

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, April 6, 1949

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

Prayer by the Rev. Fr. Fortier of Lewiston.

The journal of the previous session was read and approved.

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

Report of the Committee on Motor Vehicles on Bill "An Act Designating the Counties of Maine on Motor Vehicle Registration Plates" (S. P. 583) (L. D. 1251) reporting leave to withdraw.

Report of the Committee on Sea and Shore Fisheries reporting same on Bill "An Act Regulating the Sale of Clams for Eating Establishments" (S. P. 525) (L. D. 1057)

Report of same Committee reporting same on Resolve Regulating Smelt Fishing in Dennys River in Washington County (S. P. 509) (L. D. 1009)

Came from the Senate with the Reports read and accepted.

In the House, Reports read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Federal Relations reporting "Ought not to pass" on Bill "An Act Repealing the Experience Rating in the Unemployment Compensation Law" (S. P. 572) (L. D. 1235)

Report of same Committee on Bill "An Act Amending the Unemployment Compensation Law as to Benefits" (S. P. 574) (L. D. 1237) reporting same as it is covered by other Legislation.

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Create an Industrial Safety Code Commission" (S. P. 379) (L. D. 645)

Report of the Committee on Public Buildings and Grounds reporting same on Bill "An Act Relating to Zoning Near State Capitol" (S. P. 462) (L. D. 914)

Report of the Committee on Taxation reporting same on Bill "An Act Requiring the Portland Water District to Pay Taxes on Its Property in the Town of Standish" (S. P. 181) (L. D. 233)

Came from the Senate with the Reports read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Relating to Allocation of Moneys by Governor and Council" (S. P. 66) (L. D. 47)

Report of the Committee on Inland Fisheries and Game reporting same on Resolve Regulating Fishing in Spencer Lake in Somerset County (S. P. 203) (L. D. 266)

Report of the Committee on Legal Affairs reporting same on Bill "An Act Relating to Practice of Architecture" (S. P. 211) (L. D. 273)

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

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

**Ought to Pass with Committee
Amendment
Tabled**

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for Completion of Dairy Barn at Augusta State Hospital (S. P. 159) (L. D. 227) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

(On motion by Mr. Brown of Unity, tabled pending acceptance of Committee Report in concurrence.)

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945 and 1947" (S. P. 611) (L. D. 1319) reporting "Ought to pass" as

amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 611, L. D. 1319, Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945 and 1947."

Amend said Bill by striking out all of Sec. 50 thereof.

Further amend said Bill by re-numbering Secs. 51 to 140, inclusive, to be Secs. 50 and 139, inclusive.

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

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Relating to Cost of Maintaining Patients at Hospitals for the Insane" (S. P. 58) (L. D. 34)

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

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

SENATE AMENDMENT "A" to S. P. 58, L. D. 34, Bill "An Act Relating to Cost of Maintaining Patients at Hospitals for the Insane."

Amend said Bill by striking out all of section 3 thereof.

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

Non-Concurrent Matter

Bill "An Act Relating to the Licenses of Buildings for Dancing

Purposes" (H. P. 1402) (L. D. 762) which was passed to be engrossed in the House on March 8th.

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

In the House: The House voted to reconsider its action of March 8th whereby the Bill was passed to be engrossed.

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

SENATE AMENDMENT "A" to H. P. 1402, L. D. 762, Bill "An Act Relating to the Licenses of Buildings for Dancing Purposes."

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

'The provisions of this section shall not apply to those cities and towns which have building codes.'

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

Non-Concurrent Matter

Bill "An Act Relative to Bounty on Foxes" (H. P. 1266) (L. D. 666) on which the House substituted the Bill for the "Ought not to pass" Report and referred it to the Committee on Agriculture on April 1st.

Came from the Senate with the "Ought not to pass" Report accepted in non-concurrence.

In the House: The House voted to recede from its former action whereby it substituted the Bill for the "Ought not to pass" Report.

The House then voted to accept the "Ought not to pass" Report in concurrence.

The SPEAKER: The Chair notes, at this time, the presence in the balcony of the Hall of the House the pupils of the Eighth Grade of the Holy Cross School in Lewiston, also the Juniors and Seniors of the Casco High School, the latter group being in charge of Katherine Rolf. On behalf of the House, we bid you welcome. (Applause)

**House Reports of Committees
Divided Report
Tabled**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Relating to Regional Library Service" (H. P. 1112) (L. D. 598)

Report was signed by the following members:

Messrs. BOWKER of Cumberland
SAVAGE of Somerset
— of the Senate.

BROWN of Unity
JACOBS of Auburn
JALBERT of Lewiston
JOHNSTON of Jefferson
WEBBER of Bangor
DENNETT of Kittery
BIRD of Rockland
— of the House.

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

Report was signed by the following member:

Mr. WILLIAMS of Penobscot
— of the Senate.

(On motion by Mr. Hill of Bingham, the two Reports, with accompanying papers, were tabled pending acceptance of either Report)

**Divided Report
Tabled**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing for the Establishment of a State of Maine Information Center" (H. P. 1621) (L. D. 932)

Report was signed by the following members:

Messrs. WILLIAMS of Penobscot
BROWN of Unity
JACOBS of Auburn
JALBERT of Lewiston
JOHNSTON of Jefferson
WEBBER of Bangor
BIRD of Rockland
— of the House.

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

Report was signed by the following members:

Messrs. BOWKER of Cumberland
SAVAGE of Somerset
— of the Senate.
DENNETT of Kittery
— of the House.

(On motion by Mr. Dennett of Kittery, the two Reports, with accompanying papers, were tabled pending acceptance of either Report)

**Divided Report
Tabled**

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Relating to Running Horse Racing" (H. P. 1260) (L. D. 562)

Report was signed by the following members:

Messrs. BATCHELDER of York
BAKER of Kennebec
— of the Senate.

ATHERTON of Bangor
CHAPMAN of Portland
PAINE of Portland
MARBLE of Dixfield
HAYES of Dover-Foxcroft
— of the House.

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

Report was signed by the following members:

Messrs. EDWARDS of Oxford
— of the Senate.

CAMPBELL of Augusta
MARTIN of Augusta
— of the House.

(On motion by Mr. Carville of Stratton, the two Reports, with accompanying papers, were tabled pending acceptance of either Report)

**Leave to Withdraw
Tabled**

Mr. Atherton from the Committee on Legal Affairs on Bill "An Act Providing for Veteran Bonus Fund for World War II Veterans

and to Provide Moneys Therefor by Running Horse Races" (H. P. 1579) (L. D. 902) reported leave to withdraw.

(On motion by Mr. Chapman of Portland, tabled pending acceptance of Committee Report)

Mr. Prince from the Committee on Sea and Shore Fisheries reported leave to withdraw on Resolve Regulating the Taking of Smelts from Cobscook River, Cobscook Bay, Orange River, Denny's River and Their Tributaries (H. P. 1802) (L. D. 1144)

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Tabled

Mr. Marble from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Increase the Borrowing Capacity of the Town of Norridgewock School District" (H. P. 1934) (L. D. 1309)

(On motion by Mr. Sharpe of Anson, tabled pending acceptance of Committee Report)

Covered by Other Legislation

Mr. Paine from the Committee on Legal Affairs on Bill "An Act Relating to Street Openings" (H. P. 1727) (L. D. 1082) reported "Ought not to pass" as it is covered by other Legislation.

Ought Not to Pass

Mr. O'Dell from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act Creating the Calais Utilities District" (H. P. 1703) (L. D. 1023)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. Hanson from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Relating to Pollution of Tidal Waters" (H. P. 1318) (L. D. 687)

(On motion by Mr. Marsans of Monmouth, tabled pending acceptance of Committee Report)

Mr. Littlefield from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Relating to Revocation of Licenses Issued by Department of Sea and Shore Fisheries" (H. P. 763) (L. D. 299)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. Phillips from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Relating to the Reconsignment of Lobsters" (H. P. 1352) (L. D. 702)

(On motion by Mr. Spear of South Portland, tabled pending acceptance of Committee Report)

Mr. Prince from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Relating to Buoys on Lobster Traps or Other Submerged Objects" (H. P. 1319) (L. D. 688)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. Chase from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Amending the Gasoline Tax Law" (H. P. 1956) (L. D. 1329)

(On motion by Mr. Bearce of Caribou, tabled pending acceptance of Committee Report)

Tabled

Mr. Chase from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Relating to Tax on Gasoline Used for Aeronautical Purposes" (H. P. 1944) (L. D. 1316)

(On motion by Mr. Brown of Baileyville, tabled pending acceptance of Committee Report)

Ought to Pass in New Draft

Mr. Jennings from the Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law as to Payment of Benefits" (H. P. 1389) (L.

D. 722) reported same in a new draft (H. P. 2031) (L. D. 1438) under same title and that it "Ought to pass"

Mr. Bucknam from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Sale or Packing of Herring" (H. P. 1351) (L. D. 701) reported same in a new draft (H. P. 2033) (L. D. 1440) under same title and that it "Ought to pass"

Mr. Littlefield from same Committee on Bill "An Act Repealing Retail Dealers' Licenses" (H. P. 1420) (L. D. 754) reported same in a new draft (H. P. 2032) (L. D. 1439) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bills

Mr. Atherton from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Provide a Town Manager Form of Government for the Town of Bar Harbor" (H. P. 1644) (L. D. 999)

Mr. Bearce from the Committee on Public Utilities reported same on Bill "An Act to Incorporate the Lincoln Water District" (H. P. 1929) (L. D. 1288)

Mr. O'Dell from same Committee reported same on Bill "An Act Relating to Automatic Signals at Railroad Crossings" (H. P. 1796) (L. D. 1138)

Mr. Ames from the Committee on Sea and Shore Fisheries reported same on Bill "An Act Relating to Weir Fishing in Certain Waters" (H. P. 1736) (L. D. 1090)

Same gentleman from same Committee reported same on Bill "An Act Relating to the Taking of Clams, Quahogs, Mussels and Worms in the Town of Islesboro" (H. P. 1799) (L. D. 1141)

Mr. Bucknam from same Committee reported same on Bill "An Act Relating to Taking of Clams in Scarboro" (H. P. 1421) (L. D. 769)

Mr. Hanson from same Committee reported same on Bill "An Act Regulating the Digging of Clams for Commercial Purposes in the Town of Roque Bluffs, Washington County" (H. P. 1666) (L. D. 974)

Same gentleman from same Committee reported same on Bill "An Act Repealing Law Relating to Taking of Herring" (H. P. 1197) (L. D. 591)

Mr. Littlefield from same Committee reported same on Bill "An Act Regulating the Digging of Clams in the Town of Southport, Lincoln County" (H. P. 1706) (L. D. 1026)

Mr. Phillips from same Committee reported same on Bill "An Act Relative to Powers of Coastal Wardens as Inland Fish and Game Wardens" (H. P. 1537) (L. D. 866)

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

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

Mr. Phillips from the Committee on Sea and Shore Fisheries reported "Ought to pass" on Bill "An Act relating to the Taking of Smelts from Cobscook River, Cobscook Bay, Orange River, Denny's River and Their Tributaries" (H. P. 1665) (L. D. 973)

Mr. Stevens from same Committee reported same on Bill "An Act Relating to the Digging of Clams in the Town of Isle au Haut" (H. P. 1198) (L. D. 592)

Same gentleman from same Committee reported same on Bill "An Act Relating to the Definition of the Term 'Sardine'" (H. P. 1349) (L. D. 699)

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

Recommended

Mr. Stevens from the Committee on Sea and Shore Fisheries reported "Ought to pass" on Bill "An Act Relating to the Sale or Packing of Herring" (H. P. 1350) (L. D. 700)

On motion by Mr. Stevens of Boothbay, the Bill, with accompanying papers, was recommended to the Committee on Sea and Shore Fisheries and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Dufresne from the Committee on Public Utilities on Bill "An Act to Incorporate the Boothbay Harbor Water and Sewer District" (H. P. 1914) (L. D. 1276) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1914, L. D. 1276, Bill "An Act to Incorporate the Boothbay Harbor Water and Sewer District."

Amend said Bill by adding the following paragraph to Sec. 3 after paragraph two:

'Provided, however, nothing herein contained shall be construed as authorizing said water and sewer district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein or by subsequent act of the legislature.'

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

Mr. Faas from the Committee on Public Utilities on Bill "An Act to Incorporate the Boothbay Harbor Sewer District" (H. P. 1913) (L. D. 1275) reported "Ought to pass" as

amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1913, L. D. 1275, Bill "An Act to Incorporate the Boothbay Harbor Sewer District."

Amend said Bill by adding the following paragraph to Sec. 2 after paragraph one:

'Provided, however, nothing herein contained shall be construed as authorizing said sewer district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein or by subsequent act of the legislature.'

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

Mr. Bucknam from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Packing of Sardines" (H. P. 1536) L. D. 811) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1536, L. D. 811, Bill "An Act Relating to the Packing of Sardines."

Amend said Bill by adding after the Title thereof and before the enacting clause, the following:

Emergency preamble. Whereas, the present statute, sections 198 to 205, inclusive, of chapter 27 of the revised statutes, do not plainly and definitely establish a standard governing the packing of 15 ounce oval cans of sardines; and

Whereas, such definite standards are most desirable in order to secure the proper labelling of such class of sardines; and

Whereas, it is desirable to pack this class of goods for only a limited time each year; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore'

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

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

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

Mr. Littlefield from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Digging of Clams and Worms in the Town of West Bath" (H. P. 1667) (L. D. 975) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1667, L. D. 975, Bill "An Act Relating to the Digging of Clams and Worms in the Town of West Bath."

Amend said Bill by inserting in the title thereof the punctuation and word ', Quahogs' after the word "Clams"

Further amend said Bill by inserting in the 1st line thereof after the underlined word "clams" the underlined punctuation and word ', quahogs'

Further amend said Bill by inserting in the 3rd line thereof after

the word punctuation "clams," the word and punctuation 'quahogs.'

Further amend said Bill by inserting in the 11th line thereof after the word "clams" the words 'and quahogs'

Further amend said Bill by inserting in the 4th line from the end after the word and punctuation "clams," the word and punctuation 'quahogs.'

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

Mr. Prince from the Committee on Sea and Shore Fisheries on Bill "An Act Permitting the Digging of Clams in Kennebunk River for Bait Only" (H. P. 1800) (L. D. 1142) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1800, L. D. 1142, Bill "An Act Permitting the Digging of Clams in Kennebunk River for Bait Only."

Amend said Bill by inserting in the Title thereof, after the words "Kennebunk River", the following words: 'and Its Tributaries'.

Further amend said Bill by inserting in the headnote thereof, after the underlined words "**Kennebunk river**", the following underlined words: 'and its tributaries'.

Further amend said Bill by adding after the words "Kennebunk river" in the 2nd line thereof, the following words: 'and its tributaries'.

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

Passed to be Engrossed

Bill "An Act Relating to the Definition of Tavern in Liquor Law (H. P. 1746) (L. D. 1038)

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 Reimbursement to Towns for Special Teaching Positions" (H. P. 1950) (L. D. 1323)

(Was reported by the Committee on Bills in the Third Reading, read the third time, and on motion by Mr. Woodworth of Fairfield, tabled pending passage to be engrossed.)

Bill "An Act Regulating Trapping of Fisher" (H. P. 2030) (L. D. 1437)

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

Amended Resolve

Resolve Regulating Fishing in Spruce Pond in the County of Somerset (H. P. 988) (L. D. 419)

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

The SPEAKER: At this time the Chair notes the presence in the balcony of the Hall of the House of the Civics Class of the Old Orchard Beach High School, with Miss Alice Arnold and Mr. George Zeller in charge. On behalf of the House, we bid you welcome. (Applause)

Passed to be Enacted

An Act Relative to Open Season on Beaver (H. P. 2018) (L. D. 1403)

Resolve Authorizing the Sale of Feeding Station Property in the County of Aroostook (S. P. 270) (L. D. 443)

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bill passed to be enacted, Resolves finally passed, all

signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first 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) Majority Report "Ought not to pass" and Minority Report "Ought to pass," tabled on March 31 by the gentleman from Limestone, Mr. Burgess, pending his motion to reconsider acceptance of Majority Report; and the Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of the House: A few days ago when this pending motion was made and also tabled, it was done as a courtesy to those who are interested in preparing an amendment and offering that amendment to the House at this time. This morning I have been given to understand by those interested that they have no amendments to offer, therefore I hope you will vote "No" on my motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Fitch.

Mr. FITCH: Mr. Speaker and Members of the House: I was not one of those who spoke in favor of any amendment or had anything to do with any amendments to this bill, but I do believe that we should reconsider our action whereby this bill was defeated.

There have been some things that have been brought to my attention since we voted on this bill. Just as an example, the wood heel company operating in Norway have their own trucks and they employ a number of people in the State of Maine. These trucks deliver their products to states outside of the State of Maine. They have their own fuel tanks and fill their trucks with all-Maine gasoline. If this bill goes on the books, it will be necessary for them to buy gasoline from outside the State, and

in that way Maine is going to lose revenue which they are now getting.

As I said the other day, there is a bill before the Legislature of New Hampshire which will make it a reciprocal bill; in other words, if Maine continues to have this on the books our Maine truckmen will be subject to a tax in New Hampshire. I understand that Vermont is now considering the same type of bill, and there is a bill before the Massachusetts Legislature that is kept on the table from day to day waiting to see what this Legislature will do with the one we now have.

I believe that this is a law which is very hard to enforce, and I believe it is not being enforced to the full letter of the law. There is one police officer assigned to check these trucks. I cannot see how one police officer with the size of the State of Maine can check on these trucks and enforce the law, and if we cannot enforce it, and if we are going to have these barriers in the other states, I believe it should be repealed. I believe we should vote in favor of reconsideration today, and after that I will make a motion that the report of the committee — I believe, Mr. Speaker, that the committee reported back "Ought not to pass"?

The SPEAKER: The Chair will state that in the event the House does reconsider its action we would proceed exactly as we did before the vote was taken last week. In other words, the report of the committee would be before the House.

Mr. FITCH: Mr. Speaker, I hope the motion of the gentleman from Limestone, Mr. Burgess, does not prevail, even though he is against it.

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

Mr. DENNETT: Mr. Speaker and Members of the House: As sponsor of this bill, I would like to make my position clear this morning.

This bill, through the courtesy of the opposition, was tabled pending a motion to reconsider. This was

for the purpose of offering an amendment which would be acceptable to the opposition. Two amendments have been shown them for their approval, neither of which has been acceptable to them. The first was an amendment offering reciprocity to the State of New Hampshire, which State immediately threatens retaliation against the State of Maine. The second was the repeal of Section 255 of the motor carrier or gasoline road tax. This was not acceptable to the opposition either. It appears that this section which is most objectionable, especially to the southern part of the State and those carriers which reside in the border towns, would eliminate the tax and the enforcement against the small carriers. At the present time this section is not in force, and even the opposition admits that it is not enforceable. The State of Maine sets up, as Mr. Fitch has stated, only one State policeman to police the entire State. On that basis, I think it is really elemental that the law cannot be enforced. However, the opposition refuses to accept this amendment, thus there is no amendment prepared for this bill.

As I have given my pledged word to the opposition, I will not oppose the motion of the gentleman from Limestone, Mr. Burgess.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House reconsider its action whereby it accepted the majority report of the committee. Is the House ready for the question?

As many as are in favor of the motion of the gentleman from Limestone, Mr. Burgess, that the House reconsider its action will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

The SPEAKER: Forty-four having voted in the affirmative and fifty in the negative, the motion to reconsider does not prevail.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, House

Divided Report of the Committee on Judiciary on Resolve Authorizing Donald S. Porter of Lowell to Sue the State of Maine (H. P. 1305) (L. D. 685) Majority Report "Ought not to pass" and Minority Report "Ought to pass" as amended by Committee Amendment "A", tabled on March 31st by the gentleman from Auburn, Mr. Williams, pending acceptance of either report; and the Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, a member of this House living in the vicinity of Mr. Porter would like a few days in which to investigate the facts in connection with this case, therefore I move that the matter be tabled.

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves that the matter lie upon the table pending acceptance of either report of the committee. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Report "Ought not to pass" on Resolve in Favor of Lemuel Morrell, of Limestone (H. P. 258) tabled on April 5th by the gentleman from Limestone, Mr. Burgess, pending acceptance of report; and the Chair recognizes the gentleman from Limestone, Mr. Burgess.

On motion by Mr. Burgess, the Resolve was recommitted to the Committee on Claims and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Brown.
Mr. Speaker and Members of the House:

THE STATUS OF GENERAL FUND

In accordance with the joint order passed Monday, I am pleased to present to you a brief summary of the General Fund picture as I see it today. I will try to divide the statement into four parts.

1. A rather detailed report on the appropriation bill, with our reasoning on at least each of the major items.

2. A brief review of current estimates of General Fund revenue.

3. A brief summary of the remaining legislative documents that are not provided for in the appropriation bill.

4. A Summary of the present status of the unappropriated surplus of the General Fund.

The purpose of this review is not to point out any specific path of action, but rather to show at least some of the factors that may be helpful to each of us in our task of determining just what will be our action in what, I hope, are the last two or three weeks of this 94th Legislature.

THE APPROPRIATION BILL

The Appropriation Bill, L. D. 1360, has been reproduced in detail in the five pages of legal size paper and was distributed to each member on March 17th. It totals, for the biennium, \$51,480,522. Estimated revenues, as reported in the budget, were \$46,575,496

Now added to that \$46,575,496 have been increases in estimated revenue that amount to \$555,770 per year, \$1,111,540 for the two years or a new estimated revenue total of \$47,687,036. The difference between those estimated revenues of \$47,700,000, in round figures, and the amount of the appropriation bill, about \$51,500,000 is the \$3,800,000, again in round figures, by which existing revenues are short of Appropriation Committee recommendations.

The first question, naturally, is the question as to why the appropriation bill exceeds the budget and thereby exceeds revenues despite the fact we cut requests by about \$3,000,000.

With few exceptions our recommendations include **only** such funds as are required under **existing laws**, laws passed by this or some previous Legislature. Let's look at them, one by one.

Accounts and Control

The increase here is \$10,000 the first year and \$10,740 the second year to provide for the installation and operation of an Encumbrance System as recommended by the Governor in his Budget Message to give him better control of the spending of the money we appropriate. If we expect economy in State government we must provide the Governor with good accounting control.

ADJUTANT GENERAL, Department of

Departmental Operations. No change.

Military Fund. No change.

Operation of State Armories. No change.

AGRICULTURE

Departmental Operations. The increase of \$3,825 the first year and \$1,325 the second year is to provide for an Assistant Chief of Plant Industry to be broken in to the job before the present Chief (E. L. Newdick) retires.

Promotion of Agriculture. No change.

Animal Industry Division. The increase of \$1,850 the first year and \$1,350 the second year allows for \$1,000 increase cost of milk samples at the U. of M. and \$850 the first year and \$350 the second year for repairs and painting at the Egg Laying Test Building at Monmouth.

Eradication of Bangs Disease. Increase of \$38,000 the first year and \$28,000 the second year continues this program at its present level. The appropriation of \$400,000 by the 1945 Legislature will be used up this year. To abandon this program could result in the loss of the gains of prior years.

Retirement of Interest and Principal of Bangs Disease Bonds. No change.

Division of Inspection. The increase of \$14,150 the first year and \$5,000 the second year provides for \$5,000 increase each year to cover increased costs of Laboratory Tests

at U. of M. and \$9,150 the first year to purchase a truck with hoist and weights to test drive-on platform scales.

Division of Markets. The increase of \$5,000 each year is to restore the Egg Labeling Program not included in the Budget.

Division of Plant Industry. The increase of \$2,000 each year provides funds for insect control of Gypsy and Brown Tail Moths and Japanese Beetle to be used only if necessary to control an outbreak.

State Soil Conservation. No change.

APPRENTICESHIP COUNCIL

Reduced \$700 each year. Request was \$6,000 each year; Council's statement to the Committee was either to give \$6,000 or \$800. The \$800 was recommended.

ATLANTIC STATES MARINE FISHERIES COMMISSION

Expenses. No change.

ATTORNEY GENERAL, Department of

Departmental Operations. Increase of \$1,549 each year to give the amount required which is the same amount as appropriated for the present biennium.

County Attorneys' Salaries. No change.

AUDIT, Department of

Departmental Operations. No change.

BANKS AND BANKING, Department of

Departmental Operations. Increase of \$2,079 the first year and \$2,297 the second year allows for addition of Consumer Credit man in order to permit proper supervision of rapidly increasing Consumer Credit Loans by banks. This department continues to be self-supported with a generous margin to spare.

BOXING COMMISSION. No change.

CHARITABLE INSTITUTIONS. Increase of \$12,500 each year as recommended by the Governor to cover increased number of patients

and inmates in the few charitable institutions that receive State aid.

CONTRIBUTIONS AND TRANSFERS. Decrease of \$59,876 the first year and \$59,920 the second year represent decreases in the Employees' Retirement System requirements.

MAINE DEVELOPMENT COMMISSION

Departmental Operations. Increase of \$20,500 each year to provide for increased costs of all advertising media used by the Commission in their promotion work.

EDUCATION

The needs of the Department of Education have been arrived at by providing the amount of money present laws require the Department to pay out to the cities and towns of the State under the several subsidy programs which they administer based on what appears to be reasonable estimates of city and town tax rates and expenditures for Education, increases in school enrollments and teaching positions, and the other factors that determine the amounts to be paid to the cities and towns.

The Committee attempted to be realistic in these items. We could have suggested the exact same subsidy amounts that are now being paid. That would have meant that the towns, instead of receiving what the present laws say they should receive, would receive less per pupil and less per teacher. The result of that approach would be to add to local real estate levels a part of the local education costs now being borne by the State.

We could have been blind to the obvious fact that Maine birth rates, down during the war period, have increased very substantially in '45, '46, '47, and '48 and many of those youngsters will start in our public schools in '50 and '51.

The Education detail is as follows:

Departmental Operations. Increase of \$8,000 the first year and \$6,500 the second year allows one

added position in the Accounting Division and merit increases not included in the Budget.

Gorham State Teachers' College Reserve. No change.

Washington State Teachers' College Reserve. No change.

Aid to Academies. No change.

Madawaska Training School Reserve. No change.

Farmington State Teachers' College. No change.

Gorham State Teachers' College. Increase to \$10,179 the first year and \$15,566 the second year allows a salary scale so that they can compete with elementary schools for teachers. Former salary scale was less than the teachers they are training will receive when they begin to teach after graduation. The present salary scales have been established by the Trustees for all Normal Schools and Teachers' Colleges.

Washington State Teachers' College. Increase of \$6,784 the first year and \$6,411 the second year is to provide for competitive salary scales.

Madawaska Training School. Increase of \$10,884 the first year and \$15,718 the second year provides for competitive salary scale and allows \$10,000 each year for badly needed repairs.

Presque Isle Normal School. Increase of \$2,476 the first year and decrease of \$3,670 the second year continues operations at current level. Too much was provided in the budget for the second year. \$7,000 is allowed in the first year for fire escapes, stokers and other equipment. The school was closed during the war.

Farmington State Teachers' College Reserve. No change.

Presque Isle Normal School Reserve. No change.

Subsidies — Cities and Towns. The need under the various subsidy programs administered by the Department of Education was arrived at by applying the requirements under present laws to the

estimated number of pupils, teachers or other factors governing the amount of the grants to each city and town. It is estimated that there will be an annual increase of over 3,000 pupils. The average increase for the past 3 years is over 3,000. The annual increase in teaching positions for the next two years is estimated at a minimum of 75 positions. If we have been wrong on this one, we have been too conservative.

Subsidies for Tuition. Increase of \$10,000 each year for estimated increase of over 500 pupils in towns not maintaining secondary schools and also in tuition rates.

Subsidies for Teaching Positions. Increase of \$220,000 the first year and \$400,000 the second year provides for the increase in local school tax rate and also the estimated increase of 75 teaching positions. All of this is to provide for no more or no less than existing law calls for.

Subsidies for School Census. Increase of \$18,000 the first year and \$28,000 the second year provide for the estimated 3,000 increase in enrollment in elementary and secondary schools and enough to pay the \$3.00 per pupil required by law.

Subsidies for Conveyance in Lieu of Teaching Positions. Increase of \$10,000 each year. The actual payments this year were \$193,000. The Committee allowed only \$190,000 for each year of the biennium.

Subsidies for Temporary Residents. No change.

Schooling Children in Unorganized Towns. Increase of \$26,000 each year provides for repairs to school buildings and allows for increased conveyance cost. We were certainly convinced that some modest start should be made in removing the worst of the poor facilities in the unorganized towns.

Superintendents of Towns Comprising School Unions. No change.

Vocational Education—State. No change.

Vocational Rehabilitation. No change.

Vocational Training Program. No change.

Administration of Federal Lunch Program. No change.

Special Education for Physically Handicapped Children. Increase of \$13,000 the first year and \$17,000 the second year provides for an additional enrollment of 56 cases now pending due to lack of funds. Here again it was an attempt to meet existing law, but even the appropriation will leave no less than 100 eligible handicapped children unable to receive that which the law says they should have, by reason of the limited appropriation.

Industrial Education. No change.

Physical Education Subsidies. No change.

Equalization of Education Opportunities. Increase of \$110,000 the first year and \$180,000 the second was a tentative recommendation made last September pending a more accurate determination of tax rates. City and town tax rate and expenditures are now known and a reduction in estimated demands results in a reduction of our tentative recommendation of \$100,000 the first year and \$170,000 the second year.

Secondary Education for Island Children. No change.

Board for Approval of Institutes Offering Specialized Training. No change.

Education of Orphans of Veterans. No change.

EXECUTIVE DEPARTMENT

The changes here are minor and resulted in a net decrease of \$512 for the biennium.

FINANCE COMMISSIONER AND BUDGET OFFICE

Departmental Operations. Increase of \$7,000 the first year and \$13,000 the second year is to provide for additional personnel to operate the budget examining unit as recommended by the Governor.

Travel Bureau. Increase of \$990 the first year and \$1,536 the second year is to provide additional travel expense, supplies and temporary help.

FISH & GAME, Department of**Inland**

Search for Lost Persons. No change.

FORESTRY DEPARTMENT

Departmental Operations. Increase of \$3,000 the first year and \$3,200 the second year is to provide for an accountant to supervise the bookkeeping division.

Administration of Public Lands. No change.

State Forest Nursery. Increase of \$3,000 each year is to provide for the Governor's recommendations to allow greater conservation activities.

Aid to Towns for Forest Fires. No change.

Control of White Pine Blister Rust. No change.

General Forestry Purposes. No change.

Entomology. Increase of \$15,000 each year provides for the Governor's recommendation to allow more effective control of insect disease.

G. A. E., Department of Maine. No change.

HEALTH & WELFARE, Department of

The Committee considered the needs of the Health & Welfare Department from the viewpoint of existing laws with no provision for any liberalization or any relaxation. We did, of course, provide for L. D. No. 9, approved by this Legislature and signed by the Governor on Jan. 27, 1949. This is the bill that increased maxima from \$40 to \$50 per month for Old Age Assistance and Aid to the Blind. In every other respect, the Health and Welfare appropriations provide for the funds necessary to maintain, under present laws, the Health and Welfare provisions of the Statutes.

Bureau of Health. No change.

Advisory Hospital Council. No change.

General Administration - Welfare. Increase of \$13,500 the first year and \$19,500 the second year is to

adjust the state funds to match Federal funds in order to provide for the expenditure program recommended by the Budget Committee. This expenditure is proportionate to total welfare cases.

Aid to the Blind. Increase of \$18,000 each year provides for L. D. No. 9, 'An Act increasing Grants from \$40 to \$50 per month' passed by this Legislature and signed by the Governor on Jan. 27, 1949.

Services for the Blind. Increase of \$2,000 each year is to provide needed medical services, tutoring, and rehabilitation of blind persons.

Aid to Dependent Children. Increase of \$336,000 the first year and \$443,000 the second year provides for an estimated increase of 690 cases.

Board and Care of Neglected Children. Increase of \$243,200 the first year and \$293,700 the second year provides for an estimated increase of 200 cases, together with the increase of the Board allowance from \$24.00 per month to \$30.00 per month.

Aid to Public and Private Hospitals. Increase of \$400,000 each year provides funds to reimburse hospitals for 80% of the costs of treatment of state patients. The Budget provided approximately 50% of the cost to hospitals. The hospitals asked for \$600,000 per year.

Passamaquoddy Tribe of Indians. No change.

Support of State Paupers. No change.

Old Age Assistance Benefits. Increase of \$221,166 the first year and \$297,720 the second year provides for L. D. No. 9, an act increasing grants from \$40 to \$50 per month, signed by the Governor on Jan. 27, 1949.

Old Age Assistance Burials. No change.

Pensions Special. No change.

General Relief—Jefferson Camp. No change.

HISTORIAN, State. No change.

INDUSTRIAL ACCIDENT COMMISSION

Departmental Operations. Increase of \$1,700 the first year and \$1,515 the second year provides for the filling of one vacant position.

INSTITUTIONAL SERVICE, Department of. The needs of the Department of Institutional Service have been arrived at by providing the funds necessary to maintain under present laws, current operations and providing for the estimated population increase, the new buildings at Pownal State School, Bangor State Hospital and the reopened Downs Building at the Central Maine Sanatorium. We have not allowed for new positions of any consequence except at Augusta State Hospital and to operate the new buildings.

Emergency Tuberculosis Service. Increase of \$15,000 each year was granted on the basis that this appropriation is less than the amount received from T. B. patients and provides for increasing requirements for surgical care at the Central Maine General Hospital.

Departmental Operations. No change.

Parole Board. Increase of \$1,495 each year allows for additional travel expense for present parole officers as we did not allow the new positions requested, therefore, requiring the present personnel to cover a larger area.

Augusta State Hospital. Increase of \$63,820 the first year and \$53,820 the second year provides for 26 additional employees to cover some 20 uncovered wards and an estimated 13 additional inmates.

Bangor State Hospital. Increase of \$80,204 the first year and \$57,685 the second year provides funds for an estimated increase in population of 40 inmates and for furnishing and operating the new buildings.

State School for Boys. Increase of \$7,503 the first year and \$2,503 the second year provides for an estimated increase in population of 20 inmates.

Central Maine Sanatorium. Increase of \$77,780 the first year and \$70,274 the second year provides for 20 additional employees to operate the reopened Downs Building and an estimated increase in population of 48 inmates.

Maine School for Deaf. Increase of \$11,825 the first year and \$10,125 the second year provides for an estimated increase in population of 12 pupils and for the installation of fire escapes and toilets.

State School for Girls. Increase of \$5,095 the first year and \$6,595 the second year provides for an estimated increase in population of 19 inmates and adjusts the Budget to current operations.

Men's Reformatory. Increase of \$11,093 the first year provides an estimated increase in population of 21 inmates and adjusts the Budget Committee recommendations to maintain current operations.

Military and Naval Children's Home. Increase of \$2,275 the first year provides for the purchase of badly needed kitchen ranges.

Northern Maine Sanatorium. Increase of \$19,535 the first year and \$16,935 the second year provides for an estimated increase in population of 21 inmates.

Pownal State School. Increase of \$113,256 the first year and \$99,140 the second year provides for 44 additional employees to operate the two new buildings and care for an estimated increase in population of 334 inmates.

Maine State Prison. Decrease of \$2,890 the first year and \$2,890 the second year adjusts Budget Committee recommendations to maintain current operations and provides for an estimated increase in population of 46 inmates.

Western Maine Sanatorium. Increase of \$11,176 the first year and \$9,165 the second year provides for an estimated increase in population of 20 inmates.

Women's Reformatory. Increase of \$14,858 the first year and \$15,628 the second year provides for an estimated increase in population of

23 inmates and allows the purchase of badly needed laundry equipment, stove and sewing machines.

* * *

So in summarizing the increases in the Institution appropriations, we have followed the same general procedure that we followed in Education and in Welfare. There are no new services. The increases in inmates, well established by current increases already recorded, are taken care of. To take the reverse position is to take the position that the inmates are over-fed and over-cared for. That we don't believe.

INSURANCE, Department of. No change in any divisions.

INTERSTATE COOPERATION, Commission on. No change.

LABOR AND INDUSTRY, Department of.

Departmental Operations. Increase of \$13,000 each year provides for the Governor's recommendations and follows the expressed wishes of both industry and labor that this department be allocated more adequate funds with which to serve our industrial economy.

LEGISLATIVE

Legislative Expense. No change.

Legislative Research Committee. Increase of \$1,890 the first year and \$3,145 the second year provides for increased costs of printing the session laws and for extra clerk to be employed during Legislative sessions which has been allowed in the appropriation for some years and was not provided for in the Budget. This is the appropriation that operates the Office of the Revisor of Statutes.

LIBRARY

Departmental Operations. Increase of \$2,170 the first year and \$1,406 the second year provides for changing a half-time position to a full-time position and adjusts the Budget Committee recommendations to maintain present personnel.

MAINE COURT RECORDS. No change.

MAINE MARITIME ACADEMY.

Increase of \$25,000 each year provides for the Governor's recommendations to more fully comply with its requirements and is less than the appropriation of the current biennium.

PARK COMMISSION, State. No change.

PARK COMMISSION, Baxter State. No change.

PERSONNEL, Department of. No change.

PERSONNEL, Advisory Council of. No change.

STATE POLICE

Fingerprinting of School Children. No change.

PUBLIC BUILDINGS, Supt. of

Departmental Operations. Increase of \$1,664 the first year and \$1,664 the second year provides for the transfer of a caretaker from the Executive Department budget and adjusts budget to current level.

PUBLIC UTILITIES COMMISSION

Departmental Operations. Increase of \$4,000 each year provides for the filling of the Chief Accountant's position now vacant.

PURCHASES, Bureau of

Departmental Operations. Increase of \$4,270 the first year and \$4,243 the second year provides for two additional Junior Clerks due to the increased volume of work in this department and increased cost of State postage.

Central Mailing Room. No change.

PUBLIC PRINTING, Division of,

Increase of \$1,200 the first year and \$540 the second year provides for some increase in volume of work.

There were no changes in the Racing Commission, Sanitary Water Board, Sea and Shore Fisheries, Elections, Courts, Taxation, Treasurer of State and Commissioners of

Uniform Legislation. An increase of \$1,000 was allowed the Secretary of State for Photostat paper for their revenue producing photostat machine.

UNIVERSITY OF MAINE

Departmental Operations. Increase of \$47,003 each year is due to the increase in State Property valuation since the Budget Committee made their recommendations. This is the "mill" tax that goes up or down as State property valuations increase or decrease.

And the final item, Veterans' Affairs remains unchanged.

So in summary, those are the increases that we made over the Budget and those increases are, in round figures, \$3,800,000 in excess of revenue. I think that I am safe in assuming that no member of this Legislature and surely no member of the Appropriation Committee believes that the appropriation bill as presented is 100% perfect. Certainly there are minor items that may be adjusted and maybe should be adjusted, up or down, but if you want to accept our basic principle of making reasonable compliance with existing law and such economic facts as we believe will exist in the next biennium, the total is not too far from a realistic figure.

REVENUES

As I indicated in the introduction to the discussion of the appropriation bill, revenue estimates have been adjusted upward since the budget hearings and since the preparation of the budget document. Those revenue increases were these, for each year:

State Property Tax, assuming the rate remains at 7¼ mills	\$334,475
Tax on Telephone Co.'s	115,000
Tax on Railroad Co.'s	100,000
State tax on wild lands	6,295
	<hr/>
	\$555,770

This total, for the two years, is the \$1,111,540 by which we have increased the estimates of General Fund Revenues.

Within the last 24 hours I have checked with the State Tax Assessor his current estimates on the Cigarette taxes and the Tobacco taxes and he tells me that each of those revenue sources are accurately estimated for the next biennium. The Franchise Taxes, he states, are as high as they can be placed. Taxes on railroads at \$1,760,000, he says, is at a figure that is certainly high enough particularly in view of the recent freight rate reductions by one of the larger railroads. Bank taxes are accurately estimated, and the State Tax Assessor believes that he has accurately estimated revenues from insurance premium taxes and for each of the other tax sources.

The Chairman of the Liquor Commission is emphatic in telling us that his revenue estimate is high enough and if the recently announced price reductions become general, he may fail to show liquor revenues equal to the income projected in the General Fund Budget.

So in summary we do not think that there are any dollars from existing revenue sources that have not been fairly estimated in our projections of General Fund Revenue.

OTHER LEGISLATIVE DOCUMENTS

Some of the spending bills that are not provided for in the appropriation bill were heard by the Appropriation Committee. Many others were heard by other Legislative committees. It is not my purpose to predict which of these bills will pass and which will fail, but here are at least some of them, of major importance, that if seriously considered by the Legislature, are over and above whatever may be the deficit in the appropriation bill itself. Some you already have with ought to pass reports, others are still in committee. Here are a few of the larger ones:

The bills that seek to liberalize certain of the Old Age Assistance laws and other Welfare law liberalizations.

The resolve providing an additional \$300,000 per year for the University of Maine.

The act creating the Department of Public Safety and the several State-wide fire control bills.

The provisions that would have the State take over the town share of the cost of the ADC program, a \$500,000 per year item.

The bill that seeks \$400,000 per year with which to continue State employee wages at the present level.

The elderly teachers' pension bill.

The act to increase State aid to towns for support of salaries of teachers.

The act to increase the educational equalization opportunities and whatever the Legislature may desire to do for school construction subsidies.

I realize that I have mentioned only a few of the larger ones and there are many others, each with earnest supporters convinced that there may be a State-wide demand for their particular Legislative document, that if passed, will require dollars in excess of the \$3,800,000 that we are already short in the appropriation bill. Remember this is no attempt to separate the bills among those that I think should pass from those that I think should fail. It is only an effort to point out at least some of the bills that are well beyond the capacity of present revenue to carry. Many of these, I would remind you, are measures that have had the support of our Governor and nearly all of them, if I can correctly read the platforms of both political parties in Maine, have had the enthusiastic support of Democrats and Republicans alike, particularly in their declarations for more liberal education, institutions, and welfare provisions.

UNAPPROPRIATED SURPLUS OF THE GENERAL FUND

In both branches of this Legislature, reference has been made to the

possibility of balancing our general fund budget by the use of surplus funds. I am permitted to state that such procedure would not have the approval of Governor Payne, and certainly he is sound in this conclusion.

In the first place, the estimate of General Fund surplus as of June 30th of this year is \$6,171,461 less whatever appropriations are made by this Legislature. We have already enacted and the Governor has signed measures that total \$2,786,973.74. That leaves \$3,384,487.26.

In our possession, with "ought to pass" reports are the Augusta State Hospital resolves, the Military Defense bill, the Baxter State Park bill, the University of Maine building resolve, the Central Maine Sanatorium bill, the Farm Capital reserve bill, the Fire bills, and others. The "ought to pass" reports add up to nearly one million dollars and many of the bills calling for surplus funds, still in committees, may well have favorable consideration.

But even if we assume that every single one of these bills and resolves is going to be killed there is still no sound justification for balancing an operating budget out of previously earned surplus. Where would such procedure leave us? We would be saying to ourselves—"We want to spend more than our income for the every day cost of government in Maine so we will turn to a surplus that can't possibly be more than the cost of government for only two or three weeks in each of the next two years."

Suppose we had a major emergency and were called back here in special session to meet that emergency with an appropriation? Certainly we would be embarrassed to find a bare cupboard in the General Fund surplus.

Remember this—the bloom is off the rose as far as General Fund surplus accumulations are concerned. We started this fiscal year \$933,000 in the red, as far as the budget is concerned. Income and expenses may balance out so that we will not have a deficit in our operating statement this year. On the other hand

there is no possibility that we will have any substantial operating profit this year. Certainly it is not sound business to think of the remaining General Fund surplus as a source of budget balancing dollars.

CONCLUSIONS

1. I have attempted to show that the appropriation bill, may be not perfect, is not too far from an estimate of what is required to carry out existing laws and as such it is \$3,800,000 short of present revenue sources. I acknowledge that the \$3,800,000 can be cut out of the bill but with very few exceptions the cuts will have to be made in the three major General Fund expenditure items—*institutions, education, and welfare*, and when you cut these items, particularly as you cut education and welfare, you simply build up and amplify the financial burdens of the cities and towns.

2. The Legislative documents that call for money over and above the appropriation bill may well run into several million dollars unless we reverse ourselves in our action of recent weeks in accepting these "ought to pass" reports, regardless of the lack of revenue with which to support these measures. Remember, though, that many of these bills are aimed toward municipal financial relief.

3. I am convinced and I invite each of you to check with the respective department heads concerning the accuracy of the revenue estimates.

4. We can't depend upon surplus to finance every day needs of government.

The answer to all of this, as I see it, is in buckling down to the job of facing these appropriation measures. If we are going to take \$3,800,000 out of the appropriation bill, let's be about it with the same enthusiasm that we rise against taxes. Let's finish the job by standing up to be counted on the Legislative documents that are over and above the appropriation bill.

If that we don't choose to do, let's pick out some revenue measures

that will add up to what a majority of us want, pass them and clean up this Legislative job in an orderly and realistic fashion.

Right now we are just about where we were at the last of April two years ago. Let's hold that gain by facing the thing down to a conclusion and doing it without another two or three weeks of needless and expensive delay.

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

Mr. WOODWORTH: Mr. Speaker, I am sure we are all indebted to the gentleman from Unity, Mr. Brown, for his very thorough and informative discussion of State finances. I think it is the duty of all members of the House to give careful consideration to the conclusions of our committees, and, in order that those conclusions may be more readily available, Mr. Speaker, I present an order out of order and move that it be passed.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, presents an order out of order and moves its passage.

The Clerk will read the order.

The order was read by the Clerk as follows:

ORDERED, that the House extend to the gentleman from Unity, Mr. Brown, its thanks for his careful discussion of the financial affairs of the State, this morning;

AND BE IT FURTHER ORDERED, that the remarks of the gentleman from Unity be printed and a copy thereof be placed on the desk of every member of the House.

Thereupon the order received passage.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I would like to ask unanimous consent that the gentleman from Nobleboro, Mr. Palmer, be excused because of sudden illness and that the gentleman from Jefferson, Mr. Johnston, who accompanied Mr. Palmer to his home, also be excused.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, has requested unanimous consent that the gentleman from Nobleboro, Mr. Palmer, be excused because of sudden illness, and that the gentleman from Jefferson, Mr. Johnston, be excused because of the fact he drove Mr. Palmer to his home.

Is there objection to the excusing of these two gentlemen from attendance? The Chair hears no objection and they have been excused from attendance.

The SPEAKER: The Chair at this time notes the presence in the balcony of the hall of the House of the 7th and 8th grades of the Fryeburg Grammar School, with Mr. Jones in charge of the group. On behalf of the House, we bid you welcome. (Applause)

The SPEAKER: Is it the pleasure of the House to take up out of order an additional paper from the Senate? The Chair hears no objection and the paper will be taken up.

From the Senate: Senate Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1950, and June 30, 1951" (S. P. 97) (L. D. 103) reporting the same in New Draft (S. P. 624) (L. D. 1360) under the same title and that the New Draft "Ought to pass."

Came from the Senate in that body with the Report read and accepted and the New Draft passed to be engrossed without amendment.

In the House: On motion by Mr. Brown of Unity, the Report was tabled pending acceptance in concurrence.

On motion by Mr. Lacharite of Brunswick, the House voted to take from the table the 53rd tabled and unassigned matter, Bill "An Act Relating to County Jail Costs for Certain Violations" (S. P. 500) (L. D. 1001) tabled on April 5th by that gentleman pending third reading;

and on further motion by the same gentleman the Bill was given its third reading and passed to be engrossed in concurrence.

On motion by Mr. McGlauffin of Portland, the House voted to take from the table the 19th tabled and unassigned matter, Bill "An Act Relating to Deposits in a Fiduciary's Personal Account" (H. P. 1574) (L. D. 897) tabled on March 24th by that gentleman pending third reading.

Mr. Thompson of Brewer presented House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows: HOUSE AMENDMENT "A" to H. P. 1574, L. D. 897, Bill "An Act Relating to Deposits in a Fiduciary's Personal Account."

Amend said Bill by striking out all of that part designated "IV".

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

On motion by Mr. Boulier of Stacyville, the House voted to take from the table the 36th tabled and unassigned matter, "An Act Relating to the Right of Eminent Domain for Municipalities for Recreational Purposes (H. P. 1510) (L. D. 808) tabled on March 31st by that gentleman pending passage to be enacted.

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

Mr. Burgess of Limestone was granted unanimous consent to address the House.

Mr. BURGESS: Mr. Speaker and Members of the House: Just briefly, I would like to say a few words relative to the Report that the gentleman from Unity, Mr. Brown has delivered to us on the Appropriation Bill, and also, personally, to make the statement that in the various terms I have had the pleasure

of serving here I have never witnessed such a careful breakdown as Mr. Brown has given us this morning.

With reference to the Bill which is now in the possession of the House and on the table, I can only suggest this: That each and every one of us give it our very best attention for the next day and be prepared then to discuss it to our hearts' content when it is taken from the table, and also have such amendments, if you have any prepared, so that this matter can be

handled as quickly as possible. I thank you.

The SPEAKER: The House is proceeding under Orders of the Day. If there are no further items of business to come before the House, the Clerk will read the notices.

On motion by Mr. Muskie of Waterville,

Adjourned until 10:00 o'clock tomorrow morning.