

# 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, March 30, 1949

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

Prayer by the Rev. Mr. Meader of Charleston.

The journal of the previous session was read and approved.

Mr. White of Auburn, out of order and under suspension of the rules, presented the following Order and moved its passage:

ORDERED, that Mimi Burgess of Edward Little High School, Auburn, and Frances Winn of Lewiston High School be appointed Honorary Pages for today, this being Androscoggin Day at the Legislature.

Thereupon, the Order received passage.

The SPEAKER: The Chair would request the Assistant Sergeant-at-Arms to escort Miss Winn and Miss Burgess to the rostrum.

Thereupon, the young ladies were conducted to the rostrum and seated at either side of the Speaker amid the applause of the House, the Members rising.

**Papers From the Senate  
Senate Reports of Committees  
Ought to Pass**

Report of the Committee on Federal Relations reporting "Ought to pass" on Bill "An Act Concerning Harbor or River Improvements and Protection of Property against Floods or Erosion" (S. P. 131) (L. D. 193)

Report of the Committee on Inland Fisheries and Game reporting same on Resolve Authorizing the Sale of Feeding Station Property in the County of Aroostook (S. P. 270) (L. D. 443)

Report of same Committee reporting same on Resolve Regulating Fishing in Donnell's Pond in the County of Hancock (S. P. 298) (L. D. 492)

Report of same Committee reporting same on Resolve Regulat-

ing Fishing in Pleasant and Mud Lakes in the County of Penobscot (S. P. 347) (L. D. 573)

Report of same Committee reporting same on Bill "An Act Relating to Hunting of Raccoons" (S. P. 402) (L. D. 740)

Report of same Committee reporting same on Resolve Regulating Fishing in Snake and Carpenter Ponds in the County of Piscataquis (S. P. 295) (L. D. 489)

Report of the Committee on Public Health reporting same on Bill "An Act Relating to Tuberculosis Control" (S. P. 313) (L. D. 506)

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

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

**Ought to Pass  
With Committee Amendment**

Report of the Committee on Salaries and Fees on Bill "An Act Relating to the Caribou Municipal Court" (S. P. 464) (L. D. 919) 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 was read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 464, L. D. 919, Bill "An Act Relating to the Caribou Municipal Court"

Amend said Bill by inserting after the enacting Clause thereof and before the headnote, the following: 'Sec. 1.'

Further amend said Bill by striking out in the 6th line thereof the underlined figure "1,500" and inserting in place thereof the underlined figure '1,250'.

Further amend said Bill by adding at the end thereof a new section, as follows:

**"Sec. 2. P. & S. L., 1905, c. 352, amended.** The 4th sentence of the 3rd paragraph of that part designated "Sec. 1." of chapter 57 of the private and special laws of 1945, which amended chapter 352 of the private and special laws of 1905, is hereby amended to read as follows: 'His duties shall include such duties as are performed by clerks of the superior court, so far as applicable and he shall draft all criminal warrants.' "

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

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for Certain Construction at the Northern Maine Sanatorium (S. P. 285) (L. D. 486) 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 was read once.

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

**COMMITTEE AMENDMENT "A"** to S. P. 285, L. D. 486, Resolve Providing for Certain Construction at the Northern Maine Sanatorium

Amend said resolve by striking out in the first line the figures, "40,000" and inserting in place thereof the figures '\$20,000.'

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

#### **Senate Divided Report Tabled**

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Certain Procedures in Inheri-

tance Tax Law" (S. P. 273) (L. D. 446) reporting same in a new draft under same title (S. P. 625) (L. D. 1368) and that it "Ought to pass"

Report was signed by the following members:

Messrs. BARNES of Aroostook  
WARD of Penobscot  
—of the Senate

BURGESS of Rockland  
WOODWORTH of Fairfield  
PAYSON of Union  
MUSKIE of Waterville  
McGLAUFLIN of Portland  
—of the House

Minority Report of same Committee reporting "Ought not to pass" on same Bill (S. P. 273) (L. D. 446)

Report was signed by the following members:

Messrs. ELA of Somerset  
—of the Senate  
WILLIAMS of Auburn  
—of the House

Came from the Senate with the Minority Report read and accepted.

(In the House, on motion by Mr. McGlauffin of Portland, the two reports with accompanying papers were tabled pending acceptance of either report.)

#### **Non-Concurrent Matter Recommitted**

Bill "An Act Relating to Fees of Deputy Sheriffs" (S. P. 121) (L. D. 142) which was passed to be enacted in the House on March 9th, and passed to be engrossed on March 3rd.

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

In the House: The House voted to recede from its action of March 9th whereby the bill was passed to be enacted.

The House then voted to recede from its action of March 3rd whereby the bill was passed to be engrossed.

On motion by Mr. Campbell of Garland, the Bill with accompanying papers was recommitted to the Committee on Salaries and Fees in non-concurrence and sent up for concurrence.

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

Mr. JACOBS: Mr. Speaker and Members of the House: As Chairman of the delegation from Androscoggin County to this Legislature, it becomes my pleasant duty and responsibility to call your attention to the display in the corridors of this building of the manufacturers of Androscoggin County. You will find on your desks a list of those names; I need not mention them, but this is only a partial list—a partial number—of the variety of manufacturing establishments in the towns of Androscoggin and the cities of Lewiston and Auburn.

Ninety-five years ago, this very month, Androscoggin County was incorporated. Believing in those early days, the men of affairs of those days visualized that in this section of the State near the falls of the Androscoggin would sometime arise a manufacturing place that would take its place in the annals of the history of this country and today, after all these ninety-five years, the vision of these men at that time has come true.

Seventy thousand people in the cities of Lewiston and Auburn, twenty-five thousand scattered throughout the county in the various towns, typify that industry plays an important part in the lives of men. Down through the years, mills and shops have been created and giving jobs to thousands of men and women to earn a livelihood and to make products that have gone throughout the world.

Out in the corridor you will find, under Mr. Sewall's picture, a piece of cloth which was manufactured in Androscoggin County and that same cloth was shipped to Europe and graced the feet of the daughter of the King of England at her marriage ceremony. The Pepperell Mills of Lewiston—their product is scattered throughout the world and known everywhere. The Worumbo Mills in Lisbon also are known for the fine products that they manufacture. You would like to know, perhaps, how many shoes in dollars

and cents are manufactured in Lewiston and Auburn throughout the year. Something like \$65,000,000 worth are manufactured and sent out of the State. Also, how much the salaries of the employees of these two cities alone—that is \$34,500,000.

So we must recognize, Mr. Speaker and Members of the House, that Androscoggin County is on the map and I am glad to have this opportunity as a representative from one of the cities of Androscoggin County to stand up here this morning and tell you and tell the world that Androscoggin County and its citizens are the best and finest in the world.

The committee which has charge of this proposition: Representative White of Auburn, Mr. Dostie of Lewiston, and the Chairman of this committee is Representative Jalbert of Lewiston; and they are to be congratulated, I believe, upon the achievement of this undertaking, even if Representative Jalbert does not know that No Name Pond is in Lewiston instead of Auburn. (Applause and Laughter).

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

Mr. BURGESS: Mr. Speaker and Members of the House: May I just briefly, on behalf of every member of the House, thank the Androscoggin County delegation for the gifts upon our desks and to say to them, to the Androscoggin delegation, that the entire State of Maine is proud of that county and of its industrial accomplishments. We are also proud of the people of that county.

I am sure it was a great pleasure for all of us to listen to Mr. Jacobs this morning briefly outlining the history and the industrial strength of his county. The entire State of Maine has been successful because Androscoggin and every other county in the State of Maine are part of an economic system which has held the State of Maine as an individual state throughout the Union successfully on all occasions and

again may I say on behalf of the House, thank you. (Applause)

#### Orders

Mr. Brown of Bangor presented the following Order and moved its passage:

**ORDERED**, the Senate concurring, that a joint select committee, consisting of three members on part of the Senate appointed by the President of the Senate and three members on part of the House appointed by the Speaker, be authorized and instructed to forthwith investigate the conduct of the affairs of the State and each and every department thereof for the purpose of determining what, if any, economies may be effected in the administration of the affairs of the State, with full power vested in the committee to summons and require the attendance of witnesses, the production of records, books and papers, and to take evidence pertinent to said matter. Said committee shall make prompt report to this Legislature now in session of its findings and recommendations as to such economies, as in their opinion may be made together with any bill or bills for appropriate remedial legislation, which bill or bills shall be received in either branch of this Legislature.

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

Mr. **BROWN**: Mr. Speaker and Members of the House:

During the 12 weeks that this Legislature has now been in session never have I heard so much as a whisper or word of economy, but rather have I heard, "TAXES, Taxes and more taxes." It must be that some people are sitting up nights burning the midnight oil and thinking of new and novel tax schemes to thrust more taxes upon our people.

Now, all these newly suggested levies on our already suffering taxpayers of Maine seem to me to be outrageous. Where has anyone been heard to plead for economy? Where has anybody been heard to plead for the poor, suffering taxpayer?

