)

Came from the Senate referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

From the Senate:

Bill "An Act Relating to the Caribou Municipal Court" (S. P. 464) (L. D. 919)

Bill "An Act Relating to the Presque Isle Municipal Court (S. P. 465) (L. D. 918)

Bill "An Act Relating to the Salary of the Judge of the Lewiston Municipal Court" (S. P. 466) (L. D. 917)

Bill "An Act Relating to the Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court" (S. P. 467) (L. D. 916)

Came from the Senate referred to the Committee on Salaries and Fees.

In the House, referred to the Committee on Salaries and Fees in concurrence.

From the Senate:

Bill "An Act Regulating the Taking of Alewives in Ducktrap Stream in the Town of Lincolnville" (S. P. 468) (L. D. 920)

Came from the Senate referred to the Committee on Sea and Shore Fisheries.

In the House, referred to the Committee on Sea and Shore Fisheries in concurrence.

From the Senate:

Bill "An Act Providing that the State of Maine May Become a Party to the Northeastern Interstate Forest Fire Compact" (S. P. 469) (L. D. 921)

Came from the Senate referred to the Committee on State Lands and Forest Preservation.

In the House, referred to the Committee on State Lands and Forest Preservation in concurrence.

From the Senate:

Bill "An Act to Provide for the Creation of a Liquor Research Commission" (S. P. 470) (L. D. 922)

Came from the Senate referred to the Committee on Temperance.

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

From the Senate:

Resolve in Favor of the Town of Brownfield (S. P. 496)

Resolve in Favor of the Town of Searsmont (S. P. 497)

Came from the Senate referred to the Committee on Ways and Bridges.

In the House, referred to the Committee on Ways and Bridges in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act relating to Assistant Probation Officers and Clerk Hire for county of Washington" (S. P. 351) (L. D. 652) reporting leave to withdraw.

Report of same Committee reporting same on Bill "An Act relating to Compulsory Insurance" (S. P. 259) (L. D. 390)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

Ought Not to Pass

Report of the Committee on Motor Vehicles reporting "Ought not to pass" on Bill "An Act relating to Restricted Licenses" (S. P. 356) (L. D. 578)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Resolve Regulating Fishing in Morancy Pond, in the county of Hancock (S. P. 133) (L. D. 195)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Adoption of Neglected Children" (S. P. 209) (L. D. 271)

Report of same Committee reporting same on Bill "An Act Authorizing Prepayments by the County Treasurer of Somerset County to the Law Library Association for the Purchase of Law Books" (S. P. 204) (L. D. 267)

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

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

Ought to Pass with Committee Amendment Tabled

Report of the Committee on Judiciary on Bill "An Act relating to Ballots in Elections" (S. P. 47) (L. D. 29) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 47, L. D. 29, Bill "An Act Relating to Ballots in Elections."

Amend said Bill by striking out all after the check mark "(✓)" in the 10th line thereof, and inserting in place thereof the following underlined words: **“; and on the ballot shall be printed such words as will aid the voters to do this, “Vote for not more than one,” “Vote for not more than two,” and the like.”**

Committee Amendment "A" was adopted in concurrence.

On motion by Mr. Woodworth of Fairfield, the Bill with accompanying papers was tabled pending assignment for third reading.

Resolve Substituted for Report Tabled and Assigned

Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms (S. P. 35) (L. D. 8)

Came from the Senate with the Resolve substituted for the Report and passed to be engrossed.

In the House, on motion by Mrs. Fay of Portland, tabled pending ac-

ceptance of the Report of the Committee and specially assigned for Wednesday, March 2nd.

Non Concurrent Matter Recommitted

Resolve in favor of the town of Freeman (S. P. 93) (L. D. 356) which was finally passed in the House on February 16th and passed to be engrossed on February 1st.

Came from the Senate recommitted to the Committee on Ways and Bridges in non-concurrence.

In the House: The House voted to reconsider its former action of February 16th whereby the Resolve was finally passed.

The House then voted to reconsider its former action of February 1st whereby the Resolve was passed to be engrossed and concurred with the Senate in the recommitment of the Resolve to the Committee on Ways and Bridges.

Non-Concurrent Matter Tabled

Bill "An Act relative to Careless Shooting of Human Being" (H. P. 1476) (L. D. 887) which was referred to the Committee on Inland Fisheries and Game in the House on February 17th.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

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

Mr. SILSBY: Mr. Speaker, I now move that the House recede and concur with the Senate.

The SPEAKER: The gentleman from Aurora, Mr. Silsby, moves that the House recede and concur with the Senate in the reference of this Bill to the Committee on Judiciary. Is this the pleasure of the House?

The Chair recognizes the gentleman from Kezar Falls, Mr. Stanley.

Mr. STANLEY: Mr. Speaker, I move that Item 32 be tabled pending the motion of the gentleman from Aurora, Mr. Silsby, that the House recede and concur with the Senate.

The SPEAKER: The gentleman from Kezar Falls, Mr. Stanley,

moves that H. P. 1476, L. D. 887, lie on the table pending the motion of the gentleman from Aurora, Mr. Silsby, that the House recede and concur with the Senate. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

From the Senate: The following Order:

ORDERED, the House concurring, that there be printed 1000 additional copies of Senate and House Registers (S. P. 498)

Came from the Senate read and passed.

In the House read and passed in concurrence.

The SPEAKER: The Chair, at this time, recognizes the gentleman from Gardiner, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker and Members of the Ninety-fourth Legislature: This morning, I am proud to be representing one of the best cities in the State of Maine. Gardiner, as you may already have heard, is a live and progressive city and I have enjoyed its many privileges for the past twenty-four years.

This year, we are celebrating our One Hundredth Anniversary and this has been one hundred years of success and achievement which have been brought about by the fullest co-operation of all our citizens, our merchants, and our industries. Today, you will find displayed in our corridors many of the products of our industries. This will give you an opportunity to view them at close range. We are glad to have you so near us during this session and I assure you that Mayor Hubbard has thrown the gates of Gardiner wide open to all of you with the welcome sign hanging out overhead.

At this time, we are going to have distributed among you a little token of appreciation from Gardiner and Gardiner's Board of Trade. We hope that you will visit us often while you are in this area. (Applause)

Bills and Resolves Requiring Reference

The following Bills and Resolves, transmitted by the Director of Legislative Research pursuant to Joint Order No. 452, were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Resolve in Favor of the City of Calais (H. P. 1677) (Presented by Mr. Hall of Calais)

(Ordered Printed)

Resolve in Favor of Monmouth Academy (H. P. 1678) (Presented by Mr. Marsans of Monmouth)

(Ordered Printed)

Sent up for concurrence.

Claims

Resolve to Reimburse the Town of Milbridge for Fire Fighting Service During Forest Fires of 1947 (H. P. 1679) (Presented by Mr. Lackee of Addison)

(Ordered Printed)

Resolve to Reimburse the City of Bangor for Fire Fighting Service (H. P. 1681) (Presented by Mr. Webber of Bangor)

(Ordered Printed)

Sent up for concurrence.

Resolve in Favor of Corporal Elmer S. Pelletier of Dow Field, Bangor (H. P. 1680) (Presented by Mr. Dufresne of Bar Harbor)

Resolve in Favor of Harold L. Gammon of East Sumner (H. P. 1682) (Presented by Mr. Fuller of Buckfield)

Resolve to Reimburse the Town of Canton for Support of Paupers (H. P. 1683) (Presented by same gentleman)

Resolve in Favor of Margaret Belleau of Sanford (H. P. 1684) (Presented by Mr. Gauthier of Sanford)

Resolve in Favor of Calais Hospital (H. P. 1685) (Presented by Mr. Hall of Calais)

Resolve in Favor of Peter Christensen of Calais (H. P. 1686) (Presented by same gentleman)

Resolve in Favor of Fred McKay of Calais (H. P. 1687) (Presented by same gentleman)

Resolve in Favor of Balfour Glidden of Red Beach (H. P. 1688) (Presented by same gentleman)

Resolve to Reimburse the Town of Cherryfield for Fire Fighting Service During Forest Fires of 1947 (H. P. 1689) (Presented by Mr. Lackee of Addison)

Resolve to Reimburse the Clyde Smith Memorial Hospital for Hospitalization and Medical Aid for Carroll Haggood (H. P. 1690) (Presented by Mr. Lessard of Skowhegan)

Resolve to Reimburse the Clyde Smith Memorial Hospital for Hospitalization and Medical Aid for Anthony Robinson (H. P. 1691) (Presented by Mr. Lessard of Skowhegan)

Resolve in Favor of Dr. J. C. Bourque, of St. Leonard, N. B. (H. P. 1692) (Presented by Mr. O'Connell of Van Buren)

Sent up for concurrence.

**Counties
Tabled**

Bill "An Act Relating to Rental for the Calais Municipal Court" (H. P. 1693) (Presented by Mr. Hall of Calais)

(On motion by Mr. Hall of Calais, tabled pending reference to a committee.)

**Inland Fisheries and Game
Tabled**

Resolve Authorizing the Commissioner of Inland Fisheries and Game to Convey the Interest of the State in Certain Land in Township 10, S.D. (H. P. 1694) (Presented by Mr. Lackee of Addison)

(On motion by Mr. Webber of Bangor, tabled pending reference to a committee and ordered printed.)

Resolve Providing for a Fish Screen at Outlet of Great Pond in Plantation No. 33, Hancock County (H. P. 1695) (Presented by Mr. Silsbury of Aurora)

(Ordered Printed)

Sent up for concurrence.

Interior Waters

Bill "An Act Permitting the Building of a Wharf for Seaplane Landing at the Southerly End of Portage Lake" (H. P. 1696) (Presented by Mr. Dudley of Castle Hill)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Resolve Proposing an Amendment to the Constitution Relating to Education (H. P. 1697) (Presented by Mrs. Fay of Portland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Annuities for Dependents of Members of Police and Fire Departments of the City of Portland" (H. P. 1698) (Presented by Mr. McGlaulin of Portland)

(Ordered Printed)

Bill "An Act Relating to the Department of Electrical Appliances of the City of Portland" (H. P. 1699) (Presented by Mr. Roundy of Portland)

(Ordered Printed)

Sent up for concurrence.

Pensions

Resolve Providing for State Pension for Thomas Getchell of Calais (H. P. 1700) (Presented by Mr. Hall of Calais)

Resolve Providing for State Pension for Marie Flavie Doucette of Grand Isle (H. P. 1701) (Presented by Mr. O'Connell of Van Buren)

Resolve Providing for State Pension for Marie Corrine Levesque of Grand Isle (H. P. 1702) (Presented by same gentleman)

Sent up for concurrence.

Public Utilities

Bill "An Act Creating the Calais Utilities District" (H. P. 1703) (Presented by Mr. Hall of Calais)

(Ordered Printed)

Sent up for concurrence.

Salaries and Fees

Bill "An Act Relating to Salary and Bond of Recorder of the Rockland Municipal Court" (H. P. 1704)

(Presented by Mr. Burgess of Rockland)

(Ordered Printed)

Bill "An Act Relating to Salaries of Judge and Recorder of the Rumford Falls Municipal Court" (H. P. 1705) (Presented by Mr. Kelly of Rumford)

(Ordered Printed)

Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act Regulating the Digging of Clams in the Town of Southport, Lincoln County" (H. P. 1706) (Presented by Mr. Stevens of Boothbay)

(Ordered Printed)

Sent up for concurrence.

Ways and Bridges

Resolve in Favor of the Town of Bridgewater (H. P. 1707) (Presented by Mr. Bubar of Blaine)

Resolve in Favor of the City of Calais (H. P. 1708) (Presented by Mr. Hall of Calais)

Resolve in Favor of the City of Calais (H. P. 1709) (Presented by same gentleman)

Sent up for concurrence.

Orders

Mr. Sharpe of Anson presented the following order and moved its passage.

ORDERED, the Senate concurring, that the legislative research committee be, and hereby are, directed to study all election laws. In no respect as limiting the scope of the study, the committee is specifically instructed to study the use of check lists in elections, to study the application of such other methods as may be employed by other states in the accomplishment of accurate recording and counting of ballots, to study the qualifications of election officials with respect to general observance of election laws, and to study the desirability of limiting candidate activity in polling places.

The committee shall make such report or reports and such recommendations as it concludes and such report shall be made prior to the

date of convening of the 95th legislature. (H. P. 1713)

The Order received passage and was sent up for concurrence.

On motion by Mr. Brown of Unity, it was

ORDERED, that there be printed 1000 additional copies of Bill "An Act Imposing a Personal Income Tax and a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden" (H. P. 1540) (L. D. 892)

The gentleman from Blaine, Mr. Bubar, was granted unanimous consent to address the House.

Mr. BUBAR: Mr. Speaker, I wish to compliment the Chamber of Commerce of this local city, Gardiner, for the display which they have put on in the corridor.

I noted when I came into the House that the first thing that met my eye was a display not of a State of Maine product but of a California product, California wine. Needless to say, I objected to it very much, considering that it was below the dignity of this House to have such a display. I was about to ask that it be removed or else the emblem be stricken from our State Seal and a bottle of wine be put in its place. However, the gentleman from Gardiner has already informed me that the display has already been removed. I want to give him my personal thanks, and I also want to say that the citizens of the State of Maine—and in fact we are the State of Maine—appreciate very much the voluntary act on their part of removing this sign which must meet the eyes of the high school children coming in here, as though we were in the wine business and that was our chief and only business. I want to thank these gentlemen for myself and for my constituents and the members of this House. Thank you very much.

On motion by Miss Longstaff of Crystal, House Rule No. 25 was suspended for the remainder of to-

day's session in order to permit smoking.

**House Reports of Committees
Ought Not to Pass
Divided Report
Tabled**

Majority Report of the Committee on Welfare reporting "Ought not to pass" on Bill "An Act relating to Old Age Assistance" (H. P. 767) (L. D. 303)

Report was signed by the following members:

Messrs. WILLIAMS of Penobscot
McKUSICK of Piscataquis
BOUCHER of Androscoggin
—of the Senate.

GATES of Millinocket
CHASE of Cape Elizabeth
TAYLOR of Lyman
SANDERSON of Greene
LACKEE of Addison

—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. BUBAR of Blaine
LESSARD of Skowhegan
—of the House.

(On motion by Mr. Bubar of Blaine, the two reports with accompanying papers were tabled pending acceptance of either report.)

Ought Not to Pass

Mr. Burgess from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Cruelty to Animals" (H. P. 360) (L. D. 123)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. Payson from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act Creating a State Highway Commissioner and Advisory Council" (H. P. 833) (L. D. 318)

(On motion by Mr. Palmer of Nobleboro, tabled pending acceptance of the report of the committee.)

Mr. Woodworth from Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Horse Pulling Contests" (H. P. 725) (L. D. 282)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. Woodworth from the Committee on Judiciary reported "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for Annual Sessions of the Legislature (H. P. 921) (L. D. 373)

(On motion by Mr. Brown of Baileyville, tabled pending acceptance of the report of the committee.)

Ought to Pass in New Draft

Mr. Plummer from the Committee on Motor Vehicles on Bill "An Act to Clarify Certain Provisions in the Motor Vehicle Law" (H. P. 1002) (L. D. 433) reported same in a new draft (H. P. 1710) under same title and that it "Ought to pass"

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act Amending the Charter of the York Water District" (H. P. 1257) (L. D. 560) reported same in a new draft (H. P. 1711) under title of "An Act Enlarging the Territory of the York Water District" and that it "Ought to pass"

Mr. Marble from same Committee on Bill "An Act to Create the Orland School District" (H. P. 59) (L. D. 22) reported same in a new draft (H. P. 1712) 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
Printed Bills**

Mr. Brown from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Appropriating Money for State General Relief" (H. P. 1111) (L. D. 537)

Mr. Burgess from the Committee on Judiciary reported same on Bill

"An Act relating to the County Law Library of Piscataquis County" (H. P. 920) (L. D. 372)

Mr. McGlauffin from same Committee reported same on Bill "An Act relating to Vital Statistics" (H. P. 836) (L. D. 320)

Mr. Muskie from same Committee reported same on Bill "An Act relating to Reemployment Rights of State Employees in Armed Forces" (H. P. 585) (L. D. 190)

Same gentleman from same Committee reported same on Bill "An Act relating to Issuing of Licenses for Carrying of Concealed Weapons" (H. P. 832) (L. D. 317)

Mr. Silsby from same Committee reported same on Bill "An Act relating to Certificates of Marriage" (H. P. 835) (L. D. 319)

Mr. Williams from same Committee reported same on Bill "An Act relating to Retirement Fund of State Employees in Armed Forces" (H. P. 584) (L. D. 189)

Mr. Lackee from the Committee on Welfare reported same on Bill "An Act relating to Aid to Dependent Children" (H. P. 697) (L. D. 222)

Mr. Fuller from the Committee on Education reported same on Bill "An Act Increasing the Number of Trustees for the Maine Maritime Academy" (H. P. 11) (L. D. 2)

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

Ought to Pass with Committee Amendment

Mr. McGlauffin from the Committee on Judiciary on Bill "An Act Granting Powers to Portland University" (H. P. 479) (L. D. 154) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 479, L. D. 154, Bill "An Act

Granting Powers to Portland University"

Amend said bill by adding before the word "degrees" in the 9th line of Sec. 2 thereof, the following: 'LL.B.'

Further amend said bill by striking out in the 2nd line of Sec. 3 thereof the words "must be approved" and inserting in place thereof the words 'shall meet the standards set'

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

Mr. Williams from the Committee on Judiciary on Bill "An Act relating to the Collection, Payment and Dishonor of Demand Items by Banks and the Revocation of Credit For, and Payment of, Such Items" (H. P. 834) (L. D. 333) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 834; L. D. 333, Bill "An Act Relating to the Collection, Payment and Dishonor of Demand Items by Banks and the Revocation of Credit for, and Payment of, Such Items."

Amend said bill by striking out the last paragraph thereof.

Further amend said bill by adding at the end of the 1st paragraph of that part designated as "Sec. 179-B" the following underlined sentence:

"The effect of this section may be varied by agreement between a bank and any depositor."

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

Mr. Martin from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Monroe School District" (H. P. 1256) (L. D. 561) reported "Ought to pass" as

amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1256, L. D. 561, Bill "An Act to Incorporate the Town of Monroe School District."

Amend said Bill by adding in the fifth line of section 3 thereof after the word "bond" the words 'and note'.

Further amend said Bill by adding in the third line of section 5 thereof after the word "bonds" the words 'and notes'.

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

Mr. Martin from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Whitefield School District" (H. P. 1173) (L. D. 629) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1173, L. D. 629, Bill "An Act to Incorporate the Town of Whitefield School District."

Amend said Bill by adding in the fifth line of section 3 after the word "bond" the words 'and note'.

Further amend said Bill by adding in the third line of section 5 after the word "bonds" the words 'and notes'.

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

Passed to be Engrossed

Bill "An Act relating to Motor Vehicle Registration Number Plates" (H. P. 364) (L. D. 127)

Bill "An Act relating to Investments of Savings Banks" (H. P. 726) (L. D. 305)

Bill "An Act relating to Destruction of Old Bank Accounts" (H. P. 813) (L. D. 310)

Bill "An Act relating to Time of Lighting on Snow Removal or Sanding Equipment" (H. P. 928) (L. D. 378)

Bill "An Act relating to Use of Identification Number in Motor Vehicle Registration" (H. P. 930) (L. D. 379)

Bill "An Act relating to Motor Driven Cycles" (H. P. 931) (L. D. 380)

Bill "An Act relating to Equipment in Official Inspection Garages" (H. P. 932) (L. D. 381)

Bill "An Act relating to Retirement Pensions for Police and Fire Departments of the city of Portland" (H. P. 999) (L. D. 430)

Bill "An Act relating to Insurance for Motor Vehicles Carrying Passengers for Hire" (H. P. 1001) (L. D. 432)

Bill "An Act relating to Sirens on Automobiles Operated by Fire Inspectors" (H. P. 1310) (L. D. 657)

Bill "An Act to Create the Town of Windsor School District" (H. P. 1675) (L. D. 929)

Bill "An Act to Incorporate the Town of Shapleigh School District" (H. P. 1676) (L. D. 930)

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 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.

Passed to be Enacted Emergency Measure

An Act to Relieve Towns of Maintenance of State and State Aid Highways (S. P. 454) (L. D. 770)

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of this House: I came to this House a new member, with the understanding that all the bills that were presented should be given a fair hearing. On my own initiative, and by request of my constituents, on Thursday, February 10th, I brought in a bill which would reduce the gas tax to five cents. This bill, actually, I regard as neither here nor there; it is not my point in speaking this morning. My point is that my bill has not had a hearing, and yet before this House this morning to be enacted is legislation which would effectively rule out any chance of this measure ever coming before this House or being reported out of the committee other than as being covered by other legislation. I do believe that I and my constituents are entitled to a fair hearing on any measure. This has not been granted.

At 1:30 this morning, I learned that this bill to which I have reference, L. D. 704, will come before the Committee on Taxation this afternoon. I have not even had the opportunity to present the proponents of this measure. It is impossible to call them on such short notice. But, again, that is neither here nor there; they have not had a chance to be heard.

I was sent here representing two towns, one a large town and the other a small town. My people have been sorely hurt by the gas tax as it stands. The six-cent legislation may be good and it may not be good. I do not question the merits of that. But my people have requested that I present this measure. I think they have a right to be heard. I think possibly you will agree with me.

This matter you are asked to pass as an emergency measure. What emergency? The gas tax runs until 1950. Members, isn't this a sugar-coated pill by which the six-cent gas tax is being passed by the promise that you yourselves can bring back something to your towns?

I do not doubt the merits of this bill in which the towns are allotted

certain monies. My town, too, is not large. We would gain from the benefits granted. My people would be willing to go along, but I do not think they want a six-cent gas tax until the five-cent gas tax has had a fair hearing. I think they only ask for fair play and that is all.

Mr. Speaker, I now move that this House reconsider its action of yesterday whereby the bill was passed to be engrossed, for the purpose of offering an amendment, and I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House reconsider its action of yesterday whereby it passed the bill to be engrossed, and when the vote is taken the same gentleman asks for a division.

The Chair recognizes the gentleman from Portland, Mr. Mc-Glauflin.

Mr. McGLAUFILIN: Mr. Speaker and Members of the House: It is not much use for me to pay any attention to this loud speaker, because I find, when the members use this speaker we cannot hear what they say and I want you to hear what I have to say, whether you approve of it or otherwise.

Yesterday, I stated that in my opinion the measure before us was unconstitutional. I have not changed my opinion on that, based, as it was, upon the assumption that this bill originated in the Senate. Yesterday, however, when you passed this measure, in effect you decided that it originated in the House, and there is no court anywhere that is going to question the decision of the House as to where the bill originated. That being the case, and still believing I was right in my opinion, I am ready to go along with this measure, and I hope that anyone who looks to me for guidance will also support the measure.

Now I think myself it is unfortunate that this did not come about in a different manner. It could well have been attached to one or two bills which did originate in the House and it would have

saved all this trouble. I think it is very unfortunate that a situation has developed such as has just been mentioned by the gentleman from Kittery (Mr. Dennett) and I cannot blame him for feeling he would like to have a hearing on his own bill.

I want to call attention to this fact, however: That I cannot agree with the gentleman from Kittery (Mr. Dennett) nor can I agree with the gentleman from Waterville (Mr. Muskie) who spoke yesterday and who so ably supported me, for which I thank him, on the question of emergency.

The emergency arises from the fact that the Governor is not going to sign any bill that does not provide the funds to carry it out, and the funds may be provided for one year but they must be provided for two years.

I therefore want to state to you that I am against the motion just made to reconsider and I am in favor of passing this bill as an emergency measure at this time.

THE SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Muskie.

MR. MUSKIE: Mr. Speaker and Members of the House: Since the gentleman from Portland (Mr. McGlauffin) is gracious enough to refer to me, I feel I must rise to say something in reply.

We had a little caucus out in the rotunda yesterday, Mr. McGlauffin and Mr. Chase and I, and I commented to them that apparently I could not win with them or I could not win against them. Mr. McGlauffin and I agreed yesterday, and I am afraid that we must disagree today.

I looked up my Legislative Record of the last session. The events at that time seemed so vivid, and yet I find that after the passage of two years I had forgotten what had happened with regard to this gasoline tax.

There was a strong effort made two years ago, just as there is today, to push the gas tax through as an emergency measure. At that time its proponents had a bigger

and better argument that an emergency existed. Their argument was that because of the lack of construction during the war years there was an immediate necessity to improve our highway systems. And yet, even with that argument, they found it impossible to enact the gas tax as a permanent measure. As a matter of fact, I think it was because of that argument that they found it possible to enact it as an emergency measure, because, if the department was correct, the emergency was one of temporary duration and not one of permanent duration. And so it was found necessary to limit the duration of the tax until September 1, 1950, and it was then and then only that the gas tax was passed as an emergency measure.

Now those facts to me indicate that this gas tax appended to L. D. 770 is not an incidental matter; it is a matter upon which there is fundamental difference of opinion. This is not a bill for assistance to the towns; it is a gas tax measure pure and simple.

At the beginning of this session, all of us took an oath to support the Constitution of Maine and the Constitution of the United States. Under that Constitution, we in this Legislature are empowered to enact emergency legislation. The effect of such legislation is to take it beyond the reach of the people. Because it has such a serious effect, it is a power which we should exercise with care.

This bill before us—and I am speaking particularly of the gas tax section of it—this bill has an emergency clause attached to it. Is it an emergency within the intent of the Constitution to which we all subscribed not so many weeks ago?

I took the time before coming in here this morning to write down just a few words. The State Constitution to which we subscribed tells us that we are empowered to enact emergency legislation under these circumstances, and I quote: "when such legislation is immediately necessary for the preservation

of the public peace, health or safety.”

I know the sincerity of the motives which prompt the proponents of this bill; I know they are interested in getting certain aid to the towns. But, members, the end does not justify the means.

The world is facing many of the difficulties which it is facing today because there are so many men in power who follow the philosophy that the end justifies the means, and that the people shall be governed not by constitutions, not by the fundamental laws under which they live, but in accordance with the temporary whims of dictators or majorities.

Members, I am not quarrelling with the end that you are attempting to achieve, but, whatever you do, remember that what you are doing this morning or what you are likely to do in this session is under that Constitution which you have sworn to uphold, and which says you shall take legislation out of the reach of the people only when such a step is immediately necessary for the preservation of the public peace, health or safety.

Now if you, in your conscience, can decide, after honestly considering those words and honestly considering the facts with regard to this gas tax, that there is an emergency within the meaning of that Constitution, then defeat Mr. Dennett's motion; but if you feel as I do, that the end does not justify the means, that we do not have a bad situation which is an emergency within the Constitution, then by all means support Mr. Dennett's proposition.

We in Maine pride ourselves on being a law-abiding people. During the past fifteen years we have differed with national policy on the ground that we are respecters of fundamental law, that we will not transgress from the dictates of our Constitution, that the end does not justify the means. Members, the very same situation is before us today. Let these measures which are before us in this bill come before us in the ordinary course of business. Let us consider them on the basis

of the facts which they present. Let us follow those fundamental principles which we in Maine always endorse, and let us support the motion to reconsider our action of yesterday.

The SPEAKER: The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House reconsider its action of yesterday whereby “An Act to Relieve Towns of Maintenance of State and State Aid Highways” (S. P. 454) (L. D. 770) was passed to be engrossed.

The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of the House: Before attempting to briefly review the situation, in order that the issue may be absolutely clear, may I pay my respects to both of the gentlemen who have previously spoken.

With regard to the measure which we have before us this morning, in my opinion, take it for what it is worth, there is contained in that bill assistance to the cities and towns of our State in sufficient proportion to warrant the passage of it as an emergency. I feel that we can agree that in order to have the services they must be paid for, and in order to lay out a program in the Highway Department, long-range, sound, and for the best interests of the people of Maine, that we must know, the Department must know, that these issues do not have to be debated every session of the Legislature.

Regardless of what tax measure might come before this or any similar group, there is bound to be debate, sound debate, on either side. When you vote this morning, Members, I think the issue is clear: Do you want the State of Maine to be provided with income with which they can properly plan and perform the functions necessary to the improvement of a great highway system in Maine, or do you want the issue to be repeatedly discussed and fought over every time the Legislature meets.

The people of Maine, the municipal officers throughout the State,

are anxious to know whether or not this group is fooling or whether it means to give them the assistance which they have needed for a long time. They are anxiously waiting this morning to know how you will vote.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: It seems to me that it is impossible to separate the provisions of this bill. Without providing additional revenue to cover the cost of the added relief to towns, I could not vote for the first four provisions in the bill. It seems to me that if you believe no emergency exists at this time, you would, by voting to amend the bill and eliminate the tax, be creating an emergency.

If you will look back to the depression years when we were collecting the four-cent gas tax, you will recall that the cost of gasoline was low enough so that, including the tax, it could be bought six gallons for a dollar. Increasing the tax two cents per gallon as we did two years ago, has merely brought the increase in tax in line with the increased cost of the gasoline prior to the addition of the tax. I think we would do well to bear that fact in mind.

We also have to take into consideration this fact: That we are all of the time matching federal funds in connection with new highway construction. If we do not carry along our two-cent gas tax, our additional two cents, and if we add additional costs that must be met from the four-cent tax, we will practically prohibit the construction of new highways and we will probably be unable to match federal funds. If we do that and if we relieve towns to the extent of \$800,000, we would, in effect, be limiting new construction to the extent of about \$1,600,000.

For these reasons, I would vote for this bill to give the relief to the towns provided the gas tax increase is continued. If the gas tax

increase is not to be continued, I could not conscientiously vote for the rest of the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House reconsider its action of yesterday whereby it passed to be engrossed L. D. 770.

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

Mr. JENNINGS: Mr. Speaker and Members of the House: I have oftentimes wished that I had a legal mind so that I could more easily speak in the terms of my comrades, the lawyers.

I feel that this bill before us today has been well planned out, and the proponents of this bill, in my mind, have not in any way tried to put anything over on the inhabitants of the State of Maine or anyone. I feel that these men have made a great study of what is needed on roads in the smaller towns and also in other towns in the State of Maine. I still believe that this is a good bill, and I believe it should be carried on and voted on as it is today. I thank you.

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

Mr. SILSBY: Mr. Speaker and Members of the House: I was a member of the 93rd Legislature and of this House, and I believe I can say without fear of contradiction that we were known in the 93rd as the "House of Reconsideration." Now when we convened in the 93rd Legislature we granted motions to reconsider, and I venture to say again without fear of contradiction, that the greater percent of these motions for reconsideration in the last analysis were carried as they were in the first instance. We just simply wanted to be good fellows.

Now we are not here to be good fellows. We are here for a duty, and our duty is to legislate for the benefit of the people of the State of Maine, and we ought not to prolong these sessions by voting over

and over on the same subject matter.

Now I hate to make reference to the statement of my good friend, the gentleman from Waterville, Mr. Muskie, in regard to the necessity of this legislation, but I want you to bear in mind that in our respective municipalities of our State that they are about to hold their annual town meetings, and if it is not necessary for our municipalities to know whether they can raise two units of money and get allocations from the State, or whether they go along on the same law that already obtains—I say to you that that alone is sufficient for me to satisfy my own conscience that it is necessary, if this legislation, if it is going to be passed, should be passed now, so that these municipalities can have the benefit of it now rather than in 1950. I hope that the motion of the gentleman from Kittery (Mr. Dennett) does not prevail. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I also sympathize with the gentleman from Kittery (Mr. Dennett) in his argument, but I believe that if this measure is passed the benefit the towns will receive in being relieved of the maintenance costs will equal or exceed any loss which they might have through payment of another cent of gas tax by the individual. This is an emergency, to my mind, for the reason just given, that if the towns are to benefit in 1949 it must be passed before their annual town meetings. I believe it is an emergency measure in order to provide the funds for our highways. If it is not passed we will not have the highway funds. I believe it is a good bill and should be passed today as an emergency measure.

The SPEAKER: Is the House ready for the question?

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

Mr. CHASE: Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER: The gentleman may proceed.

Mr. CHASE: Mr. Speaker, if the motion to reconsider should prevail in order that the gentleman might have an opportunity to offer his amendment and if the amendment should then be defeated, would there be any reason why the House could not immediately today proceed to act upon the measure in final passage as an emergency measure?

The SPEAKER: For the information of the gentleman, the Chair will state that the House does not act immediately, but probably within five minutes.

The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House do now reconsider its action of yesterday whereby it passed Legislative Document 770 to be engrossed. The same gentleman has requested a division.

As many as are in favor of the motion of the gentleman from Kittery, Mr. Dennett, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Thirty-five having voted in the affirmative and one hundred and eight having voted in the negative, the motion to reconsider does not prevail.

This bill, having had its two several readings in the Senate and having been passed to be engrossed, and having had its three several readings in the House 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 now be passed to be enacted?

This being an emergency measure, requires the vote of two-thirds of all members elected to the House.

All those in favor of the passage of the bill to be enacted as an emergency measure will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: One hundred and twenty-one having voted in the affirmative and twenty-six having voted in the negative, the bill is passed to be enacted. It will be signed by the Speaker and sent to the Senate.

On motion by Mr. Lackee of Addison, the bill was ordered sent forthwith to the Senate.

**Passed to be Enacted
Emergency Measure
Tabled**

An Act relating to Motor Vehicle Registration for Amputee Veterans (H. P. 841) (L. D. 336)

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

Mr. CHAPMAN: Mr. Speaker and Fellow Members of the House: I move that the House reconsider its action of yesterday whereby this Item 1-A Bill "An Act relating to Motor Vehicle Registration for Amputee Veterans" (H. P. 841) (L. D. 336) was passed to be engrossed. A word of explanation is perhaps in order.

In the processing of this bill it was noted, perhaps a little too late, that the bill as written does not provide for two situations which were originally intended by the sponsors of the bill. It does not provide for World War I amputee veterans, and it does not provide a retro-active operation to January 1st to take care of World War II veterans who have already paid for their registration.

Consequently, I move that the House reconsider its action in order to allow for preparation of appropriate amendments to take care of the two items I have discussed.

Thereupon the House voted to reconsider its action of yesterday whereby the bill was passed to be engrossed; and, on further motion by Mr. Chapman, the bill was tabled pending passage to be engrossed.

**Passed to be Enacted
Emergency Measure
Tabled**

An Act relating to Motor Vehicle Excise Tax for Amputee Veterans (H. P. 862) (L. D. 338)

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

Mr. CHAPMAN: Mr. Speaker, I move that the House reconsider its action of yesterday whereby Item 1-B Bill "An Act relating to Motor Vehicle Excise Tax for Amputee Veterans" (H. P. 862) (L. D. 338) was passed to be engrossed, for the same reasons that I gave in support of my motion for reconsideration on Item 1-A. The bill is phrased in the same manner and has the same effects.

The SPEAKER: The gentleman from Portland, Mr. Chapman, moves that the House reconsider its action of yesterday whereby Bill "An Act relating to Motor Vehicle Excise Tax for Amputee Veterans," H. P. 862, was passed to be engrossed. Is this the pleasure of the House?

Thereupon the House voted to reconsider its action of yesterday whereby the bill was passed to be engrossed; and, on further motion by Mr. Chapman, the bill was tabled pending passage to be engrossed.

**Passed to be Enacted
Tabled**

An Act relating to Motor Vehicle Licenses for Amputee Veterans (H. P. 929) (L. D. 402)

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

Mr. CHAPMAN: Mr. Speaker, notwithstanding the fact that Item 1-C is not an emergency measure, it has the same defects as the other bill. I therefore move that the House reconsider its action of yesterday on Item 1-C, Bill "An Act Relating to Motor Vehicle Licenses for Amputee Veterans" (H. P. 929) (L. D. 402) whereby it was passed to be engrossed.

The SPEAKER: The gentleman from Portland, Mr. Chapman, moves that the House reconsider its action

whereby L. D. 402 was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed, and on further motion by Mr. Chapman the bill was tabled pending passage to be engrossed.

**Passed to be Enacted
Emergency Measure
Tabled**

An Act relating to the West Gardiner School District (S. P. 371) (L. D. 587)

(On motion by Mr. Palmer of Nobleboro, tabled pending passage to be enacted.)

Passed to be Enacted

An Act relating to Excise Tax on Bicycles With Motor Attached (S. P. 195) (L. D. 248)

An Act relative to Non-Resident Hunting Licenses (H. P. 350) (L. D. 116)

An Act relative to Game Preserve, Limington, Hollis and Waterboro (H. P. 652) (L. D. 208)

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 Registration of Motor Vehicles by Minors (H. P. 1336) (L. D. 661)

(On motion by Mr. Plummer of Lisbon, tabled pending passage to be enacted.)

Finally Passed

Resolve in Favor of the Town of Washburn (H. P. 532) (L. D. 659)

Resolve in Favor of the Town of Appleton (H. P. 686) (L. D. 660)

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

Orders of the Day

The SPEAKER: The Chair will make the following announcement: The Sergeant-at-Arms and the Assistant Sergeant-at-Arms are

directed to secure the attendance of the members who are now in the corridors in order that the emergency measure just tabled may be disposed of at today's session.

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

The Chair will lay before the House the first tabled and today assigned matter being Bill "An Act to Incorporate the Town of South Thomaston School District," H. P. 486, L. D. 161, tabled on February 24 by the gentleman from Rockland, Mr. Bird, pending passage to be enacted.

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

Mr. BIRD: Mr. Speaker and Members of the House: I have not been able to get the amendment ready in time for today's session and I move that the bill be tabled and be specially assigned for Tuesday, March 1, 1949.

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

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

On motion by Mr. Palmer of Nobleboro, the House voted to take from the table S. P. 371, L. D. 587, An Act relating to Motor Vehicle Licenses for Amputee Veterans.

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

This being an emergency measure requires the affirmative vote of two-thirds of all the members elected to the House. As many as are in favor of the passage of the bill to be enacted as an emergency measure will kindly rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

118 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.

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. Cook of Bridgton,

Adjourned until 10:00 o'clock tomorrow morning.