Where, then, lies the solution? In by-gone years many a man has found guidance and help by referring to the Bible and we can well now refer to the Bible. I call your attention to these words: "In the days of prosperity be joyful, and in the days of adversity, consider." This, therefore, certainly is a time for consideration, not haste, not extravagance, but economy, wise economy. There never has been a period in our State when there was greater need of wise and constructive economy in our state expenditures, than today. The taxpayers of Maine are bearing a great burden. The mounting volume of tax delinquency gives eloquent testimony to that fact.

There is no relief in sight to the suffering taxpayers of Maine unless this Legislature boldly takes it up and does something. There is no need of magic; just plain horse-sense will do the job.

The State is but a group of individuals, yet no one has been heard to raise a voice to save. But to save we can if we try. No wise or constructive legislation can be passed until we determine how much money we have to raise. To determine that we must first determine what our deficit actually is. We must then determine how much we can economize. And economize we must or the majority party of this year will be the minority party of "52".

You know and I know that the history of civilization shows that we have not a single problem in this State that is new to mankind. History shows, too, that every device of trying to solve those problems by seeking to evade the right solution, by trying to create new fundamentals of government and economics has failed, has enslaved the people, and in the end wrecked the nations and retarded civilization.

For that reason it seems to me that to turn to the historians, to the students of government at this time, in viewing the question of taxation and economy is perhaps the soundest and wisest method at this time.

Reduction of public expenditures where necessary, should be sought through carefully studied constructive economies rather than through budget slashing.

Today in Maine we, as humble servants of the people who elected us to this Legislature, must carefully, cautiously, openly, and fairly approach the question of the imposition of more and newer taxes upon our constituents. We must realize our power and not forget our responsibilities, for the power to tax, which is our power, is the power to destroy, and the abuse of such power would be contrary to the spirit of our representative form of government. Tax authorities and economists are agreed that all consumers' taxes on articles broadly used fall more heavily upon the poor than upon the rich and this is especially true of the Sales Tax.

Let us also remember that as legislators our duty includes reduction in public expenditures, and the abolition of frills in government as well as the duty of providing new revenues for new necessary public functions. Let us also, as legislators, face the duties incumbent upon us calmly, quietly, openly, and even aware of the fact that if our job requires added thought and deliberation we will pledge ourselves to stay on the job until it is done and refuse to make the mistake of former legislators in the confusion of noise, rush, and of the late night and all night closing sessions of the Legislature.

Let us compare for a moment the record of history in Maine in Augusta, in 1909. Gov. Bert Fernald is reported to have said in the Maine Senate Journal, 1909, at Page 25, I will quote from Gov. Fernald's address:

"I need not say that large issues confront us. Rarely has a Legislature faced a greater complexity of problems in both moral and economic fields of legislation than does yours. Your solution of some of them may determine the policy of the State for years to come and may be the means of setting her face either towards progress or de-

cline. It is not MUCH legislation, but WISE legislation that we need."

Then Gov. Fernald continues:

"It should be remembered that while we have a cash balance at this time, much of this will be used in the next few months for current expenses, or before the State receives revenue from any available source. While it is a matter of gratifying pride that we are increasing rapidly in wealth, we should practice economy. I wish you to understand that I employ it in the broader sense which means to deal liberally with all; to stint no institution or state function but to keep within the reasonable limits of our ability; to expend our money wisely; to see that we get a good return for our expenditures and to live so that we may pay our debts without placing heavier burdens upon the taxpayer."

Here is an interesting one, even if we did talk about it the other day. I have something more to add to it, this question of the September election.

Now, in 1909 a very radical man, a man who probably not one of you here realize from the study of your history, came within one vote of being President of the United States and that man was the Hon. Bert Fernald of Poland, Governor of Maine who was defeated for reelection. He went to the United States Senate, and when they ganged up at Chicago the choice was between Bert Fernald and Warren G. Harding. In that smoke-filled hotel room in Chicago, Harding received one more vote than Bert Fernald. But that man in 1909 favored a "radical" proposition which he said in his inaugural at page 32 and this is the same inaugural that parallels very closely Gov. Gardiner's Declaration of Principle:

"I suggest to you also the consideration of legislation leading to a change of the date of holding our State election to November so as to conform with the customs of other States of the Union and to bring our elections in presidential years on the same day as that of the elec-

tion of presidential electors. It is a waste of time and money to hold two elections where one can serve as well."

"Radical?" They must have been terribly radical in 1909. Although he was defeated for reelection as Governor he served in the United States Senate until his death and came within one vote of being President of the United States. But that is the way he felt about it. The Bangor Daily News felt the same way about it on February 4, 1933. As a matter of fact the Maine House of Representatives in 1933 voted that the bill ought to be submitted to the people by a vote of 96 to 50.

I appreciate your patience with me. I have at least had an opportunity to express myself. I do hope before we throw to the winds every opportunity of returning the Straight Republican ticket in '52 that we proceed with caution, and consult with others. Consider well the future as portrayed to us by the past, always remembering that we as legislators took an oath to do a job, and let's do it if it takes us to the 4th of July. I thank you.

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

Mr. BROWN: Mr. Speaker and Members of the House: I am heartily in accord with many of the things that the gentleman from Bangor (Mr. Brown) has just said. But, getting back to his order, I would like to point out to the members that that order is pretty much incorporated in the law which creates the Legislative Research Committee. I would like further to point out that the Legislative Research Committee had an independent survey made of one of our departments during this last year and it took about four weeks to have it done. So, I submit to you members that probably the best thing we can do if we accept that order literally and go along with it, is that we may adjourn in 1952.

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

Mr. McCLURE: Mr. Speaker, if it is in the best interests of the people of Maine that it takes us until 1952 to protect taxpayers' interests, I say: Let's work until 1952. I want to take just a few exceptions to my colleague, Mr. Brown. He stated that he hadn't heard anyone speak in favor of economy. Perhaps I haven't spoken loud enough but it has been my ambition to try and work for economy. Not only my ambition but the ambition of many members here; a lot more than people realize. I would like to say, however, that this order is a step in the right direction and I trust it has a passage.

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

Mr. BROWN: Mr. Speaker, I move that when the vote is taken, it can be taken by division.

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

Mr. BURGESS: Mr. Speaker and Members of this House: There is no person in all Maine and there is no party in all Maine but that is strictly interested in economy. It is also true that several years ago by legislative act the State of Maine set up a Legislative Research Committee, which has the authority and is acting under that authority to accomplish the very things which my good friend has incorporated in his order now before us. Each time that the Legislature of Maine convenes there is appointed, because of merit and years of experience, a Committee on Appropriations, which listens diligently to the needs of the State and, with their knowledge of finances, reports back to the Legislature their findings.

We have now been in session a long time. That committee has, after its many deliberations, brought out a report with which you are all familiar. I, for one, believe that that committee has done its best and that there is no one in this House who believes otherwise. It is true that, in the final analysis, there



may not be funds with which to care for each measure which has come before us but that is well and good.

The State of Maine can only go as far as it has funds to pay the bill. I hope that when the vote is taken you will not pass the order which has been presented to us for the reasons which I have presented to you, that it has already been accomplished by the Legislative Research Committee, the Budget Committee, and finally by your Appropriations Committee.

The SPEAKER: The Chair notes, at this time, the presence in the balcony of the Hall of the House, the Senior Class on American Government of the Lewiston High School, the Seniors, Juniors and Sophomores of the Civics Class of the Clinton High School and also a delegation of younger members from the Lincoln Grammar School here in Augusta. On behalf of the House, we bid you welcome. (Applause)

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

Mr. McGLAUFFIN: Mr. Speaker, we have many difficult problems to solve in the next few weeks. This looks like an attempt to throw a monkey wrench into the machinery right at the time when we are trying to get something done. I am against this order.

The SPEAKER: The question before the House is upon the passage of the order introduced by the gentleman from Bangor, Mr. Brown. The same gentleman has requested a division. As many as are in favor of the passage of the order will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Six having voted in the affirmative and eighty-nine having voted in the negative, the order failed of passage.

On motion by Miss Longstaff of

Crystal, House Rule No. 25 was suspended for the remainder of today's session in order to permit smoking.

On motion by Mr. Burgess of Rockland, it was

ORDERED, that Rev. Edward L. Manning of Warren, be invited to officiate as Chaplain of the House on Friday, April 15, 1949.

The SPEAKER: The Chair, at this time, designates the gentleman from Auburn, Mr. Williams, as Speaker pro tem and would request the Sergeant-at-Arms to escort the gentleman to the rostrum.

Thereupon, Mr. Williams was escorted to the rostrum and assumed the Chair as Speaker pro tem amid the applause of the House, Speaker Haskell retiring.

#### House Reports of Committees Divided Report

Report A of the Committee on Taxation on Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue" (H. P. 1855) (L. D. 1204) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith, together with a statement of the understanding and reservations of the signers thereof.

Report was signed by the following members:

Mr. NOYES of Hancock  
—of the Senate.  
Miss LONGSTAFF of Crystal  
Messrs. CARTER of Bethel  
DOW of Falmouth  
CHASE of Cape Elizabeth  
—of the House.

The statement accompanying the report reads as follows:

The members of the Committee on Taxation signing Report A "Ought to pass" as amended by Committee Amendment "A" on L. D. 1204 'An Act Imposing a Sales and Use Tax to Raise Additional Revenue' sign the report subject to the following understanding and reservations:

All signing with the understanding that in its final form, the bill should contain a provision for eliminating the state property tax on organized towns, unless such elimination is otherwise accomplished by other legislation.

Senator Noyes, with the reservation that an amendment should be adopted with respect to the method of distribution of part of the proceeds of the tax on a basis of population rather than by elimination of the State property tax.

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

Report was signed by the following members:

Messrs. HASKELL of Penobscot  
 ALLEN of Cumberland  
                   —of the Senate.  
 WIGHT of Bangor  
 DORSEY of Fort Fairfield  
 DUQUETTE of Biddeford  
                   —of the House.

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

Mr. CHASE: Mr. Speaker, in moving the acceptance of the "Ought to pass" report and for assignment for consideration of this motion for tomorrow morning on behalf of the members of the committee signing the same report, I should like to speak briefly—not at this time as to the merit of the bill but as to the recommendation of procedure which we think ought to be followed in order quickly to reach what seems to be a critical decision for the legislature with regard to taxation.

When a sailor launches his craft out of the snug port of the committee and into the risks of the winds and waves of the troubled waters which seem to await any tax measure, he can only try to set his course so that my suggestion can only be a reservation and is subject to the general approval of this House.

Now, I believe that it is no secret to members of either party that a preference has been indicated for a sales tax bill. So the sales tax bill comes out of committee for your

consideration. Here is a sales tax bill. It is the same as L. D. 1204, with three committee amendments incorporated in Filing 141. You all realize that before this bill can be enacted, it must necessarily be amended in certain respects and at least one of these necessary amendments—that relating to the appropriation of the proceeds—can not be intelligently drafted until we know whether the House and Senate will agree on a sales tax.

Now, therefore, since we all know that before this, or any tax bill can be enacted, we shall all have another chance to vote on it in its final form, I suggest that we vote tomorrow on the acceptance of the committee report on the issue of the sales tax. If, tomorrow, the "Ought to pass" report is accepted, then in the interest of orderly but prompt procedure, let us assign Friday the regular day for the third reading of the bill. On Friday, anyone who wants to try to amend the bill in the House at this time will have an opportunity to present his amendment. Let us then pass the bill to be engrossed and send it to the Senate in order to see if the Senate will accept the sales tax as a tax measure. It may be assumed, I believe, that if the Senate does accept the sales tax as a tax measure, the bill will be amended in some respects in the Senate. That will set up a basis for a disagreeing action on the part of the legislature in which case, a committee of conference would seem to be in order. I suggest that such a committee of conference shall be entrusted with the job, if at that time there is a general agreement as to the final features of this measure, with the task of putting the bill into final form.

Now, I want to suggest to you that in the final form of this bill certain amendments are possible and one, at least, is necessary which can not now be written. Those possible amendments seem to me to be these:

An amendment which puts a referendum on the bill, either a regular referendum or an expedited ref-

erendum which calls for the decision by the people at a date earlier than otherwise would be the case.

The possibility of an amendment lifting the state property tax. That may not be necessary as an amendment to this bill because we have not passed the state property tax. The bill assessing the state property tax is still in the Committee on Taxation and it is my understanding that it will not be reported out until the decision is made whether not to pass it at all or to get a conditional provision onto a tax measure. So that you are protected in that respect as to the state property tax by the knowledge that the state property tax can not even exist unless this legislature later enacts that bill now in committee.

An amendment which would appear to be obviously necessary and one which can not now be written is the amendment making up an appropriations package for the proceeds of the tax if enacted and there may be and probably will be other technical amendments which come out of the study of experts in order to put this sales tax into the best form possible if by then it shall be decided that the sales tax is the bill for the legislature.

Now, tomorrow, on the issue of the sales tax, that is to say, on the motion to accept the "Ought to pass" report, of course, I understand that everyone will vote on that issue. It is his duty and it is desirable that he should. If this bill cannot pass in the House, it would help everybody to know that tomorrow.

But as to the question only of procedure, I believe that we will expedite the critical decision one way or the other if you will conform to the procedure recommended. In other words, vote on the issue of a sales tax tomorrow, assign it for third reading the next day, have your amendments ready on that day if you deem it necessary to try to amend and then, if the bill has been passed up to that point, to

pass it to be engrossed and to send it to the Senate.

Mr. Speaker, I presume that the appropriate motion at this time is that the two reports lie on the table and be specially assigned for tomorrow morning pending the motion to accept the "Ought to pass" report.

**SPEAKER pro tem:** The gentleman is correct. The gentleman from Cape Elizabeth, Mr. Chase, moves that the bill and accompanying reports lie upon the table pending his motion to accept Report A and be specially assigned for tomorrow morning. Is this the pleasure of the House?

The motion prevailed.

Mr. McCLURE (of Bath): Mr. Speaker —

**SPEAKER pro tem:** For what purpose does the gentleman rise?

Mr. McCLURE: Mr. Speaker, to speak on the bill.

**SPEAKER pro tem:** The bill is on the table and is not before the House. The gentleman from Bath, Mr. McClure, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. McCLURE: Mr. Speaker and Members of the House: Mr. Chase has made many remarks which you can readily understand went over my head. One thing that didn't go over my head was when he said it was a package. It is the same kind of a package which we used to receive in a grab bag.

If I understand our constitution correctly, tax measures start in the House. We don't need the Senate's approval; let's stand on our own feet and debate it in the House. And if we are for the tax let us so tell the Senate by our vote and the people of Maine. I think tomorrow morning we should debate the merits of the case in the House and then send it to the Senate. I thank you.

#### Leave to Withdraw

Mr. Brown from the Committee on State Lands and Forest Preser-

vation on Resolve Authorizing the Forest Commissioner to Convey Land in Plantation of Molunkus (H. P. 1199) (L. D. 593) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

#### Ought to Pass Printed Bills

Mr. Hayward from the Committee on State Lands and Forest Preservation reported "Ought to pass" on 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) (L. D. 1028)

Mr. Leavitt from same Committee reported same on Resolve Authorizing the State Normal School and Teachers' College Board to Convey Certain Land in Fort Kent (H. P. 1955) (L. D. 1328)

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

#### Passed to be Engrossed

Bill "An Act Relating to Power of Certain Corporations to Hold Property" (S. P. 503) (L. D. 1004)

Bill "An Act Relating to Sale of Malt Liquor by Trade Name" (S. P. 512) (L. D. 1011)

Bill "An Act Relating to Interference with Certain Officers" (S. P. 521) (L. D. 1053)

Bill "An Act Relating to Wholesale Sale of Spirituous and Vinous Liquor" (S. P. 541) (L. D. 1103)

Bill "An Act Appropriating Monies for Anticipated Overdrafts in the State Treasury Due to Insufficient Appropriations" (S. P. 606) (L. D. 1297)

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

#### Tabled

Bill "An Act Appropriating Monies for Anticipated Overdrafts in

the Racing Commission Due to Insufficient Appropriations" (S. P. 607) (L. D. 1298)

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

Mr. DOW (of Falmouth): Mr. Speaker, I move that this matter be tabled pending third reading. I would like to have an opportunity to find out—

SPEAKER pro tem: The Chair will state that the matter is not debatable.

The gentleman from Falmouth, Mr. Dow, moves that Item 6, S. P. 607, L. D. 1298, lie upon the table pending third reading. Is this the pleasure of the House?

The motion prevailed.

Bill "An Act Relating to Conveyance or Board of Children" (S. P. 608) (L. D. 1299)

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

#### Tabled

Bill "An Act Relating to State Assistance for Supervision" (S. P. 609) (L. D. 1300)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. DOW: Mr. Speaker, I move indefinite postponement of Item 8.

SPEAKER pro tem: The gentleman from Falmouth, Mr. Dow, moves indefinite postponement of Bill "An Act Relating to State Assistance for Supervision" (S. P. 609) (L. D. 1300) and the Chair recognizes that gentleman.

Mr. DOW: Mr. Speaker, and Members of the House: I have quite a number of documents here but I have concluded that perhaps a long speech may well defeat its own purpose so I will be very brief. This is just another one of those increased subsidies, and we are all trying to effect economy.

The present subsidy of \$1,350 applies to 112 superintendents and,

according to the figures in the Budget Message, apparently every one of those will receive the total subsidy, or at least the most of them.

This proposition is to increase that State subsidy to \$1800. One union pays the superintendent \$6,000. That includes the State's subsidy. The total cost of maintaining the superintendent in that office including a secretary, clerk, office expense, telephone, etc. is, roughly, \$9,000 per year. I seems to me that is an adequate amount for the superintendent of a union of three towns without any further subsidy.

I think I will omit the rest of my discussion and leave it to the judgment of the members of the House whether any further subsidy is needed.

**SPEAKER pro tem:** The question before the House is upon the motion of the gentleman from Falmouth, Mr. Dow, that the matter be indefinitely postponed.

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

**Mr. WINCHENPAW:** Mr. Speaker, being a member of the Education Committee, I feel that a word of explanation is due at this time. I think that Mr. Dow is slightly mixed on that bill. It was not intended to give the superintendents any more salary but that it is a bill that would help the towns to pay their superintendents' salary. And, if you will go back in the records, I believe that years ago when the superintendents earned \$2400, the State paid half of that amount. Now, I think the average superintendent's salary is something around \$3600 or \$4000. We felt that maybe the State should still contribute half of that amount, helping out the burden on the towns. It was never intended that the superintendent should get more salary. Thank you.

**SPEAKER pro tem:** The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

**Mr. MARSANS:** Mr. Speaker, I wish to confirm what the gentleman from Friendship, Mr. Winchenpaw, has said. It is merely trying

to bring a little more into line what the State has previously done, that is, supposedly paid one-half of the superintendents' salaries. It is not a measure to increase their salaries; it is merely to try to help the towns out a little more in paying their superintendents. It is not a bill to raise superintendents' pay; it is to bring more in line the fact that superintendents are averaging \$3600, and if the State is supposed to pay one-half of their salary, it should pay approximately \$1800.

**SPEAKER pro tem:** The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

**Mr. WOODWORTH:** Mr. Speaker, in any event, no matter how you look at it, this bill calls for the State to pay some money that we are given to understand the States does not have. I hope the motion will prevail.

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

**Mr. McCLURE:** Mr. Speaker, I move that when the vote is taken, it be by division.

**SPEAKER pro tem:** The gentleman from Bath, Mr. McClure, moves that when the vote is taken it be taken by division.

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

**Mr. CHAPMAN:** Mr. Speaker, it seems to me that this bill is one which pertains to a general subject matter which we have not yet resolved into any definite philosophy, namely, the subject of education. There are a number of bills in relation to education, still pending House action and have not been reported out of committee. It seems to me that perhaps if we defer immediate action on this bill at this time pending acceptance of reports of other bills pertaining to education we can integrate them into one philosophy and handle all in one uniform manner. I, therefore, move that this matter lie upon the table pending the motion of the gentleman from Falmouth, Mr. Dow.

**SPEAKER pro tem:** The gentleman from Portland, Mr. Chapman, moves that this matter lie upon the

table. Is this the pleasure of the House?

The motion prevailed and the bill was tabled pending the motion of the gentleman from Falmouth, Mr. Dow, that it be indefinitely postponed.

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**Passed to be Engrossed  
(Cont'd)**

Bill "An Act Relating to Excise Tax in Lieu of Personal Property Tax on Aircraft" (H. P. 2021) (L. D. 1407)

Resolve in Favor of Bangor Anti-Tuberculosis Association (S. P. 492) (L. D. 952)

Resolve to Open Plunkett Pond, Aroostook County, to Ice Fishing (H. P. 2019) (L. D. 1405)

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

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**Amended Bills**

Bill "An Act Relating to the Salaries of the Judge and of the Recorder of the Old Town Municipal Court" (S. P. 365) (L. D. 582)

Bill "An Act Relating to the Use of the Public Streets and Highways and to the Power of Cities and Towns to Install Parking Meters" (H. P. 1509) (L. D. 816)

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

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At this point, Speaker Haskell resumed the Chair and Mr. Williams, Speaker pro tem, retired to his seat on the floor of the House amid the applause of the Members.

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**Passed to be Enacted  
Emergency Measure**

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

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. 109 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.

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**Emergency Measure**

An Act to Permit the Town of Kennebunkport to Take Advantage of a Proposed Government Project (H. P. 1782) (L. D. 1121)

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. 114 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.

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**Emergency Measure**

An Act to Provide Forest Fire Prevention and Control in Unorganized Areas Not in the Maine Forestry District (H. P. 1887) (L. D. 1205)

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. 124 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.

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

Mr. BROWN: Mr. Speaker, due to the fact that Item 3, which has just been enacted, must be signed by the Governor, prior to April 1st in order to assess taxes, and due to the fact that the Senate is now recessed awaiting this document, I move that Item 3 be sent forthwith to the Senate. I also understand that Item 5, if enacted, will want the same treatment.

The SPEAKER: Does the gentleman from Wayne, Mr. Brown, move

that all emergency enactors on the calendar today be sent forthwith to the Senate?

Mr. BROWN: Mr. Speaker, I understand that only Items 3 and 5 are the necessary ones. I may be wrong.

The SPEAKER: The Chair recognizes the gentleman from South Paris, Mr. Eastman.

Mr. EASTMAN: Mr. Speaker, I understand that the Senate wants Item 4 also.

The SPEAKER: Is there objection on the part of the House that the five emergency enactors which are being enacted this morning be sent forthwith to the Senate? The Chair hears no objection.

#### Emergency Measure

An Act Enlarging the Powers of the West Paris Village Corporation (H. P. 1951) (L. D. 1332)

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. One hundred twenty-six 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

##### Finally Passed

Resolve for the Laying of the County Taxes for the Years Nineteen Hundred Forty-Nine and Nineteen Hundred Fifty (S. P. 2007) (L. D. 1389)

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. One hundred twenty-two 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.

#### Passed to be Enacted

An Act Amending the Charter of Maine Public Service Company (S. P. 175) (L. D. 235)

An Act Relating to Public and Private Cemeteries (S. P. 369) (L. D. 586)

An Act Relating to Town Dumps (S. P. 412) (L. D. 749)

An Act Relating to the Practice of Optometry (S. P. 453) (L. D. 797)

An Act Relating to Powers of Inland Fish and Game Wardens, as Coastal Wardens (S. P. 501) (L. D. 1002)

An Act Relating to Payment to York County Law Library (S. P. 520) (L. D. 1054)

An Act Relating to State Registered Bonds (H. P. 1498) (L. D. 854)

An Act Relating to Liens on Vehicles, Aircraft or Component Parts Thereof, and Parachutes (H. P. 1780) (L. D. 1119)

Resolve Reducing the Daily Bag Limit on Trout, in the County of Aroostook (H. P. 1042) (L. D. 526)

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

#### Placed on Special Calendar

Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (H. P. 1497) (L. D. 853)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Jefferson, Mr. Johnston.

Mr. JOHNSTON: Mr. Speaker, as a member of the Appropriations Committee, I request that Item 15, Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court, (H. P. 1497) (L. D. 853) be placed on the Special Calendar as this bill carries an appropriation of \$12,000 from the general fund.

The SPEAKER: The gentleman from Jefferson, Mr. Johnston, re-

quests that Item 15, Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (H. P. 1497) (L. D. 853) be placed on the Special Calendar. Is this the pleasure of the House? It is so placed.

#### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, House Divided Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Set Forth the Duty of the State and the Towns Towards Education (H. P. 1572) (L. D. 886) Majority Report "Ought to pass" as amended by Committee Amendment "A", and Minority Report "Ought not to pass", tabled on March 25th by the gentleman from Fairfield, Mr. Woodworth, and the Chair recognizes that gentleman.

Mr. WOODWORTH: Mr. Speaker, I move that the House do now accept the minority "Ought not to pass" report.

At the present time the Constitution provides that "the Legislature shall have the duty to require the several towns to make suitable provision at their own expense for the support and maintenance of public schools, and further that it shall be the duty of the Legislature to encourage and suitably endow from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State."

At the time the Constitution was adopted there were comparatively few high schools, and that second provision was intended to provide a high school education for the children in towns which did not have high schools.

The bill as written here amends it by requiring cities and towns to make suitable provision for the support and maintenance of public schools to the end that the quality of instruction shall be uniformly high throughout the State, and

to promote this objective, the second provision is: "The Legislature may raise by general taxation and appropriate for the equalization of educational opportunities such funds as may be required to supplement the means of towns according to their several needs." And the third provision: "It shall further be the duty of the Legislature to encourage and suitably endow from time to time as the circumstances of the people may authorize, such institutions of learning, including academies as they may deem necessary to supplement and complete educational facilities."

This amendment as proposed no longer requires towns to support the schools on their own resources. My first objection is that under the amendment as offered it says that the State "may help". I do not believe that is what the people want. If the State is going to help it should be required to do so where the towns need it. I mention this particularly because the third provision in the amendment, which was the second provision in the original constitution, says that the State shall support and endow certain private schools. Now most towns have high schools now, and this provision that the State shall support and endow certain private schools, which may be sectarian, has come to be largely a pork barrel fund, and if we are going to amend our Constitution as regards education I think it is time that something should be done towards the elimination of the pork barrel fund.

There is one matter to which I hope the House will give careful thought. There is now a well-organized movement on foot to subject the people of Maine to a major tax bill. One of the chief arguments in favor of it is that the schools need more money. It does not come easy to me to oppose a bill which is designed to advance the educational interests of the State, but with this pork barrel provision in the Constitution—and we have quite a few bills now be-



for the House to obtain money for such institutions—in a hasty survey I picked out three this morning aggregating \$864,000—and those are just the big ones I picked out—we have bills designed to increase teachers' pay and to put the State in the school building business. Those bills run over two million dollars anyway, and it looks to me as if this constitutional amendment is injected into this Legislature at this time so that it may go along with any proposed major tax bill that we may have. In other words, this amendment is designed to authorize the State to spend money for purposes which are not now authorized by the Constitution. In other words, the constitutional amendment which is here before us is being used to force through the Legislature a major tax bill.

Now this being a constitutional amendment, it must be referred to the people. Today we have heard that the plan is to shove this tax bill through just as fast as we can get it out of the House this week, and at the same time we do not know how many of these educational bills are going to receive sanction. I think, from past experience, that we may expect that every member of the Legislature who has one of these pork barrel bills in will stick around until the last minute to be sure that he gets his, if he can get it.

We are asked by the tax bill to fix a tax rate before we find out what the appropriations are going to be. It seems to me that this bill does establish one fact: that the arguments on which a new tax bill are based are false.

So far as these school bills are concerned, this proposed amendment to the Constitution indicates that right now many of the bills have no legal authorization, and it is these bills that you are asked to make provision for in a new sales tax, income tax or combination. To me it seems that, if you want to amend the Constitution so as to raise money for the purposes I have mentioned, you should amend your

constitution first and then bring up such bills as may be within the Constitution, because if it were not necessary to change the Constitution to get these bills acted upon this resolve would not be here. The question still would be unanswered as to the status of any acts which might be passed by this Legislature relating to unauthorized bills on the list we have before us.

The amendment must go to the people. The tax bill, if enacted, probably will go to the people. Will they go at the same time or not? If the purpose for which the tax is levied fails, have we a tax or have we not? This matter is so badly congested that I think the Legislature will have to jump one way or the other on both the constitutional amendment and the major tax. You either pass them both or you defeat them both, because if you defeat one the other will necessarily fail, at least in part. I still say that, whether you agree with me or not on the matter of taxation, this pork barrel provision, which it has become, should in some way be reshaped, and the people of this great State of Maine should not be required, as this bill requires them, to support and endow any private schools.

The amended bill does not require the people to support and endow a public school. It says "they may," but in the case of the private school "they must." If they decide to help them they must help them; if they decide they are deserving they must be helped. And I cannot understand why this Legislature would place private schools on a higher standing than public schools. I hope the House may support my motion.

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

Mr. CHASE: Mr. Speaker, since the gentleman who has just spoken has considered a tax measure to be involved with this Constitutional Amendment, I take this opportunity to correct any misapprehension which may exist in the minds of

the gentleman from Bath (Mr. McClure) or the gentleman from Fairfield (Mr. Woodworth) that any attempt will be made tomorrow to railroad or curtail discussion on this tax measure to which the gentleman has referred. It is my earnest hope that when the matter comes up for consideration, everyone will speak his piece to the fullest extent for as much time as may be required. So much for that.

Now as to the last gentleman's apparent suspicion that somewhere this Constitutional Amendment is identified with educational appropriations before this Legislature, I should like to recall to your minds the remarks which I made recently in this House on the subject of education and ask you, in view of those remarks, if you think that I am probably involved in a conspiracy with the professional educators. If you do think so, they don't.

Now I wrote this proposed Constitutional Amendment myself. It was submitted to the Committee on Constitutional Revision of this Legislature, and that committee thought it was good enough to recommend it to this Legislature for consideration. It was referred to the Judiciary Committee, a majority of which has recommended "Ought to pass" with a committee amendment, which you have before you. It is the purpose of this proposed amendment to justify and legalize what the State is doing now, and what the State has been doing for a long period of years.

The contrast between the original article adopted in the Constitution in 1819 or 1820 definitely states as clearly as words can that it is the duty of the Legislature to require the several towns to make suitable provision for support and maintenance of public schools at the towns' own expense. That is what is in the Constitution now.

Back around 1870 the State School Fund was created, and in order to supplement the means of the town, it became necessary, apparently, for the Supreme Court, as courts sometimes do, to find a way

around that provision to put the expense of the schools on the towns. This case is, I believe, in 69 Maine. The court, in order to justify what the State was apparently determined to do, made the distinction between the words "suitable provision" and "sufficient provision," so that since that time the State has actually been supplementing the needs of the town. That is what we are doing anyway; that is what I believe the State is going to continue to do.

Now as to the Constitution, I think many lawyers have a difficulty in understanding the layman's view toward the Constitution. I started to be a lawyer one time and read law until I knew that I would be a failure in that profession, but I have associated considerably with lawyers during my life, and not many of them understand the layman's point of view. Now I think that when the members of the Legislature and the public officials are required to take an oath to uphold and defend the Constitution, they ought to be able to read that Constitution in language which they can understand so that it will be meaningful to anyone who has had a grammar school education when he takes the oath to uphold and defend it. But this particular provision on education, if you read that as a member of the Legislature and attempt to understand it, you will have to read not only what appears here, but you will have to read four involved cases in the Maine Report which come out with the result of saying by the court that it does not mean what it says at all in the Constitution, but it means something else.

Now I think that it is a reasonable request, from the layman's legislative standpoint, that once in a hundred and thirty years a provision in the Constitution should be re-written to mean what the court says it means now, and that is the entire purpose of this proposed Constitutional Amendment, to justify us in doing what we have been doing for years and what, I believe, we are going to do anyway.

I hope that the motion of the gentleman from Fairfield (Mr. Woodworth) will not prevail and that the House will eventually accept the majority report "Ought to pass."

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

Mr. McGLAUFLIN: Mr. Speaker and Members of this House: I have great admiration for the man who has just spoken, and I think the State of Maine is exceedingly fortunate in having "Ed" Chase in this Legislature. On a great many occasions he and I are able to agree. This is an occasion where we take different points of view, and I want to say to you at the start that I look carefully at the measures presented by Mr. Chase before I oppose any of them.

I am opposed to this provision for a change of the Constitution for two reasons: I told you, on a previous occasion, that I probably helped kill more proposed Constitutional Amendments than any man in the Legislature. I find that at this very session we have had presented to this Legislature twenty-five proposed amendments to the Constitution of this State which, if passed, would take up more space in our statute books, more than three times the Constitution itself, and more than one and a half times the present Constitution with all its amendments suggested here in just one session. I have a list of these but I am not going to take your time to read them.

Now the Constitution says that: "Amendment shall be made whenever, in the opinion of two-thirds of both houses of the Legislature, it is deemed necessary."

I want to call your attention to the fact that a measure may sometimes be desirable and still not be necessary. My first objection to this proposed change is that I can see no necessity for it. But I have another objection which is much more serious. The national government, in the past few years, has gradually been taking over and trampling upon the rights of the

states. Right here in this State, at the present time, we are handicapped in our proceedings here in this Legislature because the United States government has its finger in the pie. We cannot do as we please with our highway funds without dictation from Washington.

At this very session of the Legislature I introduced a bill relating to Old Age Assistance that would do away with this assinine performance that we have under the law today where every child must sign a statement and he is unable to support his dependent parents; he must fill out what turns out to be a four-page return on his financial standing, and the House is full of thousands of those returns that nobody ever looks at and it is just plain common sense to me that we should do away with it. But you are going to kill my bill. You are going to help them do it because the United States government, as I said a moment ago, has its finger in the pie, and we have to do these damnably absurd things just to please the United States "dummies" at Washington.

Let me refer to Old Age Assistance for a moment. Up in a town in Aroostook a lady's husband was receiving Old Age Assistance. They owned a little house; they did not get enough income from the Old Age Assistance to pay their taxes, and she wanted to let a room for which she could get a dollar a week, and that dollar a week would be enough for her to pay her taxes. The officials here at Augusta told her that if she took in that dollar a week, they would have to take it off from her husband's pension. I could not believe it. It was so utterly absurd that I checked on it. They said: "Yes, we have to require it because that is a requirement of the United States government." Can you think of anything more absurd? The woman lost her house and the town took it over for taxes simply because she could not let a room and still get forty dollars a month.

Now to come back to the subject I am talking about, the United

States government seems to be ready at almost any time to take over our schools. At the present time, the towns, under our Constitution, are the ones to take care of our own schools. I am seriously concerned with the fact that if we turn this matter over to the State—and that is what this proposed Constitutional Amendment is; it takes away the responsibility of these schools from the municipalities and turns them over to the State—I think it is one more step toward Socialism, and the first thing you know, the State, having to furnish this money, is going to say, "Oh, well, we can duplicate this money from Washington, and so why not have the benefit of it?" And the result will be that you men and women who have children in school and who now have control of the taxes and the schools in your towns will find the time is coming when you will not have anything to say about your own schools that your children attend. I think it is a serious menace. I am afraid of it and I do not feel that it is necessary.

Now, members, this is not a matter that particularly concerns me except to perform my duty as a representative. The gentleman from Cape Elizabeth, Mr. Chase, has pointed out his side; I have pointed out mine. If you feel, as I do, that this is a serious menace to have the National Government take control of our schools, go slow when you vote. I, myself, am voting with the minority and with Mr. Woodworth. I am willing to leave the matter in your hands.

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

Mr. McCLURE: Mr. Speaker, now that we are throwing out bouquets, I too have a lot of respect for Mr. Chase, and I also have a lot of respect for "Judge" McGlauffin and Representative Woodworth.

Our Constitution so far has given us our freedom and our right as free men and women. I say, let us not tamper with it. I am glad of one thing. I have never yet seen a bill

come in here to change the definition of the words in Webster's Dictionary. Gentlemen, "may help" is a big word. If we are going to help—and I hope we do, because our schools are our salvation in the future of our country and need all our aid—but that aid for each school in Maine should be equally distributed and not "may be." We are known as politicians. I trust some of us will become statesmen, and when we vote I hope we will vote for equality, and there is no equality when some powerful politician for his district can secure more money than some other district may get. I too, shall go along with the minority.

The SPEAKER: The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept the minority "Ought not to pass" report of the committee.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Sargent.

Mr. SARGENT: Mr. Speaker and Members of the House: With the high regard I have for the two legal members voting on this matter, I am very reluctant in trying to oppose them in any way. I was a member of this committee which had the authority to recommend various amendments to the Constitution as they saw fit, and this matter was discussed at considerable length, probably more than any other one matter dealing with the Constitution.

As Mr. Chase has pointed out to you, this is merely an attempt to make the Constitution fit with the general practice as it has been going on for years. It seems to me utter foolishness to say that government control or other school bills, pork barrel funds or anything else, is involved in a matter which merely authorizes the continuance of the general practice as now carried on in this State. No one for an instant thinks that we shall go back to carrying on our schools simply with the town funds. If we were to take way the equalization

fund and various aid that comes to the towns from the State for our schools, anybody who is familiar with town affairs realizes how impossible it would be to keep our schools going for a day.

I believe, as Mr. Chase has pointed out to you, that we should adopt this amendment which makes the Constitution, without any complicated opinions from the Law Court, something that the layman can understand and something that authorizes the continuance of present practice.

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

Mr. WILLIAMS: Mr. Speaker, as a member of the Judiciary Committee I signed the "Ought to pass" report. I do not agree with the view that this proposed amendment is in any way related to our present tax problem. We, the people of the State of Maine, through our Legislature, at the moment are spending more than five million dollars in aiding our municipalities on their educational program. If we accept the statement that this amendment would have to be passed and is presented because we have bills pending before this Legislature to aid education as being correct, if we are being in any way consistent we would have to say we could not spend this five million and that that aid should be discontinued. I do not agree. I see no greater step towards socialism in making payments to municipalities to aid education, if the Constitution says we may do it, than I see in paying it without authorization. It is difficult for me to see any logic in any of the arguments that have been presented against this measure.

We are helping municipalities with their educational problems. The Constitution now says that we shall help the municipalities to do it. This proposed amendment does not relieve the municipalities of their obligation but does say that the Legislature of Maine, if it deems it advisable, may aid these municipalities in their educational

programs. Therefore, I think this bill should pass and I am opposed to the motion of the gentleman from Fairfield, Mr. Woodworth.

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

Mr. SILSBY: Mr. Speaker and Members of the House: As a member of the Judiciary Committee, I signed the "Ought to pass" report on this bill under consideration, for this reason: If you will bear with me for just a moment, I would like to read from the Constitution Article XIII in part: "...to promote this important object, the Legislature are authorized, and it shall be their duty to require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools...."

Now in the amendment, Ladies and Gentlemen, the Legislature is authorized, and it shall be its duty, to require the cities and towns to make suitable provision for the support and maintenance of public schools to the end that the quality of instruction shall be uniformly high throughout the State.

Now this issue which has been raised here in the matter of the Constitution, does not mean what it says, and I am sorry to confess that I believe in that statement, and it is a correct statement, and it might be well asked by your good citizens: "Why doesn't it mean what it says and what do they say and do in the courts in matters interpreting this Constitution?" And I want to call your attention to another provision of the Constitution which gives a great deal of latitude to the powers that be under what we call the police power and the power of public interest. I presume that the reasoning of the court in the cases that are cited under Article XII is that they have permitted the Educational Department to make allocation of funds to the respective municipalities under what we call the public interest for the benefit of the people. Now that is a broad term and I would like to see a Constitutional Amendment that

we could read as lawyers, and as laymen, and with understanding, and I would like to eliminate from the Constitution the doctrine of police power or public interest so we would all know where we stand.

For those reasons, and those reasons alone, I supported this Constitutional Amendment so that all the people will know, according to the Constitution, just what they can do with the money that is raised, and I hope that the motion of the gentleman from Fairfield (Mr. Woodworth) does not prevail. I think this is good legislation and that it should be passed.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept the minority "Ought not to pass" report of the committee.

Mr. CHASE: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, has requested that when the vote is taken, it be by a division.

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

Mr. McGLAUFLIN: Mr. Speaker, I would merely like to call attention to the fact that according to the gentleman from Aurora (Mr. Silsby) and the gentleman from Cape Elizabeth (Mr. Chase), the courts have upheld this matter, and you are simply getting way out if you change the Constitution. That does not seem necessary to me.

I just want to say that I find there is at least one newspaper in this State that apparently takes the position taken by Mr. Woodworth and myself. I quote this from the Lewiston Journal:

"The Maine Judiciary Committee, with seven members concurring, report favorably a Constitutional Amendment to make the Legislature—instead of communities—responsible for education.

"Three members submitted a minority report. These have the Journal's applause today...."

Then it goes on to say: "To make the Legislature specifically responsible for keeping the 'quality of instruction uniformly high,' is not practical.

"The turn-to of local community to State, and State to Federal Government, is epidemic.

"The State must, in some instances, provide aid to schools.

"The responsibility should rest where it was originally placed—in the community.

"Not in the State.

"Not in the Federal Government."

The SPEAKER: As many as are in favor of the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept the minority "Ought not to pass" report of the committee will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Forty-four having voted in favor of the motion and sixty-eight having voted against the motion, the motion does not prevail.

Thereupon, the majority report "Ought to pass" was accepted, and the resolve, having already been printed, was given its first reading under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1572, L. D. 886, Resolve, Proposing an Amendment to the Constitution to Set Forth the Duty of the State and the Towns Towards Education.

Amend said resolve by inserting before the underlined word "equalization" in the 15th line thereof, the underlined words 'general support of and'

Committee Amendment "A" was thereupon adopted, and the resolve was assigned for second reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Inland Fish-

eries and Game on Bill "An Act Relating to Hunting and Fishing Licenses for Certain Persons" (H. P. 284) (L. D. 80) tabled on March 25th by Mr. Palmer of Nobleboro, pending acceptance of report.

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

Mr. MAXWELL: Mr. Speaker, I believe I am in order in once again moving to substitute the bill for the report. I will not take much of your time today because we have only a short time before public committee hearings start.

I would like to say that I still feel the figures I submitted to the committee are correct figures. The department has told others here that now that I have an amendment saying that we will do away with the hunting part of this bill, making it only, in other words, a free fishing license for those over sixty-five, that it will still cost some \$50,000, but in talking with the department heads this morning it seems that they have used the combination license in their figures, and that is not correct. It stands to reason, if we are giving a fishing license, that when we break it down those licenses will not be bought as combination licenses. It will be a half-way proposition. The fishing and hunting licenses—in the State of Maine in the year 1948—these figures were given me by Mr. Stobie, amounted to \$123,000. Once again I was told that this would represent some ten percent of that figure, meaning something in the vicinity of \$12,356. Breaking down the combination licenses, rather than using the entire amount, that give us some \$4,781. So we come back to the point where we have \$17,000 to be used in that way.

Now free hunting and fishing licenses for Veterans have been terminated, so this year we will benefit by the sale of hunting and fishing licenses to Veterans. The department told me that that would mean an increase of some \$300,000. Probably it would be nearer \$200,000, as far as fishing is concerned, from

their own figures. Therefore, I do not believe that we would be selling the department short in taking from them \$17,000 where the increase is going to be some \$200,000. I hope that the motion to substitute the bill for the report will prevail.

The SPEAKER: The gentleman from Wilton, Mr. Maxwell, has moved to substitute the bill for the "Ought not to pass" report of the committee.

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

Mr. HAYWARD: Mr. Speaker and Members of the House: The Fish and Game Department is on a "pay-as-you-go" basis. They receive no money from the State General Fund. They have given free licenses to Veterans for four years. These licenses are now no longer being issued. The cost of that was freely borne for the Veterans. But at the same time it hindered the Department from carrying out a constructive program.

If this bill passes, they are going to have another setback. One thing: The money lost in this bill would go a long way towards hiring more wardens which we sorely need. I have heard a lot of complaints about the lack of wardens, and I firmly believe that with more wardens we will eliminate a lot of poaching and so forth.

If it is necessary to give something to the people sixty-five years of age or over, why not give the Fish and Game Department a rest and give a free driving license or free number plates, and for those who have no cars, why not give them some other gift?

We have had four other free license bills before the committee and they have all been reported out "Ought not to pass."

Now in fairness to all concerned and to the Department, that they may be able to carry out their program, I hope the motion of the gentleman from Wilton, Mr. Maxwell, does not prevail, and when the vote is taken, I request a division.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I want, very briefly, to make my position clear on this bill. The other day I was asked by those who favored it if I would be willing to reconsider it on the ground that at the time the vote was taken, not too many members of the House were present and they wanted the vote taken when more were here, in order that the bill might be given a fair trial. I voted against this bill the other day, and I shall vote against it today, because I believe, as the gentleman from Machias, Mr. Hayward, does, that our Fish and Game Department now is on a pay-as-you-go basis and it should stay there.

Now in order to accomplish the purpose of having people here to vote on the bill, as I gaze around me I see we are no better off than we were last week when the vote was taken. So, Mr. Speaker, I would like to ask for a roll call vote when the vote is taken.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, requests that when the vote is taken, it be taken by the yeas and nays.

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

Mr. McCLURE: Mr. Speaker, perhaps, if we allow this bill to be substituted for the report, our aged in this State might be able to help themselves by catching a few hornout or porgy to supplement the pittance we are now giving those on Old Age Assistance. If what the gentleman from Machias, Mr. Hayward, says is true, that our Inland Fish and Game Department needs more wardens, might it not be a good suggestion to follow the recommendation of Governor Payne, who announced, early in January, that perhaps we could consolidate in a Department of Conservation our Sea and Shore Fisheries Department, our Inland Fish and Game Department and our Forestry Department, and have the wardens of these three departments work

as wardens of all the departments, not only for the best interests of conservation, but in the best interests of the taxpayers of Maine. I shall vote with the gentleman from Wilton, Mr. Maxwell.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LaCHARITE: Mr. Speaker and Members of the House: Two years ago I sponsored several measures which subsequently placed the Fish and Game Department on a self-supporting basis. Prior to this year, this body had to appropriate somewhere between \$200,000 and \$400,000 per year for that department. This is not necessary any more. The total income last year in the Fish and Game Department nearly doubled and amounted to some \$994,899. The anticipated income for the coming year, through changes in the statutes regarding veterans' free licenses, will increase it some \$200,000, which will give a total income to the Department of approximately \$1,194,800. Now this bill giving free fishing licenses only to persons of sixty-five or over will cost approximately \$17,000. This \$17,000, ladies and gentlemen, is less than ten per cent of the new anticipated figures and less than one and a half per cent of the anticipated total income. I do not believe that this is too much to give to our aged, and I hope that the motion of the gentleman from Wilton, Mr. Maxwell, will prevail.

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

Mr. McGLAUFFIN: Mr. Speaker, when I first saw this bill I said to my seatmate, "That bill must have been introduced for my benefit. They evidently want me to retire and go fishing. (Laughter)"

I was not particularly interested in the matter, but I came here to try vigorously to do something for the aged people. I have fallen very flat as far as any of my efforts have resulted up to now. I cannot help but think of a story told



me by Representative McKee two years ago. The Governor had stated that about fourteen million dollars of revenue was needed. A few days later Mr. McKee came to me and he said, "Judge, the Lewiston Sun says we can get along with three million. That reminds me of the story of the horse."

"A" had a horse, and "B" came along and he said, "How much do you ask for that horse?" He said, "\$100." "B" said, "I will give you five dollars." "A" says, "That is a devil of a come-down, but I will take it." If I can get nothing but free fishing licenses for the old people I am for it. (Laughter)

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

Mr. BROWN: Mr. Speaker and Members of the House: I just took a moment to look at this bill. It says, "Permits to hunt and fish for life shall be issued free of charge to every resident of the State who has reached the age of sixty-five years." It seems to me that could well cost more than \$17,000. I do not know that I would like to fish free for the rest of my life, but I would not want to get it by voting to accept the "Ought to pass" report of the committee.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker and Members of the House: I will say this much. As I look at it, if you do not do something or other you won't be selling many licenses, because if you let these derbies go on you won't have hardly any fish in the State of Maine in these lakes and ponds. I am over the age of sixty-five, and I believe that everybody that is able should pay that license fee. I am standing right up here, and I think I have a right to talk on that subject. I believe that anybody who can afford to go fishing and who is over that age should pay for that license. As I say, if you are going to have these derbies and are going to kill fish so that for the next week or two they will be float-

ing around on the pond because somebody is trying to get a larger fish, you are going to kill the whole shooting match. I do not think you should cut it out unless you cut out those that have old-age assistance. That I will agree on. As to the others, I do not think you should do it.

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

The Chair recognizes the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: Mr. Speaker and Members of the House: It is true that this would be a good gesture in giving free licenses, but you all know that we have been trying for years to get our Fish and Game Department on a paying basis and it now has that standing. Regardless of the amount this will cost, which has been estimated at anywhere from \$17,000 to \$30,000, that money is going to be a loss to the Inland Fisheries and Game Department. We have not enough warden service to satisfy the sportsmen in the State, and we know that this money is going to be lost. I hope those who are in favor of taking this money out will not oppose new taxation measures to replace it.

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

The gentleman from Nobleboro, Mr. Palmer, has requested that when the vote is taken, it be taken by the yeas and nays. A ye and nay vote is in order at the desire of one-fifth of the members present. Those desiring a ye and nay vote will kindly rise.

Less than one-fifth of the members arose.

The SPEAKER: The motion for the ye and nay vote has failed.

The gentleman from Machias, Mr. Hayward, moves that the vote be taken by a division. As many as are in favor of the motion of the

gentleman from Wilton, Mr. Maxwell, that the bill be substituted for the "Ought not to pass" report of the committee will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Twenty-seven having voted in the affirmative and eighty-three having voted in the negative, the motion to substitute the bill for the report of the committee does not prevail.

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

Mr. JEWETT of Manchester: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. JEWETT: Mr. Speaker, I would like to ask the House to reconsider the action just taken. If the House will so do, I would like to offer House Amendment "B" to the bill which would take out the old age at sixty-five and insert those people of sixty-five who are now receiving old age pensions. If the House will so do, I would like to have the matter retabled and specially assigned for Tuesday, April 5th.

The SPEAKER: The Chair will state that the House, having reconsidered the matter once before, a motion for further reconsideration is not now in order.

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, House Report "Leave to Withdraw" of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Moosehead Lake, in the County of Piscataquis (H. P. 1140) (L. D. 600) tabled on March 29th by the gentleman from Lisbon, Mr. Plummer, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Plummer the "Leave to Withdraw" report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fourth

tabled and today assigned matter, House Divided Report of the Committee on Taxation on Bill "An Act Repealing the Gasoline Road Tax" (H. P. 1200) (L. D. 532), the Majority Report being "Ought not to pass" and the Minority Report being "Ought to pass", tabled on March 29th by the gentleman from Bangor, Mr. Wight, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. WIGHT: Mr. Speaker and Members of the House: I wish to comment on the majority report of the Committee on Taxation which recommended that this bill ought not to pass.

Up to January, 1946, out-of-state trucks coming into Maine were obliged to register in this State. The fees from those registrations helped support our road program. The 92nd Legislature passed a reciprocity bill which allowed out-of-state trucks to come into the State of Maine without registering in this State. The only way that we now have to get revenue from those out-of-state trucks for the support of our road system is through the gasoline tax. As you know, the Legislature passed the gasoline road tax. This road tax provides that each truck engaged in interstate traffic shall make a report to the State Tax Assessor every three months, stating how much gasoline he has bought in the State and the number of miles those trucks have travelled. This must show that the operator has bought sufficient gas in the State and paid the tax to run those trucks the number of miles they have been run in the State. If he has bought gasoline outside of the State he must pay the Maine state tax of six cents a gallon on enough gasoline to make up the difference.

Now that has worked out in this way: The penalties paid by these trucks for the past year have been approximately \$40,000 on the gas which they have bought outside of the State. The estimated revenue which the State has collected from gas taxes from these trucks is approximately \$395,000 a year. Now

that \$395,000 is the only way that the State of Maine has of collecting from these trucks money to pay for the support of our highway system. These trucks come in from other states, they use our highways, they tear those highways to pieces, as you can appreciate right now. In the condition that they are now in the State of Maine, all of these trucks must be tearing our highways apart, and this is the only way we have of getting revenue from those trucks.

As you know, the Ela bill gave to the towns about \$400,000. Now are we to give the truckers \$395,000 which they now pay in taxes if this bill is passed? And that is what it means. It might not be the \$395,000, possibly not every cent of that would be lost to the State of Maine; but it is a great temptation for all of these truckers to buy their gas in Massachusetts where the tax is only three cents. They save three cents a gallon that they would pay to the State of Maine, and it is a great temptation to buy it in the State of New Hampshire where the tax is only four cents.

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

The SPEAKER: The gentleman from Bangor, Mr. Wight, has moved that the House accept the majority "Ought not to pass" report of the committee.

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

Mr. DENNETT: Mr. Speaker and Members of this House: Today, this Legislature has laid before them something more than a tax measure. A moral issue is involved. I am very happy that the gentleman from Bangor, Mr. Wight, has presented his position in such a clear and concise manner. I do not disagree with him on the general principles involved but, as I said before, it is a moral issue.

It appears that for nearly a generation chaos has existed on the borders of the State of Maine and other states. Four years ago, the State of Maine entered into a solemn agreement with the several

states that they would again enter into a treaty of reciprocity thus allowing the free flow of traffic between the several states without the barriers and impediments that were, at that time, erected. Consequently, for two years we might say that peace reigned within our borders. Traffic and commerce freely flowed between the states. Then, two years ago, some cunning mind in this legislature conceived the bill that actually circumvents the spirit, if not the letter, of that reciprocity agreement. They have levied on the carriers a tax which, actually, makes up for the loss of revenue that they heretofore gained from the licensing of the out-of-state trucks. Other states have not done this to us. They are willing to abide by their agreement but the State of Maine has not. When they passed that bill, Maine dug into the pockets of the out-of-state men as well as their own if they could and exacted a tax while the other states have not done this to us. This tax is small in itself. It turned in last year to the State of Maine \$39,000. The cost of collection exceeded twenty-five per cent of the money collected. I would venture to say that if any man in this House introduced a tax measure, a revenue measure, and stood up and said that the cost of collection was twenty-five per cent, he would be laughed off the floor of the House. And yet, by no conception can it be conceived that this is a revenue measure. It is purely, wholly, and entirely discriminatory. They say, those who are in favor of the continuation of this tax, that it has great potential collections. The only potential that lays before the State of Maine is chaos. It means that we return to the conditions that existed before the reciprocity agreement. I still don't want to take up too much time, it's late, everyone wants to go to dinner, but here—I will read some of the industry's stand on this matter.

The trucking industry views this tax as a nuisance tax which im-

poses a heavy burden upon the industry without any gain to the State of Maine large enough to justify it.

The trucking industry is particularly overwhelmed with the requirements of book work and records, with required reports to Interstate Commerce Commission, the Public Utilities Commission, Social Security and Unemployment Taxes, besides the necessary records between themselves and their customers. They find the requirements of this gasoline tax to be an extremely heavy burden.

At the Legislative Hearing on this bill before the Taxation Committee on February 23rd, Paul Merrill, President of the Merrill Transport Company, told the Committee that his Company had carefully segregated the cost of keeping those records and found that it cost them 60 man hours per month, at a total cost of \$720.00 a year to keep these records. Another comparatively small outfit, Hunnewell Transportation Co., was stated to have spent 262 hours a year in keeping these reports. The real burden, however, falls upon the small truckers who aren't able to afford an expensive bookkeeping setup.

Incidentally, neither one of these two trucking companies has ever had to pay the State of Maine in taxes under this law, and in fact they have built up credits which, in the case of the Merrill Transport Company, amount to more than \$6,000.00 because they are buying our gasoline to use upon the highways of other states, but they are penalized by paying the expense of keeping these costly records.

Now, in closing this argument in the best manner I can, I will say that this morning, this very morning, there is before the House of Representatives in the city of Concord, New Hampshire, a bill to set up such a law as, at the present time, we have in the State of Maine, not as a revenue measure but in retaliation against the State of Maine for the taxing of truckers coming from that State.

Members, if again you want a chaotic situation on our borders, if you want misery to prevail amongst the small truckers and the large ones besides, then you should vote to retain this tax. However, if you want the free flow of commerce between the states, recognizing that this is one nation—of course we are a sovereign state but we must be good neighbors with our other states—I urge you members to please vote that the motion of the gentleman from Bangor, Mr. Wight, will not prevail.

**THE SPEAKER:** The Chair recognizes the gentleman from Sebago, Mr. FITCH.

**MR. FITCH:** Mr. Speaker and Members of the House: I would like to add to what Mr. Dennett has already said concerning the bill which is before the New Hampshire Legislature, and say that there is a reciprocal clause attached to that. That clause means that it would only apply where a state has a similar law. In other words, if this law is repealed by the State of Maine, it never would go into operation against any truckman from the State of Maine. But it does seem to me that New Hampshire should be more concerned with a tax of this type than either Maine or Massachusetts for the simple reason that most of the truckmen have their terminal either in Boston or somewhere in Maine. In other words, the trucks travel right through New Hampshire with no terminal. At most of these terminals they have their storage tanks and they can buy their gasoline at wholesale so the tax makes little difference to them. In other words, when a truck starts for Boston from somewhere in Maine, they fill their tank with Maine gas and when they start from Boston for Portland or other points in Maine they fill with Massachusetts gas, but I believe one offsets the other.

It so happens that the way the trucking industry was set up, it was not feasible for them to allow their drivers to get gas on the road.

In that way, there would be very little chance they would ever gas in the State of New Hampshire.

I believe they have found from experience that they may be charged for a hundred gallons of gasoline whereas only about thirty gets into their tank.

We have heard a lot lately on the economy angle. I believe here is one place where we can economize. We can reduce the expense to the state, because there has definitely been expense for the collection of this tax. We can definitely reduce the expense to the trucking companies because it has definitely been an expense to them to keep the books concerning it. I believe our truckmen are honest, and they realize that if they are going to travel over our roads they have to pay for the repair and rebuilding of these roads, and I believe that they will buy sufficient gasoline in the State of Maine to more than offset the mileage they travel in the State.

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

Mr. FARLEY: Mr. Speaker and Members of the House: For years I have been in the trucking business, and not many years ago I was stopped in many cities and towns and kept in the jug overnight because the State of Maine could not agree with the other New England States. Either you were a hundred pounds overweight or you didn't have the plates or some other things and you had to leave your truck on the road and lost a lot of money going back and forth.

Now we seem to be getting somewhere in the State of Maine along with other states throughout the New England States. I think this tax is very unfair. Our own concern purchased 99½ per cent of our gasoline in one local place in the City of Biddeford. We only used one-half of one per cent from out of the state. We now have to make a report every three months and it is more of a nuisance to us than anything else. I know of a great

many large truckers from Massachusetts who stop in Biddeford and buy gas and pay their proportion of the tax.

I sat here at a hearing on the permanent gasoline tax. On this new two-cent tax there is a considerable amount which there is no chance of recovering because prices are pretty well stabilized.

I would like to go along with the gentleman from Kittery, Mr. Dennett, and see this repealed.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Wight, that the House accept the majority "Ought not to pass" report of the Committee.

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

Mr. DENNETT: Mr. Speaker, when the vote is taken I ask for a division.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, asks for a division. Is the House ready for the question?

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

Mr. WIGHT: Mr. Speaker and Members of the House: I want to recall the agreements, the verbal agreements that reciprocity, the six-cent gas tax and road taxes, were right in principle and fair at that time. I can see why some of the truckers want this law repealed. Of course they can buy their gas for less in Massachusetts and can buy their gas for less in New Hampshire, and in that way of course they would save money.

As to New Hampshire and Massachusetts passing legislation of a similar kind to this, that is perfectly all right; they are entitled to the tax if the trucks run over their highways, just as Maine is entitled to the tax if those trucks run over our highways.

It has been mentioned here that we collected \$39,000 in penalties from this tax. Now this \$39,000 is not all that is to be considered if the total amounts to almost \$400,000, because those trucks are buying gas in the State of Maine today,

and if we repeal this law many of those trucks will not buy gas in the State of Maine. So it is just a question of whether this Legislature wants to relinquish the most of that \$395,000 to New Hampshire and Massachusetts.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Wight, that the House accept the majority report of the Committee "Ought not to pass," and the gentleman from Kittery, Mr. Dennett, has requested a division. As many as are in favor of the motion of the gentleman from Bangor, Mr. Wight, that the House accept the majority report of the committee "Ought not to pass" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-eight having voted in the affirmative and forty-four having voted in the negative, the motion prevailed, and the majority report "Ought not to pass" was accepted and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, the hour is getting late as it is a few minutes past one o'clock now and in a few minutes we are going to have committee hearings, so at this time I would like to move that the House adjourn until tomorrow morning at ten o'clock.

Mr. FARLEY of Biddeford: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. FARLEY: To take something off the table, Mr. Speaker.

The SPEAKER: The motion to adjourn has been made by the gentleman from Nobleboro, Mr. Palmer.

The Clerk will read the notices.

On motion by Mr. Palmer of Nobleboro,

Adjourned until 10:00 o'clock tomorrow morning